

House Amendment 8330

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1 1 Amend Senate File 385, as passed by the Senate, as
1 2 follows:
1 3 #1. By striking everything after the enacting
1 4 clause and inserting the following:
1 5 <Section 1. NEW SECTION. 90B.1 TITLE.
1 6 This chapter shall be known and may be cited as the
1 7 "Unarmed Combat Fighting Regulation Act".
1 8 Sec. 2. NEW SECTION. 90B.2 DEFINITIONS ==
1 9 APPLICABILITY.
1 10 As used in this chapter, unless the context
1 11 otherwise requires:
1 12 1. "Commissioner" means the state commissioner of
1 13 athletics, who is also the labor commissioner
1 14 appointed pursuant to section 91.2, or the labor
1 15 commissioner's designee.
1 16 2. "Official" means a person who is employed as a
1 17 referee, judge, timekeeper, or physician for an event.
1 18 3. "Participant" means a person involved in an
1 19 unarmed combat fighting event and includes unarmed
1 20 combat fighters, seconds, managers, and event
1 21 personnel.
1 22 4. "Promoter" means a person or business that does
1 23 at least one of the following:
1 24 a. Organizes or conducts an unarmed combat
1 25 fighting event.
1 26 b. Charges admission for the viewing of a
1 27 professional unarmed combat fighting event received
1 28 through a closed-circuit, pay-per-view, or similarly
1 29 distributed signal.
1 30 5. "Unarmed combat fighting" means mixed martial
1 31 arts fighting, extreme fighting, shootfighting, or any
1 32 other fighting, in which the unarmed combat fighters
1 33 are permitted to use a combination of combative
1 34 contact techniques, including punches, kicks, chokes,
1 35 joint locks, and other maneuvers.
1 36 This chapter does not apply to the training of
1 37 unarmed combat fighters.
1 38 Sec. 3. NEW SECTION. 90B.3 COMPETITION
1 39 REGULATIONS.
1 40 An unarmed combat fighting event may be allowed if
1 41 all of the following apply:
1 42 1. The unarmed combat fighters pass a physical
1 43 examination prior to the unarmed combat fighting
1 44 event.
1 45 2. The licensed promoter and unarmed combat
1 46 fighters are not under suspension by any other state
1 47 or sporting regulatory organization.
1 48 3. The unarmed combat fighting event is held under
1 49 rules or restrictions that protect the safety of the
1 50 unarmed combat fighters.
2 1 4. The unarmed combat fighting event is held under
2 2 the direction and control of an adult referee in the
2 3 ring who has at least one year of experience in
2 4 refereeing an event involving a combination of
2 5 combative techniques and who has passed a physical
2 6 examination by a licensed physician, including an eye
2 7 exam, within two years prior to the event.
2 8 5. The unarmed combat fighting event is held under
2 9 the medical supervision of a physician licensed
2 10 pursuant to chapter 148 or 150A who is present at the
2 11 event.
2 12 6. The unarmed combat fighting event is held in a
2 13 manner that will promote maximum safety of the
2 14 participants and spectators to the extent feasible.
2 15 Sec. 4. NEW SECTION. 90B.4 LICENSE.
2 16 1. A person shall not act as a promoter as defined
2 17 in section 90B.2, subsection 4, paragraph "a", without
2 18 first obtaining a license for each unarmed combat
2 19 fighting event from the commissioner. This subsection
2 20 shall not apply to a promoter as defined in section
2 21 90B.2, subsection 4, paragraph "b", to a person
2 22 distributing a closed-circuit, pay-per-view, or
2 23 similarly distributed signal to a person acting as a
2 24 promoter as defined in section 90B.2, subsection 4,

2 25 paragraph "b", or to a person viewing the signal in a
2 26 private residence.

2 27 2. The license application shall be in the form
2 28 prescribed by the commissioner and shall contain
2 29 information that is substantially complete and
2 30 accurate. Any change in the information provided in
2 31 the application shall be reported promptly to the
2 32 commissioner.

2 33 3. a. The application shall be submitted no later
2 34 than thirty days prior to the intended date of the
2 35 unarmed combat fighting event. The commissioner shall
2 36 inform the promoter within seven days after the
2 37 application is submitted whether or not the
2 38 commissioner will grant a license for the event.

2 39 b. If a license is not granted, the commissioner
2 40 shall notify the applicant of the reason or reasons
2 41 for the denial. If the denial of the license is due
2 42 to the lack of available state officials to attend the
2 43 unarmed combat fighting event, the commissioner shall
2 44 suggest alternative dates for the unarmed combat
2 45 fighting event.

2 46 4. Each application for a license shall be
2 47 accompanied by a surety or cash bond in the sum of
2 48 five thousand dollars, payable to the state of Iowa,
2 49 which shall be conditioned upon the payment of the tax
2 50 and any penalties imposed pursuant to this chapter.

3 1 5. Each application for an unarmed combat fighting
3 2 license presented by a promoter shall be accompanied
3 3 by a license fee to be set by rule, not to exceed two
3 4 thousand dollars. Fees collected under this
3 5 subsection shall be paid into the general fund of the
3 6 state and expended as provided in section 90A.10.

3 7 Sec. 5. NEW SECTION. 90B.5 UNARMED COMBAT
3 8 FIGHTER PERMIT.

3 9 1. Each unarmed combat fighter planning to fight
3 10 in Iowa shall apply to the commissioner for a permit.
3 11 The permit application shall be in the form prescribed
3 12 by the commissioner. The permit application shall be
3 13 submitted no later than fourteen days prior to the
3 14 intended date of the unarmed combat fighter event.

3 15 2. The commissioner shall establish by rule a
3 16 permit fee not to exceed one hundred fifty dollars for
3 17 any unarmed combat fighter seeking to participate in
3 18 an unarmed combat fighting event held in Iowa. Fees
3 19 collected under this subsection shall be paid into the
3 20 general fund of the state and expended as provided in
3 21 section 90A.10.

3 22 3. The permit application information required by
3 23 the commissioner shall include but is not limited to
3 24 the following:

3 25 a. The unarmed combat fighter's name and address.

3 26 b. The unarmed combat fighter's gender.

3 27 c. The unarmed combat fighter's date of birth.

3 28 d. The unarmed combat fighter's social security
3 29 number or, if a foreign unarmed combat fighter, any
3 30 similar citizen identification number or professional
3 31 unarmed combat fighter number from the country of
3 32 residence of the unarmed combat fighter.

3 33 e. If an unarmed combat fighter applying to the
3 34 commissioner for a permit pursuant to this section has
3 35 been assigned a personal identification number by a
3 36 professional unarmed combat fighter registry certified
3 37 by an unarmed combat fighter association or
3 38 commission, the unarmed combat fighter shall submit to
3 39 the commissioner the identification number assigned to
3 40 the unarmed combat fighter by the registry.

3 41 f. Two copies of a recent photograph of the
3 42 unarmed combat fighter.

3 43 g. An official government-issued photo
3 44 identification containing the unarmed combat fighter's
3 45 photograph and social security number or similar
3 46 foreign identification number.

3 47 4. The commissioner shall issue a permit to an
3 48 unarmed combat fighter pursuant to this section. The
3 49 permit shall contain a recent photograph, the unarmed
3 50 combat fighter's social security number or similar
4 1 foreign identification number, and a personal
4 2 identification number assigned to the unarmed combat
4 3 fighter if the unarmed combat fighter submitted such a
4 4 number to the commissioner in accordance with
4 5 subsection 3, paragraph "e".

4 6 5. A permit issued pursuant to this section shall
4 7 be valid for one year from the date of issue.

4 8 Sec. 6. NEW SECTION. 90B.6 EVENT PROMOTER
4 9 RESPONSIBILITY.

4 10 A licensed promoter, as defined in section 90B.2,
4 11 subsection 4, paragraph "a", shall be responsible for
4 12 the conduct of all participants and officials at an
4 13 unarmed combat fighting event. The commissioner may
4 14 reprimand, suspend, deny, or revoke the participation
4 15 of any promoter, official, or participant for
4 16 violations of rules adopted by the commissioner.
4 17 Rulings or decisions of a licensed promoter or an
4 18 official are not decisions of the commissioner and are
4 19 not subject to procedures under chapter 17A. The
4 20 commissioner may take action based upon the rulings or
4 21 decisions of a licensed promoter or an official. This
4 22 section shall not apply to a promoter as defined in
4 23 section 90B.2, subsection 4, paragraph "b".

4 24 Sec. 7. NEW SECTION. 90B.7 EMERGENCY LICENSE
4 25 SUSPENSIONS.

4 26 1. Notwithstanding the procedural requirements of
4 27 chapter 17A, the commissioner may orally suspend a
4 28 license, permit, or participation immediately if the
4 29 commissioner determines that any of the following have
4 30 occurred:

4 31 a. A license or permit was fraudulently or
4 32 deceptively obtained.

4 33 b. The holder of a license or permit fails at any
4 34 time to meet the qualifications for issuance.

4 35 c. A licensed promoter allows an unarmed combat
4 36 fighter who has failed to pass a pre-event physical
4 37 examination to participate in the unarmed combat
4 38 fighting event.

4 39 d. A licensed promoter allows an unarmed combat
4 40 fighter without a permit to participate in an unarmed
4 41 combat fighting event.

4 42 e. A licensed promoter allows a person whose
4 43 license, permit, or authority, issued pursuant to this
4 44 chapter, is under suspension to participate in an
4 45 unarmed combat fighting event.

4 46 f. A licensed promoter or unarmed combat fighter
4 47 is under suspension by any other state or sporting
4 48 regulatory organization.

4 49 g. A licensed promoter or unarmed combat fighter
4 50 is under suspension in any state.

5 1 h. A licensed promoter, unarmed combat fighter, or
5 2 participant is in violation of rules adopted pursuant
5 3 to section 90B.9.

5 4 2. A written notice of a suspension issued
5 5 pursuant to this section shall be given to the person
5 6 suspended within seven days of the emergency
5 7 suspension. The provisions of chapter 17A shall apply
5 8 once the written notice is given.

5 9 Sec. 8. NEW SECTION. 90B.8 SUSPENSIONS, DENIALS,
5 10 AND REVOCATIONS.

5 11 1. The commissioner may suspend, deny, revoke,
5 12 annul, or withdraw a license, permit, or authority to
5 13 participate in an unarmed combat fighting event if any
5 14 of the following occur:

5 15 a. Any of the reasons enumerated in section 90B.7.

5 16 b. Failure to pay fees and penalties due pursuant
5 17 to sections 90B.4, 90B.5, 90B.11, and 90B.12.

5 18 2. The provisions of chapter 17A shall apply to
5 19 actions under this section.

5 20 Sec. 9. NEW SECTION. 90B.9 RULES.

5 21 1. The commissioner shall adopt rules, pursuant to
5 22 chapter 17A, that the commissioner determines are
5 23 reasonably necessary to administer and enforce this
5 24 chapter.

5 25 2. The commissioner may adopt the rules of a
5 26 recognized national or world unarmed combat fighting
5 27 organization that sanctions fighting using a
5 28 combination of combative techniques to regulate events
5 29 in this state if the organization's rules provide
5 30 protection to the unarmed combat fighters
5 31 participating in the events which is equal to or
5 32 greater than the protections provided by this chapter
5 33 or by rules adopted pursuant to this chapter.

5 34 Sec. 10. NEW SECTION. 90B.10 REQUIRED CONDITIONS
5 35 FOR UNARMED COMBAT FIGHTING EVENTS.

5 36 An unarmed combat fighter shall not take part in an

5 37 unarmed combat fighting event unless the unarmed
5 38 combat fighter has been issued a permit pursuant to
5 39 section 90B.5 prior to the event. The unarmed combat
5 40 fighter shall pass a rigorous physical examination to
5 41 determine the unarmed combat fighter's fitness to
5 42 engage in any such event within twenty-four hours of
5 43 the start of the event. The examination shall be
5 44 conducted by a licensed practicing physician
5 45 designated or authorized by the commissioner.

5 46 Sec. 11. NEW SECTION. 90B.11 WRITTEN REPORT
5 47 FILED == TAX DUE == PENALTY.

5 48 1. A licensed promoter shall, within twenty days
5 49 after an unarmed combat fighting event, furnish to the
5 50 commissioner a written report stating the number of
6 1 tickets sold, the gross amount of admission proceeds
6 2 of the unarmed combat fighting event, and other
6 3 matters the commissioner may prescribe by rule. The
6 4 value of complimentary tickets in excess of five
6 5 percent of the number of tickets sold shall be
6 6 included in the gross admission receipts. Within
6 7 twenty days of the event, the licensed promoter shall
6 8 pay to the treasurer of state a tax of five percent of
6 9 its total gross receipts, after deducting state sales
6 10 tax, from the sale of tickets of admission to the
6 11 unarmed combat fighting event. Fees collected under
6 12 this subsection shall be paid into the general fund of
6 13 the state and expended as provided in section 90A.10.

6 14 2. If the licensed promoter fails to make a timely
6 15 report within the time prescribed, or if the report is
6 16 unsatisfactory to the commissioner, the commissioner
6 17 may examine or cause to be examined the books and
6 18 records of the licensed promoter, and subpoena and
6 19 examine under oath witnesses, for the purpose of
6 20 determining the total amount of the gross admission
6 21 receipts for any unarmed combat fighting event and the
6 22 amount of tax due pursuant to the provisions of this
6 23 chapter. The commissioner may, as the result of such
6 24 examination, fix and determine the tax, and may also
6 25 assess the licensed promoter the reasonable cost of
6 26 conducting the examination. If a licensed promoter
6 27 defaults in the payment of any tax due or the costs
6 28 incurred in making such examination, the licensed
6 29 promoter shall forfeit to the state the sum of five
6 30 thousand dollars, which may be recovered by the
6 31 attorney general pursuant to the bond required under
6 32 section 90B.4, subsection 4.

6 33 Sec. 12. NEW SECTION. 90B.12 LICENSE PENALTY.

6 34 A person who acts as a promoter without first
6 35 obtaining a license commits a serious misdemeanor. In
6 36 addition to criminal penalties, a licensed promoter
6 37 shall be liable to the state for the taxes, costs, and
6 38 penalties pursuant to section 90B.11.

6 39 Sec. 13. Section 84A.5, subsection 4, Code
6 40 Supplement 2007, is amended to read as follows:

6 41 4. The division of labor services is responsible
6 42 for the administration of the laws of this state under
6 43 chapters 88, 88A, 88B, 89, 89A, 89B, 90A, 90B, 91,
6 44 91A, 91C, 91D, 91E, 92, and 94A, and section 85.68.
6 45 The executive head of the division is the labor
6 46 commissioner, appointed pursuant to section 91.2.

6 47 Sec. 14. Section 90A.10, subsection 1, Code 2007,
6 48 is amended to read as follows:

6 49 1. Moneys collected pursuant to sections 90A.3 and
6 50 90A.9 and chapter 90B in excess of the amount of
7 1 moneys needed to administer ~~this chapter~~ chapters 90A
7 2 and 90B are appropriated and shall be used by the
7 3 commissioner to award grants to organizations that
7 4 promote amateur boxing matches in this state.

7 5 Sec. 15. Section 91.4, subsection 5, Code
7 6 Supplement 2007, is amended to read as follows:

7 7 5. The director of the department of workforce
7 8 development, in consultation with the labor
7 9 commissioner, shall, at the time provided by law, make
7 10 an annual report to the governor setting forth in
7 11 appropriate form the business and expense of the
7 12 division of labor services for the preceding year, the
7 13 number of disputes or violations processed by the
7 14 division and the disposition of the disputes or
7 15 violations, and other matters pertaining to the
7 16 division which are of public interest, together with
7 17 recommendations for change or amendment of the laws in

7 18 this chapter and chapters 88, 88A, 88B, 89, 89A, 89B,
7 19 90A, 90B, 91A, 91C, 91D, 91E, 92, and 94A, and section
7 20 85.68, and the recommendations, if any, shall be
7 21 transmitted by the governor to the first general
7 22 assembly in session after the report is filed.
7 23 Sec. 16. ADMINISTRATIVE RULES == TRANSITION
7 24 PROVISION. Any rule, regulation, form, order, or
7 25 directive promulgated by the commissioner pursuant to
7 26 the authority of chapter 90A and in effect on August
7 27 1, 2008, shall continue in full force and effect until
7 28 amended, repealed, or supplemented by alternative
7 29 action of the commissioner under the duties and powers
7 30 of this Act.
7 31 Sec. 17. UNARMED COMBAT REPORT. The commissioner
7 32 shall submit a report to the members of the general
7 33 assembly by January 1, 2010, about the commissioner's
7 34 ability to effectively regulate unarmed combat
7 35 fighting in the state under chapter 90B as enacted in
7 36 this Act and shall include information about the
7 37 amateur and professional unarmed combat fighting
7 38 events regulated.
7 39 Sec. 18. EFFECTIVE DATE PROVISIONS.
7 40 1. Except as provided in subsection 2, the
7 41 sections of this Act enacting chapter 90B take effect
7 42 September 1, 2008.
7 43 2. For the purpose of accepting license and permit
7 44 applications, the sections of this Act enacting
7 45 sections 90B.4 and 90B.5 take effect August 1, 2008.>
7 46 #2. Title page, by striking lines 1 and 2 and
7 47 inserting the following: <An Act relating to the
7 48 regulation of unarmed combat fighting and providing
7 49 fees, and appropriations, penalties, and effective
7 50 dates>.
8 1 #3. By renumbering as necessary.
8 2
8 3
8 4
8 5 _____
8 5 COMMITTEE ON WAYS AND MEANS
8 6 SHOMSHOR of Pottawattamie, Chairperson
8 7 SF 385.204 82
8 8 ak/rj/10734