

CHAPTER 341

ATHLETIC COMMISSION

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341.01 CREATION. There is hereby created the state athletic commission, to consist of five commissioners, citizens of this state, who shall be appointed by the governor and hold office for a term of three years, except as hereinafter provided, and until their successors are appointed and have qualified.

[1933 c. 7 s. 1] (3260-1)

341.02 GOVERNOR TO APPOINT. The governor shall appoint as members of this commission one commissioner for a term of one year, two commissioners for a term of two years, and two commissioners for a term of three years, such term to commence on the first day of the month following such appointments. Any vacancy in office shall be filled by appointment by the governor for the unexpired portion of the term. No commissioner shall directly or indirectly promote any boxing or sparring exhibition or directly or indirectly engage in the managing of any boxer or be interested in any manner in any proceeds from any boxing match.

[1933 c. 7 s. 2] (3260-2)

341.03 COMPENSATION; EXPENSES. Each commissioner shall receive \$15 for each meeting of the commission he attends, plus mileage, also expenses actually and necessarily incurred in the performance of his duties, all of which shall be paid out of funds of the commission, but he shall not be paid for attending more than 16 such meetings in any calendar year.

[1933 c 7 s 3; 1945 c 245 s 1; 1949 c 177 s 1] (3260-3)

341.04 BOXING COMMISSIONER; POWERS; COMPENSATION; ASSISTANTS. The state athletic commission shall have power to appoint, and at its pleasure remove, a boxing commissioner and prescribe his powers and duties. The boxing commissioner shall be the secretary of the state athletic commission, but shall not be a member of the commission. The salary of the commissioner shall be fixed by the commission at a sum not to exceed \$3,600 per annum, in addition to expenses actually and necessarily incurred by him in the performance of his duties. The commission shall have the power to employ such assistants, clerks, and other employees as may be necessary, such assistants, clerks, and other employees shall be employed and discharged only in accordance with Laws 1919, Chapter 192, as amended. All salaries and expenses shall be paid out of the funds of the commission as hereinafter provided.

[1933 c. 7 s. 4] (3260-4)

341.05 DUTIES. The state athletic commission shall have charge and supervision of all boxing and sparring exhibitions held in the state and have power:

(1) To make and publish rules and regulations governing the conduct of boxing and sparring exhibitions and the time and place thereof;

(2) To issue licenses to individuals or organizations desiring to promote or conduct boxing or sparring exhibitions, and to suspend or revoke such licenses at its pleasure; every application for such license shall designate the territory in which the individual or organization intends to operate, and the license granted shall entitle the licensee to conduct such exhibitions in such territory and in no other; provided, that no person licensed to promote or conduct boxing or sparring exhibitions shall directly or indirectly engage in the managing of any boxer;

(3) To collect five percent of the gross receipts from admission to every boxing and sparring exhibition held within the state, and five percent of the gross receipts from the lease or sale of radio, motion picture and television rights therein.

All complimentary tickets presented at any entrance gate shall likewise be assessed for the tax herein provided five percent of the value thereof. All moneys so collected shall be paid into the state treasury and are hereby appropriated for the purposes specified in this chapter.

[1933 c 7 s 5; 1953 c 704 s 1] (3260-5)

341.06 MONEYS PAID INTO STATE TREASURY. The commission shall pay into the state treasury all moneys collected by it, which moneys shall be the fund of the commission and these moneys are hereby appropriated for the purposes specified in Minnesota Statutes 1941, Chapter 341. This fund shall be disbursed by the commission as are other state funds save as otherwise provided in said chapter 341. The obligations incurred by the commission shall not exceed \$12,000 in any fiscal year. The commission shall not have power to make any expenditures for any purpose except from the fund of the commission. As of December 1 annually, the unobligated balance of the fund, in excess of \$2,000, shall be transferred to the department of public welfare, by the state auditor. The moneys so transferred shall be used for the purposes set forth in sections 376.28 to 376.42, and for the additional purpose of paying to the state sanatorium and to the counties maintaining and operating county tuberculosis sanatoria state aid in addition to that authorized to be paid under the provisions of those sections under such rules and regulations as may be adopted by the department of public welfare.

[1933 c 7 s 6; 1945 c 245 s 2; 1949 c 177 s 2; 1953 c 593 s 2] (3260-6)

341.07 LICENSES; RESTRICTIONS. Unless revoked by the commission, licenses granted hereunder shall authorize the individuals or organizations receiving the same to conduct boxing or sparring exhibitions in the community designated therein for the period of time designated therein, subject to the rules and regulations of the commission and to such restrictions as the commission may in its discretion incorporate therein. Each such license shall contain a restriction that no boxing or sparring exhibitions may be held on any Sunday or on Christmas or Good Friday and that no boxing or sparring match shall be of more than 15 rounds, of not to exceed three minutes each.

[1933 c. 7 s. 7] (3260-7)

341.08 EXHIBITIONS; CONSENT REQUIRED. The provisions of this chapter are applicable to cities of the first class, but no license shall be issued for the conducting of any boxing or sparring exhibitions within the limits of any municipality, except such cities of the first class, unless the governing body thereof has first consented to the holding of boxing or sparring exhibitions therein; in the event that the license is for the conducting of boxing or sparring exhibitions in any county outside the limits of a municipality, such license shall not be issued until the board of county commissioners of the county and also the governing body of the town shall have authorized the holding of boxing or sparring exhibitions in such community, and each such license shall designate the particular community in such county where such exhibitions are held. Such consent by the governing body of such municipality or by the county board or by the governing board of the town shall be evidenced by a certified copy of a resolution thereof filed with the commission. Such governing body may revoke such consent any time, and any licenses shall expire 30 days after resolution revoking consent has been filed with the commission.

[1933 c. 7 s. 8] (3260-8)

341.09 NUMBER OF LICENSES. Subdivision 1. Except as provided in subdivisions 2 and 3, only one license shall be in force in any municipality or community at any time.

Subd. 2. In any municipality having more than 100,000 and less than 200,000 inhabitants, the state athletic commission may issue one license for amateur and one for professional boxing and sparring exhibitions, but both licenses shall not be issued to the same person.

Subd. 3. In municipalities whose population exceeds 200,000 the state athletic commission may issue one franchise for every 200,000 population or fraction thereof.

[1933 c 7 s 9; 1949 c 482 s 1] (3260-9)

341.10 LICENSE FEES. The commission shall have authority to collect and require the payment of an annual license fee from the owners of franchises or licenses pursuant to the following schedule: \$750 for professional boxing or \$350 for amateur boxing in cities of the first class having a population in excess of 150,000; \$500 for professional boxing or \$200 for amateur boxing in cities of the first class

having a population of less than 150,000; \$150 in all municipalities, other than cities of the first class, having a population of more than 10,000; \$75 in municipalities having a population of less than 10,000 and more than 5,000; \$50 in municipalities having a population of less than 5,000 and more than 2,500; \$25 in all municipalities of less than 2,500 population. The commission shall require the payment of such annual license fee at the time of the issuance of the license or franchise to the owner. The moneys so derived and the moneys derived from the tax on complimentary tickets shall be collected by the commission and paid to the state treasurer and may be disbursed by the commission for the purpose of paying the expenses of the commission in the administration of the law herein provided for. The commission shall have authority to license all boxers, managers, seconds and referees and may require them to pay an annual fee, not to exceed the sum of \$10. All moneys collected by the commission from such licenses shall be paid to the state treasurer and may be disbursed by the commission for the payment of expenses incurred by it.

[1933 c 7 s 10; 1951 c 56 s 1] (3260-10)

341.11 RULES AND REGULATIONS. The commission shall make rules and regulations to govern the holding of amateur boxing exhibitions within the state, and such rules and regulations shall conform, as nearly as practically can be, to the rules and regulations prescribed by the American amateur athletic association for the holding of amateur boxing and sparring exhibitions. The promoter or holder of any amateur bout for which any charge is made shall be liable to pay ten percent of gross receipts, as provided in this chapter.

[1933 c. 7 s. 11] (3260-11)

341.12 BONDS. Before any license shall be granted to any person, club, corporation, or organization to conduct, hold or give any boxing or sparring match, or exhibition, such applicant therefor shall execute and file with the state auditor a bond in the sum of \$2,500 in cities of the first class and \$1,000 in other communities, to be approved, as to form and sufficiency of the sureties thereof, by the state auditor, conditioned for the payment of the five percent of the total gross receipts and license fees herein provided. Upon the filing and approval of such bond the state auditor shall issue to such applicant for such license a certificate of such filing and approval, which shall be by such applicant filed in the office of the commission with its application for such license; and no such license shall be issued until such certificate shall be so filed.

The secretary of the commission shall, before entering upon his duties, furnish a bond in the sum of not less than \$5,000, to be approved, as to form and sufficiency of the sureties thereof, by the state auditor, conditioned upon the faithful performance of the duties of his office.

[1933 c 7 s 12; 1953 c 704 s 2] (3260-12)

341.13 PENALTIES FOR NON-LICENSED EXHIBITIONS. Any person or persons who shall send or cause to be sent, published, or otherwise made known, any challenge to fight what is commonly known as a prize fight, or engage in any public boxing or sparring match, exhibition, or contest, with or without gloves, for any prize, reward, or compensation, or at which any admission fee is charged directly or indirectly, or go into training preparatory for such fight, exhibition, or contest, or act as a trainer, aider, abetter, backer, umpire, second surgeon, assistant, or attendant at such fight, exhibition, or contest, or in any preparation for the same, and any owner or lessee of any grounds, buildings, or structure of any kind permitting the same to be used for such fight, exhibition, or contest, shall be deemed guilty of a misdemeanor; provided, that this section shall not apply to boxing or sparring exhibitions held or to be held under license issued by the state athletic commission and in compliance with the rules and regulations issued by it.

[1933 c. 7 s. 13] (3260-13)

341.14 COMMISSION TO REPORT. The state athletic commission shall biennially make to the legislature a full report of its proceedings ending the first day of the preceding December and may submit with such report such recommendation pertaining to its affairs as it shall deem desirable.

[1933 c. 7 s. 14; 1945 c. 245 s. 3] (3260-14)

341.15 FAILURE TO REPORT TO COMMISSION. When any individual or organization shall fail to make a report of receipts of any contest at the time prescribed by the state athletic commission or to pay the fee herein provided, or

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when such report is unsatisfactory to the state auditor, he may examine, or cause to be examined, the books and records of such individual or organization, and subpoena and examine, under oath, officers and other persons as witnesses for the purpose of determining the total amount of the gross receipts for any contest and the amount due pursuant to the provisions of this chapter, which amount he may, upon and as the result of such examination, fix and determine. In case of default in the payment of any amount so ascertained to be due, together with the expense incurred in making such examination, for a period of 20 days after notice to such delinquent individual or organization of the amount at which the same may be fixed by the state auditor, such delinquent shall, ipso facto, forfeit and be thereby disqualified from receiving any new license or any renewal of license and, in addition, forfeit to the State of Minnesota the sum of \$500, which may be recovered by the attorney general, in the name of the state, in the same manner as other penalties are by law recovered.

[1933 c. 7 s. 15] (3260-15)