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TO: Chairman Senator Veda
and Members of the Senate Government and Veterans Affairs Committee

FR: Al Jaeger, Secretary of State

RE: SB 2250 – Combative Sports

One of the Secretary of State's duties is to serve as the Commissioner of Combative Sports. N.D.C.C. § 53-01-02. It involves the regulation of professional boxing, kickboxing, sparring, and mixed fighting style competition (commonly referred to as mixed martial arts or MMA).

As background for this testimony, I included the history of Combative Sports as published in the Secretary of State's 2017-2019 Biennial Report, Chapter Twelve.

Although activity was nonexistent during the past year, it was possible to complete a long overdue update of the state's administrative rules regulating boxing and mixed fighting style competition. The updated rules, Chapters 72-02.2-01.1 and 72-02.2-02, were effective October 1, 2020.

The purpose of this bill is to remove obsolete text from Chapter 53-01 of the Century Code.

Section 1, page 1 lines 13 through 16:

This text was in the legislation in 2005. When the bill was adopted to allow mixed fighting style competition, it was contingent on the adoption of rules. Because the administrative rules were adopted in 2006, this text is obsolete.

Section 2, page 1. lines 22 through 24 and page 2, lines 1 through 3:

This text was in the legislation adopted in 2011 and referred to the state's administrative rules being adopted based on the "most recent uniform rules" as published by the Association of Boxing Commissions (ABC).

However, while drafting the updated administrative rules last year, it was learned that the reference to the "most recent" rules of the ABC was contrary to state law. The rules had to list a specific date. Therefore, the administrative rules adopted last year specifically refer to the ABC rules in effect on October 1, 2020.

In addition to being redundant and because of the incorrect reference, this text is obsolete, too.

I request the committee's favorable consideration for a Do Pass recommendation.

Chapter Twelve

Commissioner of Combative Sports (formerly State Athletic Commissioner)

In Chapter 53-01 of the state's Century Code, the Secretary of State is the commissioner of combative sports and administers matters relating to the regulation of boxing, kickboxing, sparring, and mixed fighting style competition. The Secretary of State may appoint a commission of combative sports to assist and advise the commissioner in the administration of the duties of the position.

The commission of combative sports has nine members. They are appointed by the Secretary of State and have terms of three years. Each year, three members are newly appointed or reappointed to the board. This process provides for continuity from year-to-year as the members assist and advise the commissioner.

The first state athletic commission was created by the legislature in 1935 with House Bill 213 (1935 Session Laws, Chapter 91). The commission included the Commissioner of Labor and Agriculture, a practicing physician and a practicing attorney appointed by the Governor. Interestingly, the law was specific in stating that not only were the appointees to be citizens of the state, but also of good moral character.

Over the years, the law changed very little. Then, in 1967, the office of the Commissioner of Labor and Agriculture was divided into two separate statewide offices with the Commissioner of Agriculture retaining the duties relating to the athletic commission.

Four years later, in 1971, the Legislative Assembly adopted Senate Bill 2078 and transferred the duties of the athletic commissioner to the Secretary of State and eliminated the three-person athletic commission (1971 Session Laws, Chapter 484). However, the law did not apply to boxing exhibitions where the net proceeds of the event were devoted to charitable purposes. Consequently, while the law was again modified in 1987 by House Bill 1074 (1987 Session Laws, Chapter 607) and in 1989 by Senate Bill 2184 (1987 Session Laws, Chapter 609), most boxing exhibitions were promoted on behalf of charitable purposes resulting in no state oversight.

Significant changes were made in 1991 to the laws governing boxing. The 52nd Legislative Assembly adopted Senate Bill 2411 (1991 Session Laws, Chapter 543), effective July 1, 1991. With its passage, the duties of the athletic commissioner became more defined. The law allowed for the creation of an athletic advisory board and improved regulation of the growing boxing activity occurring within the state of North Dakota.

The 2011 62nd Legislative Assembly, adopted Senate Bill 2286 (2011 Session Laws, Chapter 377), effective August 1, 2011. The bill changed the title of the state athletic commissioner to the commissioner of combative sports, along with changing the name of the athletic advisory board to the commission of combative sports.

Revenue from the issuing of licenses for combative sport events is deposited into a special fund (N.D.C.C. § 53-01-09). Licenses are issued to the participants, referees, judges, corner persons, managers, ringside officials, and promoters.

In 2017, the Legislative Assembly adopted Senate Bill 2210 (2017 Session Laws, Chapter 358) that allows the setting of fees to equal the actual cost of regulating events and to adopt rules to perform screening tests for controlled substances.

The 59th Legislative Assembly in 2005 adopted Senate Bill 2356 (2005 Session Laws, Chapter 464), which authorized "mixed fighting style competition". As defined in the law it "means an advertised or professionally promoted exhibition or contest for which any type of admission fee is charged and in which the participants who inflict or employ kicks, punches, blows, holds, and other techniques to injure, stun, choke, incapacitate, or disable an opponent. The techniques may include a combination of boxing, kickboxing, wrestling, grappling, or other recognized martial arts." Although legally described as mixed fighting style, the common vernacular reference is mixed martial arts.

To implement the new law, the legislation required the adoption of rules. They were drafted during several months with the assistance of individuals knowledgeable with mixed fighting styles. The rules were effective October 1, 2006, and the first mixed fighting style event was held October 7, 2006, at the Bismarck Civic Center.

During the 2017-2019 biennium, 112 licenses were issued related to the regulation of boxing events.

The following boxing exhibitions were held during the biennium (date, location, and promoter):

February 10, 2018 – Fargo, Quicksilver Hill Sports and Entertainment
November 2, 2018 – Fort Yates, Red Weasel Promotions
March 2, 2019 – Fargo, MPX Promotions and Barbot Boxing

During the 2017-2019 biennium, 57 licenses were issued related to the regulation of mixed martial arts.

The following mixed fighting style event was held during the biennium (date, location, and promoter):

November 10, 2018 – Fargo, MPX Promotions