

MINUTES OF THE HOUSE ECONOMIC DEVELOPMENT AND TOURISM COMMITTEE

The meeting was called to order by Chairman Lana Gordon at 3:30 p.m. on March 15, 2010, in Room 152-S of the Capitol.

All members were present except:

Representative Lisa Benlon- excused
Representative Dolores Furtado- excused
Representative Don Hill- excused
Representative Valdenia Winn- excused
Representative Ron Worley- excused

Committee staff present:

Doug Taylor, Office of the Revisor of Statutes
Reed Holwegner, Kansas Legislative Research Department
Brandon Riffel, Kansas Legislative Research Department
Ann Deitcher, Committee Assistant

Conferees appearing before the Committee:

Representative Tom Burroughs,

HB 2616 - an act concerning the Kansas professional regulated sports act; pertaining to violations, civil penalties fees and rules and regulations.

The Chair introduced Reed Holwegner who spoke to the Committee in explanation of **HB 2616**. (Attachment 1).

Representative Burroughs addressed the Committee next in support of **HB 2616**, and offering an overview and explanation as to the necessity of this bill and requested changes. (Attachments 2 and 3).

Asking for an amendment to **HB 2116** that would change the employment status of the Inspectors, Representative Burroughs also asked that an amendment be made to the bill that would allow the Commission to adopt temporary rules and regulations. (Attachment 3).

Questions and answers followed.

Written only testimony was provided by Jason Neef, CEO of an on-line mixed martial arts service. (Attachment 4).

The hearing on **HB 2116** was closed.

Representative Slattery moved, seconded by Representative Seiwert, that **HB 2616 be amended using the language proposed by Representative Burroughs in Attachment 3.**

Committee discussion followed.

Representative Donohoe made a substitute motion, seconded by Representative Myers, that **HB 2616 be amended using the language in Attachment 3 and including additional language that two years after the effective date of the Act, the temporary rules adopted by the Athletic Commission shall be reviewed by the Joint Committee on Administrative Rules and Regulations. The substitute motion passed on a voice vote.**

Representative Slattery moved, seconded by Representative Seiwert, that **HB 2616 be passed as amended. The motion passed on a voice vote.**

The meeting was adjourned at 5:00 p.m.

404 Aggregate Report

Agency: 00300 Department of Commerce

version: 2011-L-02-00300

Series: 2599 ATHLETIC FEE FUND

	FY 2009 Actuals	FY 2010 Adjusted Budget Request	FY 2011 Adjusted Budget Request
R0007 CASH FORWARD	85,540	79,966	40,221
R1390 OTHER GROSS RECEIPTS TAX	35,242	32,000	37,000
R2010 CHGS-INSPECT SUPER EXAMS AUDI	10,954	14,000	14,000
R2110 LICENSE FEE - RENDER PERSONAL	32	31,000	36,000
R2119 LICENSE FEE - OTHER BUSINESS P	26,386	4,000	4,000
R2500 DEPARTMENTAL OR AGENCY SALES	285	0	0
R3015 AVG DAILY BALAN INT EARN	2,109	2,000	2,000
R3190 OTHER RENTS AND ROYALTIES	422	0	0
R6602 OPERATING TRANSFERS OUT	(2,141)	(244)	0
R6909 OTHER NONREVENUE RECEIPTS	1,419	2,000	2,000
Total Available	160,248	164,722	135,221
Total Non-Reportable Expenditures	190	200	204
Total Reportable Expenditures	80,092	124,301	124,296
Total Expenditures	80,282	124,501	124,500
Balance Forward	79,966	40,221	10,721

KANSAS

404 Aggregate Report

msteiner / 2011-L-02-00300

Economic Development & Tourism

Date: 3-15-10

Attachment # 1

TOM BURROUGHS
REPRESENTATIVE, THIRTY-THIRD DISTRICT
WYANDOTTE COUNTY
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TOPEKA

HOUSE OF
REPRESENTATIVES

COMMITTEE ASSIGNMENTS

MEMBER: APPROPRIATIONS
GENERAL GOVERNMENT BUDGET
INSURANCE AND FINANCIAL INSTITUTIONS
BOARD OF DIRECTORS: KANSAS INC.
MEMBER: LEGISLATIVE POST AUDIT
KANSAS ATHLETIC COMMISSION

TESTIMONY

Chairperson Gordon Vice Chair - Donohoe
Ranking Member Benlon and Committee Members

Thank you for allowing me to testify on HB 2616 the Kansas Professional Regulated Sports Act.

I am here on behalf of the Kansas Athletic Commission to provide an overview and explanation as to the necessity of this bill and requested changes.

Six years ago this committee passed out the Kansas Professional Regulated Sports Act by a near unanimous vote in support of various professional Kansas Athletes.

The Athletic Commission is a sanctioning body for the following professional regulated sports.

- Boxing
- Sparring
- Kickboxing
- MMA (Mixed Martial Arts)

Economic Development & Tourism

Date: 3-15-10

Attachment # 2-1

- Wrestling
- Full Contact Karate

Due to rapid change within the industries and the inclusion of additional disciplines it is vital we continue to update our statutes to ensure both proper regulation and regulating authority.

As these regulated sports grow and mature, the commission must be vigilant in our regulation. To be responsive in addressing numerous changes and concerns, the Athletic Commission proposes amendments to the act. With these proposed changes it will assist in that endeavor.

Madam Chair and Committee, I would like to request two additional amendments to the bill. The first amendment makes a change to the employment status of the Inspectors. The second amendment allows the Commission to adopt temporary rules and regulations..

Once again, thank you for the opportunity to testify in support of HB 2616 and we hope the committee will look favorably upon the balloon amendments we have presented when action is taken on this bill. I would be happy to stand for questions now or at the appropriate time.

HOUSE BILL No. 2616

By Committee on Appropriations

2-2

9 AN ACT concerning the Kansas professional regulated sports act; per-
10 taining to violations; pertaining to civil penalties; pertaining to fees;
11 pertaining to rules and regulations; amending K.S.A. 2009 Supp. 74-
12 50,181, 74-50,182, 74-50,186, 74-50,187, 74-50,188, 74-50,189, 74-
13 50,193 and 74-50,194 and repealing the existing sections.
14

15 *Be it enacted by the Legislature of the State of Kansas:*

16 New Section 1. (a) Any person who violates any provision of this act
17 or any rule and regulation adopted hereunder may incur, in addition to
18 any other penalty provided by law, a civil penalty in an amount fixed by
19 the commission not to exceed \$1,000 for each violation. In the case of a
20 continuing violation, every day such violation continues shall be deemed
21 a separate violation. In determining the amount of the civil penalty, the
22 commission shall take into consideration all relevant circumstances, in-
23 cluding, but not limited to, the extent of harm caused by the violation,
24 the nature and persistence of the violation, the length of time over which
25 the violation occurs and any corrective actions taken.

26 (b) All civil penalties assessed under this section shall be due and
27 payable at the time of the violation. All payment of civil penalties assessed
28 shall be held in an escrow fund by the boxing commissioner for 30 days
29 after service on the person upon whom the penalty is being imposed. If
30 a person upon whom a civil penalty has been imposed appeals the as-
31 sessment, such assessment shall be held in the escrow fund until the
32 commission affirms, reverses or modifies imposing the civil penalty. Once
33 the assessment of the civil penalty becomes a final order, the commission
34 shall deposit the amount of such assessment in the athletic fee fund. If
35 the person who has been assessed a civil penalty does not appeal such
36 assessment as provided in this section, the amount of the civil penalty
37 assessed shall be deposited in the athletic fee fund.

38 (c) No civil penalty shall be imposed under this section except upon
39 the written order of the commissioner to the person upon whom the
40 penalty is to be imposed, stating the nature of the violation, the penalty
41 imposed and the right of the person upon whom the penalty is imposed
42 to appeal to the commission. Within 15 days after service of the order
43 imposing the civil penalty, the person upon whom the civil penalty has

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1 been imposed may make written request to the commission for a hearing
 2 or informal conference hearing in accordance with the provisions of the
 3 Kansas administrative procedure act. The commission shall affirm, re-
 4 verse or modify the order and shall specify the reasons therefor. The
 5 decision of the commission shall be final unless review is sought under
 6 subsection (d).

7 (d) Any person aggrieved by an order of the commission made under
 8 this section may appeal such order to the district court in the manner
 9 provided by the Kansas judicial review act.

10 (e) Any civil penalty recovered pursuant to the provisions of this sec-
 11 tion shall be remitted to the state treasurer. Upon receipt of each such
 12 remittance, the state treasurer shall deposit the entire amount in the state
 13 treasury to the credit of the athletic fee fund.

14 (f) This section shall be a part of and supplemental to the Kansas
 15 professional regulated sports act.

16 Sec. 2. K.S.A. 2009 Supp. 74-50,181 is hereby amended to read as
 17 follows: 74-50,181. K.S.A. 2009 Supp. 74-50,181 through 74-50,196 and
 18 section 1, and amendments thereto, shall be known and may be cited as
 19 the Kansas professional regulated sports act.

20 Sec. 3. K.S.A. 2009 Supp. 74-50,182 is hereby amended to read as
 21 follows: 74-50,182. As used in the Kansas professional regulated sports
 22 act:

23 (a) *"Amateur mixed martial arts" means any form of martial arts or*
 24 *self-defense conducted on a full-contact basis in a contest without weap-*
 25 *ons.*

26 ~~(a)~~ (b) "Bout" means one match involving a regulated sport.

27 ~~(b)~~ (c) "Commission" means the athletic commission or these eight
 28 that is given by a referee to a contestant who has been knocked down.

29 ~~(d)~~ "Commissioner" means the boxing commissioner or the commis-
 30 sioner's designee.

31 ~~(e)~~ (e) "Contest" means a bout or a group of bouts involving licensed
 32 contestants competing in a regulated sport.

33 ~~(d)~~ (f) "Contestant" means a person who competes ~~is licensed by the~~
 34 ~~commission to compete~~ in a regulated sport.

35 ~~(e)~~ (g) "Fund" means the athletic fee fund.

36 ~~(f)~~ (h) "Mandatory count of eight" means a required count of eight
 37 that is given by a referee to a contestant who has been knocked down.

38 (g) (i) "Noncompetitive boxing" means boxing or sparring where a
 39 decision is not rendered.

40 ~~(h)~~ (j) "Professional boxing" means the sport of attack and defense
 which uses the fists and where contestants compete for valuable
 consideration.

43 ~~(i)~~ (k) "Professional full-contact karate" means any form of full-con-

(f)(h) "Grappling arts" means any form of grappling including but not limited to brazilian jujitsu, catch wrestling, judo, luta livre esportiva, sambo, shoot wrestling, shooto, and shuai Jiao conducted on a full-contact basis in a bout or contest without weapons or striking and where contestants may compete for valuable consideration.

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1 tact martial arts including but not limited to full-contact kung fu, full-
2 contact tae-kwon-do or any form of martial arts or self-defense conducted
3 on a full-contact basis in a bout or contest with or without weapons and
4 where contestants *may* compete for valuable consideration. ~~Such contests~~
5 ~~take place in a rope enclosed ring and are fought in timed rounds.~~

6 (j) (l) "Professional kickboxing" means any form of boxing in which
7 blows are delivered with any part of the arm below the shoulder, including
8 the hand, and any part of the leg below the hip, including the foot, and
9 where contestants compete for valuable consideration. ~~Such contests take~~
10 ~~place in a rope enclosed ring and are fought in timed rounds.~~

11 (k) (m) "Professional mixed martial arts" means any form of martial
12 arts or self-defense conducted on a full-contact basis in a bout or contest
13 with or without weapons and where contestants *may* compete for valuable
14 consideration. ~~Such contests take place in an enclosed ring and are fought~~
15 ~~in timed rounds.~~

16 (l) (n) "Professional wrestling" means any performance of wrestling
17 skills and techniques by two or more professional wrestlers, to which any
18 admission is charged. Participating wrestlers may not be required to use
19 their best efforts in order to win. The winner may have been selected
20 before the performance commences and contestants compete for valua-
21 ble consideration. ~~Such contests take place in a rope enclosed ring and~~
22 ~~are fought in timed rounds.~~

23 (m) (o) "Regulated sports" means professional boxing, sparring, pro-
24 fessional kickboxing, professional *and amateur* mixed martial arts, ~~pro-~~
25 ~~professional wrestling~~ and professional full-contact karate.

26 (n) (p) "Sparring" means boxing, *kickboxing, professional and ama-*
27 ~~ateur mixed martial arts~~ *or full-contact karate* for practice or as an
28 ~~exhibition.~~

29 ~~Sec. 4. K.S.A. 2009 Supp. 74-50,186 is hereby amended to read as~~
30 ~~follows: 74-50,186. (a) The commission shall have general charge and~~
31 ~~supervision of all regulated sports and professional wrestling perform-~~
32 ~~ances held in the state. The commission may enter into agreements with~~
33 ~~the federal bureau of investigation, the federal internal revenue service,~~
34 ~~the Kansas attorney general or any state, federal or local agency as nec-~~
35 ~~essary to carry out the duties of the commission under this act.~~

36 (b) The commission shall accept applications for and may issue li-
37 censes to any person, organization, corporation, partnership, limited lia-
38 bility company or association desiring to promote regulated sports con-
39 tests if such person holds a promoter's license from an organization which
40 has been in existence and has held meetings at regular intervals during
41 the entire year immediately preceding the granting of the license. The
42 commission shall accept applications and may issue licenses to referees,
43 judges, physicians, managers, contestants, timekeepers, seconds, pro-

grappling arts

grappling arts

New Sec. 4. K.S.A. 2009 Supp. 74-50,185 is hereby amended to read as follows:

(a) In accordance with the provisions of the Kansas civil service act, the commission may appoint such chief inspectors and inspectors, agents, clerical and administrative personnel as may be necessary to assist in performing the powers, duties and functions of the commission and the boxing commissioner.

(b) The boxing commissioner may contract with inspectors and such other persons as in the commissioner's judgment may be necessary to properly administer the provisions of this act. Such persons shall be under the direct supervision of the boxing commissioner.

(c) The commission shall have the authority to adopt rules and regulations for the certification and payment of inspectors. The boxing commissioner shall not perform duties of an inspector.

Sec. 4 5.

1 promoters, *announcers* and matchmakers for regulated sports contests. A
2 license fee of not less than \$20 shall accompany any application for licen-
3 sure. Unless revoked for cause, all licenses issued under this subsection
4 and all renewals thereof shall expire on ~~June 30 of the year succeeding~~
5 ~~the year in which they were issued~~ *the anniversary of the date of issuance*
6 *occurring in the calendar year following the year of issue*. Licenses shall
7 be renewable from year to year upon the filing of a renewal application
8 prior to the expiration of each such license and payment of the fee
9 therefor.

10 (c) The commission shall fix and collect a ~~tax imposed fee assessed~~
11 against the gross receipts of every regulated sports contest held. The ~~tax~~
12 ~~fee~~ shall be fixed in an amount which, together with all other revenues of
13 the commission, is sufficient to pay the cost of administering and enforc-
14 ing the provisions of this act, but not to exceed 5% 6%.

15 (d) ~~The commission shall recommend a taxing and fee structure for~~
16 ~~all regulated sports and submit such recommendations to the legislature~~
17 ~~on or before January 1, 2005. The commission shall fix and collect a fee~~
18 ~~assessed upon the gross revenues received by a promoter and by any~~
19 ~~media network that televises a regulated sports contest held. The fee shall~~
20 ~~be fixed in an amount which, together with all other revenues of the~~
21 ~~commission, is sufficient to pay the cost of administering and enforcing~~
22 ~~the provisions of this act, but not to exceed 6%.~~

23 (e) The commission shall suspend or revoke any license issued by the
24 commission for violations of this act or K.S.A. 21-1801, and amendments
25 thereto, or rules and regulations adopted pursuant thereto.

26 (f) The commission shall assist promoters in developing marketing
27 strategies for contests.

28 (g) For the purpose of ascertaining compliance with any of the pro-
29 visions of this act or any rules and regulations adopted pursuant thereto,
30 the commission may request a court to issue subpoenas to compel access
31 to or for the production of any books, papers, records or memoranda in
32 the custody or control of any licensee or officer, member, employee or
33 agent of any licensee, or to compel the appearance of any licensee or
34 officer, member, employee or agent of any licensee, or of any person
35 subject to the provisions of this act. Subpoenas issued pursuant to this
36 subsection may be served upon individuals and corporations in the same
37 manner provided in K.S.A. 60-304, and amendments thereto, for the serv-
38 ice of process by any officer authorized to serve subpoenas in civil actions
39 or by the commission or an agent or representative designated by the
40 commission. In the case of the refusal of any person to comply with any
41 such subpoena, the commission may make application to the district court
42 of any county where such books, papers, records, memoranda or person
43 is located for an order to comply.

5
B

1 Sec. 5. K.S.A. 2009 Supp. 74-50,187 is hereby amended to read as
2 follows: 74-50,187. (a) The commission shall adopt any rules and regu-
3 lations necessary to implement the provisions of this act. Such rules and
4 regulations shall include, but not be limited to, provisions concerning:

- 5 (1) The conduct of regulated sports contests, the time and place of
- 6 such contests and the prices charged for admission thereto.
- 7 (2) The issuance of a license under this section and to prescribe qual-
- 8 ifications for licensees.
- 9 (3) Fees necessary to fund the expenses and operating costs incurred
- 10 in the administration and enforcement of the provisions of this act.
- 11 (4) Standards of conduct, officials required, ring size and construc-
- 12 tion, age restrictions for contestants, limitations on the number of
- 13 matches in which a contestant may participate, classification of weight
- 14 divisions, protective gear, selection of judges and other matter concerning
- 15 regulated sports deemed necessary by the commission.
- 16 (5) The acquisition of liability insurance, indemnity coverage and sur-
- 17 ety bonds in amounts determined by the commission.
- 18 (6) Procedures and conditions for limitation, suspension and revo-
- 19 cation of licenses.
- 20 (7) *Procedures and requirements for testing for drugs and commu-*
- 21 *nicable diseases.*
- 22 (8) *The amount of any fees to be assessed upon the gross revenues*
- 23 *received by any promoter, broadcaster, media network or distributor who*
- 24 *electronically distributes or televises a regulated sports contest.*
- 25 (9) *The requirements for full disclosure between any promoter,*
- 26 *broadcaster, media network or distributor who electronically distributes*
- 27 *or televises a regulated sports contest.*
- 28 (10) *Any other rules and regulations deemed necessary by the com-*
- 29 *mission for the administration of the televising, broadcasting or distrib-*
- 30 *uting of a regulated sports contest.*

31 ~~(8)~~ (11) Any other matter deemed necessary by the commission to
32 implement and enforce the provisions of this act.

33 (b) The commission may adopt rules and regulations concerning pro-
34 fessional wrestling to the extent authorized by this subsection. Nothing
35 in this subsection shall be construed as subjecting professional wrestling
36 to full regulation by the commission. Rules and regulations concerning
37 professional wrestling shall may be limited to the following:

- 38 (1) Requirements that a physician or other emergency medical pro-
- 39 vider be present at the performance.
- 40 (2) Requirements that the promoter ~~notify the commission regarding~~
~~the location, date and time of a~~ *obtain a license from the commission in*
41 *advance of the performance.*
- 42 (3) The payment of fees.
- 43

Temporary rules and regulations may be adopted by the commission without being subject to the provisions and requirements of K.S.A. 77-415 through 77-438, and amendments thereto, but shall be subject to approval by the attorney general as to legality and shall be filed with the secretary of state and published in the Kansas register. Temporary and permanent Such rules and regulations shall include, but not be limited to, provisions concerning:

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1 (4) *The acquisition of liability insurance, indemnity coverage and sur-*
2 *ety bonds in amounts determined by the commission.*

3 (5) *Any other matter deemed necessary by the commission to imple-*
4 *ment and enforce the provisions of this act.*

Sec. 6 7.

5 Sec. 6. K.S.A. 2009 Supp. 74-50,188 is hereby amended to read as
6 follows: 74-50,188. (a) There is hereby established in the state treasury
7 the athletic fee fund to be administered by the chairperson of the com-
8 mission or the chairperson's designee. All moneys received by or for the
9 commission from fees, charges or penalties shall be remitted to the state
10 treasurer in accordance with the provisions of K.S.A. 75-4215, and
11 amendments thereto, who shall deposit the entire amount thereof in the
12 state treasury to the credit of the athletic fee fund until July 1, 2007.

13 Thereafter, 20% of each such deposit shall be credited to the state general
14 fund and the balance shall be credited to the athletic fee fund. All ex-
15 penditures from such fund shall be made in accordance with appropria-
16 tion acts upon warrants of the director of accounts and reports issued
17 pursuant to vouchers approved by the boxing commissioner or the com-
18 missioner's designee. All moneys credited to the athletic fee fund shall
19 be expended for the administration of the powers, duties, functions and
20 operating expenses of the commission and the boxing commissioner.

21 (b) On or before the 10th of each month, the director of accounts
22 and reports shall transfer from the state general fund to the athletic fee
23 fund established in subsection (a) interest earnings based on:

24 (1) The average daily balance of money in the athletic fee fund for
25 the preceding month; and

26 (2) the net earnings rate of the pooled money investment fund port-
27 folio for the preceding month.

28 Sec. 7. K.S.A. 2009 Supp. 74-50,189 is hereby amended to read as
29 follows: 74-50,189. The commission shall not issue any license to hold
30 regulated sports contests in the state of Kansas, unless:

31 (a) Such regulated sports contests are sponsored by a promoter li-
32 censed by the commission;

33 (b) the governing body of the city in which such contests are to be
34 held has adopted a resolution approving the holding of such contest; or
35 if such contests are to be held in the unincorporated area of a county, the
36 board of county commissioners of such county has adopted a resolution
37 approving the holding of such contests; *The commission may issue a*
38 *written assurance that the required license will be issued. Such assurance*
39 *shall be conditioned upon the adoption of the resolution by the governing*
40 *body of the city or the board of county commissioners, as appropriate,*
approving the holding of such contest;

43 (c) such contests shall be of not more than 12 rounds of three minutes
each duration *for professional boxing, professional kickboxing and pro-*

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1 *professional full-contact karate and not more than five rounds of five minutes*
2 *each duration for professional mixed martial arts and not more than five*
3 *rounds of three minutes each duration for amateur mixed martial arts;*
4 *and*

5 (d) a license fee, in an amount set by the commission, has been paid
6 by the promoter. Sec. 8 9.

7 ~~Sec. 8. K.S.A. 2009 Supp. 74-50,193 is hereby amended to read as~~
8 ~~follows: 74-50,193. (a) Any person wishing to make a complaint against a~~
9 ~~licensee under this act, shall file the written complaint with the commis-~~
10 ~~sion setting forth supporting details on a form provided by the commis-~~
11 ~~sion. If the commission determines that the complaint warrants a hearing~~
12 ~~to ascertain whether the licensee shall be disciplined, the commission~~
13 ~~shall file a complaint as provided in the Kansas administrative procedure~~
14 ~~act. Any person holding more than one license issued by the commission~~
15 ~~and disciplined under one license will be automatically disciplined under~~
16 ~~all licenses.~~

17 (b) The commission may refuse to issue any license for one or any
18 combination of reasons specified by this section. The commission shall
19 notify the applicant in writing of the reasons for the refusal and shall
20 advise the applicant of such applicant's right to file a complaint or an
21 appeal for administrative hearing as provided in the Kansas administrative
22 procedure act.

23 (c) ~~The commission may file a complaint as provided in the Kansas~~
24 ~~administrative procedure act, against any holder of any license issued~~
25 ~~pursuant to this chapter, or against any person who has failed to renew~~
26 ~~or has surrendered their license for any of the following:~~

27 (1) ~~Use of an alcoholic beverage or any controlled substance before~~
28 ~~or during a bout.~~

29 (2) ~~The person has been found guilty or has entered a plea of guilty~~
30 ~~or nolo contendere in a criminal prosecution under any state or federal~~
31 ~~law for any offense reasonably related to the qualifications, functions or~~
32 ~~duties of any profession licensed or regulated under this act, for any of-~~
33 ~~fense an essential element of which is fraud, dishonesty or an act of vio-~~
34 ~~lence, or for any offense involving moral turpitude, whether or not a~~
35 ~~sentence is imposed.~~

36 (3) ~~Use of fraud, deception, misrepresentation or bribery in securing~~
37 ~~any license issued pursuant to this act.~~

38 (4) ~~Providing false information on applications or medical forms.~~

39 (5) ~~Incompetency, misconduct, gross negligence, fraud, misrepresen-~~
40 ~~tation or dishonesty in the performing of the functions or duties of any~~
41 ~~profession licensed or regulated by this act.~~

42 (6) ~~Violating or enabling any person to violate any provision of this~~
43 ~~act or any rule and regulation adopted pursuant to this act.~~

1 ~~(7) Impersonating any license holder or allowing any person to use~~
2 ~~the licensee's license.~~

3 ~~(8) Failing to put forth the best effort during a bout.~~

4 ~~(9) Disciplinary action against a holder of a license or other right to~~
5 ~~practice any profession regulated by this act and issued by another state,~~
6 ~~territory, federal agency or country upon grounds for which revocation~~
7 ~~or suspension is authorized in this state.~~

8 ~~(10) Adjudged mentally incompetent by a court of competent~~
9 ~~jurisdiction.~~

10 ~~(11) Use of any advertisement or solicitation which is false, mislead-~~
11 ~~ing or deceptive to the general public or persons to whom the advertise-~~
12 ~~ment or solicitation primarily is directed.~~

13 ~~(12) Disruptive conduct at regulated sports contests, including the~~
14 ~~use of foul or abusive language or mannerisms or threats of physical harm~~
15 ~~by any person associated with any bout or contest licensed pursuant to~~
16 ~~this act.~~

17 ~~(13) Issuance of a license based upon a mistake of fact.~~

18 ~~(14) Use of grease, ointments, strong smelling liniment, drugs which~~
19 ~~cause nausea or harmful reactions, liquids or powders or illegal substances~~
20 ~~is prohibited during a regulated sports contest.~~

21 ~~(d) After the complaint is filed, the proceeding shall be conducted in~~
22 ~~accordance with the provisions of the Kansas administrative procedure~~
23 ~~act. If the administrative law judge finds that a person has violated one~~
24 ~~or more of the grounds specified in this section, such judge may limit and~~
25 ~~condition the license for a period not to exceed five years, suspend the~~
26 ~~person's license for a period not to exceed three years or may revoke the~~
27 ~~person's license.~~

28 ~~(e) The commission may refuse to issue a license to any person who~~
29 ~~has violated any of the grounds specified in this section.~~

30 ~~(c) The commission may deny, suspend, revoke or refuse renewal of~~
31 ~~any license issued under this act if the commission finds that the applicant~~
32 ~~or license holder has:~~

33 ~~(1) Provided incorrect, misleading, incomplete or untrue information~~
34 ~~in the license application.~~

35 ~~(2) Violated:~~

36 ~~(A) Any provision of this act or any rule and regulation adopted~~
37 ~~thereunder; or~~

38 ~~(B) any subpoena or order of the commission.~~

39 ~~(3) Used any alcoholic beverage or any controlled substance before~~
40 ~~or during a bout.~~

41 ~~(4) Has been found guilty or has entered a plea of guilty or nolo~~
42 ~~contendere in a criminal prosecution under any state or federal law for~~
43 ~~any offense reasonably related to the qualifications, functions or duties of~~

6-E

1 any profession licensed or regulated under this act, for any offense an
2 essential element of which is fraud, dishonesty or an act of violence, or
3 for any offense involving moral turpitude, whether or not a sentence is
4 imposed.

5 (5) Used fraud, deception, misrepresentation or bribery in securing
6 any license issued pursuant to this act.

7 (6) Provided false information on applications or medical forms.

8 (7) Been incompetent or engaged in any misconduct, gross negligence,
9 fraud, misrepresentation or dishonesty in the performing of the functions
10 or duties of any profession licensed or regulated by this act.

11 (8) Violated or enabled any person to violate any provision of this act
12 or any rule and regulation adopted thereunder.

13 (9) Impersonated any license holder or allowed any person to use the
14 licensee's license.

15 (10) Failed to put forth the best effort during a bout.

16 (11) Been disciplined by another state, territory, federal agency or
17 country for any action against a holder of a license or other right to
18 practice any profession regulated by this act upon grounds for which
19 revocation or suspension is authorized in this state.

20 (12) Been adjudged mentally incompetent by a court of competent
21 jurisdiction.

22 (13) Used any advertisement or solicitation which is false, misleading
23 or deceptive to the general public or persons to whom the advertisement
24 or solicitation primarily is directed.

25 (14) Used disruptive conduct at regulated sports contests, including
26 the use of foul or abusive language or mannerisms or threats of physical
27 harm by any person associated with any bout or contest licensed pursuant
28 to this act.

29 (15) Been issued a license based upon a mistake of fact.

30 (16) Used any grease, ointment, strong smelling liniment, drug which
31 causes nausea or harmful reactions, liquid or powder or illegal substance
32 during a regulated sports contest.

33 (d) Any action taken under this section which affects any license or
34 imposes any administrative penalty shall be taken only after notice and
35 an opportunity for a hearing conducted in accordance with the provisions
36 of the Kansas administrative procedures act.

37 (e) None of the following actions shall deprive the commission of any
38 jurisdiction or right to institute or proceed with any disciplinary pro-
39 ceeding against such license, to render a decision suspending, revoking or
40 refusing to renew such license, or to establish and make a record of the
facts of any violation of law for any lawful purpose:

(1) The imposition of a civil penalty under this act;

(2) the lapse or suspension of any license issued under this act by

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operation of law;

(3) the licensee's failure to renew any license issued under this act; or

(4) the licensee's voluntary surrender of any license issued under this act. No such disciplinary proceeding shall be instituted against any li-

censee after the expiration of two years from the termination of the license.

Sec. 9 10.

Sec. 9. K.S.A. 2009 Supp. 74-50,194 is hereby amended to read as follows: 74-50,194. A regulated sports contestant may participate in a contest in Kansas after obtaining a license from the commission. If a contestant ~~participate~~ *participates* in more than one profession covered by this act, such contestant shall obtain a license for each profession in which such contestant participates.

Sec. 10. K.S.A. 2009 Supp. 74-50,181, 74-50,182, 74-50,186, 74-50,187, 74-50,188, 74-50,189, 74-50,193 and 74-50,194 are hereby repealed.

Sec. 11. This act shall take effect and be in force from and after its publication in the Kansas register.

Kansas Athletic Commission

The Kansas Professional Sports Act, K.S.A 74-50,181 was enacted on July 1, 2004.

The Kansas Athletic Commission's regulations K.A.R. 128-1-1 were adopted on April 4, 2008.

The Kansas Athletic Commission web site is <http://athleticcommission.kansascommerce.com>.

Mission Statement of the Kansas Athletic Commission

The Kansas Athletic Commission administers laws and regulations governing regulated sports and wrestling. The Commission shall continually strive to provide authorized control and official direction for professional boxing, kickboxing, mixed martial arts and wrestling, while encouraging the promotion of such sporting events in the State of Kansas. The regulatory process shall continue to facilitate the health and safety of contestants, fair and competitive bouts, in addition to protecting the general public.

Amateur Mixed Martial Arts (AMMA)

Presently AMMA is regulated by 22 State Athletic Commissions. Nine (9) State Athletic Commissions regulate AMMA through an amateur sanctioning group. In 4 states AMMA is illegal and in 8 states AMMA is legal, but is unregulated.

GRAPPLING ARTS

Grappling Arts also known as *submission fighting*, *submission grappling*, *sport grappling*, or simply as *Gi*, or *No-Gi* is a formula of competition and a general term describing the aspect of martial arts and combat sports that focus on clinch and ground fighting with the aim of obtaining a submission using submission holds without the use of striking or weapons. Grappling Arts brings together techniques from Folk American Wrestling (Catch-as-catch-can), Luta Livre Esportiva, Judo, Sambo, and Brazilian JiuJitsu.

Recently enacted State legislation:

- Florida now regulates amateur MMA as of 2010.
- Iowa recently passed Senate Study Bill 3192 to regulate Amateur MMA.
- One year after LB471 was passed in Nebraska and the Commission took over Amateur MMA, The UFC holds first event in Omaha.

Presentation to House

Good afternoon Ladies and Gentlemen. I am very sorry that I am unable to testify in person today and ask you to consider this written testimony in support of HB 2616. Let me first provide a little background.

My name is Jason Neef and I am a current resident of Johnson County, living in Leawood, KS for the past six years. I am CEO of an online mixed martial arts service that seeks to protect fighters by providing critical training time and experience information to state Athletic Commissioners, matchmakers, and event promoters. In this role, I am able to travel the country and view firsthand how Mixed Martial Arts can thrive or flounder based on the way it is handled by the individual state. I will elaborate on this shortly.

Before I do, allow me to outline the two simple reasons I am interested in this bill.

- 1. This bill presents a significant revenue generating opportunity for our state.**
- 2. This bill gives the Kansas Boxing Commission the authority to ensure that the fighters are protected and the matches are properly regulated.**

Reason #1... REVENUES

Before going any further, I'd like to acknowledge the innovative legislation that was passed four years ago, allowing MMA into Kansas. At that time in 2006, the sport was truly in its infancy. Times have changed and the sport of Mixed Martial Arts has grown into a worldwide phenomenon, having recently graced the cover of Sports Illustrated with the following title: *MMA... America's Fastest Growing Sport*. Experts are now estimating that mixed martial arts' popularity has already passed boxing and hockey in the 18-34 year old demographic and is on pace to replace basketball in this age bracket.

NBC's recent announcement that the network will begin televising MMA matches this spring, confirms the sport's move into mainstream consciousness.

"Mixed martial arts has exploded onto the sports scene," said Jerry Petry, executive vice president of NBC Universal Television. "Its athletes are tremendous competitors and the sport is one of the fastest-growing in the world."

Kansas Congress was ahead of its time in 2006. Voting to introduce this quickly advancing sport into the state well before most other states, showed extremely "forward thinking" and "innovative" legislation. However, your work is not done. You are on the brink of capitalizing on that initial decision. It's like owning stock in Apple Computers just prior to the introduction of the iPod. Let me further illustrate how circumstances are aligning in our favor that will allow KS resident to benefit from this MMA craze.

Economic Development & Tourism

Date: 3-15-10
Attachment # 4-1

The state legislature recently passed a gaming bill that will bring a state-of-the art, multi-million dollar casino to Wyandotte County. The casino is scheduled to break ground this spring and will be constructed near the Kansas Motor Speedway. Not only will this facility generate revenue for the state in its own right, but it will provide an ideal location to host major MMA events. These events bring robust attendance, thus bringing business to the surrounding hotels, restaurants, and retail stores. It's time to reap the benefits from the investment you made in this sport 4 years ago.

But before we get too excited, let me offer a condition that is important to understand. The sport flourishes or flounders based on the level of rules and regulations the state enforces. This brings me to my second reason for providing testimony in support of this bill, increased state authority to regulate.

Reason #2: Regulations

While I spoke earlier of the rapid rise in popularity of this sport, it's important to understand that when MMA was first introduced in the early '90's many were turned off by its "no holds barred" approach. Senator John McCain of Arizona equated it to human cockfighting and many others were expressing concern over Mixed Martial Arts' brutality.

Since that time, unified rules and regulations have been enforced to ensure the safety of the fighters and provide a guarantee that the fighter's skills are evenly matched. As the sport's regulations have increased, so has its popularity. The two are directly correlated.

As I mentioned earlier, I've had the opportunity to travel the country and speak with individual states commissioners. I have seen stark differences in the success and financial impact of Mixed Martial Arts based on the state's ability to control it. A paying spectator will avoid a sport perceived to be "barbaric", but will embrace that same sport when rules are enforced that seek to highlight the athleticism and talent of the mixed martial artist. The ability to generate revenue is directly tied to giving our Boxing Commission full authority to regulate.

48 of the 50 states allow for MMA events and most states regulate the sport to some degree through a Boxing or Athletic Commission. While most state commissions have the authority to regulate both amateur and professional events, a few have limited authority, thus compromising the safety of those involved. Kansas currently is only regulating the professional matches, not the amateur. The number of amateur events outpaces professional 5 to 1. Therefore, there is a need to regulate these amateur fights. Let's look at two specific states to illustrate this need for full regulation... Iowa and Ohio.

Ohio currently boasts the highest number of licensed mixed martial artists in the country with over 3,000. The state's Athletic Commission has authority over all amateur and professional fighters and ensures that every fighting license and individual match is closely evaluated before being approved. In addition, the state

enforces standards on the facility, the promoter, the official, the onsite physician, and even the timekeeper. Safety is the top priority and as a result, the sport of Mixed Martial Arts is booming in Ohio! Iowa is on the opposite extreme.

Iowa does not currently have authority over MMA, professional or amateur. Events are sometimes held in substandard facilities with minimal or no Athletic Commission involvement. Often safety measures are left to an event promoter. While promoters may be concerned with a fighter's safety, it often takes a back seat to turning a profit. This conflict of interest can place a fighter at risk.

An article ran in the Des Moines Register on 2/28/2010 discussing the horrors this lack of government regulation has created.

In the article, the author discusses an individual who was allowed to fight, despite not having any real training or experience. Additionally, he was pitted against an opponent that was highly experienced in the sport, having trained extensively for the match. The novice was quickly knocked out and ended up with a number of significant injuries that could have been avoided if an unbiased governing agency were there to approve the match. In Ohio, for example, this young fighter would have not been granted a license in the first place, nor would he have been allowed to fight given his lack of training time or fight experience.

Iowa's legislature has been quick to take action, having recently unanimously passed legislation through the Senate, giving the state full authority over MMA events. Kansas now has the opportunity to do the same.

In Kansas, our boxing commission only has authority over the professional events, not amateur ones. Due to the complexity and growing popularity of MMA, it is essential that we grant our commission authority over both in order to ensure safety and mainstream acceptance across the board. We cannot reap the financial rewards of Mixed Martial Arts in KS without also addressing its regulation.

MMA is one of the fastest growing sports in the world and Kansas was ahead of its time by allowing it into the state in 2006. We are on the brink of really making a difference by passing this bill. HB 2616, most importantly, gives our state Boxing Commission the authority to ensure that safety is achieved in both the amateur AND professional ranks through strict rule and regulation enforcement. These safety measures only advance MMA's perception and popularity, thus providing an ideal platform to reap the financial benefits this sport promises.

I ask for your full support of this bill and thank you for your time and consideration.

Sincerely,

Jason D. Neef