

SESSION OF 2008

SUPPLEMENTAL NOTE ON HOUSE BILL NO. 2843

As Amended by House Committee on
Economic Development and Tourism

Brief*

This bill would amend and supplement the Kansas Professional Regulated Sports Act. The bill would provide for a civil penalty up to \$500 for a violation of the Act. The penalty amount would be held in escrow for 30 days while the penalty and fine were reviewed during the appeal process. The appeal would be in writing and made within 15 days of when the penalty order is served. Following the appeal process, the fine would be deposited into the Athletic Fee Fund.

Several of the definitions of the Act would be amended as follows:

- Commissioner is added to the definition section and means the boxing commissioner.
- Full-contact karate would be amended to remove bouts or contests with weapons and no longer has to take place in a rope-enclosed ring or have timed rounds.
- Mixed martial arts now pertains to amateurs and no longer includes bouts or contests with weapons.

The expiration date of an issued license would be changed to one year from the issue date. The bill is also would change language in the statute to clarify that the Commission may assess a fee instead of a tax that does not exceed 5 percent of the gross receipts of an event.

*Supplemental notes are prepared by the Legislative Research Department and do not express legislative intent. The supplemental note and fiscal note for this bill may be accessed on the Internet at <http://www.kslegislature.org>

The authority to promulgate rules and regulations of the Commission would be amended to require adoption of rules and regulations for testing for drugs and communicable diseases in addition to the existing requirements. The bill would make the authority to promulgate rules and regulations regarding professional wrestling permissive rather than mandatory.

The bill would amend the provision that requires a 20 percent transfer of the revenue credited to the Athletic Fee Fund to be deposited into the State General Fund (SGF). The entire amount of money received by the Commission from fees, charges or penalties will be deposited into the Athletic Fee Fund until July 1, 2012 rather than July 1, 2007. (Since July 1, 2007, 20 percent of these monies have been transferred to the SGF.) Beginning on July 1, 2012, 20 percent of the monies received by the Athletic Fee Fund would be transferred to the State General Fund.

The bill also would amend the conditions under which the Commission may issue licenses. The bill would add to the requirement that a city or county must adopt a resolution to approve the hosting of a regulated sports contest with the option that the Commission may issue written assurance that the license will be issued. This assurance would have to be conditioned with the adoption of a resolution of the governing body.

The bill would clarify the ability of the Commission to deny, suspend, revoke or refuse renewal of any license. These actions would still be subject to the Kansas Administrative Procedure Act and would require notice and an opportunity for a hearing. Also, the bill would clarify that certain actions taken by the Commission pursuant to the act would not prevent the Commission from its right to conduct disciplinary proceedings against a licensee, to suspend, revoke or refuse to renew a license, or to make a record of the facts of any violation of law for any lawful purpose.

Background

HB 2843 was brought before the House Committee by Representative Burroughs to update the rules and regulations governing the Kansas Athletic Commission. Representative Burroughs appeared with the Boxing Commissioner to answer questions about how the amendments to this bill would help to insure safety and transparency for the sports the current legislation regulates.

The House Committee amended the bill in regard to the fund transfer provision of the Act. Under current law, the transfer of 20 percent of the revenues of the Athletic Fee Fund to the State General Fund began on July 1, 2007. The bill would stop the transfer until July 1, 2012 so that the Commission has access to the funds to grow its operations.

The fiscal note for the original bill was \$23,400 and represents the cessation of the 20 percent transfer to the State General Fund for Fiscal Year 2009.