

ORIGINAL HOUSE
BILL NO. HB0102

ENROLLED ACT NO. 82, HOUSE OF REPRESENTATIVES

SIXTY-FIFTH LEGISLATURE OF THE STATE OF WYOMING
2020 BUDGET SESSION

AN ACT relating to professions and occupations; renaming the board of mixed martial arts as the Wyoming combat sports commission; specifying duties of the commission related to the governance of boxing; providing an exemption; defining terms; renaming an account; making conforming amendments; requiring rulemaking; specifying the transfer of funds; and providing for an effective date.

Be It Enacted by the Legislature of the State of Wyoming:

Section 1. W.S. 33-48-101(a) through (g), (h)(ii) and by creating new paragraphs (iv) and (v), 33-48-102(a), (b), (c)(intro), (i) and (iii), 33-48-103 through 33-48-106, 33-48-107(a)(i) and (ii) and 33-48-108 through 33-48-116 are amended to read:

CHAPTER 48
WYOMING COMBAT SPORTS COMMISSION

33-48-101. Wyoming combat sports commission created; appointment; term; rules and regulations; definitions.

(a) The ~~state board of mixed martial arts~~ Wyoming combat sports commission is created to implement and administer this chapter.

(b) The ~~board~~ commission shall consist of three (3) members.

(c) Terms of initial ~~board~~ commission members shall be staggered with one (1) member serving for one (1) year, one (1) serving for two (2) years and one (1) serving for three (3) years.

ORIGINAL HOUSE
BILL NO. HB0102

ENROLLED ACT NO. 82, HOUSE OF REPRESENTATIVES

SIXTY-FIFTH LEGISLATURE OF THE STATE OF WYOMING
2020 BUDGET SESSION

(d) The governor shall appoint the members of the ~~board~~commission. Except for initial ~~board~~commission members as provided under subsection (c) of this section, the term of each member shall be three (3) years. Upon expiration of their terms, members of the ~~board~~commission shall continue to hold office until the appointment of their successors. ~~No person shall serve as a member of the board for more than two (2) consecutive terms.~~

(e) A vacancy that occurs for any reason in the membership of the ~~board~~commission shall be filled within thirty (30) days by the governor. A person appointed to fill a vacancy shall serve for the unexpired portion of the term.

(f) The governor may remove any member of the ~~board~~commission as provided in W.S. 9-1-202 or upon a recommendation of a majority of the ~~board~~commission for any reason.

(g) The ~~board~~commission shall adopt a seal and shall make rules for the administration of this chapter.

(h) As used in this chapter:

(ii) "Mixed martial arts" means unarmed combat involving the use, subject to any limitations set forth in this chapter or by rule of the ~~board~~commission, of a combination of techniques from different disciplines of the martial arts including, without limitation, grappling, submission holds, kicking and striking;

(iv) "Boxing" means boxing, sparring or any form of competition in which a blow is usually struck that may reasonably be expected to inflict injury and where the only

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ENROLLED ACT NO. 82, HOUSE OF REPRESENTATIVES

SIXTY-FIFTH LEGISLATURE OF THE STATE OF WYOMING
2020 BUDGET SESSION

authorized strikes are punches using padded gloves over the hands;

(v) "Commission" means the Wyoming combat sports commission.

33-48-102. Wyoming combat sports commission; powers and duties; subpoenas; oaths.

(a) The ~~board~~commission shall keep a full and accurate record of all acts and doings of the ~~board~~commission. The ~~board~~commission shall prepare for service of notices and other papers as may be necessary and shall have the power to administer oaths and issue subpoenas in all matters pertaining to the administration of the ~~board's~~commission's duties. Falsely swearing before the ~~board~~commission shall be attended by the same consequences and be subject to the same penalties as if the disobedience or false swearing occurred in an action in the district court.

(b) A majority of the ~~board~~commission constitutes a quorum for meetings and the transaction of business. The act of the majority of members of the ~~board~~commission shall be the act of the ~~board~~commission. The ~~board~~commission shall meet as often as needed, but not less than four (4) times a year. The meetings shall be held in accordance with W.S. 16-4-401 through 16-4-407. The ~~board~~commission shall keep permanent records of its meetings.

(c) Any subpoena issued by the ~~board~~commission shall be subject to the following:

(i) The subpoena shall describe the objects required to be produced and shall prescribe a return date within a reasonable period of time within which the objects

ORIGINAL HOUSE
BILL NO. HB0102

ENROLLED ACT NO. 82, HOUSE OF REPRESENTATIVES

SIXTY-FIFTH LEGISLATURE OF THE STATE OF WYOMING
2020 BUDGET SESSION

can be assembled and made available. If any tangible materials subpoenaed are located outside of this state, the person to whom the subpoena is issued shall make the materials available to the ~~board~~commission at a convenient location;

(iii) If any party fails or refuses to obey a subpoena, the attorney general may, upon request of the ~~board~~commission and reasonable notice to all affected persons, apply to the district court for an order compelling compliance.

33-48-103. Wyoming combat sports commission; per diem; mileage.

~~Board~~Commission members shall receive as compensation the salary, per diem and mileage allowance as allowed to state legislators for each day or portion thereof in which they are engaged in the performance of their duties, payments of the same to be made out of the ~~state mixed martial arts board's~~Wyoming combat sports commission's appropriation. Provided, that if any state officer is appointed to act as a ~~board~~commission member, compensation for the services shall not be reimbursed except for any necessary expenses incurred or paid subject to the submission of appropriate receipts.

33-48-104. Wyoming combat sports commission; report to legislature; repeal of chapter.

(a) The ~~board~~commission shall make a full report to the joint travel, recreation, wildlife and cultural resources interim committee of all proceedings during the two (2) years preceding the first day of December before the beginning of the general session of the legislature.

ORIGINAL HOUSE
BILL NO. HB0102

ENROLLED ACT NO. 82, HOUSE OF REPRESENTATIVES

SIXTY-FIFTH LEGISLATURE OF THE STATE OF WYOMING
2020 BUDGET SESSION

The report shall contain a statement of persons, clubs, organizations or corporations issued licenses, the number of licenses revoked, suspended or denied, the gross receipts from each person, club, organization or corporation, and other information and comments in relation to the work of the board-commission as public interest may require.

(b) If the board-commission raises fees pursuant to W.S. 33-48-108(b) and determines that the money received under this chapter remains insufficient to continue operations, the board-commission shall report that information to the legislature and shall not request any appropriation from the legislature. W.S. 33-48-101 through 33-48-117 are repealed, effective upon adjournment of the first legislative session convened after the date a report under this subsection is made.

33-48-105. Jurisdiction over mixed martial arts and boxing matches and licenses; power of municipalities.

(a) The board-commission shall have sole direction, management, control of, and jurisdiction over, all mixed martial arts and boxing matches to be conducted, held or given within the state. No mixed martial arts or boxing match shall be conducted, held or given within the state except pursuant to a license granted by the board-commission and in accordance with the provisions of this chapter and the rules and regulations of the board-commission. Every license shall be subject to such rules as the board-commission may prescribe. The board-commission may, at its discretion, issue and for cause revoke, deny or suspend a license to conduct, hold or give a mixed martial arts or boxing match. The board-commission shall have full power and authority to limit the number of mixed martial

ORIGINAL HOUSE
BILL NO. HB0102

ENROLLED ACT NO. 82, HOUSE OF REPRESENTATIVES

SIXTY-FIFTH LEGISLATURE OF THE STATE OF WYOMING
2020 BUDGET SESSION

arts and boxing matches to be held or given by any person, club, organization or corporation in this state. No provision of this chapter shall prevent any incorporated city or town from prohibiting by ordinance any mixed martial arts or boxing match, provided that no match shall be held other than in compliance with this chapter.

(b) Any person, club, organization or corporation in this state seeking to hold a boxing match may seek a license for the match from another state's boxing commission, agency or regulatory body, subject to approval of the Wyoming combat sports commission. A license issued pursuant to this subsection shall be subject to the rules and regulations of the issuing state's regulatory body.

33-48-106. License application; fee and bond.

Application for a license to conduct mixed martial arts and boxing matches shall be in writing, shall be addressed to the ~~board~~commission and shall be verified by the individual promoter or by an officer of the club, organization or corporation on whose behalf the application is made. The application shall be accompanied by a fee as established by the ~~board~~commission in accordance with W.S. 33-1-201. The application shall show that the club, organization or corporation has been in existence not less than thirty (30) days. Before any license is issued under this chapter to any person, club, organization or corporation, the applicant shall file with the state treasurer a bond in an amount established by the ~~board~~commission, not to exceed the greater of ten thousand dollars (\$10,000.00) or the total estimated expenses associated with the match, with good and sufficient surety, conditioned for the faithful performance of the conditions of this chapter. The applicant shall provide an estimate of

ORIGINAL HOUSE
BILL NO. HB0102

ENROLLED ACT NO. 82, HOUSE OF REPRESENTATIVES

SIXTY-FIFTH LEGISLATURE OF THE STATE OF WYOMING
2020 BUDGET SESSION

the expenses for the match based on matches held at venues with similar audience capacity and other relevant factors. The ~~board~~commission shall verify that the application contains a good faith estimate of anticipated expenses for the match.

33-48-107. Report of person, club, organization or corporation; admission fee to be paid.

(a) Every person, club, organization or corporation which exercises any of the privileges conferred by this chapter shall within seventy-two (72) hours after the determination of every match:

(i) Furnish to the ~~board~~commission, or its representative, a written report, verified by the individual promoter or an officer of the club, organization or corporation. The report shall show the number of tickets sold for the match, the amount of gross proceeds from the match and other matters as the board may prescribe; and

(ii) Pay to the ~~board~~commission a fee of five percent (5%) of its total gross receipts from the sale of tickets of admission and admission fees to any mixed martial arts or boxing match.

33-48-108. Disposition of fees.

(a) All money received by the ~~board~~commission under this chapter shall be deposited with the state treasurer and credited to the ~~mixed martial arts board~~Wyoming combat sports commission account, which is hereby created.

ORIGINAL HOUSE
BILL NO. HB0102

ENROLLED ACT NO. 82, HOUSE OF REPRESENTATIVES

SIXTY-FIFTH LEGISLATURE OF THE STATE OF WYOMING
2020 BUDGET SESSION

(b) If at any time the ~~board~~commission determines that the money received under this chapter is insufficient to continue operations without additional state funding, the ~~board~~commission shall increase fees in accordance with W.S. 33-1-201 to the extent required to continue operations. If the ~~board~~commission raises fees under this subsection and the money received under this chapter remains insufficient to continue operations, the ~~board~~commission shall provide a report to the legislature as specified in W.S. 33-48-104(b).

33-48-109. Amateur matches.

Whenever an amateur mixed martial arts ~~or boxing~~ match is held by any person, club, organization or corporation, and the match is not for pecuniary profit, the ~~license fee and bond provisions of W.S. 33-48-106, the reporting and fee provisions of W.S. 33-48-107, and the presence of a board member and the or board representative provisions of W.S. 33-48-110~~provisions of this chapter shall not apply. ~~The match shall, however, be subject to all other provisions of this chapter and the rules and regulations of the board.~~

33-48-110. Commission representatives.

The ~~board~~commission shall appoint official representatives designated as ~~board~~commission representatives for the state. Each ~~board~~commission representative shall receive from the ~~board~~commission a card authorizing him to act as a representative wherever the ~~board~~commission may designate him to act. Except as provided in W.S. 33-48-109, a ~~board~~commission member or ~~board~~commission representative shall be present at all matches conducted for pecuniary profit and see that the rules and regulations of the ~~board~~commission are strictly observed. A ~~board~~

ORIGINAL HOUSE
BILL NO. HB0102

ENROLLED ACT NO. 82, HOUSE OF REPRESENTATIVES

SIXTY-FIFTH LEGISLATURE OF THE STATE OF WYOMING
2020 BUDGET SESSION

commission representative may also be present at the counting of the gross receipts and, if present, shall without undue delay provide to the ~~board~~commission the written report received by the ~~board~~commission representative from the individual promoter or officer of the club, organization or corporation showing the number of tickets sold, the gross amount of proceeds and other matters as the ~~board~~commission may prescribe. The ~~board~~commission may establish compensation for, and pay, any ~~board~~commission representatives appointed under this section from fees deposited in the ~~mixed martial arts board~~Wyoming combat sports commission account in accordance with W.S. 33-1-202 and this chapter.

33-48-111. Rules for conduct of matches.

(a) The ~~board~~commission shall promulgate rules and regulations regarding the conduct of matches not inconsistent with this chapter or the unified rules of mixed martial arts and the unified rules of boxing adopted by the association of boxing commissions.

(b) No betting or wagering at any mixed martial arts or boxing match shall be permitted by any person directly associated with the mixed martial arts or boxing match, including the contestants, spectators and members of the club or organization, before, after or during any match, in or around the premises where the match is held. Nothing in this subsection shall be construed to prohibit betting or wagering as may be allowed by law away from the premises where the match is held, or to authorize betting or wagering otherwise prohibited by law.

33-48-112. Examination by physician.

ORIGINAL HOUSE
BILL NO. HB0102

ENROLLED ACT NO. 82, HOUSE OF REPRESENTATIVES

SIXTY-FIFTH LEGISLATURE OF THE STATE OF WYOMING
2020 BUDGET SESSION

Each contestant shall be examined not more than twelve (12) hours prior to a mixed martial arts or boxing match by a physician who has been licensed to practice in Wyoming and who has been designated by the ~~board~~commission. The physician shall certify in writing, over his signature, as to the contestant's physical condition to engage in the match. The physician's compensation shall be provided by the individual promoter or entity unless otherwise agreed.

33-48-113. Referees.

No person shall act as a referee to a mixed martial arts or boxing match without a certificate granted by the ~~board~~commission. The ~~board~~commission is authorized to grant certificates to competent referees upon the application and the payment of an annual fee as established by the ~~board~~commission in accordance with W.S. 33-1-201 and the ~~board~~commission may revoke any certificate granted to any referee for cause as the ~~board~~commission may deem sufficient.

33-48-114. Penalty for contestants violating rules of commission.

(a) In addition to any penalty imposed under W.S. 33-48-117, any contestant who shall be found to be in violation of any rule or regulation of the ~~board~~commission shall be penalized as follows:

(i) For the first offense he shall be restrained by order of the ~~board~~commission from participating in any mixed martial arts or boxing match to be held or given by any person, club, organization or corporation licensed to give or hold any mixed martial arts or boxing match for a

ORIGINAL HOUSE
BILL NO. HB0102

ENROLLED ACT NO. 82, HOUSE OF REPRESENTATIVES

SIXTY-FIFTH LEGISLATURE OF THE STATE OF WYOMING
2020 BUDGET SESSION

period of not less than three (3) months nor more than one (1) year at the discretion of the ~~board~~commission;

(ii) For a second offense he shall be disqualified from further admission or participation in any mixed martial arts or boxing match, held or given by any person, club, organization or corporation licensed under this chapter.

33-48-115. Failure to make reports; unsatisfactory reports; examination of records, officers.

Whenever any person, club, organization or corporation fails to make a report of any match at the time prescribed by this chapter, or whenever the report is unsatisfactory to the ~~board~~commission, the ~~board~~commission may examine or cause to be examined, the books and records of the person, club, organization or corporation, and examine under oath its officers and other persons as witnesses for the purpose of determining the total amount of its gross receipts for any match and the amount of monies due pursuant to the provisions of this chapter. The ~~board~~commission shall determine the amount due based upon the results of the examination. Should the person, club, organization or corporation fail to pay any monies determined to be due, together with the expenses incurred in making the examination, for a period of twenty (20) days after notice of the amount due by the ~~board~~commission, the person, club, organization or corporation shall forfeit its license and shall be disqualified from receiving any new license or any renewal of its license. In addition, the person, club, organization or corporation shall forfeit to the state of Wyoming the bond required to be filed by W.S. 33-48-106, which may be recovered by the attorney general in the name of the state of Wyoming. Appeals of a

ORIGINAL HOUSE
BILL NO. HB0102

ENROLLED ACT NO. 82, HOUSE OF REPRESENTATIVES

SIXTY-FIFTH LEGISLATURE OF THE STATE OF WYOMING
2020 BUDGET SESSION

disqualification under this section may be made as provided in the Wyoming Administrative Procedure Act.

33-48-116. Weights and classes.

The weights and classes of mixed martial arts and boxing participants and the rules and regulations of mixed martial arts and boxing shall be the same as the weights and classes and rules and regulations adopted by the association of boxing commissions in the unified rules of mixed martial arts and the unified rules of boxing, except as otherwise provided in this chapter.

Section 2. W.S. 33-48-101(h)(i) is repealed.

Section 3. The current members of the state board of mixed martial arts, renamed to the Wyoming combat sports commission in Section 1 of this act, shall continue to serve their terms as members of the Wyoming combat sports commission pursuant to the provisions of W.S. 33-48-101, as amended by Section 1 of this act.

Section 4. The Wyoming combat sports commission, renamed from the state board of mixed martial arts in Section 1 of this act, shall promulgate all rules necessary to conduct boxing matches in this state and otherwise to implement this act.

Section 5. On the effective date of this act, all unobligated and unencumbered funds within the mixed martial arts board account shall be transferred to the Wyoming combat sports commission account, as renamed in Section 1 of this act.

ORIGINAL HOUSE
BILL NO. HB0102

ENROLLED ACT NO. 82, HOUSE OF REPRESENTATIVES

SIXTY-FIFTH LEGISLATURE OF THE STATE OF WYOMING
2020 BUDGET SESSION

Section 6. This act is effective immediately upon completion of all acts necessary for a bill to become law as provided by Article 4, Section 8 of the Wyoming Constitution.

(END)

Speaker of the House

President of the Senate

Governor

TIME APPROVED: _____

DATE APPROVED: _____

I hereby certify that this act originated in the House.

Chief Clerk