

Notice of Hearing on Proposed Administrative Regulations

The Department of Commerce will hold a public hearing at 1:30 PM on September 24, 2019, at 100 S.W. Jackson Street, Suite 100 Topeka, Kansas 66612, to consider proposed regulations related to professional bare-knuckle fighting in accordance with K.S.A. 74-50,187 et seq.

This 60-day notice of the public hearing shall constitute a public comment period for the purpose of receiving written public comments on these proposed regulations. All interested parties may submit comments prior to the hearing to Jordan Bickford, Deputy Chief Counsel at the Department of Commerce, 1000 S.W. Jackson Street, Suite 100 Topeka, Kansas 66612 or via email to jordan.bickford@ks.gov. All interested parties will be given a reasonable opportunity to present their views, orally or in writing, concerning the proposed regulations during the public hearing. In order to provide all parties with an opportunity to present their views, it may be necessary to request each participant limit any oral presentations to five minutes.

Complete copies of the proposed regulations and the Economic Impact Statement for the proposed regulations may be obtained from the Department of Commerce located at the above address or on the agency website at <https://www.kansascommerce.gov/about-us/commissions-partners/athletic-commission/>.

Any individual with a disability may request accommodation in order to participate in the public hearing and may request the proposed regulations being considered and the economic impact statement in an accessible format. Requests for accommodation to participate in the hearing should be made at least five working days in advance of the hearing by contacting Jordan Bickford at jordan.bickford@ks.gov. Individuals with hearing and/or speech disabilities may contact the Kansas Relay Center at 800-766-3777 for communication accommodations. Handicapped parking is located on 8th Street and in the building's parking garage. From the street, both the West entrance to the building on Jackson Street and the North entrance on 8th Street are accessible.

A summary of the proposed regulations and their economic impact follows:

K.A.R. 128-5-1. The Kansas Athletic Commission ("the Commission") seeks to amend this existing regulation to add language establishing bare-knuckle fighting, a form of professional boxing without gloves, as its own sanctioned sport, as opposed to merely a variation of one of the existing sports. Additionally, the Commission proposes amendments to eliminate redundant language covered explicitly within other subsections.

K.A.R. 128-6-8. This new regulation establishes procedures specifically for bare-knuckle fighting contests, including weight classifications, weigh-in procedures, attire and hand-wrapping restrictions, safety requirements, and general rules governing each contest.

Anticipated Economic Impact. The proposed regulations provide an opportunity for promoters to bring a new type of event to Kansas. The Commission believes that bare-knuckle fighting events will induce economic activity through event-related spending. The Commission estimates that each event will bring in around \$13,700, approximately 50 percent of which would go into the state general fund. In addition to the venues at which these events are held, professional sporting events directly impact several other areas of the economy including dining, retail shopping, lodging, and commercial transportation. Lastly, there are no anticipated costs associated that are expected to be incurred by or passed along to business, local governments, or members of the public with the addition and implementation of bare-knuckle fighting in Kansas.

David Toland
Secretary

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128-5-1. Professional boxing, professional kickboxing, professional bare-knuckle fighting, and professional full-contact karate contests. (a) Each ring used for professional boxing, professional kickboxing, professional bare-knuckle fighting, or professional full-contact karate contests shall consist of an area that is no smaller than 16 by 16 feet square and no larger than 20 by 20 feet square when measured within the ropes. The apron of the ring platform shall extend at least two feet beyond the ropes. The ring platform shall not be more than four feet above the floor of the building or the grounds of an outdoor arena. Steps to the ring shall be provided for the use of the contestants and officials.

(b)(1) Except as specified in paragraph (b)(2), each ring shall be fenced in with at least three ropes and not more than four ropes. Each rope shall be at least one inch in diameter. The ropes may be composed of Manila hemp, synthetic material, plastic, or any other similar material. Each rope shall be wrapped securely in soft material. If three ropes are used, the ropes shall extend in triple parallel lines at the heights of two feet, three feet, and four feet above the platform floor. If four ropes are used, the ropes shall be placed in parallel lines at the following heights:

	Height above the ring floor
(A) Lowest rope	18 inches
(B) second rope	30 inches
(C) third rope	42 inches
(D) top rope	54 inches

(2) For professional and amateur mixed martial art contests, a ring may have a fifth-rope conversion to meet the requirements of the act.

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(3) The ring platform shall be padded with a one-inch layer of Ensolite®, foam rubber, or an equivalent closed-cell foam material, which shall be placed on a one-inch base of Celotex™ or an equivalent type of building board. The padding shall be covered with canvas, duck, or a similar material that is tightly stretched and laced securely in place. Material that tends to gather in lumps or ridges shall not be used for the padding or the covering.

(c) Each ring post shall be at least three inches and not more than four inches in diameter and shall extend from the floor of the building or the ground in an outdoor arena to a minimum height of 58 inches above the ring platform. Each ring post shall be at least 18 inches away from the ring ropes. Each turnbuckle shall be covered with a protective padding.

(d) The promoter shall provide a bell, buzzer, gong, or horn that is sufficiently loud to enable the officials and contestants to hear it clearly.

(e) The spectator seats shall be placed no closer than eight feet from the outside edge of the apron of the ring. A physical barrier shall be placed eight feet outside the ring. The ringside area within that physical barrier shall be under the jurisdiction of the commission and shall be reserved for the sole use of designated working officials and the contestants.

(f) Gloves used in a boxing or kickboxing contest or exhibition shall meet the following requirements and shall be delivered to the commission at least one hour before the commencement of the first match of the event:

(1) Each glove shall weigh at least eight ounces but not more than ~~12~~16 ounces, except that the weight of the gloves to be used in a championship contest shall be specified by the commission.

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(2) The gloves shall be examined by the inspector and the referee. If padding in any ~~gloves~~ glove is found to be misplaced or lumpy or if any glove is found to be imperfect, the glove shall be changed before the event starts. No breaking, roughing, or twisting of any glove shall be permitted.

(3) If the gloves to be used have been used before, they shall be whole, clean, and in sanitary condition. The gloves shall be subject to inspection by the referee and a representative of the commission. If any glove is found to be unfit, it shall be replaced with a glove that meets the requirements of this subsection.

(4) Each promoter shall have an extra set of gloves of the appropriate weight available to be used if a glove is broken or otherwise damaged during an event.

~~(g)(5) For contests or exhibitions of boxing and kickboxing, each contestant shall wear gloves that weigh at least eight ounces but not more than 10 ounces, except that the weight of the gloves to be used in a championship contest shall be specified by the commission. Each glove shall have the distal portion of the thumb attached to the body of the glove to minimize the possibility of injury to an opponent's eye. (Authorized by K.S.A. 2012 Supp. 74-50,187; implementing K.S.A. 2012 Supp. 74-50,186 and 74-50,187; effective April 4, 2008; amended Dec. 20, 2013; amended P- _____.)~~

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128-6-8. Professional bare-knuckle fighting. Each professional bare-knuckle fighting (BKF) contest, also known as a professional bare-knuckle boxing contest, shall be conducted in accordance with this regulation.

(a) Each bout of professional BKF shall consist of at least four rounds but no more than 12 rounds. Each round shall be no more than two minutes in length, with a one-minute rest period between rounds.

(b) No professional BKF bout shall be advertised or promoted as a championship bout unless the commission specifically approves the bout as a championship bout.

(c) A BKF contestant shall not participate in a boxing, BKF, kickboxing, karate, or mixed martial arts bout in Kansas for at least seven days following a previous bout in Kansas or in any other jurisdiction.

(d) A BKF contestant whose license is currently suspended or has been revoked by the commission or any other athletic commission, domestic or foreign, shall not participate in any bout in Kansas until the suspension is lifted or until the license is reinstated.

(e) If a bout is deemed by the commission to be a mismatch that could expose one or both contestants to serious injury based on the record, experience, skill, or condition of each of the contestants, the bout shall be disapproved and cancelled by the commission.

(f) The schedule of weight classifications shall be as follows:

Classification	Weight
(1) Atomweight	over 105 and through 115 pounds
(2) Strawweight	over 115 and through 125 pounds
(3) Flyweight	over 125 and through 135 pounds

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- (4) Bantamweight over 135 and through 145 pounds
- (5) Featherweight over 145 and through 155 pounds
- (6) Lightweight over 155 and through 165 pounds
- (7) Welterweight over 165 and through 175 pounds
- (8) Middleweight over 175 and through 185 pounds
- (9) Light heavyweight over 185 and through 200 pounds
- (10) Cruiserweight over 200 and through 225 pounds
- (11) Heavyweight over 225 and through 265 pounds
- (12) Super heavyweight over 265 pounds

(g) Each contestant shall be weighed by the commissioner or the commissioner's designee within 48 hours before the contest. During the weigh-in, each male contestant shall have only his body on the scale, without any attire or equipment, but any female contestant may wear shorts and a top. If a contestant's weight does not fall within the range for the weight classification of the contested weight in which the contestant is scheduled to compete, the contestant shall be reweighed within two hours. If the contestant's weight still does not fall within the range for that weight category, the contestant may be disqualified by the commissioner for the safety of both contestants.

(h) Any contestant may be required by the commission to be reweighed one additional time if doubt concerning the contestant's actual weight exists.

(i) For each contestant whose weight exceeds the maximum amount, one or more of the following may be required as determined by the commission:

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(1) The contestant shall be allowed to lose up to two pounds of the contestant's existing weight.

(2) The contestant shall forfeit a portion of the purse.

(3) The contestant shall forfeit the contest.

(j) Each subsequent weigh-in shall be conducted at the venue of the event before the commencement of the event, as directed by the commission. Any contestant or the contestant's designee may be present to witness the weigh-in of the opponent.

(k) Each contestant shall fight only opponents who are in the contestant's weight classification. A bout between two contestants in different weight classifications may be approved by the commission if the difference between the weights of the two contestants does not exceed nine pounds, except for heavyweights and super heavyweights.

(l) After the time of the weigh-in, weight loss in excess of two pounds of the weight that the contestant had at the weigh-in shall not be permitted and shall not occur later than one hour after the contestant's initial weigh-in.

(m) Contestants scheduled to compete against one another may mutually agree to waive the requirements of subsection (i). This agreement shall be evidenced by a provision in the respective bout agreement and initialed by the contestants. The provision shall also provide notice to the contestants that there will be no restriction as to the amount of weight that the opponent may put on after the initial weigh-in and before the scheduled match.

(n) A one-pound allowance in the weight agreed upon in the bout agreement may be allowed by the commission. The one-pound allowance shall still be within the weight limits specified in subsection (f). No allowance shall be made for a championship bout.

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(o) A contestant who is required to appear at the specified time and place to be examined and weighed shall not leave the designated area without permission of the commission before the weigh-in or the physical examination.

(p) For each failure to make weight as specified in this regulation, the contestant may be subject to discipline or imposition of a civil penalty.

(q) If a contestant is unable due to illness to take part in a contest or exhibition in which the contestant has agreed to fight, the contestant shall immediately report the fact to the commission and, if requested by the commission, shall submit to an examination by a physician. The fee for the physician's examination shall be paid by the promoter if an examination is requested. Otherwise, the fee shall be paid by the contestant.

(r) The weight of each contestant or the classification in which each contestant will compete, or both, shall be announced at ringside.

(s) Each contestant's equipment shall meet the following requirements:

(1) The contestant's hands may be wrapped with gauze and tape that end no closer than 1/4 inch from the contestant's knuckles. The wrap shall include the wrist and may extend up to three inches past the junction of the wrist bone.

(A) Gauze may be applied to the wrist, palm of the hand, back of the hand, and thumb. The length of gauze used shall not exceed 15 feet per hand.

(B) Tape may be applied to the wrist, palm of the hand, back of the hand, and thumb. The tape shall not be greater than one inch in width and shall not exceed 10 feet in length per hand.

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(2) Each bandage of the contestant shall be applied in the presence of both an inspector and the other contestant.

(3) Each hand wrapping placed on a contestant shall be examined and approved by an inspector. Each approved hand wrap shall be initialed by the inspector who examined it. The opponent may be present.

(4) Either contestant may witness the bandaging and hand wrapping of the other contestant. A contestant may waive witnessing the bandaging or hand wrapping of the opponent's hands.

(5) Each contestant shall wear BKF-appropriate attire and protective devices, including a dental appliance or mouthpiece that has been individually fitted to the contestant and approved by the commissioner. Each male contestant shall wear a protective cup. Each contestant shall wear an abdominal protector that protects the contestant against injury from a foul blow. The abdominal protector shall not cover or extend above the umbilicus. Each female contestant shall wear a protective pelvic girdle and either a plastic breast protector or a sport bra.

(6) The belt of the shorts shall not extend above the waistline. Shorts shall be without pockets or openings and shall be subject to approval by the chief inspectors.

(7) Contestants shall not use any cosmetics when competing in the contest or exhibition.

(8) The inspector shall determine whether head or facial hair presents any hazard to the safety of a contestant or contestant's opponent or will interfere with the supervision of the contest or exhibition. A contestant shall not compete in the contest or exhibition unless the circumstances creating the hazard or potential interference are corrected to the satisfaction of the inspector.

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(9) A contestant shall not wear any jewelry or any piercing accessories when competing in the contest or exhibition.

(10) The contestants' fingernails and thumbnails shall not extend past the tip of the fingers and thumbs.

(11) Only Vaseline® or a similar petroleum-based product may be lightly applied to the face, arms, or any other exposed part of a contestant's body.

(t) Before starting a bout, the referee shall ascertain from each contestant the name of the contestant's chief second. Before each bout, the referee shall call together both contestants and their chief seconds for final instructions.

(u) No person other than the contestants and the referee shall enter the ring during a bout. A second or manager shall not stand or engage in any distracting actions while the bout is in progress. For each contestant's seconds and manager, a combined total of two warnings for violating any requirement of this subsection shall result in the removal of the seconds and manager from the ringside area, and any licensee may be subject to disciplinary action or civil penalty.

(v) Each preliminary contestant shall be ready to enter the ring immediately after the end of the preceding bout. Any contestant who is not ready to immediately proceed when called and, as a result, causes a delay may be subject to disciplinary action or civil penalty.

(w) Before the referee requests the physician to aid or examine a contestant, the referee shall direct the timekeeper to stop the clock until otherwise directed by the referee.

(x) All serious cuts or injuries to either contestant shall be treated by the physician. The physician shall determine whether to continue the bout as follows:

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(1) The physician may enter the ring if requested by the referee to examine an injury to a contestant.

(2) If serious cuts or injuries to either contestant occur, the referee shall summon the physician, who shall aid the contestant and decide if the bout will be stopped. The final authority to determine whether to continue the bout shall rest with the physician.

(3) If the physician determines that a contestant who is cut or injured by legal blows cannot continue, the referee shall announce that the cut or injured contestant loses by a technical knockout.

(4) The referee may request that the attending physician examine a contestant during the bout. The physician may order the referee to stop the bout. The referee shall then render the appropriate decision regarding the outcome of the bout in accordance with K.A.R. 128-4-7.

(5) Except at the request of the physician, no manager or second shall be permitted to aid a stricken contestant.

(y) If a contestant loses a dental appliance or mouthpiece during a round, the referee may call a time-out. If the referee calls a time-out for this reason, the referee shall direct the contestant's second to replace the dental appliance or mouthpiece.

(z) Before a contestant may resume competing after having been knocked down or having fallen or slipped to the floor of the ring, the referee shall wipe the hands of the contestant with a damp towel or the referee's shirt.

(aa) A contestant shall be deemed to be down when either of the following occurs:

(1) Any part of the contestant's body other than the feet is on the floor.

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(2) The contestant is hanging over the ropes without the ability to protect that contestant, and the contestant cannot fall to the floor.

(bb) When a contestant is knocked down, the referee shall order the opponent to retire to the farthest neutral corner of the ring by pointing to the corner and shall immediately begin the count over the downed contestant. The referee shall audibly announce the passing of the seconds and accompany the count with motions of the referee's arm, with the downward motion indicating the end of each second.

(cc) The timekeeper, by signaling, shall give the referee the correct one-second interval for the referee's count. The referee's count shall be the official count. Once the referee picks up the count from the timekeeper, the timekeeper shall cease counting. No contestant who is knocked down may be allowed to resume competing until the referee has finished counting to 10. The contestant may take the count either on the floor or standing.

(dd) If the opponent fails to stay in the farthest corner, the referee shall cease counting until the contestants have returned to their corners. The referee shall then resume the count from the point at which the count was interrupted. If the contestant who is down arises before the count of 10, the referee may step between the contestants long enough to assure the referee that the contestant who has just arisen is in a condition to continue. If so assured, the referee shall, without loss of time, order both contestants to continue the contest or exhibition. During the intervention by the referee, the striking of a blow by either contestant may be ruled a foul.

(ee) When a contestant is knocked out, the referee shall perform a full 10-second count unless, in the judgment of the referee, the safety of the contestant would be jeopardized by such a

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count. If the contestant who is knocked down is still down when the referee calls a count of 10, the referee shall wave both arms to indicate that the downed contestant has been knocked out.

(ff) If both contestants go down at the same time, the count shall continue as long as one contestant is still down. If both contestants remain down until the count of 10, the contest or exhibition shall be stopped and the decision shall be a technical draw.

(gg) If a contestant is down and the referee is in the process of counting at the end of a round, the bell indicating the end of a round shall not be sounded, but the bell shall be sounded as soon as the downed contestant stands up.

(hh) When a contestant has been knocked down before the normal termination of a round and the round is terminated before the contestant has arisen from the floor of the ring, the referee's count shall continue. If the contestant who is down fails to arise before the count of 10, the contestant shall be considered to have lost the contest or exhibition by a knockout in the round that just concluded.

(ii) If a legal blow struck in the final seconds of a round causes a contestant to go down after the bell has sounded, that knockdown shall be regarded as having occurred during the round just ended and the appropriate count shall continue.

(jj) If a knockdown occurs before the normal termination of a round and the downed contestant stands up before the count of 10 is reached and then falls down immediately without being struck, the referee shall resume the count from the point at which the count was left off.

(kk) Any contest or exhibition may be adjudged a technical knockout to the credit of the winner if the contest or exhibition is terminated because a contestant meets any of the following conditions:

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- (1) Is unable to continue;
- (2) is not honestly competing;
- (3) is injured; or
- (4) is disqualified.

(ll) Each contest or exhibition that is won by other than a full count of 10 or the scoring of the judges shall be adjudged a technical knockout to the credit of the winner.

(mm) A referee may count a contestant out if the contestant is on the floor or being held up by the ropes.

(nn) Each contestant who has been knocked out shall be kept lying down until the contestant has recovered. If a contestant is knocked out, only the referee and the physician may touch the contestant. The referee shall remove the injured contestant's mouthpiece and stay with the contestant until the physician enters the ring, personally attends to the contestant, and issues any necessary instructions to the contestant's second.

(oo) Each of the following tactics or actions shall be an intentional foul:

- (1) Hitting an opponent below the belt;
- (2) hitting an opponent who is down or is getting up after being down;
- (3) holding an opponent with one hand and hitting the opponent with the other hand;
- (4) holding an opponent or deliberately maintaining a clinch;
- (5) wrestling or kicking an opponent;
- (6) striking an opponent who is helpless as the result of blows but is supported by the ropes and does not fall;
- (7) butting an opponent with the head, shoulder, knee, or elbow;

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- (8) hitting an opponent with the back of the hand, with the butt of the hand, with the wrist or the elbow, or with pivot blows or spinning back fists;
- (9) going down without being hit;
- (10) striking an opponent's body over the kidneys;
- (11) hitting an opponent on the back of the head or neck;
- (12) gouging an opponent's eye;
- (13) using abusive language in the ring;
- (14) hitting during a break, which is signaled by the referee's command or physical act to separate two contestants;
- (15) hitting an opponent after the bell has sounded, ending the round;
- (16) using the ropes to gain an advantage over an opponent;
- (17) pushing an opponent around the ring or into the ropes;
- (18) showing timidity, including intentionally spitting out the mouthpiece;
- (19) biting an opponent;
- (20) putting a finger into any orifice of an opponent or into any cut or laceration on an opponent;
- (21) pulling an opponent's hair;
- (22) manipulating an opponent's fingers; and
- (23) engaging in any other action not described in this subsection that is deemed an intentional foul by the referee on the basis that the action poses a danger to the safety of either contestant, impedes fair and competitive play, or is unsportsmanlike.

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(pp)(1) If a contestant fouls the opponent during a contest or exhibition or commits any other infraction, the referee may penalize the contestant by deducting points from contestant's score, whether or not the foul or infraction was intentional. The referee may determine the number of points to be deducted in each instance and shall base the determination on the severity of the foul or infraction and its effect upon the opponent.

(2) If the referee determines that it is necessary to deduct one or more points because of a foul or infraction, the referee shall warn the offender of the penalty to be assessed.

(3) The referee shall, as soon as is practical after the foul, notify the judges and both contestants of the number of points, if any, to be deducted from the score of the offender.

(4) Each point to be deducted for any foul or infraction shall be deducted in the round in which the foul or infraction occurred. These points shall not be deducted from the score in any subsequent round.

(qq) A contestant shall not be declared the winner of a contest or exhibition on the basis of that contestant's claim that the opponent committed a foul by hitting the contestant below the belt. If a contestant falls to the floor of the ring or otherwise indicates that the contestant is unwilling to continue because of an overruled claim of a low blow, the contest or exhibition shall be declared to be a technical knockout in favor of the contestant who is willing to continue.

(rr) Any contestant guilty of a foul in a contest or exhibition may be disqualified by the referee, and the contestant's purse may be withheld by the commission. Disposition of the purse and the penalty to be imposed upon the contestant shall be determined by the commission.

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(ss) If the referee determines that a contest or exhibition shall not continue because of an injury caused by an intentional foul, the contestant who committed the intentional foul shall lose by disqualification.

(tt) If the referee determines that a contest or exhibition may continue despite an injury caused by an intentional foul, the contestant who committed the intentional foul shall lose by disqualification.

(uu) If an injury caused by an intentional foul results in the contest or exhibition being stopped in a later round, one of the following shall apply:

(1) The injured contestant shall win by technical decision if that individual is ahead on the scorecards.

(2) The contest or exhibition shall be declared a technical draw if the injured contestant is behind or even on the scorecards.

(vv) If a contestant is injured while attempting to foul the contestant's opponent, the referee shall not take any action in the contestant's favor and the injury shall be treated the same as an injury produced by a fair blow.

(ww) If a contest or exhibition is stopped because of an accidental foul, the referee shall determine whether the contestant who has been fouled can continue. If the contestant's chance of winning has not been seriously jeopardized as a result of a foul and if the foul did not involve a concussive impact to the head of the contestant who was fouled, the referee may order the contest or exhibition to be continued after a reasonable interval. Before the contest or exhibition resumes, the referee shall inform the commission of the referee's determination that the foul was accidental.

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(xx) If the referee determines that a contest or exhibition shall not continue because of an injury suffered as a result of an accidental foul, the contest or exhibition shall be declared a no-contest decision if the foul occurs during either of the following:

(1) The first three rounds of a contest or exhibition that is scheduled for six rounds or less; or

(2) the first four rounds of a contest or exhibition that is scheduled for more than six rounds.

(yy) The outcome of a contest or exhibition shall be determined by scoring the completed rounds and the round during which the referee stops the contest or exhibition if an accidental foul renders a contestant unable to continue the contest or exhibition after either of the following:

(1) The completed third round of a contest or exhibition that is scheduled for six rounds or less; or

(2) the completed fourth round of a contest or exhibition that is scheduled for more than six rounds.

(zz) If an injury inflicted by an accidental foul later becomes aggravated by fair blows and the referee orders the contest or exhibition stopped because of the injury, the outcome shall be determined by scoring the completed rounds and the round during which the referee stops the contest or exhibition.

(aaa) A contestant shall not leave the ring or, if the contest or exhibition is being held in a fenced area, the fenced area, during any period of rest that follows each round. If any contestant fails or refuses to resume competing when the bell sounds signaling the commencement of the next round, the referee shall award a decision of technical knockout to the contestant's opponent

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at the round that has last been finished. However, a determination of whether the circumstances warrant reversal of the referee's decision, disciplinary action, or civil penalty may be made later by the commission.

(bbb) If a contestant has been knocked or has fallen through the ropes and over the edge of the ring platform during a contest or exhibition, both of the following shall apply:

(1) The contestant may be helped back by anyone except the contestant's seconds or manager. The referee shall stop the clock, assess the contestant's condition, and resume time once the contestant is able to safely reenter the ring.

(2) The contestant shall be given 20 seconds to return to the ring.

(ccc) For a contestant who has been knocked or has fallen on the ring platform outside the ropes but not over the edge of the ring platform, both of the following shall apply:

(1) The contestant shall not be helped back by anyone, including the contestant's second and manager. The referee may stop the clock and assess the situation until the contestant is able to return to the ring.

(2) The contestant shall be given 10 seconds to regain the contestant's feet and get back into the ring.

(ddd) If the second or manager of a contestant who has been knocked down or has fallen helps the contestant back into the ring, this help may be cause for disqualification.

(eee) If one contestant has fallen through the ropes, the other contestant shall retire to the farthest corner and stay there until ordered by the referee to continue the contest or exhibition.

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(fff) Any contestant who deliberately wrestles or throws an opponent from the ring or who hits an opponent when the opponent is partly out of the ring and is prevented by the ropes from assuming a position of defense may be penalized.

(ggg) At the termination of each contest or exhibition, the announcer shall announce the winner and the referee shall raise the hand of the winner.

(hhh) A decision rendered at the end of any contest or exhibition shall not be changed by the commission, unless one of the following occurs:

(1) The commission determines that there was collusion affecting the result of the contest or exhibition.

(2) The compilation of the scorecards of the judges discloses an error showing that the decision was given to the wrong contestant.

(3) The referee has rendered an incorrect decision as the result of an error in interpreting a provision of this regulation.

(iii) Each judge of a BKF contest shall score the contest and determine the winner through the use of the ten-point must system as follows:

(1) The better contestant of each round shall receive 10 points and the opponent proportionately less.

(2) If the round is even, each contestant shall receive 10 points.

(3) No fraction of a point may be given.

(4) Points for each round shall be awarded immediately after the end of the round.

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(jjj)(1) After the end of the BKF contest or exhibition, the announcer shall pick up the scores of the judges from the commission's desk. The majority opinion shall be conclusive. If there is no majority opinion, the decision shall be a draw.

(2) When the inspector has checked the scores, the inspector shall inform the announcer of the decision, and the announcer shall inform the audience of the decision over the speaker system.

(3) Incomplete rounds shall be scored by the judges. If the referee penalizes either contestant in an incomplete round, the appropriate points shall be deducted. (Authorized by K.S.A. 74-50,187, 74-50,193, and 74-50,197; implementing K.S.A. 74-50,186, 74-50,187, and 74-50,197; effective P-_____.)

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Division of the Budget

**Kansas Administrative Regulations
Economic Impact Statement
For the Kansas Division of the Budget**

Commerce, Kansas Athletic Commission

Agency

Mr. Adam Roorbach

Agency Contact

(785) 296-0596

Contact Phone Number

128-5-1; 128-6-8

K.A.R. Number(s)

Submit a hard copy of the proposed rule(s) and regulation(s) and any external documents that the proposed rule(s) and regulation(s) would adopt, along with the following to: Division of the Budget

900 SW Jackson, Room 504-N
Topeka, KS 66612

I. Brief description of the proposed rule(s) and regulation(s).

The Kansas Athletic Commission (KAC) seeks to add bare-knuckle fighting as a regulated combat sport. The proposed changes include language that would establish bare-knuckle fighting as its own sanctioned sport, as opposed to a variation of one of the existing sports.

II. Statement by the agency if the rule(s) and regulation(s) is mandated by the federal government and a statement if approach chosen to address the policy issue is different from that utilized by agencies of contiguous states or the federal government. (If the approach is different, then include a statement of why the Kansas rule and regulation proposed is different)

The proposed changes are not mandated by the federal government.

III. Agency analysis specifically addressing following:

A. The extent to which the rule(s) and regulation(s) will enhance or restrict business activities and growth;

The proposed regulations provide an opportunity for promoters to bring a new type of event to the State of Kansas. The Athletic Commission believes these events will induce additional economic activity through event-related spending. Five factors will determine the overall size of the impact: substitution, crowding out, leakages, cost, and intangibles.

First, although residents might increase their purchases associated with special events, such as concerts, festivals, and professional sporting events, they will often reduce other types of expenditures to stay within their budget. Consequently, while the economic impact appears positive, it may not be as high as anticipated when you consider this substitution effect.

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Second, increased consumption from visitors on lodging, dining, retail shopping, and entertainment boosts economic activity, but some residents may decide to avoid the crowded areas and congestion caused by the sporting event. This crowding out of regular economic activity offsets some of the benefit from out-of-town spectators.

Third, leakages occur when a portion of event-related spending does not remain in the local economy. This is because some of the labor and business expenditures are imported or require out-of-state workers. Many of the bare-knuckle participants will most likely come from out of state, at least initially. Similarly, if an event promoter is based out of state, and not all event-related revenue is spent locally, the additional profit should not be considered part of the economic impact for the state.

The fourth factor includes the costs of hosting a professional sporting event, which can be high, particularly when they involve additional investment in infrastructure. Although these projects provide a short-term economic improvement, achieving a positive return depends on several factors, including risk allocation, taxes, funding sources, and utilization rates. If a project is not properly planned and executed, the outcome could be negative, and tax payers could be on the hook for the losses. This is not the case for KAC sanctioned events as suitable venues already exist.¹

Finally, professional sporting events can bring intangible benefits, such as social media exposure and enhanced reputation, if the experience exceeds expectations. This is most likely to benefit lesser-known travel destinations. The benefits may not be as large for places that are already popular destinations for conventions, business activity, and tourism. Kansas would be among the first few states to offer bare-knuckle fighting as a spectator sport; additionally, Kansas would be the first state to establish bare-knuckle fighting as a standalone, regulated sporting event. This innovation could enhance the state's image.

B. The economic effect, including a detailed quantification of implementation and compliance costs, on the specific businesses, sectors, public utility ratepayers, individuals, and local governments that would be affected by the proposed rule and regulation and on the state economy as a whole;

We estimate that each bare-knuckle fighting event could bring in around \$13,700, approximately 50 percent of which would go into the state general fund. We only included income from activity we know, ex ante, would not occur without the additional events, such as tax revenue from money paid to the fighters and the Athletic Commission's share of pay-per-view and ticket sales.

¹ See Section D.

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We believe this number represents a lower bound on the impact these events could have on the Kansas economy as the state would also receive income from sales taxes on concessions, ticket sales, and hotel rooms for out-of-town guests; however, without a way to estimate the share of activity that would not have occurred without the event, we decided to omit these figures from our analysis.²

Pay-Per-View and Gate Revenue:

We estimated the Athletic Commission's share of the event revenue using the following formula:³

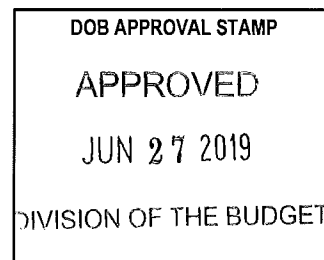
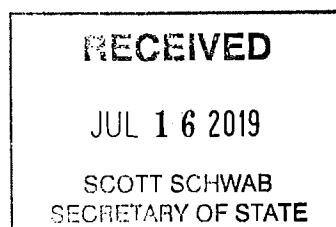
$$\begin{aligned}
 \text{KAC Revenue} &= (\text{tickets sold} \times \$25 \times 0.05 + \text{PPV buys} \times \$12 \times 0.03 \\
 &\quad + \text{permit fee}) \times 0.9 - \text{inspection cost} \\
 &= (2,000 \times \$25 \times 0.05 + 12,500 \times \$12 \times 0.03 + \$40) \times 0.9 \\
 &\quad - \$45 \\
 &= \$6,291
 \end{aligned}$$

Gate Revenue – The Athletic Commission receives five percent of the gate. The Athletic Commission believes, at least initially, these events will take place at the Kansas Star Casino. For an event of this type at the Kansas Star Casino, full capacity is approximately 3,000. We assume gate receipts total \$50,000: 2,000 tickets at \$25 per ticket.

Pay-Per-View Sales – In addition to five percent of the gate, the promoter has agreed to pay the Athletic Commission three percent of the profit from pay-per view sales, which he estimates will be \$12 per buy. The promoter estimated the number of buys at 25,000, but we cut this number in half to provide a more conservative estimate.

² To be sure, methods exist to estimate this activity, such as surveying event-goers, but the Commission does not currently have this kind of data.

³ K.S.A. 74-50,188 requires the Athletic Commission to deposit ten percent of all fees, charges, and penalties into the state general fund. The inspection cost is a result of this requirement. The Athletic Commission receives the funds to pay the inspector from the event promoter, so the Athletic Commission ends up paying 10 percent of the inspection cost.



Tax Revenue:

We estimated the state’s portion of event-related economic activity using the following formula:

$$\begin{aligned}
\text{Tax Revenue} &= (\text{fighter income} + \text{inspector income} + \dots + \text{referee income}) \\
&\quad \times 0.031 + \text{room nights} \times 75 \times 0.065 + \text{KAC Revenue} \times 0.1 \\
&= (\$140,000 + \$450 + \dots + \$3,500) \times 0.031 + 474 \times \$75 \times 0.065 \\
&\quad + \$6,291 \times 0.1 \\
&= \$7,463.25
\end{aligned}$$

Income Tax – Here we assume all fighters receive an equal share of the purse. This may not be a realistic assumption, as the main event would likely take 40 to 50 percent of the total purse, but an equal share assumption provides the most conservative estimate for the anticipated income tax revenue. We also assume the individual income tax liabilities start accruing at the lowest marginal rate, but we do not account for deductions or personal exemptions.

Sales Tax – The average price of a hotel room at the Hampton Inn & Suites, the hotel adjacent to the Kansas Star Casino, is \$129 per night; however, this hotel is not large enough to accommodate 24 fighters and 450 production staff, so these individuals would need to allocate themselves among other hotels in the area. We estimate the fighters and production staff will pay an average of \$75 per night for a hotel room within 10 miles of the event venue.⁴

C. Businesses that would be directly affected by the proposed rule and regulation;

In addition to the venues at which they are held, professional sporting events directly impact several other areas of the economy: dining, retail shopping, lodging, and commercial transportation, just to name a few. The Athletic Commission believes the Kansas Star Casino in Mulvane and Memorial Hall in Kansas City represent likely venues for the initial events, so these specific venues and the surrounding retail, dining, and lodging establishments in these areas would be impacted by bare-knuckle fighting events.

D. Benefits of the proposed rule(s) and regulation(s) compared to the costs;

The Athletic Commission anticipates at least two bare-knuckle fighting events per year, at least initially. When you factor in license fees for 24 fighters and the cost of drafting the legislation, we estimate these events could bring in around \$30,000 during the first

⁴ This includes mostly hotels in Mulvane, Haysville, and Derby. We used Trivago to estimate the average rate for a hotel room in this area. The average rate for a hotel room in Wichita is \$105, according to Trivago’s 2016 U.S. Best Value Cities.

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year.⁵ This assumes the same 24 fighters compete in both events. The Commission will bring in additional fees as new fighters apply for bare-knuckle licenses, but we made no attempt to estimate the arrival rate of new fighters. We also assume each fighter brings two seconds. Again, these figures represent a lower bound on the economic benefit to the Athletic Commission and the State of Kansas as we have not attempted to capture the impact of spending by out-of-town guests.

As previously stated, the intangible benefit associated with being the first state to regulate bare knuckle fighting as a standalone, regulated combat sport could be significant. Other states are currently using loopholes in the regulations of other sports to hold bare-knuckle fighting events. The Athletic Commission is trying to set Kansas apart from other states by doing something other states are not doing, but it is difficult to assess the size of this benefit, ex ante.

Regarding other potential costs, Kansas already has several suitable venues that do not require renovations. As previously mentioned, the KAC believes the Kansas Star Casino and Memorial Hall would be good candidates for bare-knuckle fighting events. The Kansas Star Casino opened in a temporary facility in December 2011, and the permanent facility opened a year later. The temporary facility was converted to its permanent use as a 3,400-seat arena in June 2013. Memorial Hall was built in the 1920s, but it recently received a new air conditioning unit in August 2018, making the building more event friendly to the public.⁶

E. Measures taken by the agency to minimize the cost and impact of the proposed rule(s) and regulation(s) on business and economic development within the State of Kansas, local government, and individuals;

The regulations stipulate that an event promoter must submit a \$10,000 surety bond with the event application. The surety bond guarantees the payment of all state athletic fees due to the Athletic Commission and any unpaid amounts owed to officials and contestants. The Commission may require an additional bond if it reasonably expects the original bond will not provide adequate financial assurance.

Additionally, the regulations require the promoter to submit a policy of accident insurance on each contestant. These policies compensate the contestants for any medical and hospital expenses incurred as a result of injuries sustained while participating in an event; the promoter pays the premiums for these policies.

⁵ The Kansas Register estimated the cost to publish the regulations at \$658, which the Athletic Commission would be able to cover with licensing fees alone.

⁶ Grant funding administered through the Kansas State Historical Society and Community Development Block Grant Program, county taxpayers, Revitalization Committee fundraisers, and private donations have offset expenses associated with repair work, enhancements, restorations, and energy efficient upgrades at Memorial Hall.

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F. An estimate, expressed as a total dollar figure, of the total annual implementation and compliance costs that are reasonably expected to be incurred by or passed along to business, local governments, or members of the public.

\$0

Do the above total implementation and compliance costs exceed \$3.0 million over any two-year period?

YES NO

Give a detailed statement of the data and methodology used in estimating the above cost estimate.

The event promoter and the Athletic Commission bear certain implementation and compliance costs, such as payments to referees, judges, and inspectors, but these costs do not get passed through to businesses, local governments, or the public at large. Rather, the promoter recuperates these costs through ticket and pay-per-view sales.

Prior to the submission or resubmission of the proposed rule(s) and regulation(s), did the agency hold a public hearing if the total implementation and compliance costs exceed \$3.0 million over any two-year period to find that the estimated costs have been accurately determined and are necessary for achieving legislative intent? If applicable, document when the public hearing was held, those in attendance, and any pertinent information from the hearing.

YES NO

G. If the proposed rule(s) and regulation(s) increases or decreases revenues of cities, counties or school districts, or imposes functions or responsibilities on cities, counties or school districts that will increase expenditures or fiscal liability, describe how the state agency consulted with the League of Kansas Municipalities, Kansas Association of Counties, and/or the Kansas Association of School Boards.

The Athletic Commission did not consult the League of Kansas Municipalities, the Kansas Association of Counties, or the Kansas Association of School Boards. The proposed regulations should not decrease city, county, or school district revenue, nor should they impose additional functions or responsibilities on these local entities. Cities and counties may directly benefit from sales taxes associated with event-related activity, if such taxes exist, but school districts are unlikely to directly benefit from bare-knuckle events.

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H. Describe how the agency consulted and solicited information from businesses, associations, local governments, state agencies, or institutions and members of the public that may be affected by the proposed rule(s) and regulation(s).

Given the extremely low perceived risks to local businesses, members of the public, and the Kansas economy in general, the Athletic Commission drafted the changes without consulting businesses, associations, local governments, or members of the public. The Athletic Commission, which includes a chiropractor, a primary care physician, and a member of the Kansas House of Representatives, voted unanimously to adopt the proposed regulations, and the Kansas Department of Commerce fully supports the Athletic Commission in its pursuit to establish bare-knuckle fighting as a stand-alone sport.

I. For environmental rule(s) and regulation(s) describe the costs that would likely accrue if the proposed rule(s) and regulation(s) are not adopted, as well as the persons would bear the costs and would be affected by the failure to adopt the rule(s) and regulation(s).

N/A

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