



Nez Perce

TRIBAL EXECUTIVE COMMITTEE

P.O. BOX 305 • LAPWAI, IDAHO 83540 • (208) 843-2253

# NOTICE

## AMENDMENTS TO THE NEZ PERCE TRIBAL CODE

This notice is being posted August 14, 2019, according to the Nez Perce Tribal Code § 1-4-2 to request written comments for the following proposed amendments (see attached):

### §6-9-4 Term of Membership

Upon adoption of this Chapter by the Nez Perce Tribal Executive Committee (NPTEC), the NPTEC shall by Resolution appoint the Commission members. These initial terms of the Commission members, shall be for one year for ~~onetwo of the~~ representatives, for two years for ~~onetwo of the~~ representatives, and for three years for one ~~of the~~ representatives. At the expiration of these terms, the NPTEC shall appoint qualified successors for a ~~threetwo~~-year term. A sitting Commissioner shall automatically be nominated to serve on the Commission when his term expires unless he notifies the NPTEC he does not wish to be nominated to serve a new term or NPTEC determines that he no longer meets the qualifications of serving on the Commission and appoints another candidate. Members of the Commission shall ~~not~~ receive compensation for their services in the amount of \$300.00 per event. Compensation will only be paid to participating commissioners personally attending the entire event.

### STATEMENT OF PURPOSE:

Currently the Athletic Commission does not receive compensation. This amendment will allow the Athletic Commission to receive compensation per event rather than per meeting. The amendment will allow for renewable terms.

### WRITTEN COMMENT PERIOD:

The Law and Order & Intergovernmental Affairs Subcommittee will be accepting written comments on the proposed amendment being applied to the Code. Please submit written comments to: Liz Arthur-Attao, Chairman, Law and Order Subcommittee, P. O. Box 305, Lapwai, ID 83540; email to [liza@nezperce.org](mailto:liza@nezperce.org), fax to (208) 843-7354 or hand deliver to the NPTEC offices in Lapwai. The deadline for receipt and consideration of such comments is WEDNESDAY, SEPTEMBER 25, 2019 at 4:30 p.m.

**CHAPTER 6-9**  
**NEZ PERCE TRIBAL ATHLETIC COMMISSION**

(Adopted by NPTEC 6/28/05)

(NPTEC authorized Boxing Commission name changed to Athletic Commission on 7/8/14)

**§6-9-1            Establishment of Commission**

There is hereby established the Nez Perce Tribal Athletic Commission (herein, the “Athletic Commission” or “Commission”).

**§6-9-2            Purpose and Authorities of Commission**

(a)     The Nez Perce Tribal Athletic Commission shall regulate, by licensure, permitting, and rules and regulations, all professional boxing, sparring, wrestling, and other unarmed combat events held within the boundaries of the Nez Perce Reservation; provided however, that all rules and regulations promulgated by the Commission shall not be in effect unless and until approved by Resolution of the Nez Perce Tribal Executive Committee.

(b)     For the purposes of this Chapter, a “professional” event means a contest between individuals for financial compensation.

(c)     The Commission shall also have the authority to regulate, at its discretion, amateur boxing, sparring and wrestling events held within the boundaries of the Nez Perce Reservation.

(d)     The Commission shall regulate its own operations through development of by-laws consistent with the provisions of this Chapter.

**§6-9-3            Membership of Commission**

The Nez Perce Tribal Athletic Commission shall be comprised of five members. Commission members shall be appointed by resolution of the Nez Perce Tribal Executive Committee. The NPTEC reserves the right at any time and for any reason to remove members of the Commission by NPTEC Resolution. Such action shall be final.

**§6-9-4            Term of Membership**

Upon adoption of this Chapter by the Nez Perce Tribal Executive Committee (NPTEC), the NPTEC shall by Resolution appoint the Commission members. ~~These~~ initial terms of the Commission members, shall be for one year for ~~onetwo of the~~ representatives, for two years for ~~onetwo of the~~ representatives, and for three years for one ~~of the~~ representatives. At the expiration of these terms, the NPTEC shall appoint qualified successors for a ~~threetwo~~-year term. A sitting Commissioner shall automatically be nominated to serve on the Commission when his term expires unless he notifies the NPTEC he does not wish to be nominated to serve a new term or

NPTEC determines that he no longer meets the qualifications of serving on the Commission and appoints another candidate. Members of the Commission shall ~~not~~ receive compensation for their services in the amount of \$300.00 per event. Compensation will only be paid to participating commissioners personally attending the entire event.

#### **§6-9-5 Meetings**

The Commission shall meet at least quarterly, with public notice of regular quarterly notice provided as such notice is provided by other Tribal Commissions. The Commission may hold emergency meetings at the call of the Chair, or pursuant to a written request to the Chair for a meeting signed by a majority of the Commission members.

#### **§6-9-6 Officers and Responsibilities**

(a) At its first meeting, the Commission shall elect the following officers: Chair, Vice-Chair, Secretary-Treasurer.

(b) The Chair shall be responsible for the operation of the meetings, for calling meetings, for the day-to-day operation of the Commission, and for other duties as assigned by the Commission's by-laws.

(c) The Vice-Chair shall be responsible for the Chair's duties in the absence of the Chair.

(d) The Secretary-Treasurer shall be responsible for taking and keeping minutes of the proceedings at Commission meetings, for the accounting of all monies held by or for the Commission, and for other duties as assigned by the Commission's by-laws. Written reports of all public meetings shall be timely compiled by the Secretary-Treasurer, and published as are reports of other Tribal Commission public meetings.

#### **§6-9-7 Open Meetings and Public Records**

(a) All meetings of the Commission shall be open to the public unless the Commission agrees, by majority vote, to convene an executive session for the purpose of discussing personnel matters, contract negotiations, or other matters which are deemed by the Commission to involve potential litigation or to discuss information which is deemed confidential by the Commission or the Nez Perce Tribal Executive Committee.

(b) All reports of public meetings of the Commission shall be available to the public.

(c) All rules and regulations issued by the Commission and approved by NPTEC shall be published pursuant to its by-laws, and shall be available upon request to any member of the public.



## **§6-9-8 Event Permits**

(a) No person or entity may provide a location for, organize, advertise, sponsor, or participate in a professional boxing, wrestling, or sparring event within the boundaries of the Nez Perce Reservation unless the event has received an Event Permit from the Nez Perce Tribal Athletic Commission.

(b) No permit shall be granted unless the person or authorized representative of the entity seeking such a permit provides adequate assurances for limitation of liability of the Nez Perce Tribe and the Commission with regard to claims by which might arise out of a permitted event.

(c) No such permit shall be granted unless the person or authorized representative of the entity seeking such a permit consents in writing to the jurisdiction of the Nez Perce Tribal Court.

(d) Anyone found in violation of this provision is subject to the penalties described herein.

(e) Subject to the limitations of § 6-9-2(a) herein, the Commission shall have the authority to promulgate and publish rules and regulations for the issuance, denial, suspension and revocation of such permits, and to hear appeals of its denials, suspensions, or revocations of such permits.

## **§6-9-9 Licensure of Event Participants**

(a) No person or entity may participate as a combatant, judge, referee, timekeeper, trainer, physician, promoter, manger, or matchmaker in any event required to be permitted by this Chapter without being duly licensed by the Commission.

(b) The Commission may, at its discretion, require licensure for other persons or entities who participate in any way in any event required to be permitted by this Chapter.

(c) Licensing requirement for combatants shall include, but not be limited to, physical examinations, drug and HIV testing, and criminal background checks.

(d) Licensing requirements shall include adequate assurances for limitation of liability of the Nez Perce Tribe and the Commission with regard to claims by a licensee which might otherwise arise out of a permitted event.

(e) No license shall be issued pursuant to this Chapter unless the person seeking licensure consents in writing to the jurisdiction of the Nez Perce Tribal Court.

(f) Anyone found in violation of this provision is subject to the penalties described herein.

(g) Subject to the limitations of § 6-9-2(a) herein, the Commission shall have the authority to promulgate and publish rules and regulations for the issuance, denial, suspension and revocation of such licenses, and to hear appeals of its denials, suspensions, or revocations of such licenses.

#### **§6-9-10 Other Commission Rules and Regulations**

Subject to the limitations of § 6-9-2(a) herein, the Commission shall promulgate and publish any other rules and regulations which it deems in its discretion necessary, or which NPTEC deems necessary, to assure the lawful, safe, and orderly operation of all professional boxing, wrestling, sparring and other unarmed combat events held within the boundaries of the Nez Perce Reservation.

#### **§6-9-11 Penalties**

The Nez Perce Tribal Court, upon petition by an attorney duly authorized to represent the Commission, and following a hearing on the matter, may levy a civil penalty of up to one thousand dollars (\$1,000.00) for each violation of the event permitting, licensing, or other rules and regulations of the Commission. A decision of the Nez Perce Tribal Court on such petition may be appealed pursuant to Chapter 2-9 of this Code.