

Representative Curtis Oda proposes the following substitute bill:

PETE SUAZO UTAH ATHLETIC COMMISSION

AMENDMENTS

2009 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Curtis Oda

Senate Sponsor: _____

LONG TITLE

General Description:

This bill makes changes to the Pete Suazo Utah Athletic Commission and eliminates the Utah Sports Authority.

Highlighted Provisions:

This bill:

- ▶ eliminates the Utah Sports Authority;
- ▶ removes a provision limiting the number of terms a commissioner may serve;
- ▶ eliminates the position of secretary of the commission and creates the position of director;
- ▶ allows the commission to affiliate with a tribal boxing commission or athletic authority;
- ▶ addresses the licensing of licensees and provides for the commission to make rules concerning license requirements;
- ▶ allows the commission to establish classifications of officials by rule;
- ▶ removes a provision requiring a licensee to provide a history of the person's matches;
- ▶ makes certain monies nonlapsing;



- 26 ▶ allows the commission to establish license renewal intervals by rule;
- 27 ▶ addresses the denial of a license;
- 28 ▶ removes a provision for the transition of license from the Department of Commerce;
- 29 ▶ allows the commission to establish fees by rule;
- 30 ▶ allows the commission to establish weight classes by rule;
- 31 ▶ provides that certain funds are nonlapsing;
- 32 ▶ allows the commission to permit a contestant to fight another contestant from a
- 33 different weight class;
- 34 ▶ allows the commission to establish wait times between contest by rule;
- 35 ▶ addresses elimination unarmed combat contests; and
- 36 ▶ makes technical changes.

37 Monies Appropriated in this Bill:

38 None

39 Other Special Clauses:

40 This bill provides an immediate effective date.

41 Utah Code Sections Affected:

42 AMENDS:

43 **67-22-2**, as last amended by Laws of Utah 2008, Chapter 86

44 ENACTS:

45 **63C-11-203**, Utah Code Annotated 1953

46 **63C-11-204**, Utah Code Annotated 1953

47 **63C-11-205**, Utah Code Annotated 1953

48 REPEALS AND REENACTS:

49 **63C-11-101**, as enacted by Laws of Utah 2007, Chapter 361

50 **63C-11-102**, as enacted by Laws of Utah 2007, Chapter 361

51 **63C-11-201**, as enacted by Laws of Utah 2007, Chapter 361

52 **63C-11-202**, as last amended by Laws of Utah 2008, Chapter 382

53 **63C-11-301**, as renumbered and amended by Laws of Utah 2007, Chapter 361

54 **63C-11-302**, as last amended by Laws of Utah 2008, Chapter 382

55 **63C-11-303**, as renumbered and amended by Laws of Utah 2007, Chapter 361

56 **63C-11-304**, as last amended by Laws of Utah 2008, Chapter 382

- 57 **63C-11-305**, as renumbered and amended by Laws of Utah 2007, Chapter 361
- 58 **63C-11-306**, as renumbered and amended by Laws of Utah 2007, Chapter 361
- 59 **63C-11-307**, as renumbered and amended by Laws of Utah 2007, Chapter 361
- 60 **63C-11-308**, as last amended by Laws of Utah 2008, Chapter 382
- 61 **63C-11-309**, as renumbered and amended by Laws of Utah 2007, Chapter 361
- 62 **63C-11-310**, as last amended by Laws of Utah 2008, Chapter 382
- 63 **63C-11-311**, as last amended by Laws of Utah 2008, Chapter 382
- 64 **63C-11-312**, as renumbered and amended by Laws of Utah 2007, Chapter 361
- 65 **63C-11-313**, as renumbered and amended by Laws of Utah 2007, Chapter 361
- 66 **63C-11-314**, as renumbered and amended by Laws of Utah 2007, Chapter 361
- 67 **63C-11-315**, as last amended by Laws of Utah 2008, Chapter 382
- 68 **63C-11-316**, as last amended by Laws of Utah 2008, Chapter 382
- 69 **63C-11-317**, as last amended by Laws of Utah 2008, Chapter 382
- 70 **63C-11-318**, as last amended by Laws of Utah 2008, Chapter 382

71 REPEALS:

- 72 **63C-11-319**, as enacted by Laws of Utah 2007, Chapter 361
- 73 **63C-11-320**, as renumbered and amended by Laws of Utah 2007, Chapter 361
- 74 **63C-11-321**, as renumbered and amended by Laws of Utah 2007, Chapter 361
- 75 **63C-11-322**, as renumbered and amended by Laws of Utah 2007, Chapter 361
- 76 **63C-11-323**, as renumbered and amended by Laws of Utah 2007, Chapter 361
- 77 **63C-11-324**, as renumbered and amended by Laws of Utah 2007, Chapter 361
- 78 **63C-11-325**, as renumbered and amended by Laws of Utah 2007, Chapter 361
- 79 **63C-11-326**, as enacted by Laws of Utah 2007, Chapter 361



81 *Be it enacted by the Legislature of the state of Utah:*

82 Section 1. Section **63C-11-101** is repealed and reenacted to read:

83 **CHAPTER 11. PETE SUAZO UTAH ATHLETIC COMMISSION ACT**

84 **Part 1. General Provisions**

85 **63C-11-101. Title.**

86 This chapter is known as the "Pete Suazo Utah Athletic Commission Act."

87 Section 2. Section **63C-11-102** is repealed and reenacted to read:

88 63C-11-102. Definitions.

89 As used in this chapter:

90 (1) "Bodily injury" is as defined in Section 76-1-601.

91 (2) "Boxing" means the sport of attack and defense using the fist, which is covered by
92 an approved boxing glove.

93 (3) (a) "Club fighting" means any contest of unarmed combat, whether admission is
94 charged or not, where:

95 (i) the rules of the contest are not approved by the commission;

96 (ii) a licensed physician or osteopath approved by the commission is not in attendance;

97 (iii) a correct HIV negative test regarding each contestant has not been provided to the
98 commission;

99 (iv) the contest is not conducted in accordance with commission rules; or

100 (v) the contestants are not matched by the weight standards established in accordance
101 with Section 63C-11-316.

102 (b) "Club fighting" does not include sparring if:

103 (i) it is conducted for training purposes;

104 (ii) no tickets are sold to spectators;

105 (iii) no concessions are available for spectators;

106 (iv) protective clothing, including protective headgear, a mouthguard, and a protective
107 cup, is worn; and

108 (v) for boxing, 16 ounce boxing gloves are worn.

109 (4) "Commission" means the Pete Suazo Utah Athletic Commission created by this
110 chapter.

111 (5) "Contest" means a live match, performance, or exhibition involving two or more
112 persons engaged in unarmed combat.

113 (6) "Contestant" means an individual who participates in a contest.

114 (7) "Designated commission member" means a member of the commission designated
115 to:

116 (a) attend and supervise a particular contest; and

117 (b) act on the behalf of the commission at a contest venue.

118 (8) "Director" means the director appointed by the commission.

- 119 (9) "Elimination unarmed combat contest" means a contest where:
120 (a) a number of contestants participate in a tournament;
121 (b) the duration is not more than 48 hours; and
122 (c) the loser of each contest is eliminated from further competition.
123 (10) "Exhibition" means an engagement in which the participants show or display their
124 skills without necessarily striving to win.
125 (11) "Judge" means an individual qualified by training or experience to:
126 (a) rate the performance of contestants;
127 (b) score a contest; and
128 (c) determine with other judges whether there is a winner of the contest or whether the
129 contestants performed equally, resulting in a draw.
130 (12) "Licensee" means an individual licensed by the commission to act as a:
131 (a) contestant;
132 (b) judge;
133 (c) manager;
134 (d) promoter;
135 (e) referee;
136 (f) second; or
137 (g) other official established by the commission by rule.
138 (13) "Manager" means an individual who represents a contestant for the purpose of:
139 (a) obtaining a contest for a contestant;
140 (b) negotiating terms and conditions of the contract under which the contestant will
141 engage in a contest; or
142 (c) arranging for a second for the contestant at a contest.
143 (14) "Promoter" means a person who engages in producing or staging contests and
144 promotions.
145 (15) "Promotion" means a single contest or a combination of contests that:
146 (a) occur during the same time and at the same location; and
147 (b) is produced or staged by a promoter.
148 (16) "Purse" means any money, prize, remuneration, or any other valuable
149 consideration a contestant receives or may receive for participation in a contest.

150 (17) "Referee" means an individual qualified by training or experience to act as the
151 official attending a contest at the point of contact between contestants for the purpose of:

152 (a) enforcing the rules relating to the contest;

153 (b) stopping the contest in the event the health, safety, and welfare of a contestant or
154 any other person in attendance at the contest is in jeopardy; and

155 (c) acting as a judge if so designated by the commission.

156 (18) "Round" means one of a number of individual time periods that, taken together,
157 constitute a contest during which contestants are engaged in a form of unarmed combat.

158 (19) "Second" means an individual who attends a contestant at the site of the contest
159 before, during, and after the contest in accordance with contest rules.

160 (20) "Serious bodily injury" is as defined in Section 76-1-601.

161 (21) "Total gross receipts" means the amount of the face value of all tickets sold to a
162 particular contest plus any sums received as consideration for holding the contest at a particular
163 location.

164 (22) "Ultimate fighting" means a live contest, whether or not an admission fee is
165 charged, in which:

166 (a) contest rules permit contestants to use a combination of boxing, kicking, wrestling,
167 hitting, punching, or other combative contact techniques;

168 (b) contest rules incorporate a formalized system of combative techniques against
169 which a contestant's performance is judged to determine the prevailing contestant;

170 (c) contest rules divide nonchampionship contests into three equal and specified rounds
171 of no more than five minutes per round with a rest period of one minute between each round;

172 (d) contest rules divide championship contests into five equal and specified rounds of
173 no more than five minutes per round with a rest period of one minute between each round; and

174 (e) contest rules prohibit contestants from:

175 (i) using anything that is not part of the human body, except for boxing gloves, to
176 intentionally inflict serious bodily injury upon an opponent through direct contact or the
177 expulsion of a projectile;

178 (ii) striking a person who demonstrates an inability to protect himself from the
179 advances of an opponent;

180 (iii) biting; or

181 (iv) direct, intentional, and forceful strikes to the eyes, groin area, Adam's apple area of
182 the neck, and the rear area of the head and neck.

183 (23) (a) "Unarmed combat" means boxing or any other form of competition in which a
184 blow is usually struck which may reasonably be expected to inflict bodily injury.

185 (b) "Unarmed combat" does not include a competition or exhibition between
186 participants in which the participants engage in simulated combat for entertainment purposes.

187 (24) "Unlawful conduct" means organizing, promoting, or participating in a contest
188 which involves contestants that are not licensed under this chapter.

189 (25) "Unprofessional conduct" means:

190 (a) entering into a contract for a contest in bad faith;

191 (b) participating in any sham or fake contest;

192 (c) participating in a contest pursuant to a collusive understanding or agreement in
193 which the contestant competes in or terminates the contest in a manner that is not based upon
194 honest competition or the honest exhibition of the skill of the contestant;

195 (d) engaging in an act or conduct that is detrimental to a contest, including any foul or
196 unsportsmanlike conduct in connection with a contest;

197 (e) failing to comply with any limitation, restriction, or condition placed on a license;

198 (f) striking of a downed opponent by a contestant while the contestant remains on the
199 contestant's feet, unless designated commission member or director has exempted the contest
200 and each contestant from the prohibition on striking a downed opponent before the start of the
201 contest;

202 (g) after entering the ring or contest area, penetrating an area within four feet of an
203 opponent by a contestant, manager, or second before the commencement of the contest; or

204 (h) as further defined by rules made by the commission under Title 63G, Chapter 3,
205 Utah Administrative Rulemaking Act.

206 (26) "White-collar contest" means a contest conducted at a training facility where no
207 alcohol is served in which:

208 (a) for boxing:

209 (i) neither contestant is or has been a licensed contestant in any state or an amateur
210 registered with USA Boxing, Inc.;

211 (ii) no cash prize, or other prize valued at greater than \$35, is awarded;

212 (iii) protective clothing, including protective headgear, a mouthguard, a protective cup,
213 and for a female contestant a chestguard, is worn;

214 (iv) 16 ounce boxing gloves are worn;

215 (v) the contest is no longer than three rounds of no longer than three minutes each;

216 (vi) no winner or loser is declared or recorded; and

217 (vii) the contestants do not compete in a cage; and

218 (b) for ultimate fighting:

219 (i) neither contestant is or has been a licensed contestant in any state or an amateur
220 registered with USA Boxing, Inc.;

221 (ii) no cash prize, or other prize valued at greater than \$35, is awarded;

222 (iii) protective clothing, including a protective mouthguard and a protective cup, is
223 worn;

224 (iv) downward elbow strikes are not allowed;

225 (v) a contestant is not allowed to stand and strike a downed opponent;

226 (vi) a closed-hand blow to the head is not allowed while either contestant is on the
227 ground;

228 (vii) the contest is no longer than three rounds of no longer than three minutes each;

229 and

230 (viii) no winner or loser is declared or recorded.

231 Section 3. Section **63C-11-201** is repealed and reenacted to read:

232 **Part 2. Commission**

233 **63C-11-201. Commission -- Creation -- Appointments -- Terms -- Expenses --**

234 **Quorum.**

235 (1) There is created within the Governor's Office of Economic Development the Pete
236 Suazo Utah Athletic Commission consisting of five members.

237 (2) (a) The governor shall appoint three commission members.

238 (b) The president of the Senate and the speaker of the House of Representatives shall
239 each appoint one commission member.

240 (c) The commission members may not be licensees under this chapter.

241 (d) A member of the commission serving on May 11, 2009, shall continue as a member
242 of the commission until the expiration of the member's term then existing, or until the

243 expiration of any subsequent term to which the member is appointed.

244 (3) (a) Except as required by Subsection (3)(b), as terms of current members expire, the
245 governor, president, or speaker, respectively, shall appoint each new member or reappointed
246 member to a four-year term.

247 (b) The governor shall, at the time of appointment or reappointment, adjust the length
248 of the governor's appointees' terms to ensure that the terms of members are staggered so that
249 approximately half of the commission is appointed every two years.

250 (c) When a vacancy occurs in the membership for any reason, the replacement shall be
251 appointed for the unexpired term.

252 (d) If a commission member fails or refuses to fulfill the responsibilities and duties of a
253 commission member, including the attendance at commission meetings, the governor,
254 president, or speaker, respectively, with the approval of the commission, may remove the
255 commission member and replace the member in accordance with this section.

256 (4) (a) A majority of the commission members constitutes a quorum.

257 (b) A majority of a quorum is sufficient authority for the commission to act.

258 (5) (a) (i) Members who are not government employees shall receive no compensation
259 or benefits for their services, but may receive per diem and expenses incurred in the
260 performance of the members' official duties at the rates established by the Division of Finance
261 under Sections 63A-3-106 and 63A-3-107.

262 (ii) Members may decline to receive per diem and expenses for their service.

263 (b) (i) State government officer and employee members who do not receive salary, per
264 diem, or expenses from their agency for their service may receive per diem and expenses
265 incurred in the performance of their official duties at the rates established by the Division of
266 Finance under Sections 63A-3-106 and 63A-3-107.

267 (ii) State government officer and employee members may decline to receive per diem
268 and expenses for their service.

269 (6) The commission shall annually designate one of its members to serve as chair for a
270 one-year period.

271 Section 4. Section **63C-11-202** is repealed and reenacted to read:

272 **63C-11-202. Commission powers and duties.**

273 (1) The commission shall:

305 63C-11-301. Licensing.

306 (1) A license is required for a person to act as or to represent that the person is:

307 (a) a promoter;

308 (b) a manager;

309 (c) a contestant;

310 (d) a second;

311 (e) a referee;

312 (f) a judge; or

313 (g) another official established by the commission by rule.

314 (2) The commission shall issue to a person who qualifies under this chapter a license in

315 the classifications of:

316 (a) promoter;

317 (b) manager;

318 (c) contestant;

319 (d) second;

320 (e) referee;

321 (f) judge; or

322 (g) another official who meets the requirements established by rule under Subsection

323 (1)(g).

324 (3) (a) All monies collected pursuant to this section and Sections 63C-11-307,

325 63C-11-310, and 63C-11-313 shall be retained as dedicated credits to pay for commission
326 expenses.

327 (b) All monies available to the commission under Subsection (3)(a) to pay for
328 commission expenses are nonlapsing.

329 (4) Each applicant for licensure as a promoter shall:

330 (a) submit an application in a form prescribed by the commission;

331 (b) pay the fee determined by the commission under Section 63J-1-303;

332 (c) provide to the commission evidence of financial responsibility, which shall include

333 financial statements and other information that the commission may reasonably require to

334 determine that the applicant or licensee is able to competently perform as and meet the

335 obligations of a promoter in this state;

- 336 (d) make assurances that the applicant:
337 (i) is not engaging in illegal gambling with respect to sporting events or gambling with
338 respect to the promotions the applicant is promoting;
339 (ii) has not been found in a criminal or civil proceeding to have engaged in or
340 attempted to engage in any fraud or misrepresentation in connection with a contest or any other
341 sporting event; and
342 (iii) has not been found in a criminal or civil proceeding to have violated or attempted
343 to violate any law with respect to a contest in any jurisdiction or any law, rule, or order relating
344 to the regulation of contests in this state or any other jurisdiction;
345 (e) acknowledge in writing to the commission receipt, understanding, and intent to
346 comply with this chapter and the rules made under this chapter; and
347 (f) if requested by the commission or the director, meet with the commission or the
348 director to examine the applicant's qualifications for licensure.
349 (5) Each applicant for licensure as a contestant shall:
350 (a) be not less than 18 years of age at the time the application is submitted to the
351 commission;
352 (b) submit an application in a form prescribed by the commission;
353 (c) pay the fee established by the commission under Section 63J-1-303;
354 (d) provide a certificate of physical examination, dated not more than 60 days prior to
355 the date of application for licensure, in a form provided by the commission, completed by a
356 licensed physician and surgeon certifying that the applicant is free from any physical or mental
357 condition that indicates the applicant should not engage in activity as a contestant;
358 (e) make assurances that the applicant:
359 (i) is not engaging in illegal gambling with respect to sporting events or gambling with
360 respect to a contest in which the applicant will participate;
361 (ii) has not been found in a criminal or civil proceeding to have engaged in or
362 attempted to have engaged in any fraud or misrepresentation in connection with a contest or
363 any other sporting event; and
364 (iii) has not been found in a criminal or civil proceeding to have violated or attempted
365 to violate any law with respect to contests in any jurisdiction or any law, rule, or order relating
366 to the regulation of contests in this state or any other jurisdiction;

- 367 (g) acknowledge in writing to the commission receipt, understanding, and intent to
368 comply with this chapter and the rules made under this chapter; and
- 369 (h) if requested by the commission or the director, meet with the commission or the
370 director to examine the applicant's qualifications for licensure.
- 371 (6) Each applicant for licensure as a manager or second shall:
- 372 (a) submit an application in a form prescribed by the commission;
373 (b) pay a fee determined by the commission under Section 63J-1-303;
374 (c) make assurances that the applicant:
- 375 (i) is not engaging in illegal gambling with respect to sporting events or gambling with
376 respect to a contest in which the applicant is participating;
- 377 (ii) has not been found in a criminal or civil proceeding to have engaged in or
378 attempted to have engaged in any fraud or misrepresentation in connection with a contest or
379 any other sporting event; and
- 380 (iii) has not been found in a criminal or civil proceeding to have violated or attempted
381 to violate any law with respect to a contest in any jurisdiction or any law, rule, or order relating
382 to the regulation of contests in this state or any other jurisdiction;
- 383 (d) acknowledge in writing to the commission receipt, understanding, and intent to
384 comply with this chapter and the rules made under this chapter; and
- 385 (e) if requested by the commission or director, meet with the commission or the
386 director to examine the applicant's qualifications for licensure.
- 387 (7) Each applicant for licensure as a referee or judge shall:
- 388 (a) submit an application in a form prescribed by the commission;
389 (b) pay a fee determined by the commission under Section 63J-1-303;
390 (c) make assurances that the applicant:
- 391 (i) is not engaging in illegal gambling with respect to sporting events or gambling with
392 respect to a contest in which the applicant is participating;
- 393 (ii) has not been found in a criminal or civil proceeding to have engaged in or
394 attempted to have engaged in any fraud or misrepresentation in connection with a contest or
395 any other sporting event; and
- 396 (iii) has not been found in a criminal or civil proceeding to have violated or attempted
397 to violate any law with respect to contests in any jurisdiction or any law, rule, or order relating

398 to the regulation of contests in this state or any other jurisdiction;

399 (d) acknowledge in writing to the commission receipt, understanding, and intent to
400 comply with this chapter and the rules made under this chapter;

401 (e) provide evidence satisfactory to the commission that the applicant is qualified by
402 training and experience to competently act as a referee or judge in a contest; and

403 (f) if requested by the commission or the director, meet with the commission or the
404 director to examine the applicant's qualifications for licensure.

405 (8) The commission may make rules concerning the requirements for a license under
406 this chapter, that deny a license to an applicant for the violation of a crime that, in the
407 commission's determination, would have a material affect on the integrity of a contest held
408 under this chapter.

409 (9) (a) A licensee serves at the pleasure, and under the direction, of the commission
410 while participating in any way at a contest.

411 (b) A licensee's license may be suspended, or a fine imposed, if the licensee does not
412 follow the commission's direction at an event or contest.

413 Section 9. Section **63C-11-302** is repealed and reenacted to read:

414 **63C-11-302. Term of license -- Expiration -- Renewal.**

415 (1) The commission shall issue each license under this chapter in accordance with a
416 renewal cycle established by rule.

417 (2) At the time of renewal, the licensee shall show satisfactory evidence of compliance
418 with renewal requirements established by rule by the commission.

419 (3) Each license automatically expires on the expiration date shown on the license
420 unless the licensee renews it in accordance with the rules established by the commission.

421 Section 10. Section **63C-11-303** is repealed and reenacted to read:

422 **63C-11-303. Grounds for denial of license -- Disciplinary proceedings --**
423 **Reinstatement.**

424 (1) The commission shall refuse to issue a license to an applicant and shall refuse to
425 renew or shall revoke, suspend, restrict, place on probation, or otherwise act upon the license of
426 a licensee who does not meet the qualifications for licensure under this chapter.

427 (2) The commission may refuse to issue a license to an applicant and may refuse to
428 renew or may revoke, suspend, restrict, place on probation, issue a public or private reprimand

429 to, or otherwise act upon the license of any licensee if:

430 (a) the applicant or licensee has engaged in unlawful or unprofessional conduct, as
431 defined by statute or rule under this chapter;

432 (b) the applicant or licensee has been determined to be mentally incompetent for any
433 reason by a court of competent jurisdiction; or

434 (c) the applicant or licensee is unable to practice the occupation or profession with
435 reasonable skill and safety because of illness, drunkenness, excessive use of drugs, narcotics,
436 chemicals, or any other type of material, or as a result of any other mental or physical
437 condition, when the licensee's condition demonstrates a threat or potential threat to the public
438 health, safety, or welfare, as determined by a ringside physician or the commission.

439 (3) Any licensee whose license under this chapter has been suspended, revoked, or
440 restricted may apply for reinstatement of the license at reasonable intervals and upon
441 compliance with any conditions imposed upon the licensee by statute, rule, or terms of the
442 license suspension, revocation, or restriction.

443 (4) The commission may issue cease and desist orders:

444 (a) to a licensee or applicant who may be disciplined under Subsection (1) or (2); and

445 (b) to any person who otherwise violates this chapter or any rules adopted under this
446 chapter.

447 (5) (a) The commission may impose an administrative fine for acts of unprofessional or
448 unlawful conduct under this chapter.

449 (b) An administrative fine under this Subsection (5) may not exceed \$2,500 for each
450 separate act of unprofessional or unlawful conduct.

451 (c) The commission shall comply with Title 63G, Chapter 4, Administrative
452 Procedures Act, in any action to impose an administrative fine under this chapter.

453 (d) The imposition of a fine under this Subsection (5) does not affect any other action
454 the commission or department may take concerning a license issued under this chapter.

455 (6) (a) The commission may not take disciplinary action against any person for
456 unlawful or unprofessional conduct under this chapter, unless the commission initiates an
457 adjudicative proceeding regarding the conduct within four years after the conduct is reported to
458 the commission, except under Subsection (6)(b).

459 (b) The commission may not take disciplinary action against any person for unlawful

460 or unprofessional conduct more than ten years after the occurrence of the conduct, unless the
461 proceeding is in response to a civil or criminal judgment or settlement and the proceeding is
462 initiated within one year following the judgment or settlement.

463 (7) (a) Notwithstanding Title 63G, Chapter 4, Administrative Procedures Act, the
464 following may immediately suspend the license of a licensee at such time and for such period
465 that the following believes is necessary to protect the health, safety, and welfare of the licensee,
466 another licensee, or the public:

467 (i) the commission;

468 (ii) a designated commission member; or

469 (iii) if a designated commission member is not present, the director.

470 (b) The commission shall establish by rule appropriate procedures to invoke the
471 suspension and to provide a suspended licensee a right to a hearing before the commission with
472 respect to the suspension within a reasonable time after the suspension.

473 Section 11. Section **63C-11-304** is repealed and reenacted to read:

474 **63C-11-304. Additional fees for license of promoter -- Dedicated credits --**
475 **Promotion of contests -- Annual exemption of showcase event.**

476 (1) In addition to the payment of any other fees and money due under this chapter,
477 every promoter shall pay a license fee determined by the commission and established in rule.

478 (a) License fees collected under Subsection (1)(a) from professional boxing contests or
479 exhibitions shall be retained by the commission as a dedicated credit to be used by the
480 commission to award grants to organizations that promote amateur boxing in the state and
481 cover commission expenses.

482 (b) Monies available to the commission for awarding grants to organizations that
483 promote amateur boxing in the state and covering commission expenses are nonlapsing.

484 (3) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
485 commission shall adopt rules:

486 (a) governing the manner in which applications for grants under Subsection (2) may be
487 submitted to the commission; and

488 (b) establishing standards for awarding grants under Subsection (2) to organizations
489 which promote amateur boxing in the state.

490 (4) (a) For the purpose of creating a greater interest in contests in the state, the

491 commission may exempt from the payment of license fees under this section one contest or
492 exhibition in each calendar year, intended as a showcase event.

493 (b) The commission shall select the contest or exhibition to be exempted based on
494 factors which include:

495 (i) attraction of the optimum number of spectators;

496 (ii) costs of promoting and producing the contest or exhibition;

497 (iii) ticket pricing;

498 (iv) committed promotions and advertising of the contest or exhibition;

499 (v) rankings and quality of the contestants; and

500 (vi) committed television and other media coverage of the contest or exhibition.

501 Section 12. Section **63C-11-305** is repealed and reenacted to read:

502 **63C-11-305. Jurisdiction of commission.**

503 (1) (a) The commission has the sole authority concerning direction, management,
504 control, and jurisdiction over all contests or exhibitions of unarmed combat to be conducted,
505 held, or given within this state.

506 (b) A contest or exhibition may not be conducted, held, or given within this state
507 except in accordance with this chapter.

508 (2) Any contest involving a form of unarmed self-defense must be conducted pursuant
509 to rules for that form which are approved by the commission before the contest is conducted,
510 held, or given.

511 (3) (a) An area not less than six feet from the perimeter of the ring shall be reserved for
512 the use of:

513 (i) the designated commission member;

514 (ii) other commission members in attendance;

515 (iii) the director;

516 (iv) commission employees;

517 (v) officials;

518 (vi) licensees participating or assisting in the contest; and

519 (vii) others granted credentials by the commission.

520 (b) The promoter shall provide security at the direction of the commission or
521 designated commission member to secure the area described in Subsection (3)(a).

522 (4) The area described in Subsection (3), the area in the dressing rooms, and other
523 areas considered necessary by the designated commission member for the safety and welfare of
524 a licensee and the public shall be reserved for the use of:

- 525 (a) the designated commission member;
- 526 (b) other commission members in attendance;
- 527 (c) the director;
- 528 (d) commission employees;
- 529 (e) officials;
- 530 (f) licensees participating or assisting in the contest; and
- 531 (g) others granted credentials by the commission.

532 (5) The promoter shall provide security at the direction of the commission or
533 designated commission member to secure the areas described in Subsections (3) and (4).

534 (6) (a) The designated commission member may direct the removal from the contest
535 venue and premises, of any individual whose actions:

- 536 (i) are disruptive to the safe conduct of the contest; or
- 537 (ii) pose a danger to the safety and welfare of the licensees, the commission, or the
538 public, as determined by the designated commission member.

539 (b) The promoter shall provide security at the direction of the commission or
540 designated commission member to effectuate a removal under Subsection (6)(a).

541 Section 13. Section **63C-11-306** is repealed and reenacted to read:

542 **63C-11-306. Club fighting prohibited.**

- 543 (1) Club fighting is prohibited.
- 544 (2) Any person who publicizes, promotes, conducts, or engages in a club fighting
545 match is:

- 546 (a) guilty of a class A misdemeanor as provided in Section 76-9-705; and
- 547 (b) subject to license revocation under this chapter.

548 Section 14. Section **63C-11-307** is repealed and reenacted to read:

549 **63C-11-307. Approval to hold contest or promotion -- Bond required.**

550 (1) An application to hold a contest or multiple contests as part of a single promotion
551 shall be made by a licensed promoter to the commission on forms provided by the commission.

- 552 (2) The application shall be accompanied by a contest fee determined by the

553 commission under Section 63J-1-303.

554 (3) (a) The commission may approve or deny approval to hold a contest or promotion
555 permitted under this chapter.

556 (b) Provisional approval under Subsection (3)(a) shall be granted upon a determination
557 by the commission that:

558 (i) the promoter of the contest or promotion is properly licensed;

559 (ii) a bond meeting the requirements of Subsection (6) has been posted by the promoter
560 of the contest or promotion; and

561 (iii) the contest or promotion will be held in accordance with this chapter and rules
562 made under this chapter.

563 (4) (a) Final approval to hold a contest or promotion may not be granted unless the
564 commission receives, not less than seven days before the day of the contest with ten or more
565 rounds:

566 (i) proof of a negative HIV test performed not more than 180 days before the day of the
567 contest for each contestant;

568 (ii) a copy of each contestant's federal identification card;

569 (iii) a copy of a signed contract between each contestant and the promoter for the
570 contest;

571 (iv) a statement specifying the maximum number of rounds of the contest;

572 (v) a statement specifying the site, date, and time of weigh-in; and

573 (vi) the name of the physician selected from among a list of registered and
574 commission-approved ringside physicians who shall act as ringside physician for the contest.

575 (b) Notwithstanding Subsection (4)(a), the commission may approve a contest or
576 promotion if the requirements under Subsection (4)(a) are not met because of unforeseen
577 circumstances beyond the promoter's control.

578 (5) Final approval for a contest under ten rounds in duration may be granted as
579 determined by the commission after receiving the materials identified in Subsection (4) at a
580 time determined by the commission.

581 (6) An applicant shall post a surety bond or cashier's check with the commission in the
582 greater of \$10,000 or the amount of the purse, providing for forfeiture and disbursement of the
583 proceeds if the applicant fails to comply with:

- 584 (a) the requirements of this chapter; or
- 585 (b) rules made under this chapter relating to the promotion or conduct of the contest or
- 586 promotion.

587 Section 15. Section **63C-11-308** is repealed and reenacted to read:

588 **63C-11-308. Rules for the conduct of contests.**

589 (1) The commission shall adopt rules in accordance with Title 63G, Chapter 3, Utah

590 Administrative Rulemaking Act, for the conduct of contests in the state.

591 (2) The rules shall include:

592 (a) authority for:

593 (i) stopping contests; and

594 (ii) impounding purses with respect to contests when there is a question with respect to

595 the contest, contestants, or any other licensee associated with the contest; and

596 (b) reasonable and necessary provisions to ensure that all obligations of a promoter

597 with respect to any promotion or contest are paid in accordance with agreements made by the

598 promoter.

599 (3) (a) The commission may, in its discretion, exempt a contest and each contestant

600 from the definition of unprofessional conduct found in Subsection 63C-11-102(25)(f) after:

601 (i) a promoter requests the exemption; and

602 (ii) the commission considers relevant factors, including:

603 (A) the experience of the contestants;

604 (B) the win and loss records of each contestant;

605 (C) each contestant's level of training; and

606 (D) any other evidence relevant to the contestants' professionalism and the ability to

607 safely conduct the contest.

608 (b) The commission's hearing of a request for an exemption under this Subsection (3)

609 is an informal adjudicative proceeding under Section 63G-4-202.

610 (c) The commission's decision to grant or deny a request for an exemption under this

611 Subsection (3) is not subject to agency review under Section 63G-4-301.

612 Section 16. Section **63C-11-309** is repealed and reenacted to read:

613 **63C-11-309. Medical examinations and drug tests.**

614 (1) The commission shall adopt rules in accordance with Title 63G, Chapter 3, Utah

615 Administrative Rulemaking Act, for medical examinations and drug testing of contestants,
616 including provisions under which contestants shall:

617 (a) produce evidence based upon competent laboratory examination that they are HIV
618 negative as a condition of participating as a contestant in any contest;

619 (b) be subject to random drug testing before or after participation in a contest, and
620 sanctions, including barring participation in a contest or withholding a percentage of any purse,
621 that shall be placed against a contestant testing positive for alcohol or any other drug that in the
622 opinion of the commission is inconsistent with the safe and competent participation of that
623 contestant in a contest;

624 (c) be subject to a medical examination by the ringside physician not more than 30
625 hours before the contest to identify any physical ailment or communicable disease that, in the
626 opinion of the commission or designated commission member, are inconsistent with the safe
627 and competent participation of that contestant in the contest; and

628 (d) be subject to medical testing for communicable diseases as considered necessary by
629 the commission to protect the health, safety, and welfare of the licensees and the public.

630 (2) (a) Medical information concerning a contestant shall be provided by the contestant
631 or medical professional or laboratory.

632 (b) A promoter or manager may not provide to or receive from the commission medical
633 information concerning a contestant.

634 Section 17. Section **63C-11-310** is repealed and reenacted to read:

635 **63C-11-310. Contests.**

636 (1) Except as provided in Section 63C-11-317, a licensee may not participate in an
637 unarmed combat contest within a predetermined time after another unarmed combat contest, as
638 prescribed in rules made by the commission.

639 (2) During the period of time beginning 60 minutes before the beginning of a contest,
640 the promoter shall demonstrate the promoter's compliance with the commission's security
641 requirements to all commission members present at the contest.

642 (3) The commission shall establish fees in accordance with Section 63J-1-303 to be
643 paid by a promoter for the conduct of each contest or event composed of multiple contests
644 conducted under this chapter.

645 Section 18. Section **63C-11-311** is repealed and reenacted to read:

646 **63C-11-311. Ringside physician.**

647 (1) The commission shall maintain a list of ringside physicians who hold a Doctor of
648 Medicine (MD) degree and are registered with the commission as approved to act as a ringside
649 physician and meet the requirements of Subsection (2).

650 (2) (a) The commission shall appoint a registered ringside physician to perform the
651 duties of a ringside physician at each contest held pursuant to this chapter.

652 (b) The promoter of a contest shall pay a fee determined by the commission by rule to
653 the commission for a ringside physician.

654 (3) An applicant for registration as a ringside physician shall:

655 (a) submit an application for registration;

656 (b) provide the commission with evidence of the applicant's licensure to practice
657 medicine in the state; and

658 (c) satisfy minimum qualifications established by the department by rule.

659 (4) A ringside physician at attendance at a contest:

660 (a) may stop the contest at any point if the ringside physician determines that a
661 contestant's physical condition renders the contestant unable to safely continue the contest; and

662 (b) works under the direction of the commission.

663 Section 19. Section **63C-11-312** is repealed and reenacted to read:

664 **63C-11-312. Contracts.**

665 Before a contest is held, a copy of the signed contract or agreement between the
666 promoter of the contest and each contestant shall be filed with the commission. Approval of
667 the contract's terms and conditions shall be obtained from the commission as a condition
668 precedent to the contest.

669 Section 20. Section **63C-11-313** is repealed and reenacted to read:

670 **63C-11-313. Withholding of purse.**

671 (1) The commission, the director, or any other agent authorized by the commission
672 may order a promoter to withhold any part of a purse or other money belonging or payable to
673 any contestant, manager, or second if, in the judgment of the commission, director, or other
674 agent:

675 (a) the contestant is not competing honestly or to the best of the contestant's skill and
676 ability or the contestant otherwise violates any rules adopted by the commission or any of the

677 provisions of this chapter; or

678 (b) the manager or second violates any rules adopted by the commission or any of the
679 provisions of this chapter.

680 (2) This section does not apply to any contestant in a wrestling exhibition who appears
681 not to be competing honestly or to the best of the contestant's skill and ability.

682 (3) Upon the withholding of any part of a purse or other money pursuant to this section,
683 the commission shall immediately schedule a hearing on the matter, provide adequate notice to
684 all interested parties, and dispose of the matter as promptly as possible.

685 (4) If it is determined that a contestant, manager, or second is not entitled to any part of
686 that person's share of the purse or other money, the promoter shall pay the money over to the
687 commission.

688 Section 21. Section **63C-11-314** is repealed and reenacted to read:

689 **63C-11-314. Penalty for unlawful conduct.**

690 A person who engages in any act of unlawful conduct, as defined in Section
691 63C-11-102, is guilty of a class A misdemeanor.

692 Section 22. Section **63C-11-315** is repealed and reenacted to read:

693 **63C-11-315. Exemptions.**

694 This chapter does not apply to:

695 (1) any amateur contest or exhibition of unarmed combat conducted by or participated
696 in exclusively by:

697 (a) a school accredited by the Utah Board of Education;

698 (b) a college or university accredited by the United States Department of Education; or

699 (c) any association or organization of a school, college, or university described in

700 Subsections (1)(a) and (b), when each participant in the contests or exhibitions is a bona fide
701 student in the school, college, or university;

702 (2) any contest or exhibition of unarmed combat conducted in accordance with the
703 standards and regulations of USA Boxing, Inc; or

704 (3) a white-collar contest.

705 Section 23. Section **63C-11-316** is repealed and reenacted to read:

706 **63C-11-316. Contest weights and classes -- Matching contestants.**

707 (1) The commission shall make rules in accordance with Title 63G, Chapter 3, Utah

708 Administrative Rulemaking Act, establishing boxing contest weights and classes consistent
709 with those adopted by the Association of Boxing Commissions.

710 (2) The commission shall make rules in accordance with Title 63G, Chapter 3, Utah
711 Administrative Rulemaking Act, establishing contest weights and classes for unarmed combat
712 that is not boxing.

713 (3) (a) As to any unarmed combat contest, a contestant may not fight another contestant
714 who is outside of the contestant's weight classification.

715 (b) Notwithstanding Subsection (3)(a), the commission may permit a contestant to
716 fight another contestant who is outside of the contestant's weight classification.

717 (4) Except as provided in Subsection (3)(b), as to any unarmed combat contest:

718 (a) a contestant who has contracted to participate in a given weight class may not be
719 permitted to compete if the contestant is not within that weight class at the weigh-in; and

720 (b) a contestant may have two hours to attempt to gain or lose not more than three
721 pounds in order to be reweighed.

722 (5) (a) As to any unarmed combat contest, the commission may not allow a contest in
723 which the contestants are not fairly matched.

724 (b) Factors in determining if contestants are fairly matched include:

725 (i) the win-loss record of the contestants;

726 (ii) the weight differential between the contestants;

727 (iii) the caliber of opponents for each contestant;

728 (iv) each contestant's number of fights; and

729 (v) previous suspensions or disciplinary actions of the contestants.

730 Section 24. Section **63C-11-317** is repealed and reenacted to read:

731 **63C-11-317. Elimination contests -- Conduct of contests -- Applicability of**
732 **provisions -- Limitations on license -- Duration of contests -- Equipment -- Limitations on**
733 **contests.**

734 (1) An elimination unarmed combat contest shall be conducted under the supervision
735 and authority of the commission.

736 (2) Except as otherwise provided in this section and except as otherwise provided by
737 specific statute, the provisions of this chapter pertaining to boxing apply to an elimination
738 unarmed combat contest.

739 (3) (a) All contests in an elimination unarmed combat contest shall be no more than
 740 three rounds in duration.

741 (b) A round of unarmed combat in an elimination unarmed combat contest shall:

742 (i) be no more than one minute in duration; or

743 (ii) be up to three minutes in duration if there is only a single round.

744 (c) A period of rest following a round shall be no more than one minute in duration.

745 (4) A contestant:

746 (a) shall wear gloves approved by the commission; and

747 (b) shall wear headgear approved by the commission, the designated commission
 748 member, or the director if a designated commission member is not present.

749 (5) A contestant may participate in more than one contest, but may not participate in
 750 more than a total of seven rounds in the entire tournament.

751 Section 25. Section **63C-11-318** is repealed and reenacted to read:

752 **63C-11-318. Commission rulemaking.**

753 The commission may make rules governing the conduct of a contest held under this
 754 chapter to protect the health and safety of licensees and members of the public.

755 Section 26. Section **67-22-2** is amended to read:

756 **67-22-2. Compensation -- Other state officers.**

757 (1) As used in this section:

758 (a) "Appointed executive" means the:

759 (i) Commissioner of the Department of Agriculture and Food;

760 (ii) Commissioner of the Insurance Department;

761 (iii) Commissioner of the Labor Commission;

762 (iv) Director, Alcoholic Beverage Control Commission;

763 (v) Commissioner of the Department of Financial Institutions;

764 (vi) Executive Director, Department of Commerce;

765 (vii) Executive Director, Commission on Criminal and Juvenile Justice;

766 (viii) Adjutant General;

767 (ix) Executive Director, Department of Community and Culture;

768 (x) Executive Director, Department of Corrections;

769 (xi) Commissioner, Department of Public Safety;

- 770 (xii) Executive Director, Department of Natural Resources;
- 771 (xiii) Director, Governor's Office of Planning and Budget;
- 772 (xiv) Executive Director, Department of Administrative Services;
- 773 (xv) Executive Director, Department of Human Resource Management;
- 774 (xvi) Executive Director, Department of Environmental Quality;
- 775 (xvii) Director, Governor's Office of Economic Development;
- 776 (xviii) Executive Director, Utah Science Technology and Research Governing
- 777 Authority;
- 778 (xix) Executive Director, Department of Workforce Services;
- 779 (xx) Executive Director, Department of Health, Nonphysician;
- 780 (xxi) Executive Director, Department of Human Services;
- 781 (xxii) Executive Director, Department of Transportation;
- 782 (xxiii) Executive Director, Department of Technology Services; and
- 783 (xxiv) Executive Director, Department of Veterans Affairs[; ~~and~~].
- 784 [~~(xxv) Executive Director, Utah Sports Authority.~~]
- 785 (b) "Board or commission executive" means:
- 786 (i) Members, Board of Pardons and Parole;
- 787 (ii) Chair, State Tax Commission;
- 788 (iii) Commissioners, State Tax Commission;
- 789 (iv) Executive Director, State Tax Commission;
- 790 (v) Chair, Public Service Commission; and
- 791 (vi) Commissioners, Public Service Commission.
- 792 (c) "Deputy" means the person who acts as the appointed executive's second in
- 793 command as determined by the Department of Human Resource Management.
- 794 (2) (a) The executive director of the Department of Human Resource Management
- 795 shall:
- 796 (i) before October 31 of each year, recommend to the governor a compensation plan for
- 797 the appointed executives and the board or commission executives; and
- 798 (ii) base those recommendations on market salary studies conducted by the Department
- 799 of Human Resource Management.
- 800 (b) (i) The Department of Human Resource Management shall determine the salary

801 range for the appointed executives by:

802 (A) identifying the salary range assigned to the appointed executive's deputy;

803 (B) designating the lowest minimum salary from those deputies' salary ranges as the
804 minimum salary for the appointed executives' salary range; and

805 (C) designating 105% of the highest maximum salary range from those deputies' salary
806 ranges as the maximum salary for the appointed executives' salary range.

807 (ii) If the deputy is a medical doctor, the Department of Human Resource Management
808 may not consider that deputy's salary range in designating the salary range for appointed
809 executives.

810 (c) In establishing the salary ranges for board or commission executives, the
811 Department of Human Resource Management shall set the maximum salary in the salary range
812 for each of those positions at 90% of the salary for district judges as established in the annual
813 appropriation act under Section 67-8-2.

814 (3) (a) (i) Except as provided in Subsection (3)(a)(ii), the governor shall establish a
815 specific salary for each appointed executive within the range established under Subsection
816 (2)(b).

817 (ii) If the executive director of the Department of Health is a physician, the governor
818 shall establish a salary within the highest physician salary range established by the Department
819 of Human Resource Management.

820 (iii) The governor may provide salary increases for appointed executives within the
821 range established by Subsection (2)(b) and identified in Subsection (3)(a)(ii).

822 (b) The governor shall apply the same overtime regulations applicable to other FLSA
823 exempt positions.

824 (c) The governor may develop standards and criteria for reviewing the appointed
825 executives.

826 (4) Salaries for other Schedule A employees, as defined in Section 67-19-15, that are
827 not provided for in this chapter, or in Title 67, Chapter 8, Utah [~~Executive~~] Elected Official and
828 Judicial Salary Act, shall be established as provided in Section 67-19-15.

829 (5) (a) The Legislature fixes benefits for the appointed executives and the board or
830 commission executives as follows:

831 (i) the option of participating in a state retirement system established by Title 49, Utah

832 State Retirement and Insurance Benefit Act, or in a deferred compensation plan administered
833 by the State Retirement Office in accordance with the Internal Revenue Code and its
834 accompanying rules and regulations;

835 (ii) health insurance;

836 (iii) dental insurance;

837 (iv) basic life insurance;

838 (v) unemployment compensation;

839 (vi) workers' compensation;

840 (vii) required employer contribution to Social Security;

841 (viii) long-term disability income insurance;

842 (ix) the same additional state-paid life insurance available to other noncareer service
843 employees;

844 (x) the same severance pay available to other noncareer service employees;

845 (xi) the same leave, holidays, and allowances granted to Schedule B state employees as
846 follows:

847 (A) sick leave;

848 (B) converted sick leave if accrued prior to January 1, 2014;

849 (C) educational allowances;

850 (D) holidays; and

851 (E) annual leave except that annual leave shall be accrued at the maximum rate
852 provided to Schedule B state employees;

853 (xii) the option to convert accumulated sick leave to cash or insurance benefits as
854 provided by law or rule upon resignation or retirement according to the same criteria and
855 procedures applied to Schedule B state employees;

856 (xiii) the option to purchase additional life insurance at group insurance rates according
857 to the same criteria and procedures applied to Schedule B state employees; and

858 (xiv) professional memberships if being a member of the professional organization is a
859 requirement of the position.

860 (b) Each department shall pay the cost of additional state-paid life insurance for its
861 executive director from its existing budget.

862 (6) The Legislature fixes the following additional benefits:

863 (a) for the executive director of the State Tax Commission a vehicle for official and
864 personal use;

865 (b) for the executive director of the Department of Transportation a vehicle for official
866 and personal use;

867 (c) for the executive director of the Department of Natural Resources a vehicle for
868 commute and official use;

869 (d) for the Commissioner of Public Safety:

870 (i) an accidental death insurance policy if POST certified; and

871 (ii) a public safety vehicle for official and personal use;

872 (e) for the executive director of the Department of Corrections:

873 (i) an accidental death insurance policy if POST certified; and

874 (ii) a public safety vehicle for official and personal use;

875 (f) for the Adjutant General a vehicle for official and personal use; and

876 (g) for each member of the Board of Pardons and Parole a vehicle for commute and
877 official use.

878 Section 27. **Repealer.**

879 This bill repeals:

880 Section **63C-11-319, Ringside physician.**

881 Section **63C-11-320, Contracts.**

882 Section **63C-11-321, Withholding of purse.**

883 Section **63C-11-322, Penalty for unlawful conduct.**

884 Section **63C-11-323, Exemptions.**

885 Section **63C-11-324, Contest weights and classes -- Matching contestants.**

886 Section **63C-11-325, Elimination boxing contests -- Conduct of contests --**

887 **Applicability of provisions -- Limitations on license -- Duration of contests -- Equipment**

888 **-- Limitations on contests.**

889 Section **63C-11-326, Commission rulemaking.**

890 Section 28. **Effective date.**

891 If approved by two-thirds of all the members elected to each house, this bill takes effect

892 upon approval by the governor, or the day following the constitutional time limit of Utah

893 Constitution Article VII, Section 8, without the governor's signature, or in the case of a veto,

894 the date of veto override.

H.B. 400 1st Sub. (Buff) - Pete Suazo Utah Athletic Commission Amendments

Fiscal Note

2009 General Session

State of Utah

State Impact

Enactment of this bill will not require additional appropriations.

Individual, Business and/or Local Impact

Enactment of this bill likely will not result in direct, measurable costs and/or benefits for individuals, businesses, or local governments.
