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WEST VIRGINIA LEGISLATURE  
Legislative Rule-Making Review Committee

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SECRETARY OF STATE

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January 07, 2002

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NOTICE OF ACTION TAKEN BY THE LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

TO: Joe Manchin, Secretary of State, State Register

TO: Robert D. Williams  
Athletic Commission, West Virginia State  
Capitol Complex  
Building 1, Room E-26

FROM: Legislative Rule-Making Review Committee

Proposed Rule: **Administrative Rule of the West Virginia State Athletic Commission, 177CSR1**

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 Recommends that the Legislative rule be withdrawn; a statement of reasons for such recommendation is attached.

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ANALYSIS OF PROPOSED LEGISLATIVE RULES

Staff Counsel: Connie A. Bowling  
Date: December 4, 2001  
Agency: West Virginia State Athletic Commission  
Subject: Administrative Rules of the West Virginia State Athletic Commission (177 CSR 1)

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PERTINENT DATES

Filed for public comment:	June 11, 2001
Public comment period ended:	July 11, 2001
Filed following public comment period:	July 27, 2001
Filed LRMRC:	July 27, 2001
Filed as emergency:	June 11, 2001

Fiscal Impact: None

ABSTRACT

The proposed rule is an amendment of a current legislative rule. Under the existing rule, the agency does not recognize and will not license any "full contact boxing or fighting event" commonly known as "ultimate fight". The proposed amendment would extend this provision to events designated as "Extreme Fights" or "No-Holds-Barred Fights" and provides a definition of such events. The following is a section-by-section synopsis of the proposed amendment:

Section 48 defines "Ultimate Fight", "Extreme Fight" or "No-Holds-Barred Fight" and any other similar event as including, but not limited to, a full-contact boxing event or other event that follows non-traditional rules and includes one or more of the following activities:

- use of boxing weight classes other than those authorized;
- rounds more than 3 minutes in length;
- rest periods of less than 1 minute between rounds;

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- gloves weighing less than 8 ounces;
- use of a caged arena instead of an authorized boxing ring;
- kicking without the use of foot and instep padding;
- respiratory restraints or chokes;
- elbow strikes
- strikes of any kind to the head while an opponent is on the ground;
- biting, eye gouging, "fish-hooking", groin strikes, head butting, or direct blows to the spine.

The proviso states that the rule is not intended to abrogate or supercede any current agency rules or to prohibit any boxing or sparring match or exhibition sanctioned by organizations recognized by the United States Olympic Committee.

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#### AUTHORITY

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

(b) The commission shall promulgate such rules as it determines to be necessary to regulate professional and semiprofessional boxers, and professional and semiprofessional boxing matches and exhibitions. *For full contact boxing and other boxing events that follow nontraditional rules, rules guaranteeing the safety of the participants and the fair and honest conducting of the matches or exhibitions are authorized.*

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

(1) Rules which comply with the requirements of the rules of the current United States amateur boxing authority to the extent that any boxer complying with them will be eligible to participate in any state,

national or international boxing match sanctioned by the current United States amateur boxing authority or the international amateur boxing association.

(2) Rules which may differ from the rules of the current United States amateur boxing authority but which adequately guarantee the safety of the participants and the fair and honest conducting of the matches or exhibitions. As a part of these rules, the commission shall include a requirement that all boxers participating in matches or exhibitions conducted under these rules be informed prior to such participation that such participation will disqualify them from participating in state, national or international matches and exhibitions sanctioned by the current United States amateur boxing authority or the international amateur boxing association.

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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?

Yes.

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?

No.

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 recommended technical changes.