

CHAPTER 6-16 MIXED MARTIAL ARTS

6-16-1 through 6-16-17 Reserved

6-16-18 Purpose

The purpose of this Chapter is to establish necessary health and safety regulations for mixed martial arts and boxing contests and events held on lands subject to the jurisdiction of Confederated Tribes of the Colville Reservation. The Commission established herein will work with mixed martial arts and boxing organizations on the Colville Reservation to assist in developing their programs, membership and to enhance the spiritual, mental and professional growth of the young warriors who are members of the Club. The Commission shall protect tribal mixed martial arts and boxing organizations from exploitation.

6-16-19 Application of this Chapter

This Chapter applies to any amateur or professional mixed martial arts or boxing contest conducted on lands within the exterior reservation boundaries of the Confederated Tribes of the Colville Reservation and on lands held by the United States in trust for the benefit of the Confederated Tribes of the Colville Reservation and its members, wherever located.

6-16-20 Definitions

In this Chapter, unless the context otherwise requires:

- (a) "Commission" means the Colville Tribes Mixed Martial Arts Commission.
- (b) "Contestant" (or "fighter") means any individual who competes in Mixed Martial Arts or boxing contest
- (c) "Contest" means any Mixed Martial Arts or boxing competition.
- (d) "Kickboxing" means a form of boxing in which blows are delivered with any part of the arm below the shoulder, including the hand, and any part of the leg below the hip, including the foot.
- (e) "Professional" means any person who competes for any money prize or a prize that exceeds the value of \$35 or teaches or pursues or assists in the practice of mixed martial arts or boxing as a means of obtaining a livelihood or pecuniary gain.
- (f) "Secretary" means the executive secretary of the Commission.
- (g) "Unarmed Combat" or "Mixed Martial Arts" or "MMA" means any form of competition, other than Boxing and Kickboxing, in which blows and submission techniques are delivered or applied.

6-16-21 Colville Tribes Mixed Martial Arts Commission; appointment; conflict of interest; emergency ringside meetings

(a) Commission

(1) The Commission shall consist of three commissioners appointed by resolution of the Colville Business Council. The term of office of commissioners shall be two years, except that the terms of the initial commissioners may be for shorter or longer terms to implement the staggered terms. The term of one member shall expire on the third Monday in January each year. A commissioner may be removed by the Chairman of the Colville Business Council upon resolution by the Colville Business Council. A written recommendation signed by a majority of the commissioners requesting removal of a commissioner with clearly-stated justifications for removal, upon delivery to the Colville Business Council, may constitute cause for removal by the Council. A commissioner may resign at any time by giving written notice to the Chairman of the Colville Business Council. Resignations shall become effective at the time specified in said notice, or if no time is specified, on the date of receipt. Any vacancy in the commission because of death, resignation, removal, or any other cause shall be filled for the unexpired portion of the term in the manner prescribed for the appointment of commissioners.

(2) Two members of the Commission constitute a quorum for conducting business. A

concurrence of two members is necessary to render a decision by the Commission. Emergency ringside meetings may be held immediately prior and subsequent to a scheduled Contest for the purpose of determining whether or not there has been a violation of the rules and regulations of the Commission or the provisions of this Chapter.

(3) A commissioner shall not during his term of office promote, sponsor or have any financial interest in a fighter, or a contest or in the premises leased for a MMA or boxing contest.

6-16-22 Commission; powers and duties

(a) The Commission shall be permitted to waive any portion of the regulations relating to the manner in which Contests are conducted, provided the waiver does not diminish the effectiveness of this Chapter with regard to protecting the health and safety of fighters or Contestants. Any such waiver shall be limited in applicability to a particular Contest and shall be documented by the Commission in writing and accompanied by a written and signed (by at least two Commissioners) explanation of the purpose for granting the waiver.

(b) The Commission shall obtain from a licensed physician rules and standards for the physical examination of fighters, Contestants, and referees. A schedule of fees to be paid physicians by the promoter or matchmaker for the examination shall be set by the Commission.

(c) [Reserved.]

(d) [Reserved].

(e) The Commission shall:

(1) Make and maintain a record of the acts of the Commission, including the issuance, denial, renewal, suspension or revocation of licenses.

(2) Keep records of the Commission and its meetings.

(3) Except as provided in subsection (a) above, conform to the rules adopted under this Chapter.

6-16-23 Regulation of Mixed Martial Arts Contests

(a) All contests are subject to the provisions of this Chapter. Every contestant in an unarmed combat contest shall wear padded gloves that weigh at least four ounces.

(b) The Commission shall for every contest:

(1) Require that at least one member of the Commission to be present

(2) Direct the member[s] of the Commission present to make a written report to the Commission within no more than fourteen (14) calendar days, such report to summarize the circumstances of, occurrences at, and results of the contest.

6-16-24 Regulation of Unarmed Combat Competitions

(a) All Unarmed Combat competitions, including amateur Unarmed Combat competitions, are subject to the provisions of this Chapter.

(b) Contestants in Unarmed Combat shall not strike other Contestants in the spinal column or in the back of the head. Contestants shall not strike with their knees or elbows unless specifically allowed by rule.

(c) The Commission may establish a fee for processing an application to hold an Unarmed Combat event in an amount determined by the Commission. In determining the amount of the fee, the Commission may consider factors including the amount of time likely to be expended in processing the event application and the complexity of the application and the number of Contestants scheduled to participate in the event.

(d) Until the Association of Boxing Commissions approves standardized rules that are implemented in states that use rules identical or substantially similar to the rules adopted by the New Jersey State Athletic Control Board, the Colville Commission shall use health and safety regulations for Unarmed Combat that are consistent with the Mixed Martial Arts Unified Rules of Conduct adopted by the New Jersey State Athletic Control Board. After the Association of Boxing Commissions approves standardized rules that are implemented in states that use rules identical or substantially similar to the rules adopted by the New Jersey State Athletic Control Board, the Colville Commission shall use the Association of Boxing Commissions' standardized rules for Unarmed Combat. Any rules adopted by the Commission shall be codified in this Chapter. Nothing in this subsection prevents a promoter of an Unarmed Combat event held within the territorial jurisdiction of the Colville Tribes from prohibiting specific types of conduct for that particular event that are allowed under the rules adopted by the New Jersey State Athletic Control Board or the Association of Boxing Commissions.

6-16-25 Jurisdiction of Commission

(a) The Commission shall:

(1) Have sole direction, management, control and jurisdiction over all Contests held on trust lands within the exterior boundaries of the Colville Tribes' reservation and on any trust land held by the United States for the benefit of the Colville Tribes or its members, wherever located.

(2) Have sole control, authority and jurisdiction over all licenses required by this Chapter.

(b) The Commission may grant a license to an applicant if, in the judgment of the Commission, the financial responsibility, experience, character and general fitness of the applicant are such that his participation is consistent with the public interest, convenience or necessity and the best interests of the sport and in conformity with the purposes of this Chapter. The Commission may delegate the Commission's licensing authority to the Commission's executive director when and if the Commission hires an executive director.

6-16-26 Persons required to procure licenses; requirements; background information; fee; bond

(a) All referees, judges, matchmakers, promoters, trainers, ring announcers, timekeepers, ringside physicians, Contestants, /Contestants' managers and Contestants' seconds are required to be licensed by the Commission. The Commission shall not permit any of these persons to participate in the holding of any Contest unless the person has first procured a license.

(b) Before participating in the holding of any Contest, a corporation, its officers and directors and any person holding 25 percent or more of the ownership of the corporation shall obtain a license from the Commission. Such a corporation must be authorized to do business under the laws of the state of its incorporation or of the Colville Tribes.

(c) The Commission shall require referees, judges, matchmakers, promoters and Contestants' managers to furnish fingerprints and background information before licensure. The Commission shall charge a fee for fingerprints and background information in an amount determined by the Commission. The Commission may require referees, judges, matchmakers, promoters and Contestants' managers to furnish fingerprints and background information in accordance with applicable law before license renewal if the Commission determines the fingerprints and background information are necessary. The fee may include a reasonable charge for expenses incurred by the Commission or by a criminal justice agency.

(d) Before the Commission issues a license to a promoter, matchmaker or corporation, the applicant shall:

(1) Provide the Commission with a copy of any agreement between any Contestant and the applicant which binds the applicant to pay the Contestant a certain fixed fee or percentage of the gate receipts.

(2) Show on the application the owner or owners of the applicant entity and the percent interest if they hold 25 percent or more interest in the applicant.

(3) Provide the Commission with a copy of the latest financial statement of the entity.

(4) Provide the Commission with a copy of the insurance contract required by this Chapter.

(e) Before the Commission issues a license to a promoter, the applicant shall deposit with the Commission a cash bond or surety bond in an amount set by the Commission. The bond shall be executed in favor of the Commission or the Colville Tribes and shall be conditioned on the faithful performance by the promoter of the promoter's obligations pursuant to this Chapter and the rules adopted pursuant to this Chapter. The Commission may not waive this requirement.

(f) Before the Commission issues a license to a Contestant, the applicant shall submit to the Commission the results of a current medical examination on forms furnished or approved by the Commission. The medical examination must include an ophthalmological examination.

6-16-27 Promoters; licenses; bond; proof of financial responsibility

(a) The Commission may issue a license to conduct, hold or give Contests to any qualified person or to a corporation duly authorized to do business under the laws of the state of its incorporation or of the Confederated Tribes of the Colville Reservation. The Commission may in its discretion withhold the granting of a license to a promoter until the applicant furnishes proof of his financial responsibility to promote Contests in accordance with this section and the rules adopted under this Chapter.

(b) The promoter of each Contest shall be responsible for paying all fees and expenses associated with the Contest, including all fees charged by the Commission and the fees and expenses of physicians, referees, judges, timekeepers, and announcers. The Commission will determine its fee for each fight based a percentage of the projected ticket sales, with the percentage set by the Commission. The promoter will be required to pay the required fees and expenses no less than 24 hours before the Contest. Failure to do so will result in cancellation of the Contest and forfeiting of the bond required in this Chapter. In addition, the promoter will be responsible for providing the Commission with all requisite documentation to ensure proper payment of all fees and expenses due and owing. If a promoter defaults in paying the required fees and expenses, in whole or in part, the Commission also may initiate administrative regulatory action against the promoter and/or commence a civil action to recover any fees or expenses owed. The exercise of one legal remedy by the Commission shall not preclude the exercise of other remedies.

(c) The Commission may require a person or corporation licensed under this Chapter to supply a certified financial audit to the Commission. The financial statements prepared pursuant to this section shall be prepared in accordance with generally accepted accounting principles and shall include any additional schedules the Commission may require. A person subject to a financial audit under this section shall make and provide statements, returns and exhibits to the Commission in the form and at the time prescribed by the Commission.

(d) In addition to the cash bond or surety bond required by this Chapter, the Commission may require a promoter to deposit with the Commission prior to each Contest a cash bond or surety bond in an amount set by the Commission as a guarantee for the fulfillment of the promoter's contract obligations for that Contest, the payment of licenses and taxes that may be imposed by the Tribes on gross receipts of that Contest, and reimbursement to ticket purchasers if the Contest is not held as advertised.

6-16-28 License fees; expiration; renewal

(a) The Commission may establish and issue annual licenses, and require licensing fees of at least the following:

- (1) Promoters, \$250.
- (2) Matchmakers, \$150.
- (3) Managers, \$100.
- (4) Judges, referees, announcers and ringside physicians, \$25.
- (5) Timekeepers, Contestants, Contestants' trainers and Contestants' seconds, \$10.

(6) For a corporation filing for a license to participate in the holding of any Contest, \$400.

(7) Officer, director or other person affiliated with a corporation, \$250.

(b) A license expires December 31 at midnight in the year of its issuance and may be renewed on filing an application for renewal of a license with the Commission and payment of the license fee prescribed in subsection (a). The application for renewal of a license shall be on a form provided by the Commission. There is a thirty day grace period during which a license may be renewed if a late filing penalty fee equal to the license fee is submitted with the regular license fee. A licensee that files late shall not conduct any activity regulated by this chapter until the Commission has renewed the license. If the licensee fails to apply to the Commission within the 30-day grace period the licensee must apply for a new license pursuant this Chapter.

6-16-29 Financial interest in Contestants prohibited

A person shall not have, either directly or indirectly, any financial ownership interest in a Contestant competing on premises owned or leased by the person, or in which the person is otherwise interested.

6-16-30 Age of participants

A person under the age of 18 years shall not participate in any Contest without providing to the Commission a written notarized consent signed by the prospective participant-child's parent or legal guardian, such consent to waive all potential claims against the Tribes related to their child's participation in the Contest. No person under the age of eighteen may participate in any Contest described herein until the consent and waiver, signed by the parent or legal guardian, is delivered to and accepted by a writing signed by all members of the Commission. The Commission reserves the right to refuse to accept such consents/waivers, if, in its sole discretion, the health and/of safety of the minor child may be jeopardized by his/her participation in any Contest. No person under the age of 18 years may participate in any Contest regulated by this Chapter until the Commission has formally accepted the consent/waiver as herein described. The Commission's acceptance of a consent/waiver may be revoked at any time by a majority vote of the Commission; the parent/legal guardian of the minor child will be notified in writing of the revocation within two (2) business days of the Commission's decision.

6-16-31 Contestants and referees; physical examination; attendance of physician; payment of fees; insurance

(a) All Contestants, and referees shall be examined by a licensed physician immediately prior to the first bout of a scheduled Contest, and the examining physician shall immediately file with the Commission a written report of the examination. The physician's report of the examination shall include specific mention as to the condition of the Contestant's heart and general physical condition. The physician's report may include specific mention as to the condition of the Contestant's nerves and brain as required by the Commission. The cost of the examination is payable by the person conducting the Contest.

(b) Every person holding or sponsoring any Contest shall have in attendance at every Contest a licensed physician or a certified Emergency Medical Services team (no fewer than two EMTs) and ambulance. The Commission may establish a schedule of fees to be paid to each physician or Emergency Medical Services Team by the person or by the promoter.

(c) The Commission shall:

(1) Require insurance coverage for a Contestant to provide for medical, surgical and hospital care for injuries sustained in the ring in an amount of no less than \$50,000 with no more than \$125 deductible and payable to the Contestant as beneficiary.

(2) Require life insurance for a Contestant in the amount of no less than \$ \$250,000 payable in case of accidental death resulting from injuries sustained in the ring or Unarmed Combat area.

(3) The cost of the insurance required by this section is payable by the promoter, who shall provide valid evidence of current coverage no less than two (2) business days before the event, such coverage to be valid through the duration of the event. Failure to provide such proof of insurance shall result in the cancellation of the event. .

(e) The promoter shall provide adequate parking facilities, equipment, security personnel, desk space, and

telephone services to the Commission or its authorized representative for the purpose of regulating Contests. The promoter shall provide adequate space and rooms for conducting weigh-ins and the required medical examinations, including restroom facilities that may be used to collect biological fluid samples for drug testing. The promoter also shall provide, during the day of each Contest, an office for the use of the Commissioners or their authorized agent.

6-16-32 Attendance by Colville Tribal Police

The Chief of the Colville Tribes Police Department shall provide at least two officers to attend each Contest to prevent disturbances amounting to breach of the peace by spectators. The cost of providing the officer or officers shall be paid by the promoter.

6-16-33 Disciplinary action; grounds; emergency suspension; injunction

(a) The Commission may take any one or a combination of the following disciplinary actions:

- (1) Revoke a license.
- (2) Suspend a license.
- (3) Impose a civil penalty in an amount of at least \$1,000 per violation of this Chapter.

(b) The Commission may take disciplinary action or refuse to issue or renew a license for any of the following causes:

- (1) Committing an act involving dishonesty, fraud or deceit with the intent to substantially benefit oneself or another or substantially injure another.
- (2) Advertising by means of known false, misleading, deceptive or fraudulent statements through any communication media.
- (3) Violating any provision of this Chapter or any rule adopted pursuant to this Chapter.
- (4) Making oral or written false statements to the Commission.
- (5) Failing to complete the license application as prescribed by the Commission.

(c) In case of emergency, a member of the Commission may, on his own motion or on the verified complaint of any person charging a violation of this Chapter or of the rules adopted under this Chapter, suspend for a period of not to exceed ten days any license until final determination by the Commission, if in the Commissioner's opinion the action is necessary to protect the public welfare and the best interests of Commission.

(d) The Commission or the Office of Reservation Attorney of the Confederated Tribes of the Colville Reservation may apply to the Colville Tribal Court for an order enjoining the acts or practices of any person which constitute a violation of this Chapter or the rules adopted pursuant to this Chapter.

6-16-34 Violation; classification

(a) A person has committed a civil violation who:

- (1) Conducts, holds or gives Contests or participates in any Contest without first having procured an appropriate license as prescribed in this Chapter.
- (2) Violates any provision of this Chapter or any rule or regulation adopted pursuant to this Chapter.

(b) A person found responsible for a violation under this Chapter shall be fined not less than \$1,000 and not more than \$5,000 for each violation.

6-16-35 Selection of referees

The Commission shall select and assign referees. The matchmaker may protest the assignment of a referee and in

such event the Commission shall furnish a list of all Commission approved and licensed referees within the State to the protesting matchmaker. The protesting matchmaker shall have the right to select another referee from such list.

6-16-36 Sham fighting; withholding a purse

(a) The Commission may withhold all or part of a purse or other monies payable to any Contestant, manager or second if in the judgment of the Commission a Contestant is participating in a sham or fake Contest, or is otherwise not competing honestly or to the best of his ability.

(b) If the Commission withholds a purse or part of a purse or other monies the Commission shall give notice to all interested parties and hold a hearing upon the matter within ten days.

(c) If the Commission determines that a Contestant, manager or second is not entitled to a purse, part of a purse or other monies the promoter shall turn such monies over to the Commission.

6-16-37 Judicial review

Final decisions of the Commission are subject to judicial review in the Colville Tribal Court. Judicial review shall be conducted in accordance with the Colville Administrative Procedure Act, Chapter 2-4.

6-16-38 Reciprocity

(a) A person is entitled to receive a license under this Chapter if he complies with the requirements of each of the following:

(1) Submits to the Commission under oath an application for a license on a form supplied by the Commission.

(2) Holds an equivalent license in a jurisdiction in which the licensing requirements are at least substantially equivalent to those of the Colville Tribes and provides a copy of all licensing requirements for the Commission's review.

(3) Pays the prescribed fees.

(b) The Commission shall have the power to waive at any time the requirements in this Chapter or the regulations of the Commission for good cause, but such waiver must be in writing with the good cause described in detail and signed by at least two members of the Commission.

6-16-39 Severability

If any provision of this Chapter or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of the Chapter which can be given effect without the invalid provision or application, and to this end the provisions of this Chapter are severable.

6-16-40 Construction

Nothing in this Chapter or its accompanying regulations shall be construed as extending the authority of the State of Washington or any other state over activities taking place within the territorial jurisdiction of the Colville Tribes; or in any way as limiting the sovereign authority of the Colville Tribes; or in any way as waiving the Colville Tribes' sovereign immunity.

(Adopted 8/4/11, Resolution 2011-571)