



WEST VIRGINIA SECRETARY OF STATE

MAC WARNER

ADMINISTRATIVE LAW DIVISION

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Office of West Virginia  
Secretary Of State

NOTICE OF SUNSET PROVISION EXTENSION REQUEST

AGENCY: Athletic Commission

TITLE-SERIES: 177-02

RULE TYPE: Legislative CITE STATUTORY AUTHORITY: W. Va. Code §29-5A-24 and W. Va. Code §29-5A-3a(f)

RULE NAME: 177-02 Regulation of Mixed Martial Arts

PLEASE SELECT A SUNSET PROVISION OPTION:

EXTEND THE SUNSET DATE OF THE RULE.

5 REQUESTED NUMBER OF YEARS FOR EXTENSION (SUBJECT TO LRMRC REVIEW).

LET THIS RULE EXPIRE.

PLEASE INDICATE IF THIS RULE INCLUDES:

RELEVANT FEDERAL STATUTES OR REGULATIONS  INCORPORATED BY REFERENCE

PLEASE PROVIDE A BRIEF SUMMARY OF THE CONTENT OF THE RULE:

This rule complies with the statutory directive under W. Va. Code §29-5A-3a(f) and W. Va. Code §29-5A-24 to establish the procedures and requirements for professional and amateur Mixed Martial Arts (MMA) events in West Virginia including requirements for licenses of promoters, officials, and contestants and requirements for fair and honest conduct of MMA matches.

SUMMARIZE IN A CLEAR AND CONCISE MANNER THE REASONS FOR REQUESTING A SUNSET PROVISION EXTENSION:

An extension of the sunset of this rule is needed to prevent its termination on June 1, 2023, and to ensure that MMA events conducted in the State comply with appropriate licensure, health, safety, and fair-conduct requirements. If the rule is permitted to terminate without an extension, promoters and contestants would not be allowed to hold or participate in MMA contests in West Virginia. W. Va. Code §29-5A-9, W. Va. Code §29-5A-24 (b).

SUMMARIZE IN A CLEAR AND CONCISE MANNER THE OVERALL ECONOMIC IMPACT OF THE RULE:

A. ECONOMIC IMPACT ON REVENUES OF STATE GOVERNMENT:

An extension of the rules expiration date is anticipated to have a positive impact on the revenue of State Government. Promoters, referees, contestants, and other officials that participate in boxing and MMA events must pay statutorily established licensing fees to the State Athletic Commission, W. Va. Code §29-5A-3(a), W. Va. Code §29-5A-20, which are then deposited in a special account in the State Treasury known as the State Athletic Commission Fund. W. Va. Code §29-5A-3b. These fees are used to meet the Commissions operation costs and expenses. Because many events in West Virginia include both boxing and MMA matches, the Commission does not maintain aggregate data on the amount of fees collected exclusively from MMA licensees. But for fiscal years 2018, 2019, 2020, 2021, it collected a total of \$21,090, \$25,880, \$17,878, and \$11,395, respectively, from all licensees. If the rule is permitted to terminate without an extension, promoters and contestants would not be allowed to

hold or participate in MMA contests in West Virginia and the State Athletic Commission will lose a significant portion of the revenue collected from these licensing fees.

**B. ECONOMIC IMPACT OF THE LEGISLATIVE RULE ON THE STATE OR ITS RESIDENTS:**

An extension of the rules expiration date is anticipated to have a positive economic impact on the State and its residents. W. Va. Code §29-5A-3 enables licensed promoters of professional and amateur MMA contests to hold events in West Virginia and to charge admission fees for these contests. The rule ensures that these contests comply with appropriate licensure, health, safety, and fair-conduct requirements. If the rule is permitted to terminate without an extension, promoters would be precluded from holding such events and would thereby, lose the revenue these contests generate.

**C. FISCAL NOTE DETAIL:**

<b>Effect of Proposal</b>	<b>Fiscal Year</b>		
	<b>2022 Increase/Decrease (use "-")</b>	<b>2023 Increase/Decrease (use "-")</b>	<b>Fiscal Year (Upon Full Implementation)</b>
<b>1. Estimated Total Cost</b>			
<b>Personal Services</b>			
<b>Current Expenses</b>			
<b>Repairs and Alterations</b>			
<b>Assets</b>			
<b>Other</b>			
<b>2. Estimated Total Revenues</b>			

**D. EXPLANATION OF ABOVE ESTIMATES (INCLUDING LONG-RANGE EFFECT):**

For fiscal years 2018, 2019, 2020, 2021, the State Athletic Commission collected a total of \$21,090, \$25,880, \$17,878, and \$11,395, respectively, from boxing and MMA licensees. If the rule is permitted to terminate without an extension, promoters and contestants would not be allowed to hold or participate in MMA contests in West Virginia and the State Athletic Commission will lose a significant portion of the revenue collected from these licensing fees. Promoters would also be precluded from holding such events and would thereby, lose the revenue these contests generate.

**BY CHOOSING 'YES', I ATTEST THAT THE PREVIOUS STATEMENT IS TRUE AND CORRECT.**

**Yes**

**Allen R Prunty -- By my signature, I certify that I am the person authorized to file legislative rules, in accordance with West Virginia Code §29A-3-11 and §39A-3-2.**