



**SENATE SUBSTITUTE AMENDMENT 2,
TO 2009 SENATE BILL 290**

October 28, 2009 – Offered by Senator HANSEN.

1 **AN ACT** *to repeal* 444.09 (8); *to amend* chapter 444 (title), 444.01 (1), 444.01 (2),
2 444.02, 444.03, 444.04, 444.06, 444.09 (title), 444.09 (1), 444.09 (3), 444.09 (6),
3 444.10 (title), 444.11, 444.12, 444.13, 444.14, 444.15 and 444.18; and *to create*
4 20.165 (1) (im), 444.01 (1m), 444.02 (3) (a), 444.02 (3) (b), 444.02 (3) (c), 444.035,
5 444.09 (9) and 444.095 of the statutes; **relating to:** changes in the regulation
6 of boxing contests, regulating mixed martial arts fighting contests, granting
7 rule-making authority, making an appropriation, and providing a penalty.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

8 **SECTION 1.** 20.165 (1) (im) of the statutes is created to read:
9 20.165 (1) (im) *Boxing and mixed martial arts fighting; enforcement.* Fifty
10 percent of all moneys received in forfeitures imposed under s. 444.14, for
11 enforcement of ch. 444.

1 Every license shall be subject to the department's rules and regulations. The
2 department may limit the number of professional boxing contests given by any
3 promoter or club in any city, village, or town and may reprimand a promoter or club
4 for violating this chapter or any rule of the department.

5 (3) No professional boxing contest or amateur mixed martial arts fighting
6 contest may be conducted by any licensed club without a permit from the
7 department. Every license shall be subject to such rules and regulations as the
8 department prescribes. The department may reprimand clubs for violating this
9 chapter or any rules of the department. An application for a permit shall be
10 accompanied by a nonrefundable \$300 processing fee. Every permit shall be
11 conditioned on payment by the promoter or club to the department, within 2 business
12 days after the event for which the permit was issued, of the following fees:

13 **SECTION 7.** 444.02 (3) (a) of the statutes is created to read:

14 444.02 (3) (a) If the number of tickets sold for the event is less than 2,000, an
15 event fee of \$450.

16 **SECTION 8.** 444.02 (3) (b) of the statutes is created to read:

17 444.02 (3) (b) If the number of tickets sold for the event is less than 5,000 but
18 more than 1,999, an event fee of \$2,200 plus a gate fee equal to the lesser of 5 percent
19 of the total amount collected by the club or promoter in gross ticket sales or \$4,000.

20 **SECTION 9.** 444.02 (3) (c) of the statutes is created to read:

21 444.02 (3) (c) If the number of tickets sold for the event is 5,000 or more, an
22 event fee of \$4,700 plus a gate fee equal to the lesser of 5 percent of the total amount
23 collected by the club or promoter in gross ticket sales or \$12,500.

24 **SECTION 10.** 444.03 of the statutes is amended to read:

1 **444.03 Application for license; fee.** No professional ~~boxing contest or~~
2 ~~amateur mixed martial arts fighting contest~~ may be conducted by any promoter or
3 club except by license granted to it by the department, ~~and no club may be licensed~~
4 ~~unless it is incorporated under the laws of Wisconsin and its membership is limited~~
5 ~~to persons who have been continuous residents in the state for at least one year.~~ An
6 application for a license shall be in writing, addressed to the department, and
7 verified by the promoter or by an officer of the club. An application shall be
8 accompanied by an annual fee of \$25 in cities, villages, and towns of not more than
9 50,000 inhabitants, \$50 in cities of over 50,000 and not more than 150,000
10 inhabitants, and \$300 in cities of over 150,000 inhabitants when the admission is
11 over \$1 and \$50 when the admission charge is \$1 or less \$500. The application must
12 show that the promoter or club has entered into a valid agreement for the use of the
13 building, amphitheater, or stadium in which contests are to be held.

14 **SECTION 11.** 444.035 of the statutes is created to read:

15 **444.035 Bond.** The department shall by rule require a promoter or club
16 conducting a professional contest or amateur mixed martial arts fighting contest to
17 post a bond or other surety in a reasonable amount determined by the department
18 to ensure payment of the promoter's or club's expenses in conducting the contest,
19 including payments to contestants and to the department.

20 **SECTION 12.** 444.04 of the statutes is amended to read:

21 **444.04 Club Promoter and club reports.** Within 24 hours 2 business days
22 after a promoter or club holds a professional ~~boxing contest or amateur mixed~~
23 ~~martial arts fighting contest~~, the club shall furnish to the department a written
24 report, verified by the promoter or by one of its the club's officers under penalty of
25 perjury, showing the number of tickets sold for the contest, the amount of gross

1 proceeds, and all other information the department requires by rule to be included
2 in the report.

3 **SECTION 13.** 444.06 of the statutes is amended to read:

4 **444.06 Inspectors.** The department shall appoint official “inspectors,” each
5 of whom shall receive a card authorizing the inspector to act wherever the
6 department designates. The department may be, and at least one inspector shall be
7 present at all professional ~~boxing~~ contests and all amateur mixed martial arts
8 fighting contests and see that the rules are strictly observed. ~~An inspector shall also~~
9 ~~be present at the counting up of the gross receipts and shall immediately mail to the~~
10 ~~department the official box-office statement received from the club.~~ Inspectors shall
11 be paid a per diem to be set by the department, not to exceed \$25 for each day on
12 which they are actually and necessarily engaged in the performance of their duties,
13 and shall be reimbursed for their actual and necessary expenses incurred in the
14 performance of their duties. The department may require a promoter or club to pay
15 the cost of designating additional inspectors, who may include a referee or judge
16 performing the duties of an inspector, for an event. The department may require a
17 promoter or club to pay the department an amount not to exceed \$250 for each
18 additional inspector designated by the department.

19 **SECTION 14.** 444.09 (title) of the statutes is amended to read:

20 **444.09 (title) Conduct of boxing contests regulated.**

21 **SECTION 15.** 444.09 (1) of the statutes is amended to read:

22 444.09 (1) No professional boxing contest shall be for more than ~~10~~ 12 rounds
23 ~~except that where a championship is to be determined, the contest shall not be for~~
24 ~~more than 15 rounds, and no round shall last more than 3 minutes.~~

25 **SECTION 16.** 444.09 (3) of the statutes is amended to read:

1 444.09 (3) Gloves weighing not less than 5 8 ounces shall be worn by
2 contestants who are in professional boxing contests and who weigh under 140
3 pounds, and not less than 6 ounces by other contestants in boxing contests.

4 **SECTION 17.** 444.09 (6) of the statutes is amended to read:

5 444.09 (6) Contestants in professional boxing contests shall break clean, and
6 must not hold and hit. Butting with head or shoulders, wrestling, or illegal use of
7 elbows shall not be allowed by contestants in professional boxing contests. There
8 shall be no unsportsmanlike conduct on the part of the contestants. This includes
9 the use of abusive or insulting language.

10 **SECTION 18.** 444.09 (8) of the statutes is repealed.

11 **SECTION 19.** 444.09 (9) of the statutes is created to read:

12 444.09 (9) Except as otherwise specified in this chapter, boxing contests shall
13 be conducted under the Association of Boxing Commissions' uniform boxing rules.

14 **SECTION 20.** 444.095 of the statutes is created to read:

15 **444.095 Conduct of mixed martial arts fighting contests regulated. (1)**

16 No individual may be a contestant in an amateur mixed martial arts fighting contest
17 unless the individual can provide evidence that he or she is covered by adequate
18 health insurance.

19 (2) No promoter or club may conduct a mixed martial arts fighting contest
20 unless all of the following apply:

21 (a) There is present at least one referee who is licensed by the department and
22 at least 4 judges who are licensed by the department.

23 (b) A physician examines each contestant immediately before and after each
24 match in which the contestant participates.

1 (c) A physician is present during each match to provide emergency care in the
2 event of an injury.

3 (d) An ambulance and emergency medical services personnel with oxygen are
4 present on the premises and equipped to transport an injured contestant.

5 **(3)** The department shall promulgate rules that establish all of the following
6 with respect to mixed martial arts fighting contests:

7 (a) Qualifications and fees for licensure of referees and judges for mixed martial
8 arts fighting contests.

9 (b) Requirements for regular health examinations of mixed martial arts
10 fighting contestants, including all of the following:

11 1. Annual physical examinations by physicians and annual eye examinations
12 by physicians who are board-certified ophthalmologists.

13 2. Annual screening for HIV, hepatitis B, and hepatitis C.

14 3. For female contestants, pregnancy tests before contests.

15 (c) Policies prohibiting contestants from using drugs, including anabolic
16 steroids, and mandating drug testing of contestants.

17 **(4)** Except as otherwise specified in this chapter, mixed martial arts fighting
18 contests shall be conducted under the Association of Boxing Commissions' uniform
19 rules of mixed martial arts.

20 **SECTION 21.** 444.10 (title) of the statutes is amended to read:

21 **444.10 Physician to examine professional boxing contestants.**

22 **SECTION 22.** 444.11 of the statutes is amended to read:

23 **444.11 Licenses to matchmakers, referees, ~~boxers~~ contestants, etc.** The
24 department may grant licenses upon application and the payment of the prescribed
25 fees to matchmakers, managers, referees, examining physicians, boxers, mixed

1 martial art fighters, seconds, and trainers in professional ~~boxing~~ contests and
2 amateur mixed martial arts fighting contests. The fees to be paid per year shall be:
3 Matchmakers in cities with a population of over 150,000, \$25; ~~matchmakers in other~~
4 ~~cities and in villages and towns,~~ \$10; and managers, \$10; referees, \$15; examining
5 physicians, \$10; boxers, ~~\$5,~~ \$40 and mixed martial arts fighters; seconds, \$40; and
6 ~~trainers~~ timekeepers, \$5. The department may limit, suspend, or revoke any such
7 license granted under this section or reprimand the ~~holder thereof~~ licensee upon
8 such cause as it deems sufficient.

9 **SECTION 23.** 444.12 of the statutes is amended to read:

10 **444.12 Referee to stop contest.** The referee must stop a professional ~~boxing~~
11 contest or amateur mixed martial arts fighting contest when either of the
12 contestants shows a marked superiority or is apparently outclassed. The referee
13 shall be the sole arbiter of the contest and may consult the physician identified in s.
14 444.095 (2) (c) during the contest.

15 **SECTION 24.** 444.13 of the statutes is amended to read:

16 **444.13 Sham contests, license revoked.** Any promoter or club that
17 conducts, holds, gives, or participates in any sham or fake professional ~~boxing~~
18 contest or amateur mixed martial arts fighting contest shall forfeit its license. That
19 license shall be revoked by the department, and the promoter or club shall not be
20 entitled to another license, ~~nor shall any license be issued to any club that has a~~
21 ~~member who belonged to a club that had its license revoked.~~

22 **SECTION 25.** 444.14 of the statutes is amended to read:

23 **444.14 Sham contests; contestants penalized; forfeitures; hearing.** Any
24 The department shall ban a contestant who participates in any sham or fake
25 professional ~~boxing~~ contest or amateur mixed martial arts fighting contest or

1 violates any rule or regulation of promulgated by the department shall be penalized
2 as follows: ~~For the first offense the contestant shall be restrained by order of the~~
3 ~~department for not less than 2 months nor more than one year, the period to begin~~
4 ~~immediately after the occurrence of the offense, from participation in the contest to~~
5 ~~be held or given by any licensed club; for a 2nd offense, the contestant shall be~~
6 ~~permanently disqualified from further admission or participation in any such~~
7 ~~contest held or given by any licensed club and in addition, for each such offense, shall~~
8 ~~forfeit such amount, out of the share or purse agreed to be paid the contestant for the~~
9 ~~contest as the department determines, the forfeit to be paid into the general fund of~~
10 ~~the state. The department, upon determining the amount of the forfeit, may pay the~~
11 ~~same out of any guarantee deposited with it for delivery to the contestant or may~~
12 ~~order it paid to the department by the club employing the contestant out of the purse~~
13 ~~or share agreed by it to be paid to the contestant. The department shall not~~
14 ~~determine the forfeit until after due hearing held upon reasonable notice duly served~~
15 ~~upon, and may require the contestant or, the contestant's manager and upon the club~~
16 ~~by whom the contestant is employed. Any member of the department or the secretary~~
17 ~~or any inspector of the department may order the club to hold the share or purse of~~
18 ~~the contestant in its possession pending the hearing and determination of the~~
19 ~~department. For failure to obey any order of the department or the secretary of the~~
20 ~~department or any inspector of the department given under this section, the license~~
21 ~~of the club may be limited, suspended, canceled, or revoked, and the club may be~~
22 ~~reprimanded, or the promoter of the contest to forfeit an amount determined by the~~
23 ~~department, but not more than \$500. Fifty percent of all forfeitures collected under~~
24 ~~this section shall be deposited in the appropriation account under s. 20.165 (1) (im).~~

25 **SECTION 26.** 444.15 of the statutes is amended to read:

1 **444.15 Reports; examination of books and officers.** Whenever any
2 promoter or club fails to make a report of any professional boxing contest or amateur
3 mixed martial arts fighting contest at the time prescribed or whenever a report is
4 unsatisfactory to the department, the secretary of the department may examine the
5 books and records of the promoter or club and, may subpoena and examine, under
6 oath, the promoter or the club's officers and other witnesses to determine the total
7 amount of its gross receipts for any contest, and may hire an independent auditor to
8 assist in making the determination. The secretary may require the promoter or club
9 to pay the expenses of conducting the examination or the independent auditor's fee.
10 If a promoter or club fails to pay the amount of expenses determined by the secretary
11 to be due within 20 days after receiving notice of the amount, the promoter or club
12 shall forfeit its license, be disqualified from receiving any license under this chapter,
13 and forfeit to the state the sum of \$1,000, which may be recovered by the department
14 of justice in the name of the state.

15 **SECTION 27.** 444.18 of the statutes is amended to read:

16 **444.18 Insurance on ~~boxers~~ certain contestants.** Any licensee authorized
17 to conduct professional boxing contests or amateur mixed martial arts fighting
18 contests shall insure each contestant participating for hospital, nursing, and
19 medication expenses and physician's and surgeon's services according to an
20 equitable fee schedule, not to exceed in the aggregate ~~\$500~~ \$25,000, to be paid to, or
21 for the use of, any contestant to compensate for injuries sustained in any such
22 contest; and shall insure each contestant for not less than ~~\$2,500~~ \$25,000 to be paid
23 to the contestant's estate in the event of the contestant's death as the result of
24 participation in such professional boxing contest or amateur mixed martial arts
25 fighting contest.

SECTION 28. Nonstatutory provisions.

(1) The department of regulation and licensing shall submit in proposed form the rule required under section 444.035 of the statutes, as created by this act, to the legislative council staff under section 227.15 (1) of the statutes no later than than the first day of the 6th month beginning after the effective date of this subsection.

(2) Using the procedure under section 227.24 of the statutes, the department of regulation and licensing shall promulgate the rule required under section 444.035 of the statutes, as created by this act, for the period before the effective date of the rule submitted under subsection (1), but not to exceed the period authorized under section 227.24 (1) (c) and (2) of the statutes. Notwithstanding section 227.24 (1) (a), (2) (b), and (3) of the statutes, the department is not required to provide evidence that promulgating a rule under this subsection as an emergency rule is necessary for the preservation of the public peace, health, safety, or welfare and is not required to provide a finding of emergency for a rule promulgated under this subsection.

(3) The authorized FTE positions for the department of regulation and licensing are increased by 3.0 PR positions, to be funded from the appropriation under section 20.165 (1) (g) of the statutes, for the purpose of providing increased staff for the administration of chapter 444 of the statutes, as affected by this act.

SECTION 29. Effective date.

(1) This act takes effect on the first day of the 7th month beginning after publication.

(END)