

Date Issued: January 30, 1985 (AGO 85-7)

Requested by: Wayne Jones, Ransom County State's Attorney

- QUESTION PRESENTED -

Whether it is gambling to conduct a bowling tournament in which there is a \$1,000.00 entry fee per entry and where there is only one prize, that being the bowling alley, which would go to the top bowler.

- ATTORNEY GENERAL'S OPINION -

It is my opinion that it is not gambling to conduct a bowling tournament where there is an entry fee of \$1,000.00 per bowler and where there is one prize which goes to the winner, that being the bowling alley.

- ANALYSIS -

N.D.C.C. section 12.1-28-01(1) defines gambling as:

12.1-28-01. GAMBLING - DEFINITIONS. As used in this chapter:

1. "Gambling" means risking any money, credit, deposit, or other thing of value for gain, contingent, wholly or partially, upon lot, chance, the operation of gambling apparatus, or the happening or outcome of an event, including an election or sporting event, over which the person taking the risk has no control. Gambling does not include:
 - a. Lawful contests of skill, speed, strength, or endurance in which awards are made only to entrants or to the owners of entries; or
 - b. Lawful business transactions, or other act or transactions now or hereafter expressly authorized by law.

A bowling tournament or scratch bowling tournament is definitely a lawful contest of skill and if the prize is paid only to an entrant then this would not constitute gambling.

- EFFECT -

This opinion is issued pursuant to N.D.C.C. section 54-12-01. It governs the actions of public officials until such time as the question presented is decided by the courts.

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