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MINNESOTA DEPARTMENT OF
LABOR & INDUSTRY

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December 31, 2007

Legislative Reference Library
645 State Office Building
100 Constitution Avenue
St. Paul, Minnesota 55155

Re: In The Matter of the Proposed Rules of the Minnesota Boxing Commission Relating To
Boxing; Governor's Tracking Number AR 379

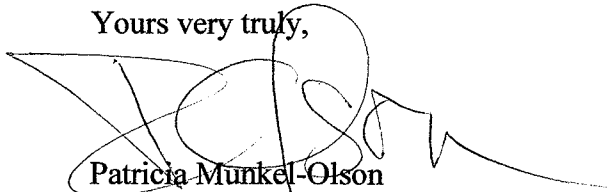
Dear Librarian:

The Minnesota Boxing Commission intends to adopt rules relating to boxing. We plan to publish a Notice of Intent to Adopt Rules without a Public Hearing in the December 31, 2007 State Register.

The Commission has prepared a Statement of Need and Reasonableness. As required by Minnesota Statutes, sections 14.131 and 14.23, the Department is sending the Library a copy of the Statement of Need and Reasonableness at the same time we are mailing our Notice of Intent to Adopt Rules.

If you have questions, please contact me at (651) 284-5128 or Executive Director Scott LeDoux at (612) 229-4269.

Yours very truly,



Patricia Munkel-Olson
Construction Codes and Licensing Attorney
Dept. of Labor and Industry

Enclosure: Statement of Need and Reasonableness

Minnesota Boxing Commission

STATEMENT OF NEED AND REASONABLENESS

Proposed Permanent Rules Relating to Boxing, Minnesota Rules, chapter 2201

INTRODUCTION

On July 1, 2006, the laws creating the Minnesota Boxing Commission (“Commission”) became effective,¹ and those laws were then amended by the Legislature in 2007.²

As a part of its work, the Commission determined that pursuant to Minnesota Statutes, chapter 341, it should adopt the rules of the Association of Boxing Commissions (ABC), which is frequently referred to as the American Boxing Commission. To this end, the Commission relied on *Minnesota Statutes*, section 341.21, subdivision 2, which states in pertinent part, ““Boxing” ... is practiced as a sport under the rules of the Association of Boxing Commissions, or equivalent...”” The Commission also relied on *Minnesota Statutes*, section 341.28, which states in pertinent part “All tough person contests are subject to America Boxing Commission (ABC) rules.” The Commission then adopted the ABC rules at a duly called meeting.

The Commission recently became aware that it must follow the rulemaking procedures set forth in the Administrative Procedure Act³ in order to adopt rules that have the full force and effect of law and initiated this rulemaking to achieve that result.

The proposed rules reflect current Minnesota practices related to standards for the physical examination and condition of boxers and referees, and incorporate the ABC rules by reference. The proposed rules also include definitions, the duration of a round in tough person contests, and other general rules to carry out the purposes of the governing statutes.

ALTERNATIVE FORMAT

Upon request, this Statement of Need and Reasonableness can be made available in an alternative format, such as large print, Braille, or cassette tape. To make a request, contact Executive Director Scott LeDoux, Minnesota Boxing Commission, 358 – 139th Lane Northwest, Andover, MN 55304, phone (612) 229-4269, or FAX (651) 769-757-8528.

STATUTORY AUTHORITY

The Commission’s statutory authority to adopt the rules is set forth in statute.

Minnesota Statutes, section 341.25, states in pertinent part:

“(a) The Commission may adopt rules that include standards for the physical examination

1 2006 *Minn. Laws*, Chapter 282, Article 11, Sections 13-29.

2 2007 *Minn. Laws*, Chapter 135, Article 3, Sections 30-37.

3 *Minn. Stat.*, chapter 14 (2006).

and condition of boxers and referees.

(b) May adopt other rules necessary to carry out the purposes of this chapter, including, but not limited to, the conduct of boxing exhibitions, bouts, and fights, and their manner, supervision, time, and place...”

Minnesota Statutes, section 341.21, subdivision 2, states, ““Boxing” means the act of attack and defense with the fists, using padded gloves, that is practiced as a sport under the rules of the Association of Boxing Commissions, or equivalent. Where applicable, boxing includes tough person contests.””

Minnesota Statutes, section 341.28, states in pertinent part “All tough person contests are subject to America Boxing Commission (ABC) rules.”

Under these statutes, the Commission has the necessary statutory authority to adopt the proposed rules.

REGULATORY ANALYSIS

Minnesota Statutes, section 14.131, sets out seven factors for a regulatory analysis that must be included in the SONAR. Paragraphs (1) through (7) below quote these factors and then give the agency’s response.

(1) a description of the classes of persons who probably will be affected by the proposed rule, including classes that will bear the costs of the proposed rule and classes that will benefit from the proposed rule:

The classes of persons who will probably be affected by the proposed rules are boxers and referees. These persons will bear the costs and be the beneficiaries of the proposed rules.

The ringside physician will probably be affected by and benefit from the proposed rule because the physician will know what medical tests and or assessments must be included a physical examination and a pre-contest physical examination.

(2) the probable costs to the agency and to any other agency of the implementation and enforcement of the proposed rule and any anticipated effect on state revenues:

The Commission is unaware of any additional probable costs to the Commission or any other agency for the implementation and enforcement of the proposed rules. The Commission is unaware of any anticipated effect on state revenues.

(3) a determination of whether there are less costly methods or less intrusive methods for achieving the purpose of the proposed rule:

The Commission is unaware of less costly methods or less intrusive methods for achieving the purpose of the proposed rules.

(4) a description of any alternative methods for achieving the purpose of the proposed rule that were seriously considered by the agency and the reasons why they were rejected in favor of the proposed rule:

The Commission did not seriously consider any alternative methods for achieving the purpose of the proposed rule.

(5) the probable costs of complying with the proposed rule, including the portion of the total costs that will be borne by identifiable categories of affected parties, such as separate classes of governmental units, businesses, or individuals:

The probable costs of complying with the proposed rules will not change as a result of the proposed rules.

(6) the probable costs or consequences of not adopting the proposed rule, including those costs or consequences borne by identifiable categories of affected parties, such as separate classes of government units, businesses, or individuals:

The probable costs or consequences of not adopting the proposed rule may include confusion for the Commission, boxers and referees, and physician who will not be able to easily determine how the sport is regulated in this state.

(7) an assessment of any differences between the proposed rule and existing federal regulations and a specific analysis of the need for and reasonableness of each difference:

The Commission is unaware of any differences between the proposed rule and existing federal regulations.

PERFORMANCE-BASED RULES⁴

Minnesota Statutes, section 14.002, requires the Commission, wherever feasible, to develop rules and regulatory programs that emphasize superior achievement in meeting the Commission's regulatory objective and maximum flexibility for the regulated party and the agency in meeting those goals. The Commission did not develop the proposed rules with an eye to emphasizing superior achievement nor maximum flexibility because it was not feasible. However, the proposed rules include definitions for clarity, the incorporation by reference of a nationally recognized model rule that is named in the statutes, and physical examination and condition requirements for boxers and referees that are consistent with current practices in this state.

ADDITIONAL NOTICE

Our Notice Plan includes giving notice required by statute. We will mail the rules and

⁴ *Minnesota Statutes*, section 14.131, requires, in part, that the SONAR describe how the Commission, in developing the rules, considered and implemented the legislative policy supporting performance-based regulatory systems set forth in Minn. Stat. § 14.002.

Notice of Intent to Adopt to everyone who has registered to be on the Commission's rulemaking mailing list under Minnesota Statutes, section 14.14, subdivision 1a. We will also give notice to the Legislature per Minnesota Statutes, section 14.116.

We will also mail or email the proposed rules and notice of intent to adopt rules to interested parties. Those parties include boxers,⁵ referees, and ringside physicians licensed by the Commission.

CONSULT WITH FINANCE ON LOCAL GOVERNMENT IMPACT

As required by Minnesota Statutes, section 14.131, the Commission has consulted with the Commissioner of Finance. We did this by sending Keith Bogut, Executive Budget Officer at the Department of Finance, copies of the documents sent to the Governor's Office for review and approval by the Governor's Office prior to the Commission publishing the Notice of Intent to Adopt. We sent the copies on December 19, 2007. The documents included: the Governor's Office Proposed Rule and SONAR Form; draft rules certified for publication; and an almost final SONAR. The Commission of Finance sent a letter dated December 28, 2007 with the following comments:

"On behalf of the Commissioner of Finance, I have reviewed the proposed rule and related Statement of Need and Reasonableness to explore the potential impact these changes may have on local governments. My review leads me to conclude there will be no fiscal impact to local units of government."

RULE-BY-RULE ANALYSIS

These proposed rules are needed to provide guidance to regulated parties, individuals and persons interested in obtaining licensure, and regulators. Each of the proposed rules is reasonable in that they reflect current Minnesota practices and are intended to provide clarity and inform users of various requirements e.g. the ringside physician will know that the pre-contest physical examination for each boxer or tough person must include the condition of the boxer or tough person's heart and general physical and neurological condition.

2201.0010 AUTHORITY AND PURPOSE.

This proposed rule outlines the authority and purpose of the rule chapter.

2201.0020 DEFINITIONS.

The proposed definitions are intended to clarify how particular terms and phrases are defined and used throughout this rule chapter. After the proposed rules were certified for publication, the Commission determined that the definitions for amateur and pre-contest physical examination should be modified as follows:

⁵ The "boxer" license includes tough persons.

“Amateur.” “Amateur” means an individual who participates in a tough person contest as a pastime rather than a profession and who is not receiving or competing for and, has never received or competed for, any purse or other article or thing of value that exceeds \$50 ~~in~~ ~~value~~ for participating in a contest.”

The stricken text will be removed from the rule because it is redundant.

“Pre-contest physical examination.” “Pre-contest physical examination” means a physical examination performed by a physician licensed in this state that occurs within the ~~thirty-six~~ three hours immediately prior to entering the ring.”

The word thirty-six will be replaced with the word three in order to be consistent with the requirement of Minn. Stat. § 341.33, subdivision 1.

2201.0100 INCORPORATION BY REFERENCE.

This proposed rule incorporates the July 27, 2005 Regulatory Guidelines promulgated by the ABC to clearly identify which version of the guidelines become Minnesota law should this proposed rule be adopted. The proposed rule also includes information related to how users can review a copy of the Regulatory Guidelines.

2201.0300 PHYSICAL EXAMINATION AND CONDITION.

This proposed rule reflects current Minnesota practices related to the physical examination and condition of applicants for boxer and referee licenses.

2201.0500 BOXING AND TOUGH PERSON CONTESTS.

This proposed rule is intended to reflect the requirements of Minn. Stat. § 341.33, subd. 1, and current Minnesota practices related to the pre- and post-contest physical examinations of boxers, tough persons, and referees.

This rule, as proposed, did not include a pre-contest physical examination for referees. Because Minn. Stat § 341.33, subd. 1, requires referees to be examined “within three hours of entering the ring,” the Commission may modify the proposed rule to include this requirement.

CONCLUSION

Based on the foregoing, the proposed rules are both needed and reasonable.

December 31, 2007
Date

Scott LeDoux
Scott LeDoux
Executive Director