



FILED

JAN 13 2 19 PM '00

WEST VIRGINIA LEGISLATURE
Legislative Rule-Making Review Committee

OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

State Capitol - Room MB-49
Charleston, West Virginia 25305
Phone: (304) 347-4840
Fax: (304) 347-4919

email: tanders@mail.wvnet.edu

Senator Mike Ross, Co-Chairman
Delegate Mark Hunt, Co-Chairman
Debra A. Graham, Counsel

Joseph A. Altizer, Associate Counsel
Rita Pauley, Associate Counsel
Teri Anderson, Administrative Assistant

December 10, 1999

NOTICE OF ACTION TAKEN BY LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

TO: Ken Hechler, Secretary of State, State Register

TO: Rick Modesitt
Athletic Commission
P.O. Box 2206
Parkersburg, WV 26102

FROM: Legislative Rule-Making Review Committee

Proposed Rule: **Administrative Rules and Regulations of the West Virginia State Athletic Commission, 177CSRI**

The Legislative Rule-Making Review Committee recommends that the West Virginia Legislature:

1. Authorize the agency to promulgate the Legislative Rule
(a) as originally filed
(b) as modified by the agency
2. Authorize the agency to promulgate part of the Legislative rule;
a statement of reasons for such recommendation is attached. _____
3. Authorize the agency to promulgate the Legislative rule with
certain amendments; amendments and a statement of reasons
for such recommendation is attached. _____
4. Authorize the agency to promulgate the Legislative rule as
modified with certain amendments; amendments and a
statement of reasons for such recommendation is attached. _____
5. Recommends that the rule be withdrawn; a statement of
reasons for such recommendation is attached. _____

ANALYSIS OF PROPOSED LEGISLATIVE RULES

FILED

JAN 6 1 19 PM '00

Staff Counsel: Rita A. Pauley
Date: January 4, 2000
Agency: West Virginia State Athletic Commission
Subject: Administrative Rule of the West Virginia State Athletic Commission, 177 CSR 1.

OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

PERTINENT DATES

Filed for public comment: May 19, 1999
Public comment period ended: June 21, 1999
Filed following public comment period: July 8, 1999
Filed LRMRC: July 8, 1999
Filed as emergency: N/A

Fiscal Impact: The Commission did not file a fiscal note with the rule. There are statutorily authorized fee increases contained in the rule.

ABSTRACT

The Commission has proposed modifications to an existing rule. The rule establishes the procedures to be followed for all amateur, semi-professional and professional boxing events held in the state of West Virginia. The rule covers such things as licensure of promoters, boxers, managers and seconds; bonding requirements; permits for boxing events; insurance required for boxers; weights and classes of fight categories; designation of officials and their duties; and how rounds are judged.

The following is a synopsis of the proposed changes to the rule.

Section 1 is the standard general section, setting forth the scope, authority, filing date and effective date of the proposed rule.

Section 2 is the definition section. Counsel has suggested that some definitions contained in the body of the rule should more

appropriately be contained in the definition section and that the definitions be put in alphabetical order.

A new definition has been added for "semi-professional" which is an amateur boxer who competes in elimination style tough-man tournaments.

Section 4 contains the general requirements for licensure and application for licensure of boxers, managers, seconds and promoters. The commission has deleted the requirement that applicants submit fingerprints with their application. Subsection 4.5 contains the license fees. The following fees have been increased as authorized a statutory change last session. Professional boxer, a one year license has increased from \$5 to \$10. A new category for semi-professional boxer has been added. It has a \$10 licensure fee. Professional seconds and managers have an increased licensure fee from \$3 to \$10. The licensure fee for referees and other officials has increased from \$5 to \$10.

Section 5 details the bond requirements for promoters of boxing events. This section has been amended to establish a minimum bond requirement of \$10,000.

Section 7 contains the requirements for insurance of boxers. This section has been amended by adding the requirement of a minimum of \$5,000. An unspecified type of insurance and accidental death and dismemberment benefits must be provided at a minimum of \$10,000.

Section 8 which deals with reports filed by officials has been amended to include the requirement that the reports must be received by the commission within 48 hours of the show date.

Section 16 specifies the weights and classes of fights. It has been amended to require championship fights to be a minimum of 10 rounds. In addition, two new weight classes have been added, the super-middle weight and the cruiser weight divisions.

Section 31 gives the requirements for decision-making and scoring of fights. It has been amended by changing the number of judges for each boxing contest from 5 to 3.

Section 33 explains the requirements and qualifications for licensure as a referee and the duties and compensation for referees. This section has been amended to increase the fee paid to the referee from \$25 to \$75.

Section 38 explains the requirements for boxing gloves. This section has been amended to provide that gloves in the over 154 pound weight classes must be at least 10 ounces and that weight classes under 154 pounds may use 8 ounce gloves.

Section 45 formerly entitled "Toughman Contests" has been renamed "Semi-Professional Fights", also known as "Toughman style elimination tournaments". This section has been completely rewritten. It outlines the qualifications of contestants, the format for the elimination tournaments, how the events will be scheduled, how contestants will be selected in each event as well as the safety equipment required for all contestants.

Section 46 contains the requirements for amateur boxing rules. The rules previously followed for amateur events were the National USA/ABF Official Rules (Rules of Engagement). The proposed modification to the rule would require amateur boxing events to follow the rules of Amateur Boxing Association. Counsel has suggested that these rules need to be included as an appendix to this rule since they are being incorporated by reference into the rule.

Section 48 provides that no ultimate fighting events or any type of full contact boxing will be recognized or licensed in the state of West Virginia.

Section 49 is a new section establishing fees to be paid to officials. They provided that the chief deputy or deputy in charge will receive \$75; judges will receive \$50; timekeepers will receive \$50; referees will receive \$75; and inspectors will receive \$50.

Section 50 is also new. It provides that the promoter must have at least one ambulance and two paramedics at each fight, as well as a ringside doctor.

New sections 51, 52 and 53 have not been written as complete sentences. Counsel has suggested that they need to be substantially revised.

AUTHORITY

Statutory authority: W.Va. Code, §29-5A-24, which provides, in part, as follows:

(a) The commission shall promulgate its rules in compliance with the provisions of article three of chapter twenty-nine-a of this code.

(b) The commission shall promulgate such rules as it determines to be necessary to regulate professional boxers, professional boxing matches and exhibitions.

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

ANALYSIS

I. HAS THE AGENCY EXCEEDED THE SCOPE OF ITS STATUTORY AUTHORITY IN APPROVING THE PROPOSED LEGISLATIVE RULE?

No.

II. IS THE PROPOSED LEGISLATIVE RULE IN CONFORMITY WITH THE INTENT OF THE STATUTE WHICH THE RULE IS INTENDED TO IMPLEMENT, EXTEND, APPLY, INTERPRET OR MAKE SPECIFIC?

Yes.

III. DOES THE PROPOSED LEGISLATIVE RULE CONFLICT WITH OTHER CODE PROVISIONS OR WITH ANY OTHER RULE ADOPTED BY THE SAME OR A DIFFERENT AGENCY?

No.

IV. IS THE PROPOSED LEGISLATIVE RULE NECESSARY TO FULLY ACCOMPLISH THE OBJECTIVES OF THE STATUTE UNDER WHICH THE PROPOSED RULE WAS PROMULGATED?

Yes.

V. IS THE PROPOSED LEGISLATIVE RULE REASONABLE, ESPECIALLY AS IT AFFECTS THE CONVENIENCE OF THE GENERAL PUBLIC OR OF PERSONS AFFECTED BY IT?

Yes.

VI. CAN THE PROPOSED LEGISLATIVE RULE BE MADE LESS COMPLEX OR MORE READILY UNDERSTANDABLE BY THE GENERAL PUBLIC?

Yes.

VII. WAS THE PROPOSED LEGISLATIVE RULE PROMULGATED IN COMPLIANCE WITH THE REQUIREMENTS OF CHAPTER 29A, ARTICLE 3 AND WITH ANY REQUIREMENTS IMPOSED BY ANY OTHER PROVISION OF THE CODE?

Yes.

VIII. OTHER.

Counsel has suggested technical modifications.

