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1 IN THE HOUSE

BY MARTIN

2

HOUSE BILL NO. 241

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

THIRTEENTH LEGISLATURE - FIRST SESSION

5

A BILL

6 For an Act entitled: "An Act relating to the creation of the Alaska Ath-
7 letic Commission and the regulation of combative
8 sports."

9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

10 * Section 1. AS 05.05 is amended by adding new sections to read:

11 Sec. 05.05.050. CREATION OF ATHLETIC COMMISSION. (a) There is
12 created in the Office of the Governor the Athletic Commission.

13 (b) Members of the commission serve at the pleasure of the
14 governor and shall be selected on the basis of their knowledge of and
15 contribution to athletics in the state.

16 Sec. 05.05.060. COMPOSITION AND TERMS OF MEMBERSHIP. (a) The
17 commission consists of seven members appointed by the governor for
18 staggered three year terms as follows:

19 (1) a lay person concerned with the public's interest;

20 (2) a licensed physician, preferably a specialist in sports
21 medicine;

22 (3) a representative of boxing managers;

23 (4) a representative of amateur boxing interests; and

24 (5) three members-at-large, one each from the southcentral,
25 interior, and southeastern regions of Alaska.

26 (b) A vacancy shall be filled for the balance of the unexpired
27 term.

28 Sec. 05.05.070. GENERAL DUTIES AND ANNUAL REPORT. The commis-
29 sion shall study the semiprofessional and professional athletic

1 programs of the state and shall report annually to the governor. The
2 report shall include the recommendations of the commission for the
3 advancement and improvement of athletic programs and activities in the
4 state, in addition to including the commission's findings.

5 Sec. 05.05.080. POWER OF COMMISSION. (a) The commission shall
6 supervise all semiprofessional and professional combative sports
7 activities conducted in the state.

8 (b) The commission shall adopt regulations for the safe, organ-
9 ized, sportsmanlike and honest conduct of contests, including regula-
10 tions relating to

11 (1) licensing of persons under the contest, telecast and
12 personal license provisions of this chapter;

13 (2) establishing the fees to be charged for licenses re-
14 quired under this chapter;

15 (3) establishing the fees payable to examining physicians,
16 attending physicians, inspectors, and referees;

17 (4) qualifications and duties of all persons required to be
18 licensed under this chapter;

19 (5) conduct of combative sports contests, including their
20 format and duration;

21 (6) approved equipment and facilities for the safety and
22 protection of contestants;

23 (7) any other provision of this chapter.

24 Sec. 05.05.090. ATTENDANCE AT CONTESTS. (a) Except as provided
25 in (c) of this section, a commissioner shall attend and supervise all
26 semiprofessional and professional combative sports contests in the
27 commissioner's area.

28 (b) A commissioner shall provide for the attending physician and
29 the referee at all contests in the commissioner's area of the state.

1 (c) In the event that a commissioner is unable to attend and
2 supervise a professional contest in that commissioner's area, arrange-
3 ment shall be made with another commissioner to attend the contest. A
4 professional contest may not be held without the attendance and super-
5 vision of at least one commissioner. If a local commissioner cannot
6 attend and supervise a semiprofessional contest, the contest shall be
7 attended and supervised by an inspector licensed under this chapter
8 and appointed by the member-at-large of the commission for the region
9 in which the contest is to be held.

10 (d) When a commissioner from one region of the state attends a
11 contest in another area as a substitute for the commissioner from that
12 area, the substitute commissioner is entitled to receive reasonable
13 travel expense compensation authorized by law.

14 Sec. 05.05.100. COMMISSIONERS' BONDS. Before entering the
15 duties of office, a commissioner shall enter into a surety bond,
16 executed by a surety company authorized to do business in the state,
17 payable to the state, and approved by the attorney general. The bond
18 shall be in the penal sum of \$2,000, conditioned on the faithful
19 performance of the commissioner's duties. The bond shall be filed
20 with the governor. A commissioner shall be reimbursed for the cost of
21 the bond.

22 Sec. 05.05.110. MEETINGS AND COMPENSATION. (a) The commission
23 shall meet at least once a year at the call of the governor or the
24 chairperson, at the request of a majority of the commissioners, or at
25 a regularly scheduled time determined by the commission. Commis-
26 sioners serve without compensation but are entitled to per diem and
27 travel expenses authorized by law for boards and commissions under
28 AS 39.20.180.

29 (b) The commissioners shall elect a chairperson and a vice-

1 chairperson from among their membership. A majority of the commis-
2 sioners constitute a quorum to convene a meeting, but the affirmative
3 vote of a majority of the commissioners is required to exercise the
4 powers of the commission.

5 (c) Meetings may be held by teleconference or other electronic
6 means. Commissioners participating in a meeting from a location out
7 of state may not vote at that meeting.

8 (d) The commission shall keep full and accurate minutes of its
9 proceedings and records of its transactions. A copy of each financial
10 report, the minutes of all meetings, and a copy of each report filed
11 with the commission under this chapter shall be sent to the governor's
12 office within 10 days after the record or report is completed or
13 received.

14 Sec. 05.05.120. LICENSES REQUIRED. (a) A person may not act as
15 a promoter for a semiprofessional or professional contest unless that
16 person has been issued a contest license by the commission.

17 (b) A person may not telecast a combative sports contest unless
18 that person has been issued a telecast license by the commission.

19 (c) A person may not act as a manager, examining or attending
20 physician, referee, inspector, second, trainer, or contestant unless
21 that person has been issued a personal license by the commission.

22 (d) Application procedures, qualifications, and fees for the
23 licenses required under this section shall be set out in regulations
24 adopted by the commission.

25 (e) Licenses are annual and shall expire on December 31 of each
26 year.

27 Sec. 05.05.130. CONTEST LICENSEE BOND. Every contest licensee
28 shall file a bond in the amount of \$1,000 with the commission for each
29 contest held in a city of less than 10,000 inhabitants and a bond in

1 the amount of \$3,000 for each contest held in a city of more than
2 10,000 inhabitants. The bond shall be conditioned on the faithful
3 performance by the licensee of the provisions of this chapter, the
4 payment of the taxes under this chapter and the compliance with all
5 regulations of the commission. The bond shall be subject to the
6 approval of the attorney general.

7 Sec. 05.05.140. CONTESTANT RESTRICTIONS. (a) A person may not
8 participate as a contestant who

9 (1) was intoxicated or under the influence of a controlled
10 substance at the time the person agreed to participate;

11 (2) did not agree in writing to participate at least 24
12 hours before a semiprofessional contest or at least two weeks before a
13 professional contest;

14 (3) except as provided in (b) of this section, has used
15 alcohol or a controlled substance within three hours preceding the
16 contest or is under the influence of alcohol or a controlled substance
17 at the time of the contest; and

18 (4) is not at least 18 years of age if the contest is at
19 the semiprofessional or professional level.

20 (b) A contestant may participate in a contest if

21 (1) the attending physician is aware that the contestant is
22 using a prescription drug; and

23 (2) in the opinion of the attending physician, the safety of
24 the contestant is not jeopardized and the prescription drug offers the
25 contestant no advantage over the opponent in the contest.

26 Sec. 05.05.150. EXAMINATION OF CONTESTANTS. (a) Every profes-
27 sional contestant shall be examined at least 24 hours, but no less
28 than eight hours, before the contest by a practicing physician. The
29 examining physician may disqualify a contestant considered physically

1 unfit to participate.

2 (b) The pre-contest examination shall include the review of a
3 CAT scan of the contestant's head taken within the previous two years
4 and supplied to the examining physician by the contestant. If the
5 contestant has been knocked out within the previous two years, a CAT
6 scan taken after the last knockout shall be supplied to the examining
7 physician for review.

8 Sec. 05.05.160. ATTENDING PHYSICIAN REQUIRED. An attending
9 physician must be on duty throughout a semiprofessional or profes-
10 sional contest. The attending physician has the authority and duty to
11 stop a contest when it is the physician's opinion that it would be
12 dangerous to a contestant to continue.

13 Sec. 05.05.170. WEIGHT OF GLOVES; REQUIRED HEADGEAR. (a) A
14 professional contestant may not wear gloves weighing less than 10
15 ounces each. Semiprofessional contestants shall wear protective
16 headgear and may not wear gloves weighing less than 16 ounces each.

17 (b) Contestants in combative sports in which no punching is
18 involved are not required to wear gloves, but must wear the protective
19 headgear required in (a) of this section.

20 Sec. 05.05.180. ROUNDS AND CONTESTS LIMITED. (a) Except as
21 provided in (c) and (d) of this section, no contest may be for more
22 than 10 rounds and no round may be for a period longer than three
23 minutes.

24 (b) There shall be not less than a one-minute intermission
25 between each two rounds.

26 (c) In a contest involving a state or regional championship, the
27 commission may grant an extension of no more than two additional
28 rounds, for a total of 12 rounds.

29 (d) In a contest involving a national championship, the

1 commission may grant an extension of no more than five additional
2 rounds, for a total of 15 rounds.

3 (e) The length and format of wrestling matches and other comba-
4 tive sports shall be determined by regulations adopted by the commis-
5 sion.

6 Sec. 05.05.190. NOTICE OF CANCELLATION. (a) When it has been
7 determined by means other than a physician's examination that a
8 scheduled contestant will be unable to appear, the scheduled contes-
9 tant's manager and the promoter of the contest shall notify the com-
10 missioner supervising the contest of the cancellation of the contest.
11 When the cancellation is the result of an examining physician's exami-
12 nation, the examining physician shall notify the commissioner super-
13 vising the contest.

14 (b) Upon receipt of notice of the cancellation of a contest for
15 any reason, the commissioner supervising the contest shall report the
16 cancellation promptly to the chairperson of the commission and immedi-
17 ately to the public. If the commission, rather than the commissioner
18 supervising the contest, is notified of a cancellation, the commission
19 shall notify the public immediately.

20 Sec. 05.05.200. PAYMENT OF FEES. (a) At least 14 days before a
21 contest, the contest licensee shall pay to the commission an amount
22 sufficient to pay the fees of the referee, the inspector and the
23 examining physician.

24 (b) The commission shall pay the fees in (a) of this section to
25 the persons entitled to them and furnish the governor with a record of
26 the receipt of the amount paid under (a) of this section and of the
27 payment of the fees.

28 (c) Failure of a contest licensee to pay the amount in (a) of
29 this section is grounds for the suspension of the contest license.

1 Sec. 05.05.210. STATEMENT AND REPORT OF CONTEST. (a) A contest
2 licensee shall, at least 30 days before a contest, file with the
3 commission a statement setting forth the name of each contestant, the
4 managers' names and other information the commission may require.

5 (b) Within 72 hours after a contest, the contest licensee shall
6 file with the Department of Revenue and the commission a written
7 report showing the number of tickets sold for the contest, the price
8 charged for them, the gross proceeds from the sale, and other informa-
9 tion the commission may require.

10 (c) Failure to file the statement or report required under this
11 section is grounds for suspension of a contest license.

12 Sec. 05.05.220. REPORT OF TELECAST. (a) A telecast licensee
13 shall, within 72 hours after the telecast, file with the commission a
14 written report showing the number of tickets issued or sold and the
15 amount of the gross receipts.

16 (b) Failure to file the report required by this section is
17 grounds for suspension of a telecast license.

18 Sec. 05.05.230. FAILURE TO PAY GROSS RECEIPTS TAX. (a) In
19 addition to any other penalty provided by law, a licensee who fails to
20 pay the gross receipts taxes under AS 43.77 shall be penalized by the
21 commission as follows:

22 (1) for a first offense, a license shall be suspended for a
23 minimum of three months, beginning from the date of the suspension
24 order;

25 (2) for a second offense, a license shall be revoked perma-
26 nently.

27 (b) The commission shall institute action to enforce (a) of this
28 section within 10 days of receipt of notice of a possible violation.

29 Sec. 05.05.240. PARTICIPATION IN PURSE. (a) A person who acts

1 as a promoter for a semiprofessional or professional contest may not
2 participate directly or indirectly in the purse or fee of a contestant
3 or a contestant's manager.

4 (b) A person who violates (a) of this section forfeits any
5 license held under this chapter.

6 (c) An unlicensed person who violates (a) of this section is
7 guilty of a class B misdemeanor.

8 Sec. 05.05.250. ACTING WITHOUT A LICENSE. (a) A person who
9 violates AS 05.05.120(a) is guilty of a class A misdemeanor.

10 (b) A person who violates AS 05.05.120(b) - (c) is guilty of a
11 class B misdemeanor.

12 Sec. 05.05.260. ENJOINING UNLICENSED CONTEST. The attorney
13 general, the commission, a commissioner, or a concerned person may
14 seek an injunction to prevent the conduct of a contest for which the
15 necessary license has not been obtained.

16 Sec. 05.05.270. SHAM CONTEST. (a) A person may not conduct or
17 participate in a sham or false contest.

18 (b) A licensee who violates (a) of this section shall be penal-
19 ized by the commission as follows:

20 (1) for a first offense, a license shall be suspended for a
21 minimum of three months, beginning from the date of the suspension
22 order;

23 (2) for a second offense, a license shall be revoked perma-
24 nently.

25 (c) An unlicensed person who violates (a) of this section is
26 guilty of a class B misdemeanor.

27 (d) The commission shall institute action to enforce (a) of this
28 section within 10 days of receipt of notice of a possible violation.

29 Sec. 05.05.280. EFFECT OF LICENSE SUSPENSION. (a) A licensee

1 may not promote or participate in a contest when the licensee's li-
2 cense is suspended.

3 (b) A licensee who violates (a) of this section forfeits the
4 license.

5 Sec. 05.05.290. EFFECT OF LICENSE FORFEITURE. A license for-
6 feited under this chapter is cancelled and void. The licensee is
7 forever ineligible for any of the licenses issued by the commission.

8 Sec. 05.05.300. GENERAL PENALTY. A person violating a provision
9 of this chapter or a regulation of the commission for which no penalty
10 is provided is guilty of a class B misdemeanor.

11 Sec. 05.05.310. INAPPLICABILITY OF CHAPTER. Nothing in this
12 chapter gives the commission jurisdiction over the athletic programs
13 of any school, college or university.

14 Sec. 05.05.320. APPLICABILITY OF THE ADMINISTRATIVE PROCEDURE
15 ACT. The Administrative Procedure Act (AS 44.62) applies to regula-
16 tions and proceedings under this chapter.

17 Sec. 05.05.900. DEFINITIONS. In this title

18 (1) "CAT scan" means a rotating three dimensional computer-
19 enhanced X-ray image;

20 (2) "combative sports" includes boxing, wrestling (inclu-
21 ding mud wrestling), kickboxing, and the martial arts;

22 (3) "commission" means the athletic commission created in
23 AS 05.05.050;

24 (4) "commissioner" means a member of the athletic commis-
25 sion;

26 (5) "contest" includes exhibition, sparring match or con-
27 test or fight, match, bout or fight of combative sports;

28 (6) "contestant" means a person who competes in a contest;

29 (7) "contest license" means the license issued to a

1 promoter or other person to carry on contests under this chapter;

2 (8) "inspector" means a person knowledgeable about comba-
3 tive sports and qualified under the regulations adopted by the commis-
4 sion for inspectors;

5 (9) "personal license" means the license issued to a con-
6 testant, a manager, examining physician, attending physician, referee,
7 inspector, second, or trainer;

8 (10) "professional" means a person receiving money or other
9 thing of value exceeding \$499 for participation in a contest, and also
10 means the contest itself;

11 (11) "promoter" means the person primarily responsible for
12 the sponsorship, organization or furtherance of a contest;

13 (12) "semiprofessional" means a person receiving money or
14 other thing of value not exceeding \$499 for participation in a bout or
15 contest, and also means the contest itself;

16 (13) "telecast" means the television broadcast of a live or
17 current contest on a closed circuit, whether originating in this state
18 or not, for admission fees;

19 (14) "telecast license" means the license issued under this
20 chapter for a telecast.

21 * Sec. 2. AS 43 is amended by adding a new chapter to read:

22 CHAPTER 77. SPORTS TAX.

23 Sec. 43.77.010. CONTEST AND TELECAST GROSS RECEIPTS TAX. (a) A
24 tax of five percent is imposed upon the gross receipts from a com-
25 bative sports contest and from the telecast of a contest.

26 (b) The minimum tax obligation under (a) of this section is
27 \$25.00 for each contest or telecast.

28 Sec. 43.77.020. DEPARTMENT OF REVENUE AUTHORITY. The Department
29 of Revenue shall:

- 1 (1) collect the tax in this chapter;
2 (2) adopt regulations necessary to carry out the purposes
3 of this chapter.

4 Sec. 43.77.030. PAYMENT OF TAX. (a) Within 72 hours after a
5 combative sports contest or telecast, the licensee under AS 05.05.120
6 or the person conducting the contest or telecast shall

7 (1) file with the Department of Revenue the written report
8 required by AS 05.05.210 or AS 05.05.220 showing the number of tickets
9 sold for the contest or telecast, as appropriate, the price charged,
10 the gross proceeds from the sale, and other information the Department
11 of Revenue may require;

12 (2) pay to the Department of Revenue the tax under AS 43.-
13 77.010.

14 Sec. 43.77.040. FAILURE TO MAKE REPORT AND TAX PAYMENT. (a)
15 The commissioner of revenue shall examine the books and records of the
16 licensee when

17 (1) a contest licensee or a telecast licensee fails to make
18 a report under AS 43.77.030;

19 (2) the report is unsatisfactory to the commission or to
20 the Department of Revenue; or

21 (3) a contest licensee or a telecast licensee fails to pay
22 the full amount of the taxes due with the report.

23 (b) The commissioner of revenue may subpoena and examine under
24 oath a licensee and any other person considered necessary to determine
25 the total gross receipts of a contest or telecast and the amount of
26 tax due.

27 (c) If, upon the completion of the examination, it is determined
28 that some or all of the tax owed to the state is unpaid, notice shall
29 be served upon the contest or telecast licensee stating the amount of

1 the tax owed. The taxes shall be paid within 20 days of receipt of
2 the notice.

3 Sec. 43.77.050. PENALTY. A person who violates AS 43.77.030 or
4 AS 43.77.040 is guilty of a class B misdemeanor.

5 Sec. 43.77.060. DEFINITIONS. For purposes of this chapter, the
6 terms "combative sports", "commission", "contest", "contest licensee",
7 "telecast", and "telecast licensee" have the meanings set out in
8 AS 05.05.900.

9 * Sec. 3. AS 44.62.330(a) is amended by adding a new paragraph to read:
10 (52) Alaska Athletic Commission.

11 * Sec. 4. AS 44.66.010(a) is amended by adding a new paragraph to read:
12 (12) Alaska Athletic Commission (AS 05.10) -- June 30, 1986.

13 * Sec. 5. AS 05.05.010 - 05.05.040 and AS 05.10 are repealed.

14 * Sec. 6. INITIAL TERMS OF ALASKA ATHLETIC COMMISSION MEMBERS. Initial
15 terms of the Alaska Athletic Commission shall be one year for two members,
16 two years for two members, and three years for three members. The governor
17 shall specify the initial term for each appointee.

18 * Sec. 7. FIRST MEETING. The governor shall call the first meeting of
19 the Alaska Athletic Commission within 15 days after appointment of the
20 members.