

Title 72 Title Page is amended as follows:

TITLE 72
Secretary of State

Article

72-01	General Administration
72-02	Athletic Commissioner [Superseded]
72-02.1	Athletic Commissioner [Repealed]
72-02.2	Athletic Commissioner <u>Commissioner of Combative Sports</u>
72-03	Construction Superintendent [Repealed]
72-04	Records Management and Central Microfilm [Redesignated as Article 4-05]
72-05	Electronic Filings and Signatures
72-06	Elections

Article 72-02.2 Article Page is amended as follows:

Article 72-02.2

~~**Athletic Commissioner**~~ **Commissioner of Combative Sports**

Chapter

72-02.2-01	Athletic Commissioner [Repealed]
72-02.2-01.1	Athletic Commissioner <u>Commissioner of Combative Sports and Athletic Advisory Board</u> <u>Commission of Combative Sports – Boxing</u>
72-02.2-02	Commissioner of Combative Sports and Commission of Combative Sports – <u>Mixed Fighting Style</u>

Subsection 1 of section 72-02.2-01.1-01 is amended as follows:

1. "Board Member" means the North Dakota state ~~athletic advisory board~~ commission of combative sports, or an agent of the board acting on its behalf.

History: Effective February 1, 1997; amended effective July 1, 1997; _____, 2016.

General Authority: NDCC 53-01-07

Law Implemented: NDCC 53-01-07

Subsection 3 of section 72-02.2-01.1-01 is amended as follows:

3. "Commissioner" means the North Dakota secretary of state acting as the ~~state athletic commissioner~~ commissioner of combative sports.

History: Effective February 1, 1997; amended effective July 1, 1997; _____, 2016.

General Authority: NDCC 53-01-07

Law Implemented: NDCC 53-01-07

Section 72-02.2-01.1-02 is amended as follows:

72-02.2-01.1-02. ~~Athletic advisory board~~ Commission of combative sports. The North Dakota ~~state athletic advisory board~~ commission of combative sports consists of nine members who must be appointed to either one-year, two-year, or three-year terms. Any vacancy in the membership of the board, caused other than by expiration of terms, must be filled only for the balance of the term of the member in whose position the vacancy occurs.

History. Effective February 1, 1997; amended effective _____, 2016.

General Authority: NDCC 53-01-07

Law Implemented: NDCC 53-01-07

Section 72-02.2-01.1-04 is amended as follows:

72-02.2-01.1-04. Licensing. An application for a license must be made in writing on a form supplied by the board and be verified under oath by the applicant. The applicable fee must be submitted with the application. A license is valid for one calendar year and expires on December thirty-first of each year. The licenses available and license fees are as follows:

1. Boxer or kickboxer – ~~ten~~ twenty-five dollars.
2. Cornerperson/~~or second/~~ or trainer – ~~ten~~ twenty-five dollars.
3. Judge – twenty-five dollars.
4. Knockdown counter – ~~ten~~ twenty-five dollars.
5. Manager – ~~twenty-five~~ fifty dollars.
6. Matchmaker – fifty dollars.
7. Physician – no fee.
8. Promoter – ~~one hundred~~ two hundred fifty dollars.
9. Referee – twenty-five dollars.
10. Timekeeper – ~~ten~~ twenty-five dollars

History: Effective February 1, 1997; amended effective February 26, 1997: _____, 2016.

General Authority: NDCC 53-01-07

Law Implemented: NDCC 53-01-07

Section 72-02.2-01.1-14 is amended as follows:

72-02.2-01.1-14. Gross Revenue Fee. There is hereby imposed a fee upon each promoter, or other principal, operating in this state who conducts any professional boxing matches held within this state for each such event. The fee must be equal to the product of the gross revenues of each such

boxing or sparring match multiplied by ~~one~~ three percent but in no event may the fee be less than five hundred dollars. For purposes of this section, gross revenues means any and all revenues, from whatever source derived, received by any promoter, or other principal, on account of any particular match, including any revenues received from any advanced ticket sales, gate receipts, promotional or advertising consideration, and from any cable television and pay-per-view telecasts of such match, exclusive of any federal tax thereon.

Each promoter, or other principal, liable for such gross revenue fee shall provide an accounting to the commissioner on a form provided by the commissioner not later than ten days from the date of the particular match, prepared by the promoter or by a certified public accountant, on behalf of the promoter, using generally accepted accounting principles, which details the source and amount of each component of gross revenues and contains a calculation showing the fee owed to the commissioner. Any Source documents or records used by the promoter, or the certified public accountant, in preparing the accounting must be made immediately available to the commissioner, upon request, for verification.

The gross revenue fee due thereon must be remitted to the commissioner by no later than ten days from the date of the match. Any promoter or other principals involved in the receipt of moneys, or staging of the exhibition or match, are jointly and severally liable for the gross revenue fee provided for by this section. Any promoter who fails to calculate or remit the fee, as required, is subject to an immediate suspension of the promoter's license until the delinquent accounting or fee is submitted to the commissioner or until a hearing requested by such promoter is conducted and concluded by or on behalf of the commissioner.

History: Effective February 1, 1997; amended effective _____, 2016.

General Authority: NDCC 53-01-07

Law Implemented: NDCC 53-01-07

Subsection 3 of Section 72-02.2-01.1-23 is repealed:

- ~~3. Standing eight count: if a boxer appears to be in or entering a state of unconsciousness, notwithstanding that such boxer has not been knocked down, the referee shall order such boxer's opponent to a neutral corner and commence a count of eight. Upon completion of said eight count, the referee shall determine whether such boxer is able to continue the contest or exhibition. If in the opinion of the referee such boxer is unable to continue, the referee shall declare such boxer's opponent the winner by technical knockout. If, in the opinion of the referee, such boxer is able to continue, the referee shall order the boxers to continue and said "standing eight count" shall be deemed to be a knockdown for purposes of scoring the round and these rules. Should a boxer slip or fall down, or be pushed, the boxer must be ordered to the boxer's feet immediately. Failure to rise may subject such boxer to disqualification.~~

Subsection 1 of Section 72-02.2-02-04 is amended as follows:

1. A license is valid from the date of issuance until December thirty-first of that year. The licenses available and fees are as follows:
 - a. Judge – twenty-five dollars.
 - b. Manager – ~~twenty-five~~ fifty dollars.
 - c. Matchmaker – fifty dollars.

- d. Participants – ~~ten~~ twenty-five dollars.
- e. Physician – no fee.
- f. Promoter – ~~one hundred~~ two hundred fifty dollars.
- g. Referee – twenty-five dollars.
- h. Second/or trainer – ~~ten~~ twenty-five dollars.
- i. Timekeeper – ~~ten~~ twenty-five dollars.

History: Effective October 1, 2006; amended effective _____, 2016.

General Authority: NDCC 53-01-07

Law Implemented: NDCC 53-01-01.1, 53-01-02

Section 72-02.2-02-13 is amended as follows:

72-02.2-02-13. Gross revenue fee. There is hereby a fee upon each promoter, or other principal, operating in this state who conducts any professional mixed fighting style contest or exhibition held within this state for each such event. The fee must be equal to the product of the gross revenues of each such mixed fighting style event multiplied by ~~one three~~ three percent ~~or such other amount as may be allowed by law, but in no event may the fee be less than five hundred dollars.~~ For purposes of this section, gross revenues means any and all revenues, from whatever source derived, received by any promoter, or other principal, on account of any particular contest or exhibition, including any revenues received from any advance ticket sales, gate receipts, promotional or advertising consideration, and from any cable television and pay-per-view telecasts of such contest or exhibition, exclusive of any federal tax thereon. All cable television and pay-per-view telecasts are subject to a fee of the gross revenue received from such cable television and pay-per-view telecasts multiplied by one percent or such other amount as may be allowed by law exclusive of any federal tax thereon.

Each promoter, or other principal, liable for such gross revenue fee shall provide an accounting to the commissioner on a form provided by the commissioner not later than ten days from the date of the contest or exhibition, prepared by the promoter or by a certified public accountant, on behalf of the promoter, using generally accepted accounting principles, which details the source and amount of each component of gross revenues and contains a calculation showing the fee owed to the commissioner. Any source documents or records used by the promoter, or the certified public accountant, in preparing the accounting must be made immediately available to the commissioner, upon request, for verification. The gross revenue fee due thereon must be remitted to the commissioner by no later than ten days from the date of the contest ~~of~~ or exhibition. Any promoter or other principals involved in the receipt of moneys, or staging of the contest or exhibition, are jointly and severally liable for the gross revenue fee provided for by this section.

Any promoter who fails to calculate or remit the fee, as required, is subject to an immediate suspension of the promoter's license until the delinquent accounting or fee is submitted to the commissioner or until a hearing requested by such promoter is conducted and concluded by or on behalf of the commissioner.

History: Effective October 1, 2006; amended effective _____, 2016.

General Authority: NDCC 53-01-07

Law Implemented: NDCC 53-01-01.1, 53-01-02