

# **WEST VIRGINIA LEGISLATURE**

**2017 REGULAR SESSION**

**Introduced**

**Senate Bill 495**

BY SENATOR BLAIR

[Introduced March 2, 2017; Referred  
to the Committee on Government Organization]

1 A BILL to amend and reenact §29-5A-1, §29-5A-6, §29-5A-15, §29-5A-16, §29-5A-20 and §29-  
2 5A-24 of the Code of West Virginia, 1931, as amended, all relating to regulation of events  
3 by the State Athletic Commission; authorizing the commission in limited circumstances to  
4 approve certain event changes in writing; providing for the designation and payment of a  
5 scorekeeper; clarifying the authority of the commission to designate inspectors for an  
6 event; and providing for licensing and rules regarding the regulation of amateur mixed  
7 martial arts.

*Be it enacted by the Legislature of West Virginia:*

1 That §29-5A-1, §29-5A-6, §29-5A-15, §29-5A-16, §29-5A-20 and §29-5A-24 of the Code  
2 of West Virginia, 1931, as 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 physicians' 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 except that, notwithstanding the requirements of the Open Governmental  
22 Proceedings Act, West Virginia Code § 6-9a-1 et seq., a quorum of the commission may vote in  
23 writing to approve changes to the roster of participants or the roster of officials if the need for the  
24 substitution(s) is made known to the commission within forty-eight hours of an event that the  
25 commission previously approved: *Provided*, That the substitution(s) is necessary to effectuate the  
26 match: *Provided, however*, That the written decision of the commission is presented at the next  
27 scheduled meeting of the commission and recorded in its minutes.

**§29-5A-6. Payment of official in charge.**

1 The deputy, inspector or other officials designated by the commission to be in charge of a  
2 boxing or mixed martial arts event shall be paid by the promoter at a minimum rate of \$75 per day  
3 for services performed prior to any event at a weigh-in and each day of an event: *Provided*, That  
4 not more than one official designated by the commission to be in charge of a boxing or mixed  
5 martial arts event may receive compensation for services performed. If a weigh-in occurs within  
6 three hours before the boxing bouts are scheduled to begin, the deputy, inspector or other officials  
7 will be paid only one rate at a minimum of \$75 for that particular night or day's events. Judges,  
8 timekeepers, scorekeepers and inspectors shall be paid by the promoter at a minimum rate of  
9 \$50 per day for services performed prior to any event and each day of an event. Referees shall  
10 be paid by the promoter at a minimum rate of \$75 per day of bouts. Payments to the officials in

11 charge, judges, timekeepers, scorekeepers, inspectors or referees exceeding the amounts under  
12 this section are prohibited without prior written consent of the promoter: *Provided, however*, That  
13 the commission may revise any fees paid to officials through legislative rule-making process  
14 beginning June 30, 2018, and every three years thereafter. The commission may not revoke an  
15 event permit or license for refusal to pay a fee greater than the fees in this section: *Provided*  
16 *further*, That approved officials are available, willing and able to work the event for the proscribed  
17 fees. Deputies, inspectors, judges, referees, timekeepers, scorekeepers or any other officials  
18 designated by the commission to be in charge of an event shall not accept, other than the fees  
19 proscribed herein, any gift, pass or other thing of value in connection with any event.

**§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~~ four business days after the  
3 determination of any contest, furnish to the commission a written report, duly verified by one of its  
4 officers, showing the number of tickets sold for such contest and the amount of the gross proceeds  
5 thereof, and such other matters as the commission may prescribe. Before any license shall be  
6 granted to any club, corporation, association or individual to conduct, hold or give any boxing,  
7 sparring or exhibition, such applicant therefor shall execute and file with the commission a surety  
8 bond in the sum of which shall be at the discretion of said commission, to be approved as to form  
9 and the sufficiency of the security thereon by the said commission. Such bond shall cover all  
10 purses, awards and payments to be paid by the promoter.

**§29-5A-16. Presence of members of commission or inspector at exhibitions and matches.**

1 Each member of the commission shall have the privilege of being present at all exhibitions  
2 and matches without charge therefor, and shall, when present, see that the rules are strictly  
3 observed, and may be present at the counting of the gross receipts. ~~and in the event that no~~

4 ~~member of the commission can be present, the~~ The commission may appoint an inspector to be  
5 present representing said commission, which inspector shall have the same privilege hereby  
6 conferred upon a member of the commission; and said inspector shall immediately mail to the  
7 commission the official box office statement received by him or her from the officers of the club.

**§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; amateur contestant \$20; trainer \$20; inspector \$30; referee \$30; and professional  
5 manager \$50. Semiprofessional contestants shall pay a license fee of \$10 for each event. Such  
6 fees shall accompany the application and shall be in the form of a certified check or money order  
7 and shall be issued to the Treasurer of the State of West Virginia to be deposited in the State  
8 Athletic 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 rules for the International Sport Karate Association, the World Kickboxing Association or~~  
15 ~~the International Sport Combat Federation at any given match or exhibition~~ comply with the  
16 current unified rules of mixed martial arts as recommended and/or adopted by the Association of  
17 Boxing Commissions. For full contact boxing and other boxing events that follow nontraditional  
18 rules, rules guaranteeing the safety of the participants and the fair and honest conducting of the  
19 matches or exhibitions are authorized.

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

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

NOTE: The purpose of this bill is to create greater efficiency in the operation of the West Virginia State Athletic Commission and to provide it the flexibility to respond to the needs of the fight industry. Additionally, the bill updates and clarifies the sections of the code related to licenses of contestants and provides for a yearly fee for amateur contestants. The bill also resolves specific conflicts in Article 5A of Chapter 29.

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