

Report From Agency

**STATE OF WISCONSIN
DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES**

**IN THE MATTER OF RULEMAKING :
PROCEEDINGS BEFORE THE : REPORT TO THE LEGISLATURE
DEPARTMENT OF SAFETY AND : CR 14-013
PROFESSIONAL SERVICES :
:**

I. THE PROPOSED RULE:

The proposed rule, including the analysis and text, is attached.

II. REFERENCE TO APPLICABLE FORMS:

There are no forms needed or created in this proposed rule.

III. FISCAL ESTIMATE AND EIA:

The Fiscal Estimate and EIA is attached.

IV. DETAILED STATEMENT EXPLAINING THE BASIS AND PURPOSE OF THE PROPOSED RULE, INCLUDING HOW THE PROPOSED RULE ADVANCES RELEVANT STATUTORY GOALS OR PURPOSES:

a. The existing policies for mixed martial arts fighting contests, and the corresponding rules, chs. SPS 192 to 196, have been in place only since April 2011; these rules were developed and implemented very quickly in response to requirements and corresponding deadlines in 2009 Wisconsin Act 111.

b. The existing rules for amateur boxing, chs. SPS 100 to 105, have been irrelevant since enactment of 2003 Wisconsin Act 285, which: reduced the Department's role in boxing to addressing only professional boxing, and required amateur boxing contests to instead be sanctioned by and conducted under the rules of the national governing body for amateur boxing that is recognized by the U.S. Olympic Committee under 36 USC 220521.

c. The proposed rules are intended to address both a. and b. above, and result in a simpler and improved rule, ch. SPS 192, in which also provides internal process improvements of these programs.

V. SUMMARY OF PUBLIC COMMENTS AND THE BOARD'S RESPONSES, EXPLANATION OF MODIFICATIONS TO PROPOSED RULES PROMPTED BY PUBLIC COMMENTS:

The Department held a public hearing on March 12, 2014. The table includes the name and contact information of the people who either testified at the hearing or submitted written comments. The Department's summary of the comments received either through verbal testimony or by written submission are summarized in this table.

No.	Name/Contact Information	Representing	Comments
1	Craig Monyelle 3100 Riverside Dr. Beliot WI 53511 (verbal and written)	Stateline Warriors	Favor: As a current fight promoter, complemented the job of staff; concern with one show per weekend requirement which impacts local economy; understands policy reflects current staffing capacity; Wisconsin is the only state in the region with this restriction. Also, identified lack of conformity between state rules (no specifics given).
2	Otto Torriero 4044 N. Lincoln Ave. Chicago IL 60618 (verbal and written)	MMA Officials	Favor/Against: Current referee and former fighter. Comments given on fighter safety specifically with lack of testing for unsanctioned fights and blood-borne pathogens infecting tested fighters in sanctioned events; provided number of events for past 4 years. Fighters are not medically covered at unsanctioned events; an injury at one of those fights could be reported at a sanctioned event, thus placing liability on the sanctioned promoter. Also noted that Wisconsin is the only state in the region to have a limit on number of fights per day/weekend.
3	Jess Gonzalez 7833 Sea Rock Rd. Las Vegas NV 89128 (verbal and written)	Ultimate Fighting Championship	Favor/Against: Provided input to clarify specific rules; commented too on unsanctioned events, use of prescribed testosterone and limitations of holding one event per day.
4	Keith Kesick W8389 HWY 67 Plymouth WI 53703 (verbal and written)	USA FPA Licensed Promoter	Favor/Against: Commented primarily on pankration, a Class B combative sport and clarified when this sport is under agency's rules.

The Department explains modifications to its rule-making proposal prompted by public comments as follows:

- a) An extensive listing of rule revisions was provided by Jess Gonzalez; input related mainly to "word-smithing", clarification of fighting rules and referee decisions, and use of terms widely used in the industry.
- b) The department considered all the input presented and made appropriate modifications to the rule, with the following exceptions: a definition for unsportsmanlike conduct; description of tough-man contests; sanctioning approved by the American Boxing Commissions'-recognized American Indian tribe or band; allowing more than one event/day or weekend; and addressing prescribed testosterone for therapeutic uses.

1. Unsportsmanlike conduct (Gonzalez): The term is indefinable in this context.
2. Tough-man contests (Gonzalez): No authority has been given to the department to regulate this sport.
3. Sanctioning approved by the American Boxing Commissions'-recognized American Indian tribe or band (Gonzalez): The department recognizes that American Indian tribes or bands have sovereign authority and therefore, no modifications to the rule have been made.
4. Allowing more than one event/day or weekend (all but Kesnick): This currently is a department policy and is currently under review to explore possible policy changes.
5. Addressing prescribed testosterone for therapeutic uses (Gonzalez): Testosterone is defined in s. 961, Stats. as a controlled substance, prescribed or otherwise. Doctor-prescribed testosterone for therapeutic use is prohibited.

VI. RESPONSE TO LEGISLATIVE COUNCIL STAFF RECOMMENDATIONS:

Comment: 2.a. relating to extensive renumbering and reorganization of existing material

Response: The agency is well aware that there are both positive and negative impacts to renumbering sections, as well as collapsing chapters into one chapter, as in the case of this newly organized ch. SPS 192. Chapters SPS 192 to 196 have been in place only since April 2011. While the history of existing code citations will be lost, the overall goal of this project was to create one chapter that provided clarity, ease of use, and reflected contemporary industry practice, as well as reflecting internal processes. None of the industry representatives giving testimony commented that the proposed chapter reorganization was problematic.

All of the remaining recommendations suggested in the Clearinghouse Report have been accepted in whole.

VII. REPORT FROM THE SBRRB AND FINAL REGULATORY FLEXIBILITY ANALYSIS:

This rule was not submitted to the Small Business Regulatory Review Board; thus, no comments are reported.