

WEST VIRGINIA LEGISLATURE

2016 REGULAR SESSION

Introduced

Senate Bill 437

BY SENATOR BLAIR

[Introduced February 1, 2016;

Referred to Committee on Government Organization.]

1 A BILL 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 authorizing delegation of commission authority to approve certain event changes;
4 eliminating requirements for certain bonds; and providing for rules to govern amateur
5 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 ATHLETIC COMMISSION.

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

1 The State Boxing Commission, heretofore created, is hereby continued and renamed the
2 state Athletic Commission. The commission shall consist of five persons appointed by the
3 Governor, by and with the consent of the Senate, no more than three of whom shall belong to the
4 same political party and no two of whom shall be residents of the same county at the same time.
5 One member shall have at least three years of experience in the sport of boxing. One member
6 shall have at least three years of experience in the sport of mixed martial arts. One member shall
7 have at least three years of experience in the health care industry as a licensed physician,
8 registered nurse, nurse practitioner or physician's assistant. Two members shall be citizen
9 members who are not licensed under the provisions of this article and who do not perform any
10 services related to the persons regulated under this article. The members shall serve without pay.
11 At the expiration of the term of each member his or her successor shall be appointed by the
12 Governor for a term of four years. If there is a vacancy in the board, the vacancy shall likewise be
13 filled by appointment by the Governor and the Governor shall likewise have the power to remove
14 any commissioner at his or her pleasure. Any three members of the commission shall constitute
15 a quorum for the exercise of the power or authority conferred upon it. The members of the
16 commission shall at the first meeting after their appointment elect one of their number chairman

17 of the commission and another of their number secretary of the commission, shall adopt a seal
18 for the commission and shall make such rules for the administration of their office, not inconsistent
19 herewith, as they may consider expedient; and they may hereafter amend or abrogate such rules.
20 The concurrence of at least three commissioners is necessary to render a choice or decision of
21 the commission. The commission may, for any event, grant one or more of its members the
22 authority to approve necessary changes to the roster of participants or the roster of officials within
23 forty-eight hours of a scheduled event previously approved by the commission.

§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-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 ~~for the International Sport Karate Association, the World Kickboxing~~
15 ~~Association or the International Sport Combat Federation~~ of mixed martial arts as adopted by the
16 Association of Boxing Commissions at any given match or exhibition. For full contact boxing and
17 other boxing events that follow nontraditional rules, rules guaranteeing the safety of the
18 participants and the fair and honest conducting of the matches or exhibitions are authorized.

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

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

NOTE: The purpose of this bill is to update and clarify the article of the code relating to rules governing mixed martial arts, the requirement of bonds, and for amending participants and officials for events approved by the State Athletic Commission.

Strike-throughs indicate language that would be stricken from a heading or the present law and underscoring indicates new language that would be added.