

**2009 DRAFTING REQUEST**

**Assembly Substitute Amendment (ASA-AB438)**

Received: 12/15/2009

Received By: **csundber**

Wanted: **As time permits**

Identical to LRB: **s0210/2**

For: **Pedro Colon (608) 267-7669**

By/Representing: **Andy Janssen**

This file may be shown to any legislator: **NO**

Drafter: **csundber**

May Contact:

Addl. Drafters:

Subject: **Occupational Reg. - misc**

Extra Copies:

Submit via email: **YES**

Requester's email: **Rep.Colon@legis.wisconsin.gov**

Carbon copy (CC:) to: **christopher.sundberg@legis.wisconsin.gov**

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**Pre Topic:**

No specific pre topic given

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**Topic:**

Clarify definition of mixed martial arts fighting

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**Instructions:**

See attached

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**Drafting History:**

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	csundber 12/15/2009	nnatzke 12/15/2009		_____			
/1			jfrantze 12/15/2009	_____	cduerst 12/15/2009	cduerst 12/15/2009	

FE Sent For:

<END>

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/?	csundber	1 nwn 12/15		12/15			

FE Sent For:

<END>

STATE OF WISCONSIN - LEGISLATIVE REFERENCE BUREAU

LRB

Research (608-266-0341)

Library (608-266-7040)

Legal (608-266-3561)

LRB

12/15

Andy/Colon

Agg sub to AB438 - identical to  
LRB 0210/2.

## Sundberg, Christopher

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**From:** Janssen, Andy  
**Sent:** Tuesday, December 15, 2009 10:42 AM  
**To:** Sundberg, Christopher  
**Subject:** RE: LRB 09s0210 Topic: Clarify definition of mixed martial arts fighting

Can you get it to my by noon?

---

**From:** Sundberg, Christopher  
**Sent:** Tuesday, December 15, 2009 10:41 AM  
**To:** Janssen, Andy  
**Subject:** RE: LRB 09s0210 Topic: Clarify definition of mixed martial arts fighting

Got it. How soon do you need it? (things are hopping around here today)

---

**From:** Janssen, Andy  
**Sent:** Tuesday, December 15, 2009 10:40 AM  
**To:** Sundberg, Christopher  
**Subject:** FW: LRB 09s0210 Topic: Clarify definition of mixed martial arts fighting

The Assembly sub should be identical to this one.

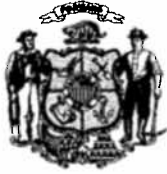
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**From:** Duerst, Christina  
**Sent:** Monday, December 14, 2009 4:01 PM  
**To:** Sundberg, Christopher  
**Subject:** LRB 09s0210 Topic: Clarify definition of mixed martial arts fighting

Draft Requester: Pedro Colon

The attached proposal has been jacketed for introduction.

<< File: LRB s0210\_2 >>



NOW  
State of Wisconsin  
2009 - 2010 LEGISLATURE

0212/1  
LRBs 0210/2  
CTS:nwn&kjf:md  
RMNR

ASSEMBLY  
SENATE SUBSTITUTE AMENDMENT,  
TO 2009 <sup>ASSEMBLY 438</sup> ~~SENATE BILL 290~~

1 AN ACT *to repeal* 444.09 (8); *to renumber and amend* 444.02; *to amend*  
2 chapter 444 (title), 444.02 (title), 444.03, 444.04, 444.06, 444.09 (title), 444.09  
3 (1), 444.09 (3), 444.09 (6), 444.10 (title), 444.11, 444.12, 444.13, 444.14, 444.15  
4 and 444.18; and *to create* 20.165 (1) (im), 444.01 (1g), 444.01 (1m), 444.01 (1r),  
5 444.01 (3), 444.01 (4), 444.02 (3) (a), 444.02 (3) (b), 444.02 (3) (c), 444.035, 444.09  
6 (9), 444.095 and 444.19 of the statutes; **relating to:** changes in the regulation  
7 of boxing contests, regulating mixed martial arts fighting contests, granting  
8 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:*

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



1 SECTION 8. 444.02 (title) of the statutes is amended to read:

2 444.02 (title) **Boxing licenses, Licenses and permits.**

3 SECTION 9. 444.02 of the statutes is renumbered 444.02 (1) and amended to  
4 read:

5 444.02 (1) The department shall have the sole direction, management, and  
6 control of, and jurisdiction over, all professional ~~boxing~~ contests and all amateur  
7 mixed martial arts fighting contests conducted within the state by any promoter or  
8 club. ~~No club or promoter may conduct professional boxing contests may be~~  
9 ~~conducted or amateur mixed martial arts fighting contests~~ within the state except  
10 under authority granted by the department and in accordance with this chapter and  
11 the rules of the department.

12 (2) The department may issue, and for cause limit, suspend, or revoke, a license  
13 to conduct professional ~~boxing~~ contests or amateur mixed martial arts fighting  
14 contests to any promoter or incorporated club formed as provided in this chapter.  
15 Every license shall be subject to the department's rules and regulations. The  
16 department may limit the number of professional ~~boxing~~ contests and amateur  
17 mixed martial arts fighting contests given by any promoter or club in any city, village,  
18 or town and may reprimand a promoter or club for violating this chapter or any rule  
19 of the department.

20 (3) No professional ~~boxing~~ contest or amateur mixed martial arts fighting  
21 contest may be conducted by any licensed club without a permit from the  
22 department. ~~Every license shall be subject to such rules and regulations as the~~  
23 ~~department prescribes. The department may reprimand clubs for violating this~~  
24 ~~chapter or any rules of the department.~~ An application for a permit shall be  
25 accompanied by a nonrefundable \$300 processing fee. Every permit shall be

1 conditioned on payment by the promoter or club to the department, within 2 business  
2 days after the event for which the permit was issued, of the following fees:

3 **SECTION 10.** 444.02 (3) (a) of the statutes is created to read:

4 444.02 (3) (a) If the number of tickets sold for the event is less than 2,000, an  
5 event fee of \$450.

6 **SECTION 11.** 444.02 (3) (b) of the statutes is created to read:

7 444.02 (3) (b) If the number of tickets sold for the event is less than 5,000 but  
8 more than 1,999, an event fee of \$2,200 plus a gate fee equal to the lesser of 5 percent  
9 of the total amount collected by the club or promoter in gross ticket sales or \$4,000.

10 **SECTION 12.** 444.02 (3) (c) of the statutes is created to read:

11 444.02 (3) (c) If the number of tickets sold for the event is 5,000 or more, an  
12 event fee of \$4,700 plus a gate fee equal to the lesser of 5 percent of the total amount  
13 collected by the club or promoter in gross ticket sales or \$12,500.

14 **SECTION 13.** 444.03 of the statutes is amended to read:

15 **444.03 Application for license; fee.** No professional ~~boxing~~ contest or  
16 amateur mixed martial arts fighting contest may be conducted by any promoter or  
17 club except by license granted to it by the department, ~~and no club may be licensed~~  
18 ~~unless it is incorporated under the laws of Wisconsin and its membership is limited~~  
19 ~~to persons who have been continuous residents in the state for at least one year.~~ An  
20 application for a license shall be in writing, addressed to the department, and  
21 verified by the promoter or by an officer of the club. An application shall be  
22 accompanied by an annual fee of ~~\$25 in cities, villages, and towns of not more than~~  
23 ~~50,000 inhabitants, \$50 in cities of over 50,000 and not more than 150,000~~  
24 ~~inhabitants, and \$300 in cities of over 150,000 inhabitants when the admission is~~  
25 ~~over \$1 and \$50 when the admission charge is \$1 or less~~ \$500. The application must



1 show that the promoter or club has entered into a valid agreement for the use of the  
2 building, amphitheater, or stadium in which contests are to be held.

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

4 **444.035 Bond.** The department shall by rule require a promoter or club  
5 conducting a professional contest or amateur mixed martial arts fighting contest to  
6 post a bond or other surety in a reasonable amount determined by the department  
7 to ensure payment of the promoter's or club's expenses in conducting the contest,  
8 including payments to contestants and to the department.

9 **SECTION 15.** 444.04 of the statutes is amended to read:

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

20 **SECTION 16.** 444.06 of the statutes is amended to read:

21 **444.06 Inspectors.** The department shall appoint official "inspectors," each  
22 of whom shall receive a card authorizing the inspector to act wherever the  
23 department designates. The department may be, and at least one inspector shall be  
24 present at all professional ~~boxing~~ contests and all amateur mixed martial arts  
25 fighting contests and see that the rules are strictly observed. ~~An inspector shall also~~

1 ~~be present at the counting up of the gross receipts and shall immediately mail to the~~  
2 ~~department the official box-office statement received from the club. Inspectors shall~~  
3 ~~be paid a per diem to be set by the department, not to exceed \$25 for each day on~~  
4 ~~which they are actually and necessarily engaged in the performance of their duties,~~  
5 ~~and shall be reimbursed for their actual and necessary expenses incurred in the~~  
6 ~~performance of their duties. The department may require a promoter or club to pay~~  
7 ~~the cost of designating additional inspectors, who may include a referee or judge~~  
8 ~~performing the duties of an inspector, for an event. The department may require a~~  
9 ~~promoter or club to pay the department an amount not to exceed \$250 for each~~  
10 ~~additional inspector designated by the department.~~

11 **SECTION 17.** 444.09 (title) of the statutes is amended to read:

12 **444.09 (title) Conduct of boxing contests regulated.**

13 **SECTION 18.** 444.09 (1) of the statutes is amended to read:

14 444.09 (1) No professional boxing contest shall be for more than 10 12 rounds  
15 ~~except that where a championship is to be determined, the contest shall not be for~~  
16 ~~more than 15 rounds, and no round shall last more than 3 minutes.~~

17 **SECTION 19.** 444.09 (3) of the statutes is amended to read:

18 444.09 (3) Gloves weighing not less than 5 8 ounces shall be worn by  
19 contestants who are in professional boxing contests and who weigh under 140  
20 pounds, and not less than 6 10 ounces by other contestants in boxing contests.

21 **SECTION 20.** 444.09 (6) of the statutes is amended to read:

22 444.09 (6) Contestants in professional boxing contests shall break clean, and  
23 must not hold and hit. Butting with head or shoulders, wrestling, or illegal use of  
24 elbows shall not be allowed by contestants in professional boxing contests. There

1 shall be no unsportsmanlike conduct on the part of the contestants. This includes  
2 the use of abusive or insulting language.

3 **SECTION 21.** 444.09 (8) of the statutes is repealed.

4 **SECTION 22.** 444.09 (9) of the statutes is created to read:

5 444.09 (9) Except as otherwise specified in this chapter, boxing contests shall  
6 be conducted under the Association of Boxing Commissions' uniform boxing rules.

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

8 **444.095 Conduct of mixed martial arts fighting contests regulated. (1)**

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

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

14 (a) There is present at least one referee who is licensed by the department and  
15 at least 3 judges who are licensed by the department.

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

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

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

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

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

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

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

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

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

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

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

12 **SECTION 24.** 444.10 (title) of the statutes is amended to read:

13 **444.10 (title) Physician to examine professional boxing contestants.**

14 **SECTION 25.** 444.11 of the statutes is amended to read:

15 **444.11 Licenses to matchmakers, referees, ~~boxers~~ contestants, etc.** The  
16 department may grant licenses upon application and the payment of the prescribed  
17 fees to matchmakers, managers, referees, ~~examining physicians~~, boxers, mixed  
18 martial arts fighters, seconds, and trainers in professional ~~boxing~~ contests and  
19 amateur mixed martial arts fighting contests. The fees to be paid per year shall be:  
20 Matchmakers in cities with a population of over 150,000, \$25; matchmakers in other  
21 cities and in villages and towns, \$10; and managers, \$10; referees and judges, \$15;  
22 examining physicians, \$10; boxers, ~~\$5~~, \$40 and mixed martial arts fighters; seconds,  
23 \$40; and trainers timekeepers, \$5 \$10. The department may limit, suspend, or  
24 revoke any such license granted under this section or reprimand the holder thereof  
25 licensee upon such cause as it deems sufficient.

1           **SECTION 26.** 444.12 of the statutes is amended to read:

2           **444.12 Referee to stop contest.** The referee must stop a professional ~~boxing~~  
3           contest or amateur mixed martial arts fighting contest when either of the  
4           contestants shows a marked superiority or is apparently outclassed. The referee  
5           shall be the sole arbiter of the contest and may consult the physician identified in s.  
6           444.095 (2) (c) during the contest.

7           **SECTION 27.** 444.13 of the statutes is amended to read:

8           **444.13 Sham contests, license revoked.** Any promoter or club that  
9           conducts, holds, gives, or participates in any sham or fake professional ~~boxing~~  
10          contest or amateur mixed martial arts fighting contest shall forfeit its license. That  
11          license shall be revoked by the department, and the promoter or club shall not be  
12          entitled to another license, ~~nor shall any license be issued to any club that has a~~  
13          ~~member who belonged to a club that had its license revoked.~~

14          **SECTION 28.** 444.14 of the statutes is amended to read:

15          **444.14 Sham contests; contestants penalized; forfeitures; hearing.** Any  
16          The department shall ban a contestant who participates in any sham or fake  
17          professional ~~boxing~~ contest or amateur mixed martial arts fighting contest or  
18          violates any rule ~~or regulation of~~ promulgated by the department ~~shall be penalized~~  
19          ~~as follows: For the first offense the contestant shall be restrained by order of the~~  
20          ~~department for not less than 2 months nor more than one year, the period to begin~~  
21          ~~immediately after the occurrence of the offense, from participation in the contest to~~  
22          ~~be held or given by any licensed club; for a 2nd offense, the contestant shall be~~  
23          ~~permanently disqualified from further admission or participation in any such~~  
24          ~~contest held or given by any licensed club and in addition, for each such offense, shall~~  
25          ~~forfeit such amount, out of the share or purse agreed to be paid the contestant for the~~

1 ~~contest as the department determines, the forfeit to be paid into the general fund of~~  
2 ~~the state. The department, upon determining the amount of the forfeit, may pay the~~  
3 ~~same out of any guarantee deposited with it for delivery to the contestant or may~~  
4 ~~order it paid to the department by the club employing the contestant out of the purse~~  
5 ~~or share agreed by it to be paid to the contestant. The department shall not~~  
6 ~~determine the forfeit until after due hearing held upon reasonable notice duly served~~  
7 ~~upon, and may require the contestant or, the contestant's manager and upon the club~~  
8 ~~by whom the contestant is employed. Any member of the department or the secretary~~  
9 ~~or any inspector of the department may order the club to hold the share or purse of~~  
10 ~~the contestant in its possession pending the hearing and determination of the~~  
11 ~~department. For failure to obey any order of the department or the secretary of the~~  
12 ~~department or any inspector of the department given under this section, the license~~  
13 ~~of the club may be limited, suspended, canceled, or revoked, and the club may be~~  
14 ~~reprimanded, or the promoter of the contest to forfeit an amount determined by the~~  
15 ~~department, but not more than \$500. Fifty percent of all forfeitures collected under~~  
16 ~~this section shall be deposited in the appropriation account under s. 20.165 (1) (im).~~

17 **SECTION 29.** 444.15 of the statutes is amended to read:

18 **444.15 Reports; examination of books and officers.** Whenever any  
19 promoter or club fails to make a report of any professional ~~boxing~~ contest or amateur  
20 mixed martial arts fighting contest at the time prescribed or whenever a report is  
21 unsatisfactory to the department, the secretary of the department may examine the  
22 books and records of the promoter or club and, may subpoena and examine, under  
23 oath, the promoter or the club's officers and other witnesses to determine the total  
24 amount of its gross receipts for any contest, and may hire an independent auditor to  
25 assist in making the determination. The secretary may require the promoter or club

1 to pay the expenses of conducting the examination or the independent auditor's fee.  
2 If a promoter or club fails to pay the amount of expenses determined by the secretary  
3 to be due within 20 days after receiving notice of the amount, the promoter or club  
4 shall forfeit its license, be disqualified from receiving any license under this chapter,  
5 and forfeit to the state the sum of \$1,000, which may be recovered by the department  
6 of justice in the name of the state.

7 **SECTION 30.** 444.18 of the statutes is amended to read:

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

18 **SECTION 31.** 444.19 of the statutes is created to read:

19 **444.19 Fee adjustments by rule.** Notwithstanding ss. 444.02 (3), 444.03,  
20 444.06, and 444.11, the department may by rule adjust the fees under this chapter  
21 to account for changes in the department's costs in administering and enforcing this  
22 chapter.

23 **SECTION 32. Nonstatutory provisions.**

24 (1) The department of regulation and licensing shall submit in proposed form  
25 the rule required under section 444.035 of the statutes, as created by this act, and

1 any additional rules necessary for the department to implement this act to the  
2 legislative council staff under section 227.15 (1) of the statutes no later than than the  
3 first day of the 6th month beginning after the effective date of this subsection.

4 (2) Using the procedure under section 227.24 of the statutes, the department  
5 of regulation and licensing shall promulgate the rule required under section 444.035  
6 of the statutes, as created by this act, and any additional rules necessary for the  
7 department to implement this act for the period before the effective date of the rule  
8 submitted under subsection (1), but not to exceed the period authorized under section  
9 227.24 (1) (c) and (2) of the statutes. Notwithstanding section 227.24 (1) (a), (2) (b),  
10 and (3) of the statutes, the department is not required to provide evidence that  
11 promulgating a rule under this subsection as an emergency rule is necessary for the  
12 preservation of the public peace, health, safety, or welfare and is not required to  
13 provide a finding of emergency for a rule promulgated under this subsection.

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

18 **SECTION 33. Fiscal changes.**

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

25 **SECTION 34. Effective date.**



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

3 (END)