

FISCAL NOTE
Requested by Legislative Council
01/14/2017

Revised
 Amendment to: SB 2210

- 1 A. **State fiscal effect:** *Identify the state fiscal effect and the fiscal effect on agency appropriations compared to funding levels and appropriations anticipated under current law.*

	2015-2017 Biennium		2017-2019 Biennium		2019-2021 Biennium	
	General Fund	Other Funds	General Fund	Other Funds	General Fund	Other Funds
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Appropriations	\$0	\$0	\$0	\$0	\$0	\$0

- 1 B. **County, city, school district and township fiscal effect:** *Identify the fiscal effect on the appropriate political subdivision.*

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- 2 A. **Bill and fiscal impact summary:** *Provide a brief summary of the measure, including description of the provisions having fiscal impact (limited to 300 characters).*

The agency has continuing appropriation authority in 53-01-09 for the regulation of combative sports (boxing mixed fighting style). The amendment is to provide enabling legislation allowing the agency to collect fees that cover the actual costs incurred when administrating an event.

- B. **Fiscal impact sections:** *Identify and provide a brief description of the sections of the measure which have fiscal impact. Include any assumptions and comments relevant to the analysis.*

Section 1, page 1, lines 22 to 24 and page 2, lines 1 and 2. The purpose of these amendments is to ensure that the fund receives adequate revenue to allow the agency to regulate the events that come under its jurisdiction. Since it is completely dependent on the number of events that might be scheduled by promoters, it is unknown as to how much revenue will be received. However, whatever that revenue might be, it is essential that it will cover the expenses of the agency to regulate an event and not require support from the agency's other appropriations.

3. **State fiscal effect detail:** *For information shown under state fiscal effect in 1A, please:*

- A. **Revenues:** *Explain the revenue amounts. Provide detail, when appropriate, for each revenue type and fund affected and any amounts included in the executive budget.*

None for general fund - revenue is deposited per authorization in 53-01-09. See response in 2B.

- B. **Expenditures:** *Explain the expenditure amounts. Provide detail, when appropriate, for each agency, line item, and fund affected and the number of FTE positions affected.*

None from general fund - expenditures made are authorized in 53-01-09. See response in 2B.

- C. **Appropriations:** *Explain the appropriation amounts. Provide detail, when appropriate, for each agency and fund affected. Explain the relationship between the amounts shown for expenditures and appropriations. Indicate whether the appropriation or a part of the appropriation is included in the executive budget or relates to a continuing appropriation.*

No general funds requested.

Name: Al Jaeger

Agency: Secretary of State

Telephone: 701-328-2900

Date Prepared: 01/16/2017

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Name: Al Jaeger

Agency: Secretary of State

Telephone: 701-328-2900

Date Prepared: 01/15/2017

2017 SENATE GOVERNMENT AND VETERANS AFFAIRS

SB 2210

2017 SENATE STANDING COMMITTEE MINUTES

Government and Veterans Affairs Committee
Sheyenne River Room, State Capitol

SB 2210
1/27/2017
Job Number 27512

Subcommittee
 Conference Committee

Committee Clerk Signature



Explanation or reason for introduction of bill/resolution:

A BILL for an Act to amend and reenact section 53-01-07 of the North Dakota Century Code, relating to the commissioner of combative sports.

Minutes:

Attachments: 1

Chairman Poolman: Opened the hearing on SB 2210.

John Arnold, Secretary of State's Office: See Attachment #1 for testimony to explain the bill and in support of the bill.

(5:10) Chairman Poolman: Have you spoken to the people who will be paying this increased fee and are they onboard?

John Arnold: No, we have not.

Chairman Poolman: If we are taking 5% of the actual cost incurred by the Secretary of State, so if someone has an event that does not make them very much money, it could be a significant, correct?

John Arnold: I understand the question. The fact there is that right now the Secretary of State's general fund budget is subsidizing the regulatory aspect of these events and we do not think that is quite fair. The gross revenue is only covering about half to 2/3 of the actual cost of the event and the rest is just coming out of our general fund budget. We would like to remedy that. The feeling of the commission and the commissioners is that actually by increasing this we may actually get better events. For a while there it was getting to be so cheap to run at an event that there were a lot of small events that we were regulating that were not bringing in the gate fees to increase the costs. The hope of the commission is, by having this fee structure, that the promoters that do have the events will get together really good tickets and they will promote them.

Senator Vedaa: What you are telling me is that this could detour people from just hosting an event just because, since it was not costing that much money?

John Arnold: That is correct. There were a lot of events that were held and a lot that were getting scheduled and they were being cancelled. That may not sound like an issue but it still takes time for paperwork that is done ahead of time. We did look at having a cancellation fee, but we did not go that way. We focused on the actual cost. We did not want to penalize a promoter that maybe for good reason could not have the event. We were focusing on the gross revenue fee.

Senator Marcellais: We have these events at the tribal nations on the casinos. Does the state regulate those?

John Arnold: In Turtle Mountain they have their own commission. The Three Affiliated Tribes has their own commission as well. Standing Rock does not, so anything that would happen at Prairie Knights we would regulate.

Chairman Poolman: I know the Secretary of State has been regulating this for a long time. Is this typically how it works in other states?

John Arnold: I honestly do not know how many other states that it falls under the Secretary of State's office. We have been trying to get rid of it for a few sessions.

Chairman Poolman: It seems like an interesting placement.

John Arnold: It is an interesting placement. Secretary Jaeger is the commissioner but there is a commission. There is another commissioner that is the acting head commission and there are other commissioners that go out and regulate.

Chairman Poolman: Asked for further testimony and there was none. Closed the hearing on SB 2210.

Senator Vedaa: Moved a Do Pass.

Senator Bekkedahl: Seconded.

A Roll Call Vote Was Taken: 5 yeas, 0 nays, 1 absent.

Motion Carried.

Senator Vedaa will carry the bill.

2017 SENATE STANDING COMMITTEE
 ROLL CALL VOTES
 BILL/RESOLUTION NO. 2210

Senate Government and Veterans Affairs Committee

Subcommittee

Amendment LC# or Description: _____

Recommendation: Adopt Amendment
 Do Pass Do Not Pass Without Committee Recommendation
 As Amended Rerefer to Appropriations
 Place on Consent Calendar
 Other Actions: Reconsider _____

Motion Made By Vedaa Seconded By Bekkedahl

Senators	Yes	No	Senators	Yes	No
Chairman Poolman	✓		Senator Marcellais	✓	
Vice Chairman Davison	Ab				
Senator Bekkedahl	✓				
Senator Meyer	✓				
Senator Vedaa	✓				

Total (Yes) 5 No 0

Absent 1

Floor Assignment Vedaa

If the vote is on an amendment, briefly indicate intent:

REPORT OF STANDING COMMITTEE

SB 2210: Government and Veterans Affairs Committee (Sen. Poolman, Chairman)
recommends **DO PASS** (5 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING).
SB 2210 was placed on the Eleventh order on the calendar.

2017 HOUSE JUDICIARY

SB 2210

2017 HOUSE STANDING COMMITTEE MINUTES

Judiciary Committee
Prairie Room, State Capitol

SB 2210
3/7/2017
28798

- Subcommittee
 Conference Committee

Committee Clerk Signature



Explanation or reason for introduction of bill/resolution:

Relating to the commissioner of combative sports.

Minutes:

1

Chairman K. Koppelman: Opened the hearing on SB 2210.

Senator Sorvaag: Introduced the bill. It says they can charge enough to cover their expenses. Now there are times they are going out and it is costing taxpayers money. It does clarify so they can do more drug testing too.

Representative Vetter: Under the new language here on page 2, line 4 it says screening tests for controlled substances. What is that statute say?

Senator Sorvaag: I don't know.

John Arnold, Director of Sports, Secretary of State: (#1) (4:00-8:00) Went through testimony.

Representative Vetter: That list is it all steroids; do you know what that list includes?

John Arnold: It does include recreational and steroids. I would have to check what is all in there.

Representative Klemin: Why are there so many commissioners? Six to eight to go these sporting events plus staff?

John Arnold: The commissioners serve various functions during the events. We are trying to slim down on events. One is setting ringside to keep track of the scoring and inspectors of equipment. There are other various functions keeping track and being sure the rules of the function is being followed.

Representative Klemin: So we have the commissioner of combative sports who is the secretary of state and then we have all of these other commissioners? How are they selected or appointed or is that part of the statute?

John Arnold: It is addressed in administrative rules. Prospective commissioners first send a letter of interest to the Secretary Jaeger in his role as commissioner expressing an interest and giving their credentials for why they would serve well. Then they typically attend one or two events to make sure they understand fully their responsibilities.

Representative Klemin: I can see the floor debate on the subject. Why are there 8 commissioners to go to sporting events?

John Arnold: Just because the commission has 8 commissioners; they don't all attend every event. The \$4,000-\$5000 that is referenced in the written testimony; that is the actual costs that our office has had to pay so far. We are trying to slim down the number of commissioners that are sent to those events as well so we can have kept the cost down for promoters.

Representative Klemin: This section of the statute allows the Secretary of State to adopt at any time rules. Has the Secretary of State adopted the rules as provided on page 1, line 9? Has the Secretary of State adopted any rules as provided for on page 1, line 9?

John Arnold: Yes we do have administrative rules governing combative sports. Right now because the gross revenue statute is capped at 3% we can't go any higher than that in the administrative rules. That is why we are seeking to amend that in the century code.

Representative Klemin: So the increased fee would also cover part of the cost of adopting rules?

John Arnold: We only looked at recuperating the actual cost of regulating the events; not the printing or notification costs. Anything above the cost of regulating the event would go toward the ABC membership making sure we are still part of that national association so we can verify fighters and also send one of our league commissioners to the conference.

Representative Klemin: I am going to assume that the Secretary of State followed the Chapter 28-32 on the administrative agency practice act in adopting rules and the anytime language makes it sound like you don't have to follow those time procedures that are in the rules. There is provision for emergency rules if you wanted to adopt and emergency rules on how to do that, but other than emergency rules there are things you have to do in the timing etc. The words any time, what is the meaning of that?

John Arnold: I can refer to what we did last year. At that time the administrative rules were written for the gross revenue fee to only recouped 1% even though the century code allowed up to 3%.

Representative Klemin: So the words at any time are meaningless and they are not intended to give the Secretary of State any other method of adopting rules, is that correct?

John Arnold: Yes that is correct. We are not intending Secretary Jaeger, with the wave of a pen change an administrative rule. We intend to go through the entire process.

Representative Vetter: Aren't you double duty these things. I have done a few fights and you have people already doing this stuff. Basically you have an extra guy standing there checking to see if they are doing their job?

John Arnold: The judges are hired by the promoters. The commission insures the rules are followed.

Representative Johnston: What is the exact number that goes to an event?

John Arnold: We have not had an event since December of 2015. I only joined the office in October of 2015. 6-8 people is in the written testimony. For commissioners it us to be open to whatever commissioners are available. The average per staff is 2-3.

Rep. Johnston: Is that the amount that goes?

John Arnold: Three members of staff and 2 commissioners. Total of 5 people. The commissioners are volunteers who don't get paid an hourly wage but we do pay per diem and hotel as well as mileage from their home to the event.

Representative Magrum: Is the Secretary of State's office involved in setting up an event?

John Arnold: The Secretary of States does not set up events. It is promoters that do that. (20:43-23:45) Explained how the event is set up and works.

Representative Magrum: This extra fee comes out of where?

John Arnold: Ticket sales, if there is a TV deal or any payment the promoter receives we would get a portion of that was well.

Representative Hanson: A lot of the discussion has been around professional boxing. Would this apply to youth tournaments?

John Arnold: No this is kick boxing and mixed martial arts like the UFC.

Representative Vetter: Do you guys oversee the reservation events too?

John Arnold: If the tribe has their own commission so they do not involve our office. Standing Rock does not have their own commission so we would have to work out a memorandum of understanding with them.

Representative Jones: You said the last event was in December 2015. How many events do you usually have?

John Arnold: After it became clear that the costs of regulating the events were too high what administrative rules would allow for; at that point it was 1% of the gross revenue or

\$500. We decided in 2016 we were not going to approve any events until we can change the administrative rules to get that increased to 3%. Those rules went into effect on July 1, 2016. Then no promoters schedule events. Prior to the new fee structure, we were regulating 8-10 events a year. We hope these events are going to be better and promote the event more so they have better attendance.

Opposition: None

Neural: None

Hearing closed

Chairman K. Koppelman: Reopened the meeting on SB 2210.

Representative Vetter: I have a problem with this bill. They are saying we need 3-5 people to stand around and double duty what is already being done and then they are asking for more money. These events there isn't a lot of money to go around for one. So to say we are going to charge up to \$5000; that is taking away any money they are making so essentially shutting this down. It is amazing you would pay a guy from the Secretary of State's office more money than some of the fighters. I am going to strong oppose this bill.

Representative Klemin: I was going to propose a brief amendment on this adopting rules at any time is a little bit confusing because we have a procedure set out in the administrative practices act to how you do that and it is not at any time even though it is in the current statute and they put the new language just because it was in the old language.

Motion to amend the bill to delete the words at any time on page 1, line 9 and page 2, line 3 by Rep. Klemin; Seconded by Rep. Maragos

Discussion:

Voice vote carried.

Representative Klemin: I share Rep. Vetter's concern about the amount of the costs here. In the written testimony he says 6-8 commissioners plus staff going to an event. Then in the testimony he said 3 commissioners and two staff? We have commissioners watching commissioners I think. I think maybe it is a little bit high. It is not the 5% so much but it is the greater of 5% or the actual cost. When they count in overtime for the staff to go up there and everything else I think if we just changed it to 5% that would help them some, but to give them the latitude to go on to who knows what that actual cost might actually be sometime.

Chairman K. Koppelman: The Secretary did mention to me in passing; they are subsidizing these events. Did they give any indication; are they required to have that many people?

Representative Vetter: They mentioned keeping score and checking the gloves. I know whatever agency you are dealing with this stuff is already being done. I think they are taking advantage of this situation.

Representative Simons: I worked with a gentleman that would go to these events. He said it was just a great time and they buy food and everything.

Representative Maragos: I think judges are hired by the event; not the Secretary of State.

Representative Johnston: Why don't we add some amendments so they could limit the number of people that should go.

Representative Roers Jones: If we limit it to 5% of the gross revenues he said since they increased from 1% to 3% it weeded up some of the more poorly run operations. If we limit it just to the revenues if that make enough money to cover the costs of the Secretary of State's office?

Representative Satrom: Why are we paying the freight on this stuff? Why are the taxpayers paying the bill?

Representative Magrum: Senator Roers Jones said maybe they are eliminating the smaller towns because then they could not have them. It seems when they have weigh ins. Two people should be enough?

Representative Vetter: I think keeping it the same will force them to cut their corners and maybe realize having a commissioner for every single thing is beyond me.

Representative Klemin: I have a question for Rep. Vetter on this new language allowing the Secretary of State to perform screening tests for controlled substances, doesn't somebody else already do that?

Representative Vetter: I think a lot of it depends on what association you are fighting with. The larger MMA requires that where you have to take your test etc. If you are talking a boxing event that is not currently being done. Maybe 20-30 people would be in attendance. These promoters don't make any money.

Representative Klemin: I don't think we should have the Secretary of State doing screening tests. I am not sure how they would even do that. Recouping these costs of \$4,000-\$5000 is extreme to me. The other thing about the screening test is the function of regulating the groups that are with some associations. That seems like a self-regulating organization.

Representative Vetter: A lot of these people that go are volunteering.

Hearing closed.

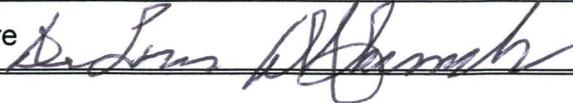
2017 HOUSE STANDING COMMITTEE MINUTES

Judiciary Committee
Prairie Room, State Capitol

SB 2210
3/8/2017
28925

- Subcommittee
 Conference Committee

Committee Clerk Signature



Explanation or reason for introduction of bill/resolution:

Relating to the commissioners of combative sports.

Minutes:

1

Chairman K. Koppelman: Reopened the hearing on SB2210. The Secretary of State indicated an interest in sharing a few things that he could not be here at the previous hearing on the bill.

Al Jaeger, Secretary of State: (#1) Handout out information and went over that with the bill. Discussed the general information on the handouts and how mixed boxing works. (1:00-18:20) I would not dig into my budget to do these events.

Representative Johnston: It sounds like some of the commissioners are fans and they like to go to these things. How many have to be at a boxing event?

Al Jaeger: You have to have different people with the contestants at different times. There are three judges or four to each event. If you have a lot of matches you are going back and forth doing different things. There are 3 judges, but there is also a tabulator. At the end of each round the referee does around and collects from each judge their scoring and then they are given to the tabulator and we keep it. We determine the outcome of the tabulations.

Representative Vetter: On tribal lands do you still go there?

Al Jaeger: No; we don't do them now.

Representative Nelson: it says you are going to establish the fee based on a percentage of gross revenues; and that is not going to exceed the greater of either 5% or your actual cost. How do you establish a fee based on a percentage of the gross that is going to cover your actual costs?

Al Jaeger: We get a report of your gross revenues and if 5% is more than our cost then we will take the 5%. If the 5% isn't covering our cost, then it is our costs you are going to cover.

These events are usually held on weekends. Only July 1 I will send a letter to OMB for a waiver so that if you have an event in Fargo on a weekend; we get a motel waiver to cover their costs.

Representative Nelson: So you are getting a fee and it is your cost, but if 5% of the gross is greater you take 5% of the gross.

Representative Jones: How many events will there be?

Al Jaeger: I really don't know. I have allowed us to be committed to two events by July 1. As soon as this is passed we will start developing the administrative rules because that next meeting after July 1 I can start the publishing and do all of that. Last year we raised the licensing fees and there were no complaints from anybody.

Chairman K. Koppelman: When you talked earlier about them working weekends. Can you adjust your staff's hours so you don't have to pay them overtime?

Al Jaeger: My people are busy so they would not be able to flex their hours.

Chairman K. Koppelman: What is happening is they are paying a rate higher because it is overtime. Is there a way to monitor that somehow?

Al Jaeger: That is an overall licensing function being done during the week. On the weekends they are working overtime and that is how we have to do it. When Virgil Hill was involved it was very difficult to say no because of the success he made I cannot take my general funds to support professionals?

Representative Vetter: What is the difference between the commissioners or your staff?

Al Jaeger: The licensing do is my staff. The commissioners do their work is with the judges, referee and the contestants and managers of the event.

Representative Jones: In the final paragraph of this peace it says anytime the rules allow the Secretary of State to perform screening test; does that mean that they are going to be doing that all the time?

Al Jaeger: I understand the test is going to be very simple so we will do it for every event.

Closed.

2017 HOUSE STANDING COMMITTEE MINUTES

Judiciary Committee
Prairie Room, State Capitol

SB 2210
3/13/2017
29104

- Subcommittee
 Conference Committee

Committee Clerk Signature



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Relating to the commissioner of combative sports.

Minutes:

1

Chairman K. Koppelman: Opened the meeting on SB 2210. I have a suggested technical correction and that is Line 3, page 2 was part of the original law?

Representative Nelson: (#1) Proposed amendment. (3:04-4:25) Went over the amendment. Just straightened out the language.

Representative Klemin: So the substantive of this has not changed?

Representative Nelson: No that is right. It is just to make it clearer and more readable. So it is the greater of the actual cost; or five percent of the gross revenues.

Representative Paur: I am trying to understand why we have greater of? Why not just the actual cost incurred? It is just going to be a revenue producing thing for him?

Representative Vetter: I agree with Rep. Paur. I think we either do one or another. Actual cost makes a lot more sense.

Rep. Johnston: The actual cost in testimony there is a little bit of room for abuse here already. Too many commissioners are going to these fights.

Representative Jones: If I understand the 5% is coming from the people putting on the event. In some cases, they are probably not going to cover their actual costs with 5% so there may be some where they make more if they get the full 5% and it would help them to make up costs on the events where the five percent won't cover it.

Motion made to move the amendment by Rep. Nelson; Seconded by Representative Hanson:

Discussion:

Representative Nelson: (8:36) (mike not on) Discussing proposed amendment.

Representative Vetter: I don't know if I want to vote for it. I don't want this whole 5% in there.

Representative Nelson: It is easier to further amend.

Voice vote carried.

Chairman K. Koppelman: Maybe it should simply say 5%. Unless the actual cost exceeds 5% of the revenue then it should be actual cost. Is that what you are saying?

Representative Nelson: Both of them have this already about exceeding.

Motion Made to Move an amendment to strike all the 5% language out of this by Rep. Vetter; Seconded by Rep. Maragos.

Chairman K. Koppelman: What the amendment currently reads is what the Secretary of State was asking for right.

Representative Jones: It use to be 1%; and then they changed it to 3% in the recent past and now they are changing it to 5%. I think we should take out the percent if we are going to go for the actual cost.

Rep. Maragos: In his initial comment he said there were several events that did not make enough money to cover actual costs. The 5% was for those events that did well. (mike not on)

Representative Nelson: What happened before he did not have the ability to cover actual cost. I think he came in with two solutions and I think actual costs are good.

Representative Klemin: Going back to Rep. Nelson's proposed amendment that we adopted; on page 1, line 19 it says to establish a fee based on the revenue from any boxing etc. If you are just looking at actual cost it is not going to be based on the revenues of the boxing event at all. It would be whatever the cost is.

Chairman K. Koppelman: Then we would basically establish the fee based on the Secretary's cost relating to any boxing or kick boxing etc. or say actual costs.

Representative Klemin: The Secretary of State may charge a fee based on the actual costs to regulate the exhibition.

Chairman K. Koppelman: Looking at the amendment we would amend the amended version to say the Secretary of State may charge a fee equal to the actual cost incurred to regulate the exhibition.

Representative Magrum: We did not address the actual cost. He still can send as many people as he wants to.

Representative Vetter: It is already what they are doing. We would have to come in with a new law and make sure they only have 2 commissioners. He wanted them to take the tests and cover his costs. Then we take care of those two things. I am use to smaller events, but this bill takes everything. Actual cost makes more sense.

Representative Klemin: In practice it probably will be the Secretary of State and the promoter will talk and decide on the fees. If it is a smaller event, he will not authorize it if he can't get recovery of his costs.

Representative Johnston: Should we be stifling sporting events because of costs?

Chairman K. Koppelman: Whether we pass it with the 5% or actual costs or without; I don't know if it would matter in that regard.

Representative Klemin: I don't think the taxpayers should be subsidizing these events; if that is what is going to happen.

Voice vote carried.

Do Pass as Amended by Rep. Maragos; Seconded by Rep. Vetter

Discussion:

Representative Johnston: I say we kill this bill.

Representative Vetter: I think we fixed it the best we can.

Representative Klemin: If we kill this bill the existing language stays in effect. That says the fee may not exceed 3% or \$500. We have the Secretary of State saying if I can't get more than \$500 out of this to cover my costs; then I have to take it out of my budget; then I am not going to authorize any of these events. So what is stifling the events more; killing this bill or doing it for actual costs.

Representative Johnston: That is why asked the Secretary of State that he could streamline the cost. That question was never answered. I would like clarification on this.

Chairman K. Koppelman: I would encourage you to have that discussion with him.

Rep. Simons: Rep. Klemin makes a good point. The real heart if we have 4 people going from the government to an event that is very small and so this is the government being the problem.

Representative Satrom: I don't know what they do at these events. I think there might be a safety issue here. I question whether two people can do this. I am nervous telling someone how to do their job.

Chairman K. Koppelman: I would recommend that you go and visit with the Secretary of State, Rep. Vetter and Simons.

Representative Simons: This is amended; don't concur on those amendments and we could go and further amend the bill?

Roll Call Vote: 12 Yes 3 No 0 Absent Carrier: Representative Nelson

Closed.

2017 HOUSE STANDING COMMITTEE MINUTES

Judiciary Committee
Prairie Room, State Capitol

SB 2210
3/20/2017
29472

- Subcommittee
 Conference Committee

Committee Clerk Signature



Explanation or reason for introduction of bill/resolution:

Relating to the commissioner of combative sports.

Minutes:

1

Chairman K. Koppelman: Opened the hearing on SB 2210.

Motion Made to Reconsider our Actions on SB 2210 by Rep. Maragos; Seconded by Rep. Magrum

Roll Call Vote: 15 Yes 0 No 0 Absent

Chairman K. Koppelman: (#1) Proposed amendment from the Secretary of State. The amendment simply changes the word exhibitions to competitions.

Motion Made to Move the amendment by Rep. Maragos; Seconded by Rep. Vetter

Discussion:

Voice Vote Carried.

Representative Paur: On line 12, page 1 we also have exhibition and line 10 and line 20?

Chairman K. Koppelman: Changed some wording in subsection 3, line 19, page 1 and deleted the rest of page 1 and the first two lines of page 2. The main amendment in subsection 3 and it now reads charge a fee equal to the actual cost incurred to regulate the exhibition. It would now say competition.

Representative Klemin: Rep. Paur had a good point here on lines 10,12 and 20 of the original bill it talked about fighting style exhibitions and now if we are changing it all to competitions; are we making a distinction that we aren't really intending to make?

Representative Klemin: Now in our amendments were are just talking about competition. If it is an exhibition he can do something different?

Chairman K. Koppelman: I think he wants the word competitions because it is more encompassing.

Representative Klemin: I beg to differ. On line 10 we are talking about conduct of boxing, kick boxing and mixed fighting style competitions and sparing exhibitions. I think they are talking about two different things there on line 10. On line 12 I think it is the same destination I would be inclined to put both words in there.

Chairman K. Koppelman: I think competition there is a winner and sparing exhibition is more of a show.

Representative Vetter: I believe you are correct in that. In this proposed amendment he wanted there why don't we just say exhibitions and competitions. Then we cover it both.

Voice vote carried.

Motion made to amend further on page 2, line 2 and line 5 put and after competitions, put and exhibitions and exhibition respectively by Rep. Vetter; Seconded by Rep. Maragos

Chairman K. Koppelman: Basically we are replacing the word exhibitions and exhibition where it was deleted and adding the word and between the two.

Discussion:

Voice Vote Carried.

Chairman K. Koppelman: We will check on this wording and complete this tomorrow.

Closed.

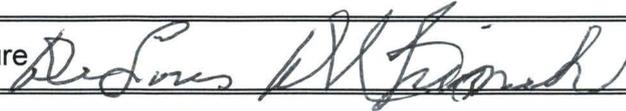
2017 HOUSE STANDING COMMITTEE MINUTES

Judiciary Committee
Prairie Room, State Capitol

SB 2210
3/21/2017
29513

- Subcommittee
 Conference Committee

Committee Clerk Signature



Explanation or reason for introduction of bill/resolution:

Relating to the commissioners of combative sports.

Minutes:

Chairman K. Koppelman: Opened the hearing on SB 2210.

Representative Vetter: Went over the proposed amendment with the Secretary of State.

Chairman K. Koppelman: They were just trying to mirror the law.

Do Pass as Amended 17.8155.01003 by Rep. Vetter; Seconded by Rep. Nelson

Discussion:

Roll Call Vote: 14 Yes 0 No 1 Absent Carrier: Rep. Vetter

Closed.

PROPOSED AMENDMENTS TO SENATE BILL NO. 2210

Page 1, line 19, overstrike "percentage of gross"

Page 1, line 21, overstrike "A fee"

Page 1, line 22, overstrike "established under this subsection may not exceed"

Page 1, line 22, remove "the greater of five"

Page 1, line 22, overstrike "percent of"

Page 1, overstrike line 23

Page 1, line 24, overstrike "and pay-per-view telecasts of the event, exclusive of any federal tax thereon,"

Page 2, line 1, remove "or the actual cost incurred by the"

Page 2, line 2, replace "secretary of state to regulate the exhibition" with:

"a. The fee is five percent of the revenue of the exhibition from all sources including cable television and pay-per-view telecasts of the event, exclusive of any federal tax thereon, if five percent of the revenue exceeds the actual cost incurred by the secretary of state to regulate the exhibition"

Page 2, after line 2, insert:

"b. The fee is the actual cost incurred by the secretary of state to regulate the exhibition if the actual cost incurred exceeds five percent of the revenue of the exhibition from all sources including cable television and pay-per-view telecasts of the event, exclusive of any federal tax thereon."

Renumber accordingly

3/14/17 PA

17.8155.01002
Title.02000

Adopted by the Judiciary Committee

March 14, 2017

PROPOSED AMENDMENTS TO SENATE BILL NO. 2210

Page 1, line 9, overstrike ", at any time,"

Page 1, line 19, overstrike "Establish a fee based on the percentage of gross revenues from any boxing,"

Page 1, overstrike lines 20 and 21

Page 1, line 22, overstrike "established under this subsection may not exceed"

Page 1, line 22, remove "the greater of five"

Page 1, line 22, overstrike "percent of"

Page 1, overstrike line 23

Page 1, line 24, overstrike "and pay-per-view telecasts of the event, exclusive of any federal tax thereon,"

Page 2, line 1, remove "or the actual cost incurred by the"

Page 2, line 2, replace "secretary of state to regulate the exhibition" with "Charge a fee equal to the actual cost incurred to regulate the exhibitions"

Page 2, line 3, remove ", at any time."

Renumber accordingly

PROPOSED AMENDMENTS TO SENATE BILL NO. 2210

Page 2, line 2, replace “exhibitions” with “competitions”

Page 2, line 5, replace “an exhibition” with “a competition”

Renumber accordingly

March 21, 2017

3/21/17 DO

PROPOSED AMENDMENTS TO SENATE BILL NO. 2210

In lieu of the amendments as printed on page 985 of the House Journal, Senate Bill No. 2210 is amended as follows:

Page 1, line 9, overstrike ", at any time,"

Page 1, line 19, overstrike "Establish a fee based on the percentage of gross revenues from any boxing,"

Page 1, overstrike lines 20 and 21

Page 1, line 22, overstrike "established under this subsection may not exceed"

Page 1, line 22, remove "the greater of five"

Page 1, line 22, overstrike "percent of"

Page 1, overstrike line 23

Page 1, line 24, overstrike "and pay-per-view telecasts of the event, exclusive of any federal tax thereon,"

Page 2, line 1, remove "or the actual cost incurred by the"

Page 2, line 2, replace "secretary of state to regulate the exhibition" with "Charge a fee equal to the actual cost incurred to regulate the competitions and exhibitions"

Page 2, line 3, remove ", at any time,"

Page 2, line 5, after "in" insert "a competition or"

Renumber accordingly

**2017 HOUSE STANDING COMMITTEE
ROLL CALL VOTES
BILL/RESOLUTION NO. SB 2210**

House **Judiciary** Committee

Subcommittee

Amendment LC# or Description: Page 1, line 9 and Page 2, line 3 delete the words at any time.

Recommendation: Adopt Amendment
 Do Pass Do Not Pass Without Committee Recommendation
 As Amended Rerefer to Appropriations
 Place on Consent Calendar
 Other Actions: Reconsider _____

Motion Made By Rep. Klemin Seconded By Rep. Maragos

Representatives	Yes	No	Representatives	Yes	No
Chairman K. Koppelman			Rep. Hanson		
Vice Chairman Karls			Rep. Nelson		
Rep. Blum					
Rep. Johnston					
Rep. Jones					
Rep. Klemin					
Rep. Magrum					
Rep. Maragos					
Rep. Paur					
Rep. Roers-Jones					
Rep. Satrom					
Rep. Simons					
Rep. Vetter					

0
Total (Yes) _____ No _____

Absent _____

Floor Assignment Rep.

If the vote is on an amendment, briefly indicate intent:

Voice vote carried.

**2017 HOUSE STANDING COMMITTEE
ROLL CALL VOTES
BILL/RESOLUTION NO. 2210**

House **Judiciary** Committee

Subcommittee

Amendment LC# or Description: Rep. Nelson amendment Attach. #1 17.8155.01001

Recommendation: Adopt Amendment
 Do Pass Do Not Pass Without Committee Recommendation
 As Amended Rerefer to Appropriations
 Place on Consent Calendar
 Other Actions: Reconsider _____

Motion Made By Rep. Nelson Seconded By Rep. Hanson

Representatives	Yes	No	Representatives	Yes	No
Chairman K. Koppelman			Rep. Hanson		
Vice Chairman Karls			Rep. Nelson		
Rep. Blum					
Rep. Johnston					
Rep. Jones					
Rep. Klemin					
Rep. Magrum					
Rep. Maragos					
Rep. Paur					
Rep. Roers-Jones					
Rep. Satrom					
Rep. Simons					
Rep. Vetter					

0
Total (Yes) _____ No _____

Absent _____

Floor Assignment _____

If the vote is on an amendment, briefly indicate intent:

Voice vote carried.

**2017 HOUSE STANDING COMMITTEE
 ROLL CALL VOTES
 BILL/RESOLUTION NO. 2210**

House **Judiciary** Committee

Subcommittee

Amendment LC# or Description: Strike 5%, insert actual cost is incurred to regulate the exhibition.

Recommendation: Adopt Amendment
 Do Pass Do Not Pass Without Committee Recommendation
 As Amended Rerefer to Appropriations
 Place on Consent Calendar

Other Actions: Reconsider _____

Motion Made By Rep. Vetter Seconded By Rep. Maragos

Representatives	Yes	No	Representatives	Yes	No
Chairman K. Koppelman			Rep. Hanson		
Vice Chairman Karls			Rep. Nelson		
Rep. Blum					
Rep. Johnston					
Rep. Jones					
Rep. Klemin					
Rep. Magrum					
Rep. Maragos					
Rep. Paur					
Rep. Roers-Jones					
Rep. Satrom					
Rep. Simons					
Rep. Vetter					

0
 Total (Yes) _____ No _____

Absent _____

Floor Assignment _____

If the vote is on an amendment, briefly indicate intent:

Voice vote carried.

**2017 HOUSE STANDING COMMITTEE
ROLL CALL VOTES
BILL/RESOLUTION NO. SB 2210**

House **Judiciary** Committee

Subcommittee

Amendment LC# or Description: _____

Recommendation: Adopt Amendment
 Do Pass Do Not Pass Without Committee Recommendation
 As Amended Rerefer to Appropriations
 Place on Consent Calendar

Other Actions: Reconsider _____

Motion Made By Rep. Maragos Seconded By Rep. Magrum

Representatives	Yes	No	Representatives	Yes	No
Chairman K. Koppelman	X		Rep. Hanson	X	
Vice Chairman Karls	X		Rep. Nelson	X	
Rep. Blum	X				
Rep. Johnston	X				
Rep. Jones	X				
Rep. Klemin	X				
Rep. Magrum	X				
Rep. Maragos	X				
Rep. Paur	X				
Rep. Roers-Jones	X				
Rep. Satrom	X				
Rep. Simons	X				
Rep. Vetter	X				

⁰
Total (Yes) 15 No 0

Absent 0

Floor Assignment Rep.

If the vote is on an amendment, briefly indicate intent:

**2017 HOUSE STANDING COMMITTEE
ROLL CALL VOTES
BILL/RESOLUTION NO. SB 2210**

House **Judiciary** Committee

Subcommittee

Amendment LC# or Description: Page 2, line 2 replace exhibitions with competitions; Page 2, Line 5, replace "an exhibition" with " a competition"

Recommendation: Adopt Amendment
 Do Pass Do Not Pass Without Committee Recommendation
 As Amended Rerefer to Appropriations
 Place on Consent Calendar

Other Actions: Reconsider _____

Motion Made By Rep. Maragos Seconded By Rep Vetter

Representatives	Yes	No	Representatives	Yes	No
Chairman K. Koppelman			Rep. Hanson		
Vice Chairman Karls			Rep. Nelson		
Rep. Blum					
Rep. Johnston					
Rep. Jones					
Rep. Klemin					
Rep. Magrum					
Rep. Maragos					
Rep. Paur					
Rep. Roers-Jones					
Rep. Satrom					
Rep. Simons					
Rep. Vetter					

0
Total (Yes) _____ No _____

Absent 0

Floor Assignment _____

If the vote is on an amendment, briefly indicate intent: **Voice vote carried.**

**2017 HOUSE STANDING COMMITTEE
ROLL CALL VOTES
BILL/RESOLUTION NO. SB 2210**

House **Judiciary** Committee

Subcommittee

Amendment LC# or Description: **on page 2, line 2 and line 5 put and after competitions, put and exhibitions and exhibition respectively**

Recommendation: Adopt Amendment
 Do Pass Do Not Pass Without Committee Recommendation
 As Amended Rerefer to Appropriations
 Place on Consent Calendar
 Other Actions: Reconsider _____

Motion Made By Rep. Vetter Seconded By Rep Maragos

Representatives	Yes	No	Representatives	Yes	No
Chairman K. Koppelman			Rep. Hanson		
Vice Chairman Karls			Rep. Nelson		
Rep. Blum					
Rep. Johnston					
Rep. Jones					
Rep. Klemin					
Rep. Magrum					
Rep. Maragos					
Rep. Paur					
Rep. Roers-Jones					
Rep. Satrom					
Rep. Simons					
Rep. Vetter					

0 Total (Yes) _____ No _____

Absent 0

Floor Assignment _____

If the vote is on an amendment, briefly indicate intent: **Voice vote carried.**

REPORT OF STANDING COMMITTEE

SB 2210: Judiciary Committee (Rep. K. Koppelman, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (12 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING). SB 2210 was placed on the Sixth order on the calendar.

Page 1, line 9, overstrike ", at any time,"

Page 1, line 19, overstrike "Establish a fee based on the percentage of gross revenues from any boxing,"

Page 1, overstrike lines 20 and 21

Page 1, line 22, overstrike "established under this subsection may not exceed"

Page 1, line 22, remove "the greater of five"

Page 1, line 22, overstrike "percent of"

Page 1, overstrike line 23

Page 1, line 24, overstrike "and pay-per-view telecasts of the event, exclusive of any federal tax thereon,"

Page 2, line 1, remove "or the actual cost incurred by the"

Page 2, line 2, replace "secretary of state to regulate the exhibition" with "Charge a fee equal to the actual cost incurred to regulate the exhibitions"

Page 2, line 3, remove ", at any time."

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2210, as amended: Judiciary Committee (Rep. K. Koppelman, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (14 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2210, as amended, was placed on the Sixth order on the calendar.

In lieu of the amendments as printed on page 985 of the House Journal, Senate Bill No. 2210 is amended as follows:

Page 1, line 9, overstrike ", at any time,"

Page 1, line 19, overstrike "Establish a fee based on the percentage of gross revenues from any boxing,"

Page 1, overstrike lines 20 and 21

Page 1, line 22, overstrike "established under this subsection may not exceed"

Page 1, line 22, remove "the greater of five"

Page 1, line 22, overstrike "percent of"

Page 1, overstrike line 23

Page 1, line 24, overstrike "and pay-per-view telecasts of the event, exclusive of any federal tax thereon,"

Page 2, line 1, remove "or the actual cost incurred by the"

Page 2, line 2, replace "secretary of state to regulate the exhibition" with "Charge a fee equal to the actual cost incurred to regulate the competitions and exhibitions"

Page 2, line 3, remove ", at any time."

Page 2, line 5, after "in" insert "a competition or"

Renumber accordingly

2017 TESTIMONY

SB 2210

SB 2210 1-27-17 # 1

ALVIN A. JAEGER
SECRETARY OF STATE
HOME PAGE www.nd.gov/sos



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E-MAIL sos@nd.gov

SECRETARY OF STATE
STATE OF NORTH DAKOTA
600 EAST BOULEVARD AVENUE DEPT 108
BISMARCK ND 58505-0500

January 27, 2017

TO: Chairman Poolman and members of the Senate Government and Veteran's Affairs Committee
FR: John Arnold, Director, on behalf of Al Jaeger, Secretary of State
RE: SB 2210 – Commissioner of Combative Sports (Boxing/Mixed Fighting Styles)

The Secretary of State is the Commissioner of Combative Sports.

First, and most critically, this bill authorizes the Commissioner to set an administrative fee that actually covers the cost of regulating an event. For example, depending on the size of the event, six to eight commissioners and agency staff are present. In addition to the matches themselves, the event also includes the weigh-in, which is held the day prior to the event. This requires providing lodging for two nights and pre diem for two days. In addition, the attending commissioners are reimbursed for mileage and the agency has the cost of the utilization of a state fleet vehicle to transport staff. The staff is paid salary covering the travel time both ways, for the hours working the weigh-in (approximately four hours), and for the event day, which is usually a thirteen to fourteen hour day.

This all adds up to a significant amount. Under the current law, the current 3% fee does not generate adequate revenue for the special fund established in N.D.C.C. § 53-01-09 to cover the actual costs and the agency has had to subsidize the cost of regulating the event from its general fund appropriation. The Commissioner believes the events themselves should cover the actual regulatory costs. Therefore, this bill increases the fee to the greater of 5% of the event gross revenue or the actual cost of regulating the event, which ranges from \$4,000 to \$5,000.

The reason for "the greater of" is because, in addition to the actual costs of regulating an event, the agency has additional costs, such as membership fees for the Association of Boxing Commissions (ABC), attendance at the annual ABC conference (the lead commissioner is a regional director in ABC). If an event is very successful, and the 5% is greater than the actual cost of regulating the event, the additional funds will cover these expenses maintaining the regulatory integrity of these two sports.

Second, SB 2210 will provide clear legislative authority to create administrative rules to perform screening tests for controlled substances, which is essential. For example, during one of the recent events, a fighter displayed erratic behavior to the extent that after his match, he was causing a disturbance in the locker room area that resulted in his arrest. After this incident, the agency considered the possibility of using the legislative authority granted in N.D.C.C. § 53-01-07 to implement a drug testing program. However, the agency's legal counsel advised that it would be better to have clear authority in the Century Code for establishing these administrative rules.

Section 1, page 1, line 22: Changes three to the greater of five.

Section 1, page 1, line 24 through page 2, line 2: Removes the reference to the "fee not being less than \$500" and changes it to the actual cost of regulating the exhibition.

Section 1, page 2, lines 3-5: Grants authority to the agency to adopt administrative rules to perform screening tests for controlled substances.

We request your favorable consideration and a do pass recommendation.

ALVIN A. JAEGER
SECRETARY OF STATE

HOME PAGE www.nd.gov/sos



SECRETARY OF STATE
STATE OF NORTH DAKOTA
600 EAST BOULEVARD AVENUE DEPT 108
BISMARCK ND 58505-0500

March 7, 2017

#1
2210
3-7-17
PHONE (701) 328-2900
FAX (701) 328-2992
E-MAIL sos@nd.gov

TO: Chairman Kim Koppelman and members of the House Judiciary Committee
FR: John Arnold, Director, on behalf of Al Jaeger, Secretary of State
RE: SB 2210 – Commissioner of Combative Sports (Boxing/Mixed Fighting Styles)

The Secretary of State is the Commissioner of Combative Sports.

First, and most critically, this bill authorizes the Commissioner to set an administrative fee that actually covers the cost of regulating an event. For example, depending on the size of the event, six to eight commissioners and agency staff are present. In addition to the matches themselves, the event also includes the weigh-in, which is held the day prior to the event. This requires providing lodging for two nights and pre diem for two days. In addition, the attending commissioners are reimbursed for mileage and the agency has the cost of the utilization of a state fleet vehicle to transport staff. The staff is paid salary covering the travel time both ways, for the hours working the weigh-in (approximately four hours), and for the event day, which is usually a thirteen to fourteen hour day.

This all adds up to a significant amount. Under the current law, the existing 3% fee does not generate adequate revenue for the special fund established in N.D.C.C. § 53-01-09 to cover the actual costs and the agency has had to subsidize the cost of regulating the event from its general fund appropriation. The Commissioner believes the events themselves should cover the actual regulatory costs. Therefore, this bill increases the fee to the greater of 5% of the event gross revenue or the actual cost of regulating the event, which ranges from \$4,000 to \$5,000.

The reason for "the greater of" is because, in addition to the actual costs of regulating an event, the agency has additional costs, such as membership fees for the Association of Boxing Commissions (ABC), attendance at the annual ABC conference (the lead commissioner is a regional director in ABC). If an event is very successful, and the 5% is greater than the actual cost of regulating the event, the additional funds will go to covering these additional expenses in maintaining the regulatory integrity of these two sports.

Second, SB 2210 will provide clear legislative authority to create administrative rules to perform screening tests for controlled substances, which is essential. For example, during one of the recent events, a fighter displayed erratic behavior to the extent that after his match, he was causing a disturbance in the locker room area that resulted in his arrest. After this incident, the agency considered the possibility of using the legislative authority granted in N.D.C.C. § 53-01-07 to implement a drug testing program. However, the agency's legal counsel advised that it would be better to have clear authority in the Century Code for establishing these administrative rules.

Section 1, page 1, line 22: Changes three to the greater of five.

Section 1, page 1, line 24 through page 2, line 2: Removes the reference to the "fee not being less than \$500" and changes it to the actual cost of regulating the exhibition.

Section 1, page 2, lines 3-5: Grants authority to the agency to adopt administrative rules to perform screening tests for controlled substances.

We request your favorable consideration and a do pass recommendation.

/

#1
2210
3-8-17

Chapter Eight

Licensing Unit

This unit has a multitude of responsibilities and duties. They range from filing documents of the legislature to the regulation of boxing and mixed fighting style events. Most of the revenue generated by this unit is from the collection of fees related to the issuance of contractor licenses, registration of charitable organizations, and registration of lobbyists. The details of these functions are as follows:

Commissioner of Combative Sports (formerly State Athletic Commissioner)

According to 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, as of July 1, 2005, 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 was changed very little. Then, in 1967, the position of 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, at the same time, the provisions of the law were such that they 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. Therefore, there was no state oversight.

However, that changed in 1991 when major changes were made to the laws governing boxing. In that year, the Fifty-second Legislative Assembly adopted Senate Bill 2411 (1991 Session Laws, Chapter 543), which became effective July 1, 1991. With its passage, the duties of the athletic commissioner became much more defined. The law also allowed for the creation of an athletic advisory board and allowed for a much better response and regulation to the growing boxing activity that was taking place within the state of North Dakota. Since one of the major duties of the athletic commissioner is to ensure the safety of the boxers, the restructured law made those duties easier to administer.

During the 2011 Sixty-second Legislative Assembly, Senate Bill 2286 was adopted (2011 Session Laws, Chapter 377), which became effective August 1, 2011. The bill changed the title of the position from 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 related to the duties of the commissioner is deposited into a special fund as provided for in Section 53-01-09 of the North Dakota Century Code. Licenses are issued to the participants, referees, judges, cornerpersons, managers, ringside officials, and promoters. The fees collected range from \$10 for a participant to \$100 for a promoter.

During the 2013-2015 biennium, 140 licenses were issued related to the regulation of boxing events.

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

July 12, 2014 – Grand Forks, Quicksilver Hill Promotions LLC
December 13, 2014 – Fargo, Quicksilver Hill Promotions LLC
February 28, 2015 – Bismarck, Quicksilver Hill Promotions LLC
May 15, 2015 – Grand Forks, Quicksilver Hill Promotions LLC

During the 2005 Fifty-ninth Legislative Assembly, Senate Bill 2356 (2005 Session Laws, Chapter 464) was adopted, which resulted in a significant addition to the duties of the State Athletic Commissioner (now Commissioner of Combative Sports). The legislation authorized "mixed fighting style competition" and as defined in the law "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.

The legislation authorized an advisory board, similar in structure to the boxing advisory board, to advise the Athletic Commissioner specifically on mixed fighting style competition. As adopted in the legislations, these competitions could only occur upon adoption of administrative rules. In order to make sure the rules were the very best they could be, a working group of individuals knowledgeable in the sport and the Secretary of State's office drafted the rules over a period of several months. The rules, Chapter 72-02.2-02 of the North Dakota Administrative Code, were approved and became effective on October 1, 2006. The first mixed fighting style event under the new law and rules was held on October 7, 2006 at the Bismarck Civic Center.

During the 2013-2015 biennium, 615 licenses were issued related to the regulation of mixed martial arts.

The following mixed fighting styles events were held during the biennium (date, location, and promoter):

August 23, 2013 – Fargo, Dakota Fighting Championships LLC	May 16, 2014 – Williston, Prize Fighting Championship
September 7, 2013 – Minot, Golden Cage MMA LLC	September 13, 2014 – Dickinson, Pound Em Production
September 14, 2013 – Bismarck, Impact Fighting Championships LLC	September 20, 2014 – Bismarck, Impact Fighting Championship
October 19, 2013 – Jamestown, Impact Fighting Championship LLC	October 4, 2014 – Minot, Golden Cage MMA, LLC
October 26, 2013 – Fargo, M.A.X. Fights LLC	October 25, 2014 – Fargo, Dakota Fighting Championship
December 14, 2013 – Bismarck, Impact Fighting Championship LLC	January 24, 2015 – Fargo, Dakota Fighting Championships LLC
January 11, 2014 – Fargo, Dakota Fighting Championship	January 31, 2015 – Fargo, M.A.X. Fights LLC
March 29, 2014 – Fargo, M.A.X. Fights LLC	April 18, 2015 – Fargo, Dakota Fighting Championships LLC
April 12, 2014 – Grand Forks, Impact Fighting Championship	May 30, 2015 – Williston, Prize Fighting Championships
April 26, 2014 – Fargo, Dakota Fighting Championship	June 27, 2015 – Bismarck, Sports Sponsors

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Staff Member at MMA/Boxing Events SB 2210

- Verify identity, notarize applications, collect fees, and issue state license and national ID (as needed) to all participants including contestants, the judges, promoters, ring personnel, corners, etc.
- Confirm that all participants are properly licensed, that all medical releases and physicals have been received, and that no one is listed on the national registry as suspended or unable to fight
- Record all the results and upload to the national Boxing/MMA registries
- Reports all suspensions to the national registry
- Verify that contracts between promoters and participants have been properly executed.
- Record the weigh in information
- Collect blood documentation and verify that it is current
- Collect all the requests for events and verify insurance coverage for the promoters and venues
- Along with promoter and a commissioner, witness payouts to fighters
- Confirm presence of medical personnel and ambulance
- Collect event fee from promoter within 10 days of event
- Female staff members conduct pregnancy tests with female contestants because all no Commissioners are male
- After weigh in the evening prior to event, prepare badges, scorecards, and scoresheets for the event.
- Make official roster
- Prepare suspension letters, as may be needed
- Ongoing verification that all information is correct.
- Ensure that internal and national databases are updated accordingly.

Commissioners

- A commissioner collects judge's scoring after each round and maintains tally
- Conduct the weigh in's make sure all weights are at the contracted weight between contestants
- Approve all the match ups so there are no mismatches, make sure matches are fair
- Make sure everyone has proper equipment and hands are properly wrapped
- Make sure the ring and cage are installed properly and safe
- Make sure all rules are followed
- Make sure the referees and judges are properly trained
- Escort contestants to the ring/cage
- Witness payouts to the contestants after the event
- Brief all participants prior to event on rule and regulations and times they need to be at the event

CHAPTER 72-02.2-01.1
COMMISSIONER OF COMBATIVE SPORTS AND COMMISSION OF COMBATIVE SPORTS
- BOXING

Section

- 72-02.2-01.1-01 Definitions
- 72-02.2-01.1-02 Athletic Advisory Board
- 72-02.2-01.1-03 General Provisions
- 72-02.2-01.1-04 Licensing
- 72-02.2-01.1-05 Terms and Conditions of License
- 72-02.0-21.1-06 Duties of Promoter
- 72-02.2-01.1-07 Duties of Referee
- 72-02.2-01.1-08 Duties of Judges
- 72-02.2-01.1-09 Duties of Cornerpersons
- 72-02.2-01.1-10 Duties of Timekeeper and Knockdown Counter
- 72-02.2-01.1-11 Duties of Physician
- 72-02.2-01.1-12 Boxing Ticket Provisions
- 72-02.2-01.1-13 Contracts and Financial Arrangements
- 72-02.2-01.1-14 Gross Revenue Fee
- 72-02.2-01.1-15 Sham or Collusive Matches
- 72-02.2-01.1-16 Weight and Weighing Ceremony
- 72-02.2-01.1-17 Conduct of Matches
- 72-02.2-01.1-18 Bandage and Glove Requirements
- 72-02.2-01.1-19 Medical and Other Safeguards
- 72-02.2-01.1-20 The Boxing Ring
- 72-02.2-01.1-21 Ringside Equipment
- 72-02.2-01.1-22 Scoring System
- 72-02.2-01.1-23 Boxing Knockdowns and Knockouts Requirements
- 72-02.2-01.1-24 Boxing Fouls
- 72-02.2-01.1-25 Stalling or Faking Prohibited
- 72-02.2-01.1-26 Fight Results

72-02.2-01.1-01. Definitions.

For purposes of this chapter, unless the context otherwise requires:

1. "Board member" means the North Dakota state commission of combative sports, or an agent of the board acting on its behalf.
2. "Boxing" means a contest or match in which the act of attack and defense is practiced with fists by two contestants.
3. "Commissioner" means the North Dakota secretary of state acting as the commissioner of combative sports.
4. "Contestant" or "boxer" means a participant in a match who receives remuneration directly or indirectly as consideration for the participant's performance.
5. "Exhibition" means boxing or sparring where a decision is not rendered.
6. "Gong" means the bell, horn, or buzzer that has a clear tone loud enough for the contestants and referee to hear.
7. "Match" means any bout, contest, or sparring, in which participants intend to and actually inflict punches, blows, or employ other techniques to temporarily incapacitate an opponent in

CHAPTER 72-02.2-02
COMMISSIONER OF COMBATIVE SPORTS AND COMMISSION OF COMBATIVE SPORTS
- MIXED FIGHTING STYLE

Section

72-02.2-02-01	Definitions
72-02.2-02-02	Commission of Combative Sports
72-02.2-02-03	General Provisions
72-02.2-02-04	Licensing - Terms and Conditions
72-02.2-02-05	Duties of Promoter
72-02.2-02-06	Duties of Referee
72-02.2-02-07	Duties of Judges
72-02.2-02-08	Duties of Seconds
72-02.2-02-09	Duties of Timekeeper
72-02.2-02-10	Duties of Physician
72-02.2-02-11	Ticket Provisions
72-02.2-02-12	Contracts and Financial Arrangements
72-02.2-02-13	Gross Revenue Fee
72-02.2-02-14	Sham or Collusive Matches
72-02.2-02-15	Weight Classes - Weigh-In and Weight Differences
72-02.2-02-16	Conduct of Contests and Exhibitions
72-02.2-02-17	Proper Appearance and Attire
72-02.2-02-18	Bandage and Glove Requirements
72-02.2-02-19	Medical and Other Safeguards
72-02.2-02-20	Ring or Fenced Area
72-02.2-02-21	Ringside Equipment
72-02.2-02-22	Scoring System
72-02.2-02-23	Fouls
72-02.2-02-24	Stalling or Faking
72-02.2-02-25	Results of Contests

72-02.2-02-01. Definitions.

For purposes of this chapter, unless the context otherwise requires:

1. "Commission member" means the North Dakota commission of combative sports, or a member of the commission acting on its behalf.
2. "Commissioner" means the North Dakota secretary of state acting as the commissioner of combative sports or the commissioner's designee.
3. "Contest" means a contest of mixing fighting style.
4. "Exhibition" means an exhibition of mixed fighting style where a decision is not rendered.
5. "Fish-hooking" means the action of hooking (grasping) and pulling the inside of a participant's eyes, nose, ear, or mouth.
6. "Gong" means the bell, horn, or buzzer that has a clear tone loud enough for the contestants and referee to hear.
7. "Grounded" means when a participant's torso or any three points of the participant's body contact the floor.
8. "Match" means any contest or exhibition, in which participants intend to and actually inflict punches, blows, or employ other techniques to temporarily incapacitate an opponent in a

PROPOSED AMENDMENTS TO SENATE BILL NO. 2210

Page 1, line 19, overstrike "percentage of gross"

Page 1, line 21, overstrike "A fee"

Page 1, line 22, overstrike "established under this subsection may not exceed"

Page 1, line 22, remove "the greater of five"

Page 1, line 22, overstrike "percent of"

Page 1, overstrike line 23

Page 1, line 24, overstrike "and pay-per-view telecasts of the event, exclusive of any federal tax thereon,"

Page 2, line 1, remove "or the actual cost incurred by the"

Page 2, line 2, replace "secretary of state to regulate the exhibition" with:

"a. The fee is five percent of the revenue of the exhibition from all sources including cable television and pay-per-view telecasts of the event, exclusive of any federal tax thereon, if five percent of the revenue exceeds the actual cost incurred by the secretary of state to regulate the exhibition"

Page 2, after line 2, insert:

"b. The fee is the actual cost incurred by the secretary of state to regulate the exhibition if the actual cost incurred exceeds five percent of the revenue of the exhibition from all sources including cable television and pay-per-view telecasts of the event, exclusive of any federal tax thereon."

Renumber accordingly

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2210
3-20-17

PROPOSED AMENDMENTS TO SENATE BILL NO. 2210

Page 2, line 2, replace "exhibitions" with "competitions"

Page 2, line 5, replace "an exhibition" with "a competition"

Renumber accordingly