

Meeting Agenda
SOUTH DAKOTA ATHLETIC COMMISSION

Via [Zoom](#)

OR

Call-In: 1-312-626-6799

Meeting ID: 832 2885 5442

Passcode: 062958

Friday, May 19, 2023, 12:30 p.m. CDT

Proposed Agenda

- A. Call to Order
- B. Approval of the Agenda
- C. Open Forum: 5 minutes for the public to address the Commission
- D. Approval of Meeting Minutes: January 4, 2023
- E. Financial Report as of April 30, 2023
- F. Executive Session pursuant to SDCL 1-25-2(3) and (4) to consult with legal counsel regarding proposed or pending litigation and preparing for contract negotiations
- G. Old Business
 - 1) Approved Event Updates
 - i. BOX 2022-02 (Kaos Promotions)
 - ii. MMA 2023-01 (Fury Fights – withdrawn)
 - iii. BOX 2023-01 (15th Round Promotions – withdrawn)
 - iv. MMA 2023-02 (LFA, April 14, 2023, Sioux Falls)
 - 2) Statute and Administrative Rule Proposed Changes for Discussion
- H. New Business
 - 1) Annual Conflict of Interest Disclosure Form
 - 2) Event Applications
 - 3) Executive Services Contract Renewal
- I. Other Business
- J. Announcements
- K. Adjourn

Meeting Minutes
SOUTH DAKOTA ATHLETIC COMMISSION
Via Teleconference
January 4, 2023 12:00 p.m. CST

Chairman Valentine called the meeting to order at 12:02 p.m. A quorum was present.

Members Present Electronically: Verle Valentine , Mike Kilmer, George Giovanis, and Mark Johnston

Others Present via Telephone: Jennifer Stalley, executive secretary; Amber Mulder, Department of Labor, Legal Counsel, Tom Allstot, and Bob Mercer, KELOLAND Media Group

Johnston made a motion to approve the agenda. Kilmer seconded the motion. **MOTION PASSED.**

Valentine asked for any public comments. No comments were offered.

Kilmer made a motion to approve an event application by 15th Round Promotions for a boxing event to be held on a date and at a location to be approved by the Commission on the conditions the promoter is properly licensed for 2023; the promoter submits the required \$1,000 event fee deposit; the promoter provides proof of a \$20,000 surety bond or irrevocable line of credit; the promoter provides the Commission with a proposed event date and proposed venue not later than January 13, 2023, for any proposed event date before March 30, 2023; the promoter agrees the event card locks seven days before the approved event date and no additional bouts or fighters will be approved after that deadline; the promoter provides the Commission with a copy of the signed contract for all boxers on the approved card at least seven days before the approved event date; the promoter submits a plan for the locker room and ring set up at the venue at least 30 days prior to the approved event date; and promoter complies with all other deadlines and requirements for a boxing event as set forth in state statute and administrative rule. Johnston seconded the motion. **MOTION PASSED.** Giovanis was recused.

Valentine noted the next Commission meeting is scheduled for February 10, 2023.

Johnston made a motion to adjourn the meeting at 12:13 pm. Giovanis seconded the motion. **MOTION PASSED.**

Respectfully Submitted,

Mark Johnston, Secretary

BA1409R1

STATE OF SOUTH DAKOTA
CASH CENTER BALANCES
AS OF: 04/30/2023

PAGE

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AGENCY: 10 LABOR & REGULATION
BUDGET UNIT: 1039 SOUTH DAKOTA ATHLETIC COMMISSION - INFO

COMPANY	CENTER	ACCOUNT	BALANCE	DR/CR	CENTER DESCRIPTION
6503	1039000887	1140000	119,684.28	DR	BOXING COMMISSION FUND
COMPANY/SOURCE TOTAL 6503 887			119,684.28	DR *	
COMP/BUDG UNIT TOTAL 6503 1039			119,684.28	DR **	
BUDGET UNIT TOTAL 1039			119,684.28	DR ***	

STATE OF SOUTH DAKOTA
REVENUE SUMMARY BY BUDGET UNIT
FOR PERIOD ENDING: 04/30/2023

AGENCY 10 LABOR & REGULATION
BUDGET UNIT 1039 SOUTH DAKOTA ATHLETIC COMMISSION - INFO

CENTER	COMP	ACCOUNT	DESCRIPTION	CURRENT MONTH	YEAR-TO-DATE	
COMPANY NO 6503						
COMPANY NAME PROFESSIONAL & LICENSING BOARDS						
1039000887	6503	4293070	PROMOTER LICENSE	.00	1,200.00	
1039000887	6503	4293071	MATCHMAKER LICENSE	.00	200.00	
ACCT:	4293	BUSINESS & OCCUP LICENSING (NON-GOVERNMENTAL)		.00	1,400.00	*
1039000887	6503	4299080	EVENT FEE	.00	17,743.05	
1039000887	6503	4299081	CONTESTANT REGIST FEE	.00	3,700.00	
1039000887	6503	4299082	JUDGE REGISTRATION FEE	.00	550.00	
1039000887	6503	4299083	REFEREE REGISTRATION FEE	.00	200.00	
1039000887	6503	4299084	SECOND REGISTRATION FEE	.00	3,375.00	
1039000887	6503	4299085	TIMEKEEPER REGIST FEE	.00	50.00	
1039000887	6503	4299087	AMATEUR EXEMPTION FEE	.00	100.00	
ACCT:	4299	OTHER LIC, PRMTS, & FEES (NON-GOVERNMENTAL)		.00	25,718.05	*
ACCT:	42	LICENSES, PERMITS & FEES		.00	27,118.05	**
1039000887	6503	4920045	NONOPERATING REVENUES	.00	1,112.29	
ACCT:	4920	NONOPERATING REVENUE		.00	1,112.29	*
ACCT:	49	OTHER REVENUE		.00	1,112.29	**
CNTR:	1039000887			.00	28,230.34	***
COMP:	6503			.00	28,230.34	****
B UNIT:	1039			.00	28,230.34	*****

STATE OF SOUTH DAKOTA
MONTHLY EXPENDITURE REPORT
FOR PERIOD ENDING: 04/30/2023

AGENCY 10 LABOR & REGULATION
BUDGET UNIT 1039 SOUTH DAKOTA ATHLETIC COMMISSION - INFO
CENTER-5 10390 SD ATHLETIC COMMISSION

COMP	CENTER	ACCOUNT	DOCUMENT NUMBER	POSTING DATE	JV APPVL #, OR PAYMENT #	SHORT NAME	VENDOR NUMBER	VENDOR GROUP	AMOUNT	DR/ CR
COMPANY NO 6503 COMPANY NAME PROFESSIONAL & LICENSING BOARDS										
6503	1039000887	52030300	CGEX230427	04/30/2023	213182				397.80	DR
		OBJSUB: 5203030	AUTO-PRIV (IN-ST.) H/RTE						397.80	DR *
6503	1039000887	52031000	CGEX230427	04/30/2023	213182				169.00	DR
		OBJSUB: 5203100	LODGING/IN-STATE						169.00	DR *
6503	1039000887	52031500	CGEX230427	04/30/2023	213182				100.00	DR
		OBJSUB: 5203150	NON-TAXABLE MEALS/IN-ST						666.80	DR **
		OBJECT: 5203	TRAVEL						1,598.27	DR
6503	1039000887	52040900	23-1000-001 2015	04/12/2023	00847330	MIDWESTSOL	12199902			
		OBJSUB: 5204090	MANAGEMENT CONSULTANT						1,598.27	DR *
6503	1039000887	52045900	CS303040	04/21/2023					105.00	DR
6503	1039000887	52045900	PE303040	04/21/2023					995.00	DR
		OBJSUB: 5204590	INS PREMIUMS & SURETY BDS						1,100.00	DR *
6503	1039000887	52049600	23-1000-001 2015	04/12/2023	00847330	MIDWESTSOL	12199902		215.93	DR
		OBJSUB: 5204960	OTHER CONTRACTUAL SERVICE						215.93	DR *
		OBJECT: 5204	CONTRACTUAL SERVICES						2,914.20	DR **
6503	1039000887	52280000	T103-131	04/12/2023					8.24	DR
		OBJSUB: 5228000	OPER TRANS OUT -NON BUDGT						8.24	DR *
		OBJECT: 5228	NONOP EXP/NONBGTD OP TR						8.24	DR **
		GROUP: 52	OPERATING EXPENSES						3,589.24	DR ***
		COMP: 6503							3,589.24	DR ****
		CNTR: 1039000887							3,589.24	DR *****
		B. UNIT: 1039							3,589.24	DR *****

STATE OF SOUTH DAKOTA
MONTHLY OBJECT/SUB-OBJECT REPORT BY BUDGET UNIT
FOR PERIOD ENDING: 04/30/2023

AGENCY 10 LABOR & REGULATION
BUDGET UNIT 1039 SOUTH DAKOTA ATHLETIC COMMISSION - INFO
CENTER-5 10390 SD ATHLETIC COMMISSION

CENTER	COMP	ACCOUNT	DESCRIPTION	CURRENT MONTH	YEAR-TO-DATE	
COMPANY NO 6503						
COMPANY NAME PROFESSIONAL & LICENSING BOARDS						
1039000887	6503	51010100	F-T EMP SAL & WAGES	.00	378.87	
1039000887	6503	51010300	BOARD & COMM MBRS FEES	.00	840.00	
ACCT: 5101 EMPLOYEE SALARIES						
1039000887	6503	51020100	OASI-EMPLOYER'S SHARE	.00	1,218.87	*
1039000887	6503	51020200	RETIREMENT-ER SHARE	.00	95.57	
1039000887	6503	51020600	HEALTH/LIFE INS.-ER SHARE	.00	22.75	
1039000887	6503	51020800	WORKER'S COMPENSATION	.00	36.61	
1039000887	6503	51020900	UNEMPLOYMENT COMPENSATION	.00	.92	
ACCT: 5102 EMPLOYEE BENEFITS						
ACCT: 51			PERSONAL SERVICES	.00	155.88	*
1039000887	6503	52030300	AUTO-PRIV (IN-ST.) H/RTE	397.80	1,374.75	**
1039000887	6503	52031000	LODGING/IN-STATE	169.00		
1039000887	6503	52031400	TAXABLE MEALS/IN-STATE	.00	675.12	
1039000887	6503	52031500	NON-TAXABLE MEALS/IN-ST	100.00	40.00	
ACCT: 5203 TRAVEL						
1039000887	6503	52040200	DUES & MEMBERSHIP FEES	666.80	394.00	
1039000887	6503	52040900	MANAGEMENT CONSULTANT	.00	2,677.16	*
1039000887	6503	52042000	CENTRAL SERVICES	1,598.27	205.00	
1039000887	6503	52045900	INS PREMIUMS & SURETY BDS	.00	18,569.60	
1039000887	6503	52049600	OTHER CONTRACTUAL SERVICE	1,100.00	1,568.30	
ACCT: 5204 CONTRACTUAL SERVICES						
1039000887	6503	52050200	OFFICE SUPPLIES	2,914.20	34,829.01	*
1039000887	6503	52053100	PRINTING-STATE	.00	49.80	
1039000887	6503	52053500	POSTAGE	.00	348.69	
ACCT: 5205 SUPPLIES & MATERIALS						
1039000887	6503	5228000	OPER TRANS OUT -NON BUDGT	.00	469.72	*
ACCT: 5228 NONOP EXP/NONBGTD OP TR						
ACCT: 52			OPERATING EXPENSES	8.24	54.57	*
COMP: 6503 PROFESSIONAL & LICENSING BOARDS						
				3,589.24	39,405.21	***
CENTER: 1039000887				3,589.24	39,405.21	****
B UNIT: 1039				3,589.24	39,405.21	*****

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BUDGET UNIT 1039

AVAILABLE FUNDS
 AS OF: 04/30/2023
 FY YEAR REMAINING: 17.0%
 PAY DAYS REMAINING: 4

MONTHLY

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DATE 04/29/2023

CENTER NAME SOUTH DAKOTA ATHLETIC COMMISSION - INFO

COMP	ORIGINAL APPROPRIATION	APPROPRIATION TRANSFERS	YEAR-TO-DATE COMMITMENTS	YEAR-TO-DATE ENCUMBRANCES	YEAR-TO-DATE EXPENDITURES	AVAILABLE APPROPRIATIONS	CASH BALANCE
6503-I	59,995.00	0.00	0.00	17,916.67	39,350.64	2,727.69	119,684.28
BUDGETED TOT	59,995.00	0.00	0.00	17,916.67	39,350.64	2,727.69	
ALL COMP TOT	59,995.00	0.00	0.00	17,916.67	39,350.64	2,727.69	

TOTAL BUDGETED:

OBJECT OF EXPENDITURE		AMOUNT BUDGETED	COMMITMENTS YEAR-TO-DATE	ENCUMBRANCES YEAR-TO-DATE	EXPENDITURES		BUDGET AVAILABLE	PCT AVL
					MONTHLY	YEAR-TO-DATE		
5101	EMPLOYEE SALARIES	10,682.00	0.00	0.00	0.00	1,218.87	9,463.13	88.6
5102	EMPLOYEE BENEFITS	1,433.00	0.00	0.00	0.00	155.88	1,277.12	89.1
5203	TRAVEL	3,877.00	0.00	0.00	666.80	2,677.16	1,199.84	30.9
5204	CONTRACTUAL SVCS	42,903.00	0.00	17,916.67	2,914.20	34,829.01	9,842.68-	0.0
5205	SUPPLIES & MATRLS	1,100.00	0.00	0.00	0.00	469.72	630.28	57.3
TOTALS		59,995.00	0.00	17,916.67	3,581.00	39,350.64	2,727.69	4.5

BREAKOUT BY COMPANY:

COMPANY 6503-I PROFESSIONAL & LICENSING BOARDS

5101000	EMPLOYEE SALARIES	10,682.00	0.00	0.00	0.00	1,218.87	9,463.13	88.6
5102000	EMPLOYEE BENEFITS	1,433.00	0.00	0.00	0.00	155.88	1,277.12	89.1
5203000	TRAVEL	3,877.00	0.00	0.00	666.80	2,677.16	1,199.84	30.9
5204000	CONTRACTUAL SVCS	42,903.00	0.00	17,916.67	2,914.20	34,829.01	9,842.68-	0.0
5205000	SUPPLIES & MATRLS	1,100.00	0.00	0.00	0.00	469.72	630.28	57.3
PS SUBTOTALS		12,115.00	0.00	0.00	0.00	1,374.75	10,740.25	88.7
OE SUBTOTALS		47,880.00	0.00	17,916.67	3,581.00	37,975.89	8,012.56-	0.0
COMPANY 6503-I TOT		59,995.00	0.00	17,916.67	3,581.00	39,350.64	2,727.69	4.5

CHAPTER 42-12

BOXING, KICKBOXING, ~~MIXED MARTIAL ARTS~~COMBAT SPORTS, AND SPARRING

42-12-1 to 42-12-7. Repealed.

42-12-7.1 Definitions.

42-12-8 South Dakota Athletic Commission created.

42-12-8.1 Terms--Vacancies.

42-12-8.2 Meetings--Quorum.

42-12-8.3 Officers.

42-12-8.4 Per diem--Expenses.

42-12-8.5 Immunity from personal liability.

42-12-8.6 Liability coverage.

42-12-9 Direction of boxing, kickboxing, and ~~mixed martial arts~~combat sports competitions and sparring exhibitions.

42-12-9.1 Powers and duties of commission.

42-12-10 Promulgation of rules.

42-12-11 Boxing commission fund.

42-12-12 Competitions and exhibitions to conform to local ordinances.

42-12-13 Certain educational institutions and amateur associations exempt.

42-12-14 Certificate of registration required for boxers, kickboxers, and ~~mixed martial artist~~fighterfighters--Application--Violation as misdemeanor.

42-12-15 License required to facilitate a competition or exhibition--Application--Violation as misdemeanor.

42-12-16 Certificate of registration required for competition or exhibition--Violation as misdemeanor.

42-12-17 Records pertaining to competition or exhibition.

42-12-18 Inspection of competition or sparring exhibition.

42-12-19 Proceeds subject to forfeiture.

42-12-20 Sanctions for violation of chapter.

42-12-21 Summary suspension of registration or license--Hearing--Appeal.

42-12-22 Proceedings for revocation or suspension.

42-12-23 Appeals from discipline.

42-12-24 Penalties for violation of chapter.

42-12-25 Cease and desist order--Service--Hearing.

42-12-26 Failure to appear--Criminal prosecution.

42-12-27 Report--Orders.

42-12-28 Fees to reimburse commission for proceedings.

- 42-12-29 Prosecution of criminal action.
42-12-30 Prosecution of civil action.

42-12-1 to 42-12-7. Repealed by SL 2009, ch 219, § 8, eff. July 1, 2012.

42-12-7.1. Definitions.

Terms used in this chapter mean:

- (1) "Department," the Department of Labor and Regulation;
- (2) "Commission," the South Dakota Athletic Commission;
- (3) "Boxing," the sport or practice of fighting with fists in which participants wear boxing gloves;
- (4) "Kickboxing," the sport of attack and defense in which participants wear boxing gloves and throw punches as in boxing and kick with bare feet as in karate;
- (5) "~~Mixed martial arts~~Combat sports," ~~the~~ a sport of fighting in which participants inflict or employ kicks, punches, blows, holds, and other techniques to injure, stun, choke, incapacitate, or disable an opponent, using a combination of boxing, kickboxing, wrestling, grappling, or other martial arts, but not including professional wrestling;
- (6) "Boxer," a participant in a boxing competition or sparring exhibition;
- (7) "Kickboxer," a participant in a kickboxing competition or sparring exhibition;
- (8) "~~Mixed martial artist~~Fighter," a participant in a ~~mixed martial arts~~combat sport competition or sparring exhibition;
- (9) "Promoter," any person, club, corporation, association, or entity, who produces, arranges, or stages any competition or sparring exhibition;
- (10) "Manager," any person who acts on behalf of a boxer, kickboxer, or ~~mixed martial artist~~fighter to facilitate the production, arrangement, or staging of any competition or sparring exhibition;
- (11) "Matchmaker," any person, club, corporation, association, or entity that brings together a competition or sparring exhibition;
- (12) "Competition," any match, fight, contest, or event in which the participants intend to and actually inflict punches, blows, kicks, or other techniques to temporarily incapacitate an opponent with the intent to win the competition, and in which the participants receive payment or remuneration, directly or indirectly, as consideration for the participant's performance; and
- (13) "Sparring exhibition," any match, fight, contest, or event in which the participants intend to and actually inflict punches, blows, kicks, or other techniques to temporarily incapacitate an opponent with the intent to display skills without striving to win, and in which the participants do not receive payment or remuneration, directly or indirectly, as consideration for the participant's performance.

Source: SL 2014, ch 209, § 28.

42-12-8. South Dakota Athletic Commission created.

There is hereby created, within the jurisdiction of the Department of Labor and Regulation, the South Dakota Athletic Commission consisting of five members appointed by the Governor. Not all members may be of the same political party. At least One one member shall have experience with, or have been active in boxing, kickboxing, or ~~mixed martial arts~~combat sports. At least one member shall be a physician licensed to practice in South Dakota. One member shall represent the public at large.

Source: SL 2013, ch 221, § 1; SL 2014, ch 209, § 1.

42-12-8.1. Terms--Vacancies.

Each appointment to the commission shall be for a period of three years except for the initial appointments which shall be for staggered terms. Each member shall serve until the expiration of the term for which the commissioner was appointed or until the member's successor is appointed and qualified to serve on the commission. If a vacancy occurs other than by expiration of term, the Governor shall appoint a qualified person to fill the vacancy for the unexpired term. The appointment to an unexpired term is not considered a full term. No member may serve more than three consecutive full terms.

Source: SL 2014, ch 209, § 2.

42-12-8.2. Meetings--Quorum.

The commission shall hold at least one meeting annually. The commission may hold other meetings at a time and place set by the chair or by a majority of the commission. A majority of the commissioners constitutes a quorum to conduct business. A majority of those present and voting constitutes a decision of the commission.

Source: SL 2014, ch 209, § 3.

42-12-8.3. Officers.

The commission shall select a chair, vice chair, and secretary annually. ~~No member may serve as chair for more than three consecutive years.~~

Source: SL 2014, ch 209, § 4.

42-12-8.4. Per diem--Expenses.

Members of the commission shall receive a per diem established pursuant to § 4-7-10.4 and expenses at the same rate as other state employees while engaged in official duties.

Source: SL 2014, ch 209, § 5.

42-12-8.5. Immunity from personal liability.

The commission, its members, and its agents are immune from personal liability for actions taken in good faith in the discharge of the commission's duties, and the state shall hold the commission, its members, and its agents harmless from all costs, damages, and attorney fees arising from claims and suits against them with respect to matters to which such immunity applies. The attorney general shall represent and appear for them in any action or proceeding brought by or against the commission, its members, and its agents because of such acts.

Source: SL 2014, ch 209, § 6.

42-12-8.6. Liability coverage.

The commission may acquire liability coverage from an outside entity to provide adequate coverage against claims.

Source: SL 2014, ch 209, § 7.

42-12-9. Direction of boxing, kickboxing, and ~~mixed martial arts~~combat sports competitions and sparring exhibitions.

The commission is hereby vested with the sole direction, control, and jurisdiction over all contests and exhibitions of boxing, kickboxing, and ~~mixed martial arts~~combat sports competitions and sparring exhibitions held in the State of South Dakota. No competition or exhibition may be conducted within this state except in accordance with the provisions of this chapter.

Source: SL 2013, ch 221, § 2.

42-12-9.1. Powers and duties of commission.

The commission has the following powers and duties:

- (1) Through rules established pursuant to chapter 1-26, establish standards for the practice of boxing, kickboxing, and ~~mixed martial arts~~combat sports;
- (2) Issue licenses and registrations to persons, clubs, corporations, associations, or other entities that meet the qualifications for licensure or registration;
- (3) Have available the names of persons, clubs, corporations, associations, or other entities registered or licensed pursuant to the provisions of this chapter;
- (4) Have available the date, time, and location of any competition or sparring exhibition registered pursuant to the provisions of this chapter;
- (5) Employ personnel in accordance with the needs and budget of the commission;
- (6) Enter into contracts as necessary to carry out the commission's responsibilities pursuant to the provisions of this chapter;
- (7) Communicate disciplinary actions and registration and license status of boxers, kickboxers, ~~mixed martial artist~~fighters, managers, promoters, and matchmakers to relevant state and federal governing bodies as may be required; and

- (8) Perform other duties directly related to the provisions of this chapter or rules promulgated pursuant to chapter [1-26](#).

Source: SL 2014, ch 209, § 26.

42-12-10. Promulgation of rules.

The commission shall promulgate rules, pursuant to chapter [1-26](#), to:

- (1) Govern the conduct of boxing, kickboxing, and ~~mixed martial arts~~combat sports competitions, and sparring exhibitions;
- (2) Establish registration criteria and registration fees for all boxers, kickboxers, and ~~mixed martial artist~~fighters who participate in competitions and sparring exhibitions governed by the commission;
- (3) Establish license criteria and license fees for all promoters, managers, and matchmakers of boxing, kickboxing, or ~~mixed martial arts~~combat sports competitions;
- (4) Establish registration requirements for all boxing, kickboxing, or ~~mixed martial arts~~combat sports competitions or sparring exhibitions held in the state;
- (5) Establish the written records to be maintained for all competitions and sparring exhibitions conducted in the state;
- (6) Establish a fee based on the percentage of gross revenues from any boxing, kickboxing, or ~~mixed martial arts~~combat sports competition or sparring exhibition held in the state. The fee established under this subdivision may not exceed five percent of the gross revenues of the exhibition from any and all sources including cable television and pay-per-view telecasts of the event, exclusive of any federal tax. However, the commission may establish and impose a minimum exhibition fee not to exceed five thousand dollars to cover the expenses of the South Dakota Athletic Commission;
- (7) Establish criteria for approved bona fide educational institutions or national amateur boxing, kickboxing, or ~~mixed martial arts~~combat sports associations for purposes of being exempted from the provisions of this chapter;
- (8) Establish procedures for disciplinary proceedings; and
- (9) Establish procedures for receiving and conducting complaint investigations.

Source: SL 2013, ch 221, § 3; SL 2014, ch 209, § 25; SL 2016, ch 213, § 1.

42-12-11. Boxing commission fund.

All fees collected pursuant to this chapter shall be placed in the boxing commission fund that is hereby established in the state treasury. All money deposited in the fund is continuously appropriated to pay for the administration of this chapter and for the compensation and expenses of members of the South Dakota Athletic Commission.

Source: SL 2013, ch 221, § 4.

42-12-12. Competitions and exhibitions to conform to local ordinances.

Boxing, kickboxing, or ~~mixed martial arts~~combat sports competitions or sparring exhibitions held in any city in this state shall be held in conformity to the ordinances of that city, in addition to the requirements of this chapter. No boxing, kickboxing, or ~~mixed martial arts~~combat sports competition or sparring exhibition may be held in a city where such contests or exhibitions are prohibited by ordinance.

Source: SL 2013, ch 221, § 5.

42-12-13. Certain educational institutions and amateur associations exempt.

All boxing, kickboxing, or ~~mixed martial arts~~combat sports or sparring exhibitions conducted by bona fide educational institutions or by national amateur boxing, kickboxing, or ~~mixed martial arts~~combat sports associations or their local affiliates approved by the commission are exempt from the provisions of this chapter.

Source: SL 2013, ch 221, § 6; SL 2014, ch 209, § 27.

42-12-14. Certificate of registration required for boxers, kickboxers, and ~~mixed martial artist~~fighters--Application--Violation as misdemeanor.

No boxer, kickboxer, or ~~mixed martial artist~~fighter may participate in any competition or sparring exhibition without having a certificate of registration issued by the commission unless the competition or sparring exhibition is exempted under SDCL 42-12-13. Each boxer, kickboxer, or ~~mixed martial artist~~fighter shall submit an application upon a form prescribed by the commission and pay the required application fee. Any boxer, kickboxer, or ~~mixed martial artist~~fighter in a competition or sparring exhibition who does not have a certificate of registration issued by the commission is guilty of a Class 2 misdemeanor. The commission may file a civil suit to enjoin any person engaging in a competition or sparring exhibition without a certificate of registration issued by the commission.

Source: SL 2014, ch 209, § 8.

42-12-15. License required to facilitate a competition or exhibition--Application--Violation as misdemeanor.

No manager, matchmaker, or promoter may participate in, facilitate, produce, stage, arrange, or profit from a competition or sparring exhibition without having a license issued by the commission. A manager, matchmaker, or promoter shall submit an application upon a form prescribed by the commission and shall pay the required application fee. Any person, club, corporation, association, or entity required to have a license pursuant to this section that participates in, facilitates, produces, stages, arranges, or profits from a competition or sparring exhibition without having a license issued by the commission is guilty of a Class 2 misdemeanor. The commission may file a civil suit to enjoin any person or entity engaging in a competition or sparring exhibition without a license issued by the commission.

Source: SL 2014, ch 209, § 9.

42-12-16. Certificate of registration required for competition or exhibition--Violation as misdemeanor.

No competition or sparring exhibition may be held without having a certificate of registration issued by the commission. The commission shall prescribe the form and the fee for registration. Any person, competitor, club, corporation, association, or entity that participates in, facilitates, produces, stages, arranges, or profits from a competition or sparring exhibition that does not have a certificate of registration issued by the commission is guilty of a Class 1 misdemeanor. The commission may file a civil suit to enjoin any person or entity from participating in, facilitating, producing, staging, arranging, or profiting from a competition or sparring exhibition that does not have a certificate of registration issued by the commission.

Source: SL 2014, ch 209, § 10.

42-12-17. Records pertaining to competition or exhibition.

Any competition or sparring exhibition held in South Dakota shall keep any written records pertaining to the competition or sparring exhibition that may be required by the commission. The records shall be made available for inspection by a representative or agent of the commission during normal business hours.

Source: SL 2014, ch 209, § 11.

42-12-18. Inspection of competition or sparring exhibition.

Any member of the commission, or its representative or agent, may freely enter upon and inspect a competition or sparring exhibition at the time and place set for the competition or sparring exhibition.

Source: SL 2014, ch 209, § 12.

42-12-19. Proceeds subject to forfeiture.

Any assets, interest, revenues, income, and proceeds acquired from a competition or sparring exhibition held without having a certificate of registration issued by the commission are subject to forfeiture to the commission.

Source: SL 2014, ch 209, § 13.

42-12-20. Sanctions for violation of chapter.

If the commission determines that a person, club, corporation, association, or entity is in violation of this chapter or any rule promulgated pursuant to this chapter, the commission may take the following actions:

- (1) Deny an application for registration or licensure;

- (2) Suspend, temporarily suspend, revoke, or refuse to renew a registration or license;
- (3) Place on probation, condition, or limit a registration or license;
- (4) Require reimbursement of the commission for expenses resulting from suspension, temporary suspension, revocation, refusal to renew, fines, censure, or reprimand resulting from a violation;
- (5) Pursue legal actions against a person, club, corporation, association, or entity that is not authorized to act by this chapter;
- (6) Impose an administrative fine as provided for by this chapter;
- (7) Seek an injunction as provided for by this chapter;
- (8) Issue a cease and desist order as provided for by this chapter; or
- (9) Other sanctions which the commission finds appropriate.

Source: SL 2014, ch 209, § 14.

42-12-21. Summary suspension of registration or license--Hearing--Appeal.

The commission may summarily suspend a registration or license in advance of a final adjudication or during the appeals process if the commission finds that a registrant or licensee represents a clear and immediate danger to the public safety or to the safety of other competitors or participants in any competition or sparring exhibition. Any registrant or licensee whose registration or license is suspended under this section is entitled to a prompt hearing pursuant to § [1-26-29](#). The registrant or licensee may subsequently appeal the suspension to circuit court in accordance with chapter [1-26](#).

Source: SL 2014, ch 209, § 15.

42-12-22. Proceedings for revocation or suspension.

Proceedings for the revocation or suspension of any registration or license shall be conducted pursuant to chapter [1-26](#) and any rules promulgated pursuant to this chapter.

Source: SL 2014, ch 209, § 16.

42-12-23. Appeals from discipline.

The findings and actions of the commission on disciplinary matters are subject to appeal as provided by chapter [1-26](#) and any rules promulgated pursuant to this chapter.

Source: SL 2014, ch 209, § 17.

42-12-24. Penalties for violation of chapter.

Any person, club, corporation, association, or entity that has violated any provision of this chapter or any rule promulgated pursuant to this chapter is subject to the following penalties:

- (1) Administrative fine:

- (a) Boxer, kickboxer, or martial artist: any person registered by the commission who violates any provision of this chapter or rules promulgated pursuant to this chapter is liable for an administrative fine not to exceed five hundred dollars for each offense;
- (b) Manager, promoter, or matchmaker: any person, club, corporation, association, or entity licensed by the commission which violates any provision of this chapter or rules promulgated pursuant to this chapter is liable for an administrative fine not to exceed two thousand dollars for each offense;
- (c) Competition or sparring exhibition: any person, club, corporation, association, or entity responsible for facilitating, producing, staging, arranging, or profiting from a competition or sparring exhibition registered by the commission that violates any provision of this chapter or rules promulgated pursuant to this chapter is liable for an administrative fine not to exceed two thousand five hundred dollars for each offense.

An administrative fine not paid within sixty days from the date of the order imposing the fine may be enforced by an action in the appropriate county circuit court. Any person, club, corporation, association, or entity aggrieved by an order under this subdivision may make an appeal pursuant to chapter [1-26](#);

- (2) Injunction: if the commission deems it necessary for the public safety or the safety of competitors or participants in a competition or sparring exhibition, the commission may bring an action in the name of the state in the circuit court in any county in which jurisdiction is proper to enjoin the act, practice, or violation and to enforce compliance with this chapter or any rule promulgated pursuant to this chapter. Upon showing that a person, club, corporation, association, or entity has engaged in an otherwise unauthorized act or practice, a permanent or temporary injunction, or restraining order, or other appropriate relief shall be obtained against the person, club, corporation, association, or entity to prohibit the continuation of the unauthorized act or practice;
- (3) Cease and desist order: the commission may issue and have served upon a person, club, corporation, association, or entity an order requiring the person, club, corporation, association, or entity to cease and desist from any unauthorized practice or act which is in violation of this chapter or any rule promulgated pursuant to this chapter. The cease and desist order shall give reasonable notice of the rights to request a hearing pursuant to chapter [1-26](#) and shall state the reasons for the entry of the order.

Source: SL 2014, ch 209, § 18.

42-12-25. Cease and desist order--Service--Hearing.

Service of the cease and desist order is effective if the order is served on the person, club, corporation, association, entity, or counsel of record personally or by certified mail. Unless otherwise agreed by the commission and the party requesting the hearing, a hearing shall be held no later than ninety days after a request for a hearing is received by the commission.

Source: SL 2014, ch 209, § 19.

42-12-26. Failure to appear--Criminal prosecution.

If no hearing is requested within the thirty days of service of the cease and desist order, the order becomes final and remains in effect until the order is modified or vacated by the commission. If the party to whom a cease and desist order is issued requests a hearing, but after being duly notified fails to appear at the hearing, the party is in default and the proceeding may be determined against the party upon consideration of the cease and desist order, the allegations of which may be considered to be true. Action taken pursuant to this section does not relieve a party from criminal prosecution by a competent authority or from disciplinary action by the commission with respect to the party's application, registration, license, or renewal.

Source: SL 2014, ch 209, § 20.

42-12-27. Report--Orders.

The commission or hearing examiner shall issue a report within thirty days of the close of the contested case hearing record. Within thirty days after the report and any exceptions to the report, the commission shall issue a further order vacating, modifying, or making permanent the cease and desist orders as the facts require.

Source: SL 2014, ch 209, § 21.

42-12-28. Fees to reimburse commission for proceedings.

The commission may impose a fee to reimburse the commission for all or part of the cost of proceedings resulting in disciplinary action authorized by this chapter or rules promulgated pursuant to this chapter, the imposition of civil penalties or administrative fines, or the issuance of a cease and desist order. The fee may be imposed if the commission shows a person, club, corporation, association, or entity has committed an act or practice in violation of this chapter or rules promulgated pursuant to this chapter, or has violated an order of the commission. The costs include the amount paid by the commission for services from attorneys, investigators, court reporters, witnesses, expert witnesses, reproduction of records, commission members' per diem compensation, commission staff time, and expenses incurred by commission members and staff.

Source: SL 2014, ch 209, § 22.

42-12-29. Prosecution of criminal action.

Any criminal action for violation of any provision of this chapter or of any rule promulgated pursuant to this chapter shall be prosecuted by the attorney general of the state, or, at the attorney general's request and under the attorney general's direction, by the state's attorney of any county in which the violation occurred.

Source: SL 2014, ch 209, § 23.

42-12-30. Prosecution of civil action.

In any civil action to enforce the provisions of this chapter, the Department of Labor and Regulation and the state may be represented by any qualified attorney who is a regular salaried employee of the department and is designated by the department for this purpose or, at the department's request, by the attorney general.

Source: SL 2014, ch 209, § 24.

ANNUAL DISCLOSURE FOR AUTHORITY/BOARD/COMMISSION MEMBER
PURSUANT TO SDCL CHAPTER 3-23

THIS IS A PUBLIC DOCUMENT

Name of Member: _____

Name of Board, Authority or Commission: _____

The Member shall disclose below any contract in which the Member has an interest or from which the Member derives a direct benefit if the contract is:

- 1) With the state agency to which the Member's board, authority or commission is attached for reporting or oversight purposes and which contract requires the expenditure of government funds;
- 2) With the state and which contract requires the approval of the Member's board, authority or commission and the expenditure of government funds; or
- 3) With a political subdivision of the state if the political subdivision approves the contract and:
 - a. Is under the regulatory oversight of the authority, board, or commission, or
 - b. Is under the regulatory oversight of the agency to which the Member's board, authority or commission is attached.

The Member shall disclose the contract even though no additional authorization is needed from the Member's board, authority or commission to have an interest or derive a benefit from the contract.

The Member shall also identify every entity in which the Member possesses an ownership interest of five percent or greater if:

- 1) The entity receives grant money from the State, either directly or by a pass-through grant or
- 2) The entity contracts with the State or any political subdivision for services.

1. **Contracts in which you have an interest pursuant to SDCL Chapter 3-23 and which do not violate any other provision of law** - Provide the following for each contract in which you have, or will have, an interest. For further information see SDCL 3-23-2.1 and 3-23-3.1.

Description of the contract	Parties	Description of your interest/role in the contract	Date contract was previously disclosed, if applicable

Attach additional pages, if necessary.

2. **Contracts in which you have a direct benefit pursuant to SDCL Chapter 3-23** - Provide the following for each contract from which you derive, or will derive, a direct benefit. For more information see SDCL 3-23-2, 3-23-2.2 and 3-23-3.1.

Description of the contract	Parties	Description of the direct benefit	Date contract was authorized

Attach additional pages, if necessary.

3. Entities in which you possess an ownership interest of five percent or more that receive grant money from the State, either directly or by a pass-through grant, or that contract with the State or any political subdivision for services – Provide the following for each such entity. See SDCL 3-23-3.1.

Description of the contract or grant	Party in which you possess the interest	State agency or subdivision

The member shall complete a separate authorization request for any contract identified above that requires authorization from the Member's board, authority or commission in order for the Member to legally derive a direct benefit.

4. Pursuant to Section 17(c) of the Professional Boxing Safety Act of 1996, no officer or employee of a sanctioning organization may receive any compensation, gift, or benefit, directly or indirectly, from a promoter, boxer or manager, unless compensation is receipt of payment by a promoter, boxer, or manager of a sanctioning organization's published fee for sanctioning a professional boxing match or reasonable expenses in connection therewith if the payment is reported to the responsible boxing commission; or the receipt of a gift or benefit of de minimis value.

By my signature below, I affirm that while serving in my capacity as a Member of the South Dakota Athletic Commission, I receive no compensation, gift, or benefit, directly or indirectly, from a promoter, boxer or manager prohibited under Section 17(c) of the Professional Boxing Safety Act of 1996.

Signature of Member: _____ Date: _____