

Stricken language would be deleted from and underlined language would be added to law as it existed prior to the 82nd General Assembly.

1 State of Arkansas
2 82nd General Assembly
3 Regular Session, 1999
4

As Engrossed: H3/4/99 3/23/99

A Bill

HOUSE BILL 1650

5 By: Representatives Faris, Wilkinson, Scrimshire, Broadway
6
7

For An Act To Be Entitled

9 "AN ACT TO AMEND VARIOUS SECTIONS OF ARKANSAS CODE
10 TITLE 17, CHAPTER 22 RELATING TO THE AUTHORITY AND
11 RESPONSIBILITY OF THE ARKANSAS STATE ATHLETIC
12 COMMISSION; AND FOR OTHER PURPOSES."
13

Subtitle

14 "TO AMEND VARIOUS SECTIONS OF THE
15 ARKANSAS CODE RELATING TO THE AUTHORITY
16 AND RESPONSIBILITY OF THE ARKANSAS STATE
17 ATHLETIC COMMISSION."
18
19
20

21 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
22

23 SECTION 1. Subchapter 1 of Chapter 22 of Title 17 of the Arkansas Code
24 is amended by adding the following:

25 "17-22-101. Definitions.

26 For purposes of this chapter:

27 (1) 'Amateur' means a person who has never received nor competed for
28 any purse or other compensation except reimbursement for expenses.

29 (2) 'Boxing' means to compete with the fists.

30 (3) 'Commission' means the Arkansas State Athletic Commission as
31 provided in § 17-22-202.

32 (4) 'Exhibition' means any engagement in which the participants show or
33 display their skills without necessarily striving to win.

34 (5) 'Kick boxing' means any form of boxing in which blows are delivered
35 with the hand and any part of the leg below the hip, including the foot.

36 (6) 'Manager' means any person who, directly or indirectly, controls or

1 administers the wrestling, boxing, kick boxing, or martial arts affairs of any
2 professional participant of the same.

3 (7) 'Martial Arts' means any discipline where the participants utilize
4 kicks, punches, blows, strikes, or other techniques, including but not limited
5 to, any form of judo, kung fu, karate, and tae kwon do, or any combination
6 thereof.

7 (8) 'Match' means any engagement in which the participants show or
8 display their skills while striving in good faith to win.

9 (9) 'Person' means any individual, partnership, corporation,
10 association, or club.

11 (10) 'Professional' means a person who has received or competed for any
12 purse or other article of a value greater than fifty dollars (\$50), either for
13 the expenses of training or for participating in any match or exhibition.

14 (11) 'Promoter' means any person, club, organization, corporation or
15 association, and in the case of a corporate promoter includes any officer,
16 director, employee or stockholder thereof, who produces, arranges or stages
17 any professional boxing, kick boxing, wrestling, or martial art match or
18 exhibition.

19 (12) 'Semi-Professional' means a person engaging in an activity
20 regulated by this Chapter for pay or gain but not as a full-time occupation.

21 (13) 'State' means the State of Arkansas."

22
23 SECTION 2. Arkansas Code 17-22-204 is amended to read as follows:
24 "17-22-204. Authority.

25 ~~(a)(1) The commission shall have the authority to appoint and issue~~
26 ~~annual licenses to boxers, wrestlers, managers, matchmakers, promoters,~~
27 ~~referees, physicians, timekeepers, and other persons arranging, participating~~
28 ~~in, or otherwise dealing in matches and exhibitions regulated by this chapter.~~

29 ~~(2) Fees for the licenses shall be established by the commission.~~

30 ~~(3) All licenses so issued shall expire annually on June 30.~~

31 ~~(b) The commission shall also have authority to appoint inspectors and~~
32 ~~other officials necessary to properly conduct the matches, exhibitions, or~~
33 ~~other performances authorized in this chapter.~~

34 (a) The commission shall have the sole discretion, management, control
35 and jurisdiction over all professional or semi-professional matches and
36 exhibitions involving boxing, kick boxing, wrestling, or martial arts in this

1 State.

2 (b) The commission shall have the authority to appoint inspectors and
3 other officials necessary to properly conduct any match or exhibition
4 authorized by this chapter.

5 (c) The commission shall have the authority to adopt and promulgate,
6 amend, or abrogate any and all rules and regulations considered by it
7 necessary or expedient for the performance of its functions as provided in
8 this chapter and in accordance with the Administrative Procedure Act, Ark.
9 Code Ann. § 25-15-201 et seq.

10 (d) The commission may issue subpoenas, examine witnesses, and
11 administer oaths and shall, at its discretion, investigate allegations or
12 practices violating the provisions of this chapter.

13 (e) The commission shall have the authority to hire an investigator for
14 the purposes outlined in this section."

15
16 SECTION 3. Subchapter 2 of Chapter 22 of Title 17 of the Arkansas Code
17 is amended by adding the following new sections at the end:

18 "17-22-206. Professional or Semi-Professional Martial Arts.

19 The Legislature finds and declares to be the public policy of this state
20 that it is in the best interest of the public and the martial arts that
21 professional or semi-professional martial arts be subject to an effective and
22 efficient system of strict control and regulation in order to protect the
23 safety and well-being of the participants in professional or semi-professional
24 martial art matches and exhibitions and to promote the public confidence in
25 the regulatory process and the conduct of professional or semi-professional
26 martial art matches and exhibitions. To further such public confidence and
27 trust, the commission shall have the authority to adopt and promulgate, amend,
28 or abrogate any and all rules and regulations concerning professional or semi-
29 professional martial arts.

30 17-22-207 Civil penalties.

31 (a) Any person who, after notice and hearing, is found by the
32 commission to have violated any provision of this chapter or any rules or
33 regulation of the board may be assessed a civil penalty not to exceed one
34 thousand dollars (\$1,000) for each violation.

35 (b) The penalty provided for in this section, plus interest at ten
36 percent (10%) per annum, shall be paid to the commission before the penalized

1 person can be issued a license by the commission.

2 (c) The commission shall have the authority to file suit in the Circuit
3 Court of Pulaski County or the circuit court of the county in which the person
4 resides to obtain a judgment for the amount of any penalty not paid within
5 thirty (30) days of service on the person of the order assessing the penalty,
6 unless the circuit court enters a stay pursuant to the provisions of the
7 Arkansas Administrative Procedure Act, § 25-15-201 et seq."

8
9 SECTION 4. Arkansas Code 17-22-301 is amended to read as follows:

10 ~~"17-22-301. Matches and exhibitions authorized - Restrictions.~~

11 Authorized matches and exhibitions - Sponsoring organizations.

12 ~~(a) Matches and exhibitions involving wrestling, boxing, sparring,~~
13 ~~karate, judo, or any combinations thereof which are conducted for purses or~~
14 ~~where an admission fee is charged are authorized by this subchapter. However,~~
15 ~~all such matches and exhibitions shall be sponsored by and held under the~~
16 ~~auspices of a patriotic organization chartered by authority of a special act~~
17 ~~of the Congress of the United States, a chartered civic club, a nonprofit~~
18 ~~corporation, or the Secretary of State as provided in subdivision (b)(1) of~~
19 ~~this section. The matches or exhibitions shall be conducted only in accordance~~
20 ~~with the provisions of this chapter and acts amendatory or supplemental hereto~~
21 ~~and in accordance with rules and regulations of the State Athletic Commission.~~

22 Professional or semi-professional matches or exhibitions in this state that
23 involve wrestling, boxing, kick boxing, martial arts, or any combination
24 thereof, which are conducted for purses or where an admission fee is charged
25 are authorized by this chapter.

26 ~~(b)(1) If no local patriotic organization or chartered civic club has~~
27 ~~obtained or desires to obtain a license to conduct wrestling, boxing,~~
28 ~~sparring, karate, or judo matches as authorized by law in any city, town, or~~
29 ~~area of the state, then the Secretary of State shall be entitled to obtain a~~
30 ~~license to promote and conduct wrestling, boxing, sparring, karate, judo, or~~
31 ~~combination matches and exhibitions, for purses, and to charge admission fees~~
32 ~~for the matches in the city, town, or area of the state subject to the rules~~
33 ~~and regulations of the State Athletic Commission, and in compliance with laws~~
34 ~~relating thereto.~~

35 ~~(2) When the Secretary of State sponsors any events, all funds received~~
36 ~~by him as sponsor shall be deposited in the State Treasury and credited to~~

1 ~~general revenues. All matches or exhibitions as provided in subsection (a)~~
2 ~~shall be conducted only in accordance with the provisions of this chapter and~~
3 ~~acts amendatory or supplemental hereto and in accordance with the rules and~~
4 ~~regulations of the commission.~~

5 (c) All matches or exhibitions as provided in subsection (a) shall be
6 sponsored by and held under the auspices of a patriotic organization chartered
7 by authority of a special act of Congress of the United States, a chartered
8 civic club, a nonprofit corporation, or any part of such organization. No
9 sponsoring organization or part of any sponsoring organization may be composed
10 of persons under the age of twenty-one (21) years.

11 (d) The commission shall have no authority to limit the number of
12 organizations as provided in subsection (c) which may sponsor matches or
13 exhibitions in any area of the state, nor to limit or restrict the number of
14 wrestling organizations or federations promoting or organizing matches or
15 exhibitions in the state.

16 (e) No sponsoring organization, or any part thereof, as provided in
17 subsection (c) shall also be a promoter in the same match or exhibition that
18 is authorized in subsection (a). Neither shall a promoter also be a
19 sponsoring organization in the same match or exhibition as authorized in
20 subsection (a)."

21
22 SECTION 5. Arkansas Code 17-22-302 is amended to read as follows:

23 "17-22-302. Issuance of licenses - Fees.

24 ~~(a)(1) The commission shall permit any patriotic organization chartered~~
25 ~~by a special act of the Congress of the United States, any chartered civic~~
26 ~~club, a nonprofit corporation, or part of any such organization to hold~~
27 ~~matches and exhibitions under the rules and regulations prescribed by the~~
28 ~~commission.~~

29 ~~(2) The commission shall have no authority to limit the number of~~
30 ~~organizations or nonprofit organizations which may sponsor athletic matches~~
31 ~~and exhibitions in any area of the state, nor to limit or restrict the number~~
32 ~~of wrestling organizations or federations promoting or organizing wrestling~~
33 ~~matches or exhibitions in the state.~~

34 ~~(3) If there is no qualified patriotic organization or civic club which~~
35 ~~wishes to sponsor such matches and exhibitions in any city or town or area of~~
36 ~~the state, the Secretary of State may sponsor those activities in such city,~~

1 ~~town, or area.~~ The commission shall have the authority to appoint and issue
 2 annual licenses to persons engaging in professional or semi-professional
 3 wrestling, boxing, kick boxing, and martial arts in this state.

4 (b) ~~Permission shall be given by also granting a license to the~~
 5 ~~sponsoring unit or to the Secretary of State for a fee of five percent (5%) of~~
 6 ~~the total gross receipts received from admission charges for each main or~~
 7 ~~principal exhibition held under authority of this chapter but in no event to~~
 8 ~~exceed two hundred dollars (\$200) per exhibition.~~ The commission shall have
 9 the authority to appoint and issue annual licenses to promoters of a
 10 professional or semi-professional wrestling, boxing, kick boxing, or martial
 11 art match or exhibition in this state.

12 (c) ~~The fees shall be paid by the sponsoring unit or the Secretary of~~
 13 ~~State to the Secretary of the State Athletic Commission for each main or~~
 14 ~~principal exhibition held under authority of this chapter. No license shall be~~
 15 ~~issued to any unit or part of any organization composed of persons under the~~
 16 ~~age of twenty-one (21) years.~~ The commission shall have the authority to
 17 appoint and issue annual licenses to managers, matchmakers, referees, judges,
 18 physicians, timekeepers, and any other person(s) arranging, participating in,
 19 or otherwise involved with matches and exhibitions as provided in § 17-22-
 20 301(a).

21 (d)~~(1)~~ The commission shall have the authority to appoint and issue
 22 annual licenses to the boxer, wrestler, manager, matchmaker, promoter,
 23 referee, physician, and timekeeper sponsoring organizations as provided in §
 24 17-22-301(c).

25 (e) The commission shall have the authority to refuse to issue a
 26 license to any person or organization which has been sanctioned in any way by
 27 any comparable licensing body of another state.

28 ~~(2)~~ (f) Fees for the licenses shall be established by the commission.

29 ~~(3)~~ (g) All licenses so issued as provided in this section shall expire
 30 annually on June 30."

31
 32 SECTION 6. Arkansas Code 17-22-303 is amended to read as follows:

33 "17-22-303. ~~Unlicensed activities~~ License required- Penalty for
 34 unlicensed activity - Exemption.

35 (a) ~~Any person engaging in wrestling, boxing, sparring, karate, judo,~~
 36 ~~or any combination thereof, or engaging in the promotion of an exhibition~~

1 ~~within this state without first securing a license from the State Athletic~~
 2 ~~Commission shall be deemed guilty of a misdemeanor and upon conviction shall~~
 3 ~~be fined in any sum not less than one thousand dollars (\$1,000) nor more than~~
 4 ~~two thousand five hundred dollars (\$2,500). No person shall participate in or~~
 5 ~~engage in the promotion of a professional or semi-professional wrestling,~~
 6 ~~boxing, kick boxing, or martial art match or exhibition in this State without~~
 7 ~~first having obtained a license from the commission.~~

8 (b) ~~Nothing in this chapter shall be construed so as to apply to~~
 9 ~~wrestling, boxing, sparring, karate, judo, or any combination thereof, in~~
 10 ~~which all of the contestants are amateurs. No person shall participate in a~~
 11 ~~professional or semi-professional wrestling, boxing, kick boxing, or martial~~
 12 ~~art match or exhibition as a manager, matchmaker, referee, judge, physician,~~
 13 ~~or timekeeper, without first having obtained a license from the commission.~~

14 (c) ~~No sponsoring organization as provided in § 17-22-301(c) shall~~
 15 ~~sponsor any professional or semi-professional wrestling, boxing, kick boxing,~~
 16 ~~or martial art match or exhibition without first obtaining a license from the~~
 17 ~~commission.~~

18 (d) ~~Any person mentioned in subsections (a), (b), or (c) of this~~
 19 ~~section who does not first obtain license from the commission before~~
 20 ~~participating in a professional or semi-professional wrestling, boxing, kick~~
 21 ~~boxing, or martial art match or exhibition shall be deemed guilty of a~~
 22 ~~misdemeanor and upon conviction shall be fined in any sum not less than one~~
 23 ~~thousand dollars (\$1,000) and no more than two thousand five hundred dollars~~
 24 ~~(\$2,500)."~~

25
 26 SECTION 7. Arkansas Code 17-22-304 is amended to read as follows:

27 "17-22-304. Bond required.

28 As a condition to the issuance of a license ~~for holding boxing,~~
 29 ~~sparring, or wrestling matches or exhibitions as contemplated by this chapter,~~
 30 ~~as provided in § 17-22-301(c),~~ the person applying for the license shall file
 31 with the ~~State Athletic Commission~~ commission a cashier's check, a letter of
 32 credit, or a corporate surety bond in the sum of ~~five hundred dollars (\$500)~~
 33 one thousand dollars (\$1,000) written by a corporate surety authorized to do
 34 business in this state conditioned ~~that the licensee shall pay upon the~~
 35 licensee's payment of all taxes and other charges due the state and its
 36 political subdivisions on account of such matches or exhibitions as provided

1 in § 17-22-301(a).

2 (b) Each promoter as defined in § 17-22-101(n) shall file with the
3 commission a bond in the sum of one thousand dollars (\$1,000) written by a
4 corporate surety authorized to do business in this state conditioned upon the
5 promoter's payment of ticket sales, fees, and other revenues to the sponsor
6 and participants."

7
8 SECTION 8. Arkansas Code 17-22-305 is amended to read as follows:

9 "17-22-305. Refusal or revocation of license.

10 ~~The State Athletic Commission~~ commission may, for good cause, refuse to
11 grant a license to any sponsoring ~~unit of such organizations as are mentioned~~
12 ~~in this chapter, as well as to boxers, wrestlers, managers, matchmakers,~~
13 ~~promoters, referees, physicians, and timekeepers,~~ organization as provided in
14 § 17-22-301(c). The commission ~~and~~ may also, for good cause, revoke any
15 license granted under authority of this chapter."

16
17 SECTION 9. Arkansas Code 17-22-306 is amended to read as follows:

18 "17-22-306. ~~Disposition of funds received by Secretary of State~~
19 Sponsoring organizations - Fees.

20 ~~When any athletic event, match, or exhibition is held under the~~
21 ~~sponsorship of the Secretary of State, all funds received by the Secretary of~~
22 ~~State shall be deposited in the State Treasury and credited to the State~~
23 ~~Capitol Grounds Memorial Fund which is established on the books of the~~
24 ~~Treasurer of State, Auditor of State, and the Chief Fiscal Officer of the~~
25 ~~State, and shall be used exclusively for the erection on the State Capitol~~
26 ~~grounds of a memorial to Arkansas law enforcement officers or such other~~
27 ~~memorial as may hereafter be prescribed by the General Assembly.~~

28 (a) Every sponsoring organization as provided in § 17-22-301(c) shall,
29 within ten (10) days after such match or exhibition as provided in § 17-22-
30 301(a), furnish to the commission, a written report under the penalty of
31 perjury on a form which shall be provided by the commission showing the number
32 of tickets which were issued or sold, and the gross receipts therefor without
33 any deductions whatsoever. The person shall also, at the same time, pay to
34 the commission a five percent (5%) fee, exclusive of federal taxes thereon, of
35 the total gross receipts received from admission charges for each main or
36 principal exhibition held under the authority of this chapter. In no event

1 shall the fee be less than fifty dollars (\$50).

2 (b) The commission may designate a representative to be present at and
3 observe the computation of the number of tickets issued or sold and the
4 determination of the gross receipts."

5
6 SECTION 10. All provisions of this act of a general and permanent
7 nature are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas
8 Code Revision Commission shall incorporate the same in the Code.

9
10 SECTION 11. If any provision of this act or the application thereof to
11 any person or circumstance is held invalid, such invalidity shall not affect
12 other provisions or applications of the act which can be given effect without
13 the invalid provision or application, and to this end the provisions of this
14 act are declared to be severable.

15
16 SECTION 12. All laws and parts of laws in conflict with this act are
17 hereby repealed.

18
19 SECTION 13. EMERGENCY CLAUSE. It is hereby found and determined by the
20 Eighty-second General Assembly that this act is necessary to continue a
21 tradition of permitting nonprofit corporations to utilize athletic events as
22 fund raisers; that this act is necessary to ensure the safety of participants
23 in martial arts competitions, an area currently unregulated by state law; that
24 additional funding mechanisms contained in this bill are necessary to provide
25 increased oversight and regulation of matches and exhibitions to ensure the
26 safety of the participants; and that the public health, welfare and safety are
27 dependent upon the immediate enactment of this act upon its passage.
28 Therefore, an emergency is declared to exist and this act being immediately
29 necessary for the preservation of the public peace, health and safety shall
30 become effective on the date of its approval by the Governor. If the bill is
31 neither approved nor vetoed by the Governor, it shall become effective on the
32 expiration of the period of time during which the Governor may veto the bill.
33 If the bill is vetoed by the Governor and the veto is overridden, it shall
34 become effective on the date the last house overrides the veto.

35 /s/ Faris, et al

36