

BEFORE THE DEPARTMENT OF LABOR AND INDUSTRY
STATE OF MONTANA

In the matter of the repeal of ARM)	NOTICE OF PROPOSED REPEAL
24.117.101 board organization,)	
24.117.401 general information,)	NO PUBLIC HEARING
24.117.1001, 24.117.1002,)	CONTEMPLATED
24.117.1005 through 24.117.1007)	
club boxing, 24.117.1101 through)	
24.117.1108 kickboxing, 24.117.1202)	
through 24.117.1208 wrestling,)	
24.117.1301 Australian tag team)	
wrestling, 24.117.1501, 24.117.1504,)	
24.117.1507, 24.117.1510,)	
24.117.1513, 24.117.1516,)	
24.117.1519, 24.117.1522, and)	
24.117.1525 mixed martial arts, and)	
24.117.2303 license suspension and)	
revocation)	

TO: All Concerned Persons

1. On November 10, 2014, the Department of Labor and Industry proposes to repeal the above-stated rules.

2. The Department of Labor and Industry (department) will make reasonable accommodations for persons with disabilities who wish to participate in the rulemaking process and need an alternative accessible format of this notice. If you require an accommodation, contact the Athletics Program no later than 5:00 p.m., on October 24, 2014, to advise us of the nature of the accommodation that you need. Please contact Adam de Yong, Athletics Program, 301 South Park Avenue, P.O. Box 200513, Helena, Montana 59620-0513; telephone (406) 841-2243; Montana Relay 1 (800) 253-4091; TDD (406) 444-2978; facsimile (406) 841-2305; or dlibsdate@mt.gov (program's e-mail).

3. REASONABLE NECESSITY: The 2009 Montana Legislature enacted House Bill 171, an act that eliminated the department's regulation of professional and semiprofessional combative events and retaining only the regulation of professional boxing in Montana. Although the department has not licensed or regulated these athletic events and participants since 2009, it is reasonably necessary to repeal all administrative rules related to club boxing, kickboxing, wrestling, and mixed martial arts to align with the statutory changes.

4. The rules proposed to be repealed are as follows:

24.117.101 BOARD ORGANIZATION located at page 24-8511, Administrative Rules of Montana.

AUTH: 23-3-405, MCA
IMP: 2-4-201, MCA

REASON: The department is repealing this rule as unnecessary, since legislation in 2007 changed the board of athletics to a department program.

24.117.401 GENERAL INFORMATION located at page 24-8531, Administrative Rules of Montana.

AUTH: 23-3-405, MCA
IMP: 23-3-405, MCA

REASON: The department is repealing this rule as unnecessary, since it contains only the address of the former board, which was changed to a program in 2007.

24.117.1001 INTRODUCTION located at page 24-8701, Administrative Rules of Montana.

AUTH: 23-3-405, MCA
IMP: 23-3-405, MCA

24.117.1002 CLUB BOXING CONTESTANTS located at page 24-8701, Administrative Rules of Montana.

AUTH: 23-3-405, MCA
IMP: 23-3-404, 23-3-405, 23-3-501, 23-3-603, MCA

24.117.1005 CLUB BOXING--CONTEST REGULATIONS located at page 24-8701, Administrative Rules of Montana.

AUTH: 23-3-405, MCA
IMP: 23-3-405, MCA

24.117.1006 CLUB BOXING--WEIGHTS AND CLASSES located at page 24-8702, Administrative Rules of Montana.

AUTH: 23-3-405, MCA
IMP: 23-3-405, MCA

24.117.1007 CLUB BOXING--REQUIRED EQUIPMENT located at page 24-8702, Administrative Rules of Montana.

AUTH: 23-3-405, MCA
IMP: 23-3-405, MCA

24.117.1101 GENERAL RULES APPLICABLE located at page 24-8721, Administrative Rules of Montana.

AUTH: 23-3-405, MCA
IMP: 23-3-405, MCA

24.117.1102 CONDUCT OF ATHLETIC EVENTS located at page 24-8721, Administrative Rules of Montana.

AUTH: 23-3-405, MCA
IMP: 23-3-405, MCA

24.117.1103 SWEEPS located at page 24-8721, Administrative Rules of Montana.

AUTH: 23-3-405, MCA
IMP: 23-3-405, MCA

24.117.1104 FOULS located at page 24-8722, Administrative Rules of Montana.

AUTH: 23-3-405, MCA
IMP: 23-3-405, MCA

24.117.1105 KICKING REQUIREMENTS located at page 24-8723, Administrative Rules of Montana.

AUTH: 23-3-405, MCA
IMP: 23-3-405, MCA

24.117.1106 CONTESTANT'S EQUIPMENT located at page 24-8724, Administrative Rules of Montana.

AUTH: 23-3-405, MCA
IMP: 23-3-405, MCA

24.117.1107 WEIGHT CLASSES located at page 24-8725, Administrative Rules of Montana.

AUTH: 23-3-405, MCA
IMP: 23-3-405, MCA

24.117.1108 KICKBOXING OFFICIALS located at page 24-8726, Administrative Rules of Montana.

AUTH: 23-3-405, MCA
IMP: 23-3-405, MCA

24.117.1202 WRESTLING CONTESTANT located at page 24-8751, Administrative Rules of Montana.

AUTH: 23-3-405, MCA
IMP: 23-3-404, 23-3-405, MCA

24.117.1203 REFEREE located at page 24-8751, Administrative Rules of Montana.

AUTH: 23-3-405, MCA
IMP: 23-3-404, 23-3-405, 23-3-501, 23-3-603, MCA

24.117.1204 TIME LIMITATIONS located at page 24-8752, Administrative Rules of Montana.

AUTH: 23-3-405, MCA
IMP: 23-3-405, MCA

24.117.1205 HOLDS located at page 24-8752, Administrative Rules of Montana.

AUTH: 23-3-405, MCA
IMP: 23-3-405, MCA

24.117.1206 FALLS AND DECISIONS located at page 24-8753, Administrative Rules of Montana.

AUTH: 23-3-405, MCA
IMP: 23-3-405, MCA

24.117.1207 DELAYS IN CONTEST located at page 24-8753, Administrative Rules of Montana.

AUTH: 23-3-405, MCA
IMP: 23-3-405, MCA

24.117.1208 RING EQUIPMENT located at page 24-8753, Administrative Rules of Montana.

AUTH: 23-3-405, MCA
IMP: 23-3-405, MCA

24.117.1301 AUSTRALIAN TAG TEAM WRESTLING located at page 24-8771, Administrative Rules of Montana.

AUTH: 23-3-405, MCA

IMP: 23-3-405, MCA

24.117.1501 RING AND ARENA REQUIREMENTS located at page 24-8783, Administrative Rules of Montana.

AUTH: 23-3-405, MCA

IMP: 23-3-404, 23-3-405, MCA

24.117.1504 DURATION OF CONTESTS AND EXHIBITIONS located at page 24-8789, Administrative Rules of Montana.

AUTH: 23-3-405, MCA

IMP: 23-3-404, 23-3-405, MCA

24.117.1507 WEIGHT CLASSES OF UNARMED COMBATANTS - WEIGHT LOSS AFTER WEIGH-IN located at page 24-8789, Administrative Rules of Montana.

AUTH: 23-3-405, MCA

IMP: 23-3-404, 23-3-405, MCA

24.117.1510 PROPER ATTIRE located at page 24-8797, Administrative Rules of Montana.

AUTH: 23-3-405, MCA

IMP: 23-3-404, 23-3-405, MCA

24.117.1513 METHOD OF JUDGING located at page 24-8797, Administrative Rules of Montana.

AUTH: 23-3-405, MCA

IMP: 23-3-404, 23-3-405, MCA

24.117.1516 ACTS CONSTITUTING FOULS located at page 24-8801, Administrative Rules of Montana.

AUTH: 23-3-405, MCA

IMP: 23-3-404, 23-3-405, MCA

24.117.1519 DEDUCTION OF POINTS FOR FOULS located at page 24-8805, Administrative Rules of Montana.

AUTH: 23-3-405, MCA

IMP: 23-3-404, 23-3-405, MCA

24.117.1522 ACCIDENTAL FOULS located at page 24-8805, Administrative Rules of Montana.

AUTH: 23-3-405, MCA
IMP: 23-3-404, 23-3-405, MCA

24.117.1525 CONTEST RESULTS located at page 24-8806, Administrative Rules of Montana.

AUTH: 23-3-405, MCA
IMP: 23-3-404, 23-3-405, MCA

24.117.2303 LICENSE SUSPENSION AND REVOCATION located at page 24-8855, Administrative Rules of Montana.

AUTH: 23-3-405, MCA
IMP: 23-3-405, 37-1-131, 37-1-136, 37-1-303, 37-1-307, 37-1-308, 37-1-309, 37-1-310, 37-1-311, 37-1-312, 37-1-313, 37-1-314, MCA

REASON: The department is repealing this rule, since it references provisions in Title 37, chapter 1, part 3, MCA, that only apply to licensing boards, not department programs.

5. Concerned persons may submit their data, views, or arguments concerning the proposed repeal in writing to the Athletics Program, Department of Labor and Industry, 301 South Park Avenue, P.O. Box 200513, Helena, Montana 59620-0513, by facsimile to (406) 841-2305, or e-mail to dlibsath@mt.gov, to be received no later than 5:00 p.m., November 7, 2014.

6. If persons who are directly affected by the proposed action wish to express their data, views, or arguments orally or in writing at a public hearing, they must make written request for a hearing and submit this request along with any written comments to Adam de Yong at the above address no later than 5:00 p.m., November 7, 2014.

7. If the board receives requests for a public hearing on the proposed repeals from either 10 percent or 25, whichever is less, of the persons who are directly affected by the proposed rules; from the appropriate administrative rule review committee of the Legislature; from a governmental subdivision or agency; or from an association having not less than 25 members who will be directly affected, a hearing will be held at a later date. Notice of the hearing will be published in the Montana Administrative Register. Ten percent of those persons directly affected has been determined to be five persons based on the average number of active licensees over the past three fiscal years.

8. An electronic copy of this notice is available at www.athletics.mt.gov (department and program's web site). The department strives to make the electronic copy of this notice conform to the official version of the notice, as printed in the Montana Administrative Register, but advises all concerned persons that in the

event of a discrepancy between the official printed text of the notice and the electronic version of the notice, only the official printed text will be considered. In addition, although the department strives to keep its web site accessible at all times, concerned persons should be aware that the web site may be unavailable during some periods, due to system maintenance or technical problems, and that technical difficulties in accessing or posting to the e-mail address do not excuse late submission of comments.

9. The program maintains a list of interested persons who wish to receive notices of rulemaking actions proposed by this program. Persons who wish to have their name added to the list shall make a written request that includes the name, e-mail, and mailing address of the person to receive notices and specifies that the person wishes to receive notices regarding all program administrative rulemaking proceedings or other administrative proceedings. The request must indicate whether e-mail or standard mail is preferred. Such written request may be sent or delivered to the Athletics Program, 301 South Park Avenue, P.O. Box 200513, Helena, Montana 59620-0513, faxed to the office at (406) 841-2305, e-mailed to dlibsdate@mt.gov, or made by completing a request form at any rules hearing held by the agency.

10. The bill sponsor contact requirements of 2-4-302, MCA, do not apply.

11. With regard to the requirements of 2-4-111, MCA, the department has determined that the repeal of ARM 24.117.101, 24.117.401, 24.117.1001, 24.117.1002, 24.117.1005, 24.117.1006, 24.117.1007, 24.117.1101 through 24.117.1108, 24.117.1202 through 24.117.1208, 24.117.1301, 24.117.1501, 24.117.1504, 24.117.1507, 24.117.1510, 24.117.1513, 24.117.1516, 24.117.1519, 24.117.1522, 24.117.1525, and 24.117.2303 will not significantly and directly impact small businesses.

Documentation of the board's above-stated determination(s) is available upon request to the Athletics Program, Department of Labor and Industry, 301 South Park Avenue, P.O. Box 200513, Helena, Montana 59620-0513; telephone (406) 841-2243; facsimile (406) 841-2305; or e-mail dlibsdate@mt.gov.

/s/ DARCEE L. MOE
Darcee L. Moe
Rule Reviewer

/s/ PAM BUCY
Pam Bucy, Commissioner
DEPARTMENT OF LABOR AND INDUSTRY

Certified to the Secretary of State September 29, 2014