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Referred: Finance

Original sponsor: Martin

1 IN THE HOUSE

BY THE LABOR AND
COMMERCE COMMITTEE

2

CS FOR HOUSE BILL NO. 241 (L&C)

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IN THE LEGISLATURE OF THE STATE OF ALASKA

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THIRTEENTH LEGISLATURE - FIRST SESSION

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A BILL

6 For an Act entitled: "An Act relating to the creation of the Alaska Boxing

7

Commission and the regulation of professional box-

8

ing."

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

10 * Section 1. AS 08.01.010 is amended by adding a new paragraph to read:

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(24) Alaska Boxing Commission (AS 08.15.010).

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* Sec. 2. AS 08 is amended by adding a new chapter to read:

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CHAPTER 15. BOXING.

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Sec. 08.15.010. CREATION OF BOXING COMMISSION. (a) There is

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created in the Department of Commerce and Economic Development the

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Alaska Boxing Commission.

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(b) Members of the commission serve at the pleasure of the

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governor and shall be selected on the basis of their knowledge of and

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contribution to professional boxing in the state.

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Sec. 08.15.020. COMPOSITION AND TERMS OF MEMBERSHIP. (a) The

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commission consists of five members appointed by the governor for

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staggered three year terms as follows:

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(1) a licensed physician, preferably a specialist in sports

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medicine;

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(2) one member of the public;

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(3) three members from the profession, one of whom shall be

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a contestant licensed under this chapter.

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(b) A vacancy shall be filled for the balance of the unexpired

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term.

1 Sec. 08.15.030. GENERAL DUTIES AND ANNUAL REPORT. (a) The
2 commission shall report annually to the governor. The report shall
3 include the recommendations of the commission for the advancement and
4 improvement of professional boxing programs and activities in the
5 state, in addition to including the commission's findings.

6 (b) The commission shall recommend to the legislature statutory
7 changes that the commission considers desirable or necessary to pro-
8 mote and maintain a high level of professional boxing activity in the
9 state.

10 Sec. 08.15.040. POWER OF COMMISSION. (a) The commission shall
11 supervise all professional contests conducted in the state.

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

15 (1) licensing of persons under the personal license provi-
16 sions of this chapter;

17 (2) establishing the minimum fees payable to attending
18 physicians or other medical personnel, referees, judges, and time-
19 keepers, and providing for waiver of the fees with the consent of the
20 promoter and the person entitled to the fee;

21 (3) qualifications and duties of all persons required to be
22 licensed under this chapter;

23 (4) conduct of contests, including their format and dura-
24 tion;

25 (5) approved equipment and facilities for the safety and
26 protection of contestants;

27 (6) any other provision of this chapter.

28 (c) The commission may subpoena witnesses, administer oaths,
29 take testimony and require the production or examination of any

1 records concerning matters before the commission or under its investi-
2 gation.

3 Sec. 08.15.050. DESIGNATED REPRESENTATIVES. (a) The commission
4 shall maintain a list of designated representatives.

5 (b) Whenever possible, a local designated representative shall
6 substitute for a commissioner unable to supervise a contest in the
7 commissioner's area. Commissioners and designated representatives
8 shall minimize travel from one area of the state to another.

9 Sec. 08.15.060. ATTENDANCE AT CONTESTS. A contest may not be
10 held without the attendance and supervision of a commissioner or a
11 designated representative.

12 Sec. 08.15.070. PROVISION OF OFFICIALS. If not provided by the
13 promoter, a commissioner supervising a contest shall provide for the
14 attending physician or other medical personnel, timekeepers, referees,
15 and judges at all contests in the state.

16 Sec. 08.15.080. MEETINGS AND COMPENSATION. (a) The commission
17 shall meet at least once a year at the call of the chairperson, at the
18 request of a majority of the commissioners, or at a regularly sched-
19 uled time determined by the commission. Commissioners serve without
20 compensation but are entitled to per diem and travel expenses autho-
21 rized by law for boards and commissions under AS 39.20.180.

22 (b) The commissioners shall elect a chairperson and a vice-
23 chairperson from among their membership. The affirmative vote of a
24 majority of the commissioners is required to exercise the powers of
25 the commission.

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

29 (d) The commission shall keep full and accurate minutes of its

1 proceedings and records of its transactions.

2 Sec. 08.15.090. LICENSES REQUIRED. (a) A person may not act as
3 a promoter, contestant, manager, attending physician or other medical
4 personnel, trainer, referee, or judge in or for a contest unless that
5 person has been issued the appropriate personal license by the commis-
6 sion.

7 (b) Application procedures and qualifications for the licenses
8 required under this section shall be set out in regulations adopted by
9 the commission.

10 (c) Licenses are biennial and shall expire on December 31.

11 (d) A temporary license shall be granted by the commission, a
12 commissioner, or a designated representative if the applicant meets
13 the qualifications for the license. A temporary license is valid
14 until the permanent license is issued or denied.

15 Sec. 08.15.100. LICENSE FEES. The fees for licenses under this
16 chapter are as follows:

- 17 (1) promoters.....\$100;
- 18 (2) managers.....50;
- 19 (3) all other licensees except attending physicians or
20 other medical personnel.....10.

21 Sec. 08.15.110. PROMOTER'S BOND. A promoter shall file a bond
22 in the amount of \$5,000 with the department upon approval of the
23 application for a license and before the license is issued. The bond
24 shall be conditioned on the faithful performance by the licensee of
25 the provisions of this chapter, the payment of the contestants, and
26 the good faith effort to conduct each contest for which tickets have
27 been sold.

28 Sec. 08.15.120. CONTESTANT RESTRICTIONS. (a) A person may not
29 participate as a contestant who

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

3 (2) did not agree to participate in writing;

4 (3) except as provided in (b) of this section, has used
5 alcohol or a controlled substance within eight hours preceding the
6 contest or is under the influence of alcohol or a controlled substance
7 at the time of the contest; and

8 (4) is not at least 18 years of age or has not obtained a
9 waiver from the commission, a commissioner, or a designated repre-
10 sentative.

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

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

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

17 Sec. 08.15.130. EXAMINATION OF CONTESTANTS. (a) Every con-
18 testant shall be examined no more than 24 hours before the contest by
19 a practicing physician. The examining physician may disqualify a
20 contestant considered physically unfit to participate.

21 (b) A contestant shall obtain a CAT scan of the head, or an
22 equivalent examination, every 150 contest rounds or less and promptly
23 supply a physician's analysis of the most recent CAT scan, or its
24 equivalent, to the commission. If the contestant has been knocked out
25 since the contestant's last CAT scan, a physician's analysis of a CAT
26 scan, or its equivalent, taken after the last knockout shall be sup-
27 plied to the commission, a commissioner, or a designated representa-
28 tive before the contestant's next contest.

29 Sec. 08.15.140. ATTENDING PHYSICIAN REQUIRED. An attending

1 physician or other medical personnel must be on duty throughout a
2 contest. The attending physician or other medical personnel has the
3 authority and duty to stop a contest when it is the opinion of the
4 physician or other medical personnel that it would be dangerous to a
5 contestant to continue.

6 Sec. 08.15.150. NOTICE OF CANCELLATION. (a) When it has been
7 determined by means other than a physical examination that a scheduled
8 contestant will be unable to appear, the scheduled contestant's mana-
9 ger and the promoter of the contest shall notify the commissioner or
10 the designated representative supervising the contest of the can-
11 cellation of the contest. When the cancellation is the result of an
12 examining physician's or other medical personnel's examination, the
13 examining physician or other medical personnel shall notify the com-
14 missioner supervising the contest in writing, stating the medical
15 reason for, and the duration of, the cancellation.

16 (b) Upon receipt of notice of the cancellation of a contest for
17 any reason, the commissioner or the designated representative super-
18 vising the contest, shall report the cancellation promptly to the
19 chairperson of the commission and immediately to the public. If the
20 commission, rather than the commissioner or the designated representa-
21 tive supervising the contest, is notified of a cancellation, the
22 commission shall notify the public immediately.

23 Sec. 08.15.160. PAYMENT OF FEES. Failure of a promoter to pay
24 the fees or compensation of the contestant, referee, attending physi-
25 cian or other medical personnel, judges, and timekeeper is grounds for
26 the suspension of the promoter's license.

27 Sec. 08.15.170. STATEMENT OF CONTEST. (a) Before a contest, a
28 promoter shall file with the commission, commissioner or the commis-
29 sioner's designated representative, a statement setting out the name

1 of each contestant, the managers' names and other information the
2 commission may require.

3 (b) Failure to file the statement required under (a) of this
4 section is grounds for suspension of the promoter's license.

5 Sec. 08.15.180. ACTING WITHOUT A LICENSE. A person who violates
6 AS 08.15.090(a) is guilty of a class B misdemeanor.

7 Sec. 08.15.190. SHAM CONTEST. (a) A person may not conduct or
8 participate in a sham or false contest.

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

11 (1) for a first offense, a license shall be suspended for a
12 minimum of three months, beginning from the date of the suspension
13 order;

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

16 (c) The commission shall institute action to enforce (a) of this
17 section within 10 days of receipt of notice of a possible violation.

18 (d) An unlicensed person who violates (a) of this section is
19 guilty of a class B misdemeanor.

20 Sec. 08.15.200. EFFECT OF LICENSE SUSPENSION. (a) A licensee
21 may not promote or participate in a contest when the licensee's li-
22 cense is suspended.

23 (b) A licensee who violates (a) of this section forfeits the
24 license.

25 Sec. 08.15.210. EFFECT OF LICENSE FORFEITURE. A license for-
26 feited under this chapter is cancelled and void. The licensee is
27 forever ineligible for any of the licenses issued by the commission.

28 Sec. 08.15.220. GENERAL PENALTY. A person violating a provision
29 of this chapter or a regulation of the commission for which no penalty

1 is provided is guilty of a class B misdemeanor.

2 Sec. 08.15.230. INAPPLICABILITY OF CHAPTER. Nothing in this
3 chapter gives the commission jurisdiction over the athletic programs
4 of any school, college or university or any other nonprofessional
5 athletic events.

6 Sec. 08.15.240. APPLICABILITY OF THE ADMINISTRATIVE PROCEDURE
7 ACT. The Administrative Procedure Act (AS 44.62) applies to regula-
8 tions and proceedings under this chapter.

9 Sec. 08.15.900. DEFINITIONS. In this title

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

12 (2) "commission" means the athletic commission created in
13 AS 08.15.010;

14 (3) "commissioner" means a member of the athletic commis-
15 sion;

16 (4) "contest" includes a professional boxing contest,
17 match, bout or fight;

18 (5) "contestant" means a person who competes in a profes-
19 sional contest;

20 (6) "designated representative" means a person knowledge-
21 able about boxing or wrestling and qualified under the regulations
22 adopted by the commission for designated representatives;

23 (7) "other medical personnel" includes a physician assis-
24 tant, registered nurse, paramedic, and emergency medical technician
25 while performing duties under this chapter and within the scope of the
26 person's occupational license;

27 (8) "personal license" means the license issued to a pro-
28 moter, contestant, manager, attending physician or other medical
29 personnel, referee, judge, or trainer;

1 (9) "professional" means a person receiving money or other
2 thing of value other than a trophy, plaque, or medal for participation
3 in a contest, and also means the contest itself;

4 (10) "promoter" means the person primarily responsible for
5 the sponsorship, organization or furtherance of a contest.

6 * Sec. 3. AS 44.62.330(a) is amended by adding a new paragraph to read:
7 (52) Alaska Boxing Commission.

8 * Sec. 4. AS 44.66.010(a) is amended by adding a new paragraph to read:
9 (12) Alaska Boxing Commission (AS 08.15) -- June 30, 1986.

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

11 * Sec. 6. INITIAL TERMS OF ALASKA BOXING COMMISSION MEMBERS. Initial
12 terms of the Alaska Boxing Commission shall be one year for two members,
13 two years for two members, and three years for one member. The governor
14 shall specify the initial term for each appointee.

15 * Sec. 7. REGULATIONS. The commission shall compile an initial list of
16 designated representatives and also shall adopt comprehensive regulations
17 under AS 08.15.040 within one year after the effective date of this Act.