

SB437 (Veto)

WEST VIRGINIA LEGISLATURE

FILED

2016 REGULAR SESSION

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OFFICE WEST VIRGINIA
SECRETARY OF STATE

Enrolled

Senate Bill 437

BY SENATOR BLAIR

[Passed March 7, 2016; in effect 90 days from passage]

Enr. SB 437

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1 AN ACT to amend and reenact §29-5A-1, §29-5A-15 and §29-5A-24 of the Code of West Virginia,
2 1931, as amended, all relating to regulation of events by State Athletic Commission;
3 renaming the State Athletic Commission to the State Ring Sports Commission; authorizing
4 delegation of commission authority to approve certain event changes; authorizing the
5 commission to propose emergency legislative rules relating to creation of a promoter's
6 fee; requiring the promoter's fee be placed into a fund for the sole purpose of hiring an
7 administrative secretary; eliminating requirements for certain bonds; and providing for
8 rules to govern amateur mixed martial arts.

Be it enacted by the Legislature of West Virginia:

1 That §29-5A-1, §29-5A-15 and §29-5A-24 of the Code of West Virginia, 1931, as
2 amended, be amended and reenacted, all to read as follows:

ARTICLE 5A. STATE RING SPORTS COMMISSION.

§29-5A-1. Creation of commission; members; officers; seal and rules.

1 The State Athletic Commission, formerly the State Boxing Commission, heretofore
2 created, is hereby continued and renamed the State Ring Sports Commission. The commission
3 shall consist of five persons appointed by the Governor, by and with the consent of the Senate,
4 no more than three of whom shall belong to the same political party and no two of whom shall be
5 residents of the same county at the same time. One member shall have at least three years of
6 experience in the sport of boxing. One member shall have at least three years of experience in
7 the sport of mixed martial arts. One member shall have at least three years of experience in the
8 health care industry as a licensed physician, registered nurse, nurse practitioner or physicians
9 assistant. Two members shall be citizen members who are not licensed under the provisions of
10 this article and who do not perform any services related to the persons regulated under this article.
11 The members shall serve without pay. At the expiration of the term of each member, his or her
12 successor shall be appointed by the Governor for a term of four years. If there is a vacancy in the
13 board, the vacancy shall likewise be filled by appointment by the Governor and the Governor shall

14 likewise have the power to remove any commissioner at his or her pleasure. Any three members
15 of the commission shall constitute a quorum for the exercise of the power or authority conferred
16 upon it. The members of the commission shall at the first meeting after their appointment elect
17 one of their number chairman of the commission, and another of their number secretary of the
18 commission, shall adopt a seal for the commission, and shall make such rules for the
19 administration of their office, not inconsistent herewith, as they may consider expedient; and they
20 may hereafter amend or abrogate such rules. The concurrence of at least three commissioners
21 is necessary to render a choice or decision of the commission. The commission may, for any
22 event, grant one or more of its members the authority to approve necessary changes to the roster
23 of participants or the roster of officials within forty-eight hours of a scheduled event previously
24 approved by the commission.

**§29-5A-3. Commission to have sole control of boxing, etc., matches; licenses; municipality
not to tax boxing, etc., club.**

1 (a) The commission has sole direction, management and control of the jurisdiction over
2 all amateur, professional and semiprofessional boxing, sparring matches and exhibitions, or any
3 form thereof, to be conducted, held or given within the state by any club, individual, corporation
4 or association. As used in this article, the term "boxing" includes any fighting event that includes
5 or permits the striking of an opponent with a closed fist, even if wrestling moves, elements of
6 martial arts or striking an opponent with the feet are also permitted. No boxing, sparring or
7 exhibition may be conducted, held or given within the state except pursuant to the commission's
8 authority and held in accordance with this article. The commission may issue and revoke the
9 license to conduct, hold or give boxing or sparring matches or exhibitions to any club, corporation,
10 association or individual. Every license is subject to rules the commission may prescribe. Every
11 application for a license shall be on a blank form provided by the commission. No promoter's
12 license may be granted to any club, corporation, association or individual unless the signer of the
13 application is a bona fide resident of the state of West Virginia. Upon application of the promoter's

14 license, the promoter shall pay a state license fee of \$125 for one year. The fee is nonrefundable
15 and shall be paid in the form of a certified check or money order issued to the Treasurer of the
16 state of West Virginia to be deposited in the fund set forth in section three-b of this article.
17 Nonprofit chartered and charitable organizations are exempt from this license fee for all amateur
18 events. No municipal corporation may impose any license tax on boxing, sparring or exhibition
19 clubs, notwithstanding the provisions of any section of the code respecting municipal taxes and
20 licenses. The granting of a license to a club by the commission, or the holding of a license by a
21 club, individual, corporation or association, does not prevent the commission from canceling or
22 revoking the license to conduct an event as provided in this section.

23 (b) In exercising its jurisdiction over professional and semiprofessional boxing, sparring
24 matches and exhibitions, the commission shall follow the current unified rules of boxing adopted
25 by the Association of Boxing Commissions and requirements to enable the proper sanctioning of
26 all participants, referees, judges and matches or exhibitions conducted under the rules described
27 in subdivision (1), subsection (c), section twenty-four of this article and shall cooperate fully with
28 the Association of Boxing Commissions in order that the sanctioning be extended to state boxers.
29 The commission shall supervise all amateur boxing conducted in this state and any such contest
30 shall follow the amateur rules for boxing as adopted by the United States Amateur Boxing
31 Authority. For full contact boxing events and other boxing events that follow nontraditional rules,
32 the commission may impose any limitations or restrictions reasonably necessary to guarantee the
33 safety of the participants and the fair and honest conducting of the matches or exhibitions and
34 may refuse to license any event that poses an unreasonable degree of risk to the participants.

35 (c) The State Ring Sports Commission is hereby authorized to propose emergency
36 legislative rules pursuant to section fifteen, article three, chapter twenty-nine-a of this code to
37 establish fees to be paid by promoters for each event. The fees are to be placed into a fund for
38 the sole purpose of employing an administrative secretary: *Provided*, That the fund may not be
39 used until July 1, 2017 or as soon thereafter as funds are sufficient to fulfill this purpose: *Provided*,

40 *however*, That nothing in this section shall alter any memorandums of understanding or other
41 agreements between the State Ring Sports Commission, formerly the State Athletic Commission,
42 and any other entity.

§29-5A-3b. State Ring Sports Commission Fund.

1 (a) All moneys collected shall be deposited in a special account in the State Treasury to
2 be known as the State Ring Sports Commission Fund. Expenditures from the fund shall be for
3 the purposes set forth in this article and are not authorized from collections but are to be made
4 only in accordance with appropriation by the Legislature and in accordance with the provisions of
5 article three, chapter twelve of this code and upon fulfillment of the provisions of article two,
6 chapter eleven-b of this code: *Provided*, That for the fiscal year ending June 30, 2016,
7 expenditures are authorized from collections rather than pursuant to appropriation by the
8 Legislature.

9 (b) A supplemental appropriation may be authorized by the Legislature for administrative
10 expenditures that exceed collections in the fiscal years ending June 30, 2016, June 30, 2017, and
11 June 30, 2018, or until such time as the commission collections are sufficient to fully fund its
12 operations.

13 (c) All money collected and deposited in the State Ring Sports Commission Fund that
14 remains after the commission satisfies its administrative operating obligations shall be surplus
15 revenue funds available for appropriation: *Provided*, That the commission may retain surplus
16 revenue funds as long as it allocates the surplus for a specific purpose and approves such funds
17 be carried forward for use in the following fiscal year prior to the end of the fiscal year in which
18 the revenues were collected.

§29-5A-5. Expense of commission.

1 On or before December 31 of each year, the secretary of the commission shall present to
2 the Governor projected expenses for the following year. Such projections shall include all
3 expenses and revenues of the commission and its official headquarters. Necessary expenses

4 incurred by the commission shall be submitted on a standard expense form to the Treasurer of
5 the state of West Virginia to be paid from the State Ring Sports Commission Fund except in such
6 circumstances referred to in subsection (b), section three-b of this article designating such
7 expenses be paid from the General Fund.

§29-5A-15. Reports by clubs to commission; bonds of applicants for license.

1 Every club, corporation, association or individual which may hold or exercise any of the
2 privileges conferred by this article, shall within twenty-four hours after the determination of any
3 contest, furnish to the commission a written report, duly verified by one of its officers, showing the
4 number of tickets sold for such contest and the amount of the gross proceeds thereof, and such
5 other matters as the commission may prescribe. Before any license shall be granted to any club,
6 corporation, association or individual to conduct, hold or give any boxing, sparring or exhibition,
7 such applicant therefor shall execute and file with the commission a surety bond in the sum of
8 which shall be at the discretion of said commission, to be approved as to form and the sufficiency
9 of the security thereon by the said commission. Such bond shall cover all purses, awards and
10 payments to be paid by the promoter. USA Boxing and the United States Olympic Team are
11 exempt from the requirements for a surety bond.

§29-5A-20. Licenses for contestants, referees and managers.

1 No professional contestant, trainer, inspector, referee or professional manager may take
2 part in any boxing contest or exhibition unless holding a license from the state that is issued by
3 the commission upon payment of the following annual license fee schedule: Professional
4 contestant \$25; trainer \$20; inspector \$30; referee \$30 and professional manager \$50.
5 Semiprofessional contestants shall pay a license fee of \$10 for each event. Such fees shall
6 accompany the application and shall be in the form of a certified check or money order and shall
7 be issued to the Treasurer of the state of West Virginia to be deposited in the State Ring Sports
8 Commission Fund. If a license is not granted, the Treasurer shall refund the full amount.

§29-5A-24. Rules governing contestants and matches.

1 (a) The commission shall propose rules for legislative approval in accordance with the
2 provisions of article three, chapter twenty-nine-a of this code.


3 (b) The commission shall propose such rules to regulate professional and
4 semiprofessional boxers, professional or amateur mixed martial artists, professional and
5 semiprofessional boxing matches and exhibitions and professional or amateur mixed martial arts
6 matches and exhibitions: *Provided*, That for professional boxers and boxing matches and
7 exhibitions, the commission rules shall comply with the current unified rules of boxing as adopted
8 by the Association of Boxing Commissions; for professional mixed martial artists and mixed
9 martial arts matches and exhibitions, the commission rules shall comply with the current unified
10 rules of mixed martial arts as adopted by the Association of Boxing Commissions; for amateur
11 boxers and boxing matches or exhibitions, the commission rules shall comply with the amateur
12 rules for boxing as adopted by the United States Amateur Boxing Authority; and for amateur mixed
13 martial artists and mixed martial arts matches or exhibitions, the commission rules shall follow the
14 current unified rules of mixed martial arts as adopted by the Association of Boxing Commissions
15 at any given match or exhibition. For full contact boxing and other boxing events that follow
16 nontraditional rules, rules guaranteeing the safety of the participants and the fair and honest
17 conducting of the matches or exhibitions are authorized.

18 (c) The commission shall propose separate rules for amateur boxers and amateur boxing,
19 sparring matches and exhibitions as follows:

20 Rules which comply with the requirements of the rules of the current United States
21 Amateur Boxing Authority to the extent that any boxer complying with them will be eligible to
22 participate in any state, national or international boxing match sanctioned by the current United
23 States Amateur Boxing Authority or the International Amateur Boxing Association.

The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.


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Chairman, Senate Committee


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Chairman, House Committee

Originated in the Senate.

In effect 90 days from passage.


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Clerk of the Senate


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Clerk of the House of Delegates


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President of the Senate


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Speaker of the House of Delegates

The within is disapproved this the 15th.....
Day of April....., 2016.


.....
Governor

PRESENTED TO THE GOVERNOR

MAR 28 2016

Time 3:05 pm