



State of Wisconsin
2009 - 2010 LEGISLATURE

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**SENATE SUBSTITUTE AMENDMENT 3,
TO 2009 SENATE BILL 290**

October 29, 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 appropriations, 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 and amateur
3 mixed martial arts fighting contests given by any promoter or club in any city, village,
4 or town and may reprimand a promoter or club for violating this chapter or any rule
5 of the department.

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

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

17 444.02 **(3)** (a) If the number of tickets sold for the event is less than 2,000, an
18 event fee of \$450.

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

20 444.02 **(3)** (b) If the number of tickets sold for the event is less than 5,000 but
21 more than 1,999, an event fee of \$2,200 plus a gate fee equal to the lesser of 5 percent
22 of the total amount collected by the club or promoter in gross ticket sales or \$4,000.

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

1 444.02 (3) (c) If the number of tickets sold for the event is 5,000 or more, an
2 event fee of \$4,700 plus a gate fee equal to the lesser of 5 percent of the total amount
3 collected by the club or promoter in gross ticket sales or \$12,500.

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

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

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

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

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

1 **444.04 Club Promoter and club reports.** Within 24 hours 2 business days
2 after a promoter or club holds a professional boxing contest or amateur mixed
3 martial arts fighting contest, the club shall furnish to the department a written
4 report, verified by the promoter or by one of its the club's officers under penalty of
5 perjury, showing the number of tickets sold for the contest, the amount of gross
6 proceeds, and all other information the department requires by rule to be included
7 in the report. The department may limit, suspend, revoke, or assess a forfeiture to
8 the promoter or club for failure to comply with this section or failure to provide
9 accurate information to the department. Any forfeiture collected under this section
10 shall be deposited in the appropriation account under s. 20.165 (1) (jm).

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

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

1 promoter or club to pay the department an amount not to exceed \$250 for each
2 additional inspector designated by the department.

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

4 **444.09 (title) Conduct of boxing contests regulated.**

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

6 444.09 (1) No professional boxing contest shall be for more than 10 12 rounds
7 ~~except that where a championship is to be determined, the contest shall not be for~~
8 ~~more than 15 rounds, and no round shall last more than 3 minutes.~~

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

10 444.09 (3) Gloves weighing not less than 5 8 ounces shall be worn by
11 contestants who are in professional boxing contests and who weigh under 140
12 pounds, and not less than 6 ounces by other contestants in boxing contests.

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

14 444.09 (6) Contestants in professional boxing contests shall break clean, and
15 must not hold and hit. Butting with head or shoulders, wrestling, or illegal use of
16 elbows shall not be allowed by contestants in professional boxing contests. There
17 shall be no unsportsmanlike conduct on the part of the contestants. This includes
18 the use of abusive or insulting language.

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

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

21 444.09 (9) Except as otherwise specified in this chapter, boxing contests shall
22 be conducted under the Association of Boxing Commissions' uniform boxing rules.

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

24 **444.095 Conduct of mixed martial arts fighting contests regulated. (1)**

25 No individual may be a contestant in an amateur mixed martial arts fighting contest

1 unless the individual can provide evidence that he or she is covered by adequate
2 health insurance.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

5 **444.10 Physician to examine professional boxing contestants.**

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

7 **444.11 Licenses to matchmakers, referees, ~~boxers~~ contestants, etc.** The
8 department may grant licenses upon application and the payment of the prescribed
9 fees to matchmakers, managers, referees, ~~examining physicians~~, boxers, mixed
10 martial art fighters, seconds, and trainers in professional ~~boxing~~ contests and
11 amateur mixed martial arts fighting contests. The fees to be paid per year shall be:
12 Matchmakers in cities with a population of over 150,000, \$25; ~~matchmakers in other~~
13 ~~cities and in villages and towns~~, \$10; and managers, \$10; referees, \$15; examining
14 physicians, \$10; boxers, ~~\$5~~, \$40 and mixed martial arts fighters; seconds, \$40; and
15 ~~trainers timekeepers~~, ~~\$5~~ \$10. The department may limit, suspend, or revoke any
16 such license granted under this section or reprimand the holder thereof licensee
17 upon such cause as it deems sufficient.

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

19 **444.12 Referee to stop contest.** The referee must stop a professional ~~boxing~~
20 contest or amateur mixed martial arts fighting contest when either of the
21 contestants shows a marked superiority or is apparently outclassed. The referee
22 shall be the sole arbiter of the contest and may consult the physician identified in s.
23 444.095 (2) (c) during the contest.

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

1 **444.13 Sham contests, license revoked.** Any promoter or club that
2 conducts, holds, gives, or participates in any sham or fake professional boxing
3 contest or amateur mixed martial arts fighting contest shall forfeit its license. That
4 license shall be revoked by the department, and the promoter or club shall not be
5 entitled to another license, ~~nor shall any license be issued to any club that has a~~
6 ~~member who belonged to a club that had its license revoked.~~

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

8 **444.14 Sham contests; contestants penalized; forfeitures; hearing.** Any
9 The department shall ban a contestant who participates in any sham or fake
10 professional boxing contest or amateur mixed martial arts fighting contest or
11 violates any rule or regulation of promulgated by the department shall be penalized
12 as follows: ~~For the first offense the contestant shall be restrained by order of the~~
13 ~~department for not less than 2 months nor more than one year, the period to begin~~
14 ~~immediately after the occurrence of the offense, from participation in the contest to~~
15 ~~be held or given by any licensed club; for a 2nd offense, the contestant shall be~~
16 ~~permanently disqualified from further admission or participation in any such~~
17 ~~contest held or given by any licensed club and in addition, for each such offense, shall~~
18 ~~forfeit such amount, out of the share or purse agreed to be paid the contestant for the~~
19 ~~contest as the department determines, the forfeit to be paid into the general fund of~~
20 ~~the state. The department, upon determining the amount of the forfeit, may pay the~~
21 ~~same out of any guarantee deposited with it for delivery to the contestant or may~~
22 ~~order it paid to the department by the club employing the contestant out of the purse~~
23 ~~or share agreed by it to be paid to the contestant. The department shall not~~
24 ~~determine the forfeit until after due hearing held upon reasonable notice duly served~~
25 ~~upon, and may require~~ the contestant or, the contestant's manager and upon the club

1 by whom the contestant is employed. Any member of the department or the secretary
2 or any inspector of the department may order the club to hold the share or purse of
3 the contestant in its possession pending the hearing and determination of the
4 department. For failure to obey any order of the department or the secretary of the
5 department or any inspector of the department given under this section, the license
6 of the club may be limited, suspended, canceled, or revoked, and the club may be
7 reprimanded, or the promoter of the contest to forfeit an amount determined by the
8 department, but not more than \$500. Fifty percent of all forfeitures collected under
9 this section shall be deposited in the appropriation account under s. 20.165 (1) (im).

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

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

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

1 **444.18 Insurance on ~~boxers~~ certain contestants.** Any licensee authorized
2 to conduct professional ~~boxing~~ contests or amateur mixed martial arts fighting
3 contests shall insure each contestant participating for hospital, nursing, and
4 medication expenses and physician's and surgeon's services according to an
5 equitable fee schedule, not to exceed in the aggregate ~~\$500~~ \$25,000, to be paid to, or
6 for the use of, any contestant to compensate for injuries sustained in any such
7 contest; and shall insure each contestant for not less than ~~\$2,500~~ \$25,000 to be paid
8 to the contestant's estate in the event of the contestant's death as the result of
9 participation in such professional ~~boxing~~ contest or amateur mixed martial arts
10 fighting contest.

11 **SECTION 28. Nonstatutory provisions.**

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

17 (2) Using the procedure under section 227.24 of the statutes, the department
18 of regulation and licensing shall promulgate the rule required under section 444.035
19 of the statutes, as created by this act, and any additional rules necessary for the
20 department to implement this act for the period before the effective date of the rule
21 submitted under subsection (1), but not to exceed the period authorized under section
22 227.24 (1) (c) and (2) of the statutes. Notwithstanding section 227.24 (1) (a), (2) (b),
23 and (3) of the statutes, the department is not required to provide evidence that
24 promulgating a rule under this subsection as an emergency rule is necessary for the

1 preservation of the public peace, health, safety, or welfare and is not required to
2 provide a finding of emergency for a rule promulgated under this subsection.

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

7 **SECTION 29. Fiscal changes.**

8 (1) In the schedule under section 20.005 (3) of the statutes for the appropriation
9 to the department of regulation and licensing under section 20.165 (1) (g) of the
10 statutes, as affected by the acts of 2009, the dollar amount is increased by \$245,440
11 for the second fiscal year of the fiscal biennium in which this subsection takes effect
12 to provide additional funding for the administration and enforcement of chapter 444
13 of the statutes, as affected by this act.

14 **SECTION 30. Effective date.**

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

17 (END)