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HOUSE BILL 422

51ST LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2013

INTRODUCED BY

Antonio "Moe" Maestas

AN ACT

RELATING TO UNARMED COMBAT COMPETITION; CHANGING THE NAME OF THE PROFESSIONAL ATHLETIC COMPETITION ACT TO THE UNARMED COMBAT COMPETITION ACT; AMENDING AND REPEALING PROVISIONS OF THE UNARMED COMBAT COMPETITION ACT.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

SECTION 1. Section 60-2A-1 NMSA 1978 (being Laws 1980, Chapter 90, Section 1, as amended) is amended to read:

"60-2A-1. SHORT TITLE.--Chapter 60, Article 2A NMSA 1978 may be cited as the [~~Professional Athletic~~] Unarmed Combat Competition Act."

SECTION 2. Section 60-2A-2 NMSA 1978 (being Laws 1980, Chapter 90, Section 2, as amended) is amended to read:

"60-2A-2. DEFINITIONS.--As used in the [~~Professional Athletic~~] Unarmed Combat Competition Act:

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1 A. "board" means the medical advisory board;

2 B. "commission" means the New Mexico athletic
3 commission;

4 ~~[G. "contestant" means a person who engages in~~
5 ~~unarmed combat for remuneration;~~

6 ~~D.]~~ C. "department" means the regulation and
7 licensing department;

8 ~~[E.]~~ D. "foreign co-promoter" means a promoter who
9 has no place of business in this state;

10 ~~[F.]~~ E. "manager":

11 (1) means a person who:

12 (a) undertakes to represent the
13 interests of another person by contract, agreement or other
14 arrangement in procuring, arranging or conducting [~~a~~
15 ~~professional~~] an unarmed contest [~~or exhibition~~] in which the
16 represented person will participate as [~~a contestant~~] an
17 unarmed combatant;

18 (b) directs or controls the activities
19 of an unarmed combatant relating to the participation of the
20 unarmed combatant in [~~professional~~] unarmed contests [~~or~~
21 ~~exhibitions~~];

22 (c) receives or is entitled to receive
23 [~~at least ten percent~~] any of the gross purse or gross income
24 of any [~~professional~~] unarmed combatant for services relating
25 to the participation of the unarmed combatant in [~~a~~

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1 ~~professional]~~ an unarmed contest [~~or exhibition~~]; or

2 (d) receives compensation for services
3 as an agent or representative of an unarmed combatant; and

4 (2) does not include an attorney who is
5 licensed to practice law in this state if the attorney's
6 participation in any of the activities described in Paragraph
7 (1) of this subsection is limited solely to the legal
8 representation of a client who is an unarmed combatant;

9 [~~G. "professional boxer" or "professional wrestler"~~
10 ~~means an individual who competes for money, prizes or purses or~~
11 ~~who teaches, pursues or assists in the practice of boxing,~~
12 ~~wrestling or martial arts as a means of obtaining a livelihood~~
13 ~~or pecuniary gain;~~

14 [~~H. "professional contest" means any professional~~
15 ~~boxing, wrestling or martial arts contest or exhibition,~~
16 ~~whether or not an admission fee is charged for admission of the~~
17 ~~public;~~

18 [~~F.]~~ F. "promoter" means any person, and in the case
19 of a corporate promoter, includes any officer, director or
20 stockholder of the corporation, who produces or stages any
21 [~~professional boxing, wrestling or martial arts]~~ unarmed
22 contest [~~exhibition~~] or closed circuit television show;

23 [~~J.]~~ G. "purse" means the financial guarantee or
24 any other remuneration, or part thereof, for which
25 [~~professional boxers or professional wrestlers]~~ unarmed

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1 combatants are participating in a contest [~~or exhibition~~] and
2 includes the [~~participant's~~] unarmed combatant's share of any
3 payment received for radio broadcasting, television or motion
4 picture rights;

5 [~~K.~~] H. "ring official" means any person who
6 performs an official function during the progress of [~~a~~] an
7 unarmed contest; [~~or exhibition~~

8 [~~L.~~] I. "unarmed combat" means boxing; wrestling;
9 eastern or western Asian or other martial arts; or any form of
10 unarmed competition in which a blow is usually struck that may
11 [~~reasonably~~] be reasonably expected to inflict injury; [~~and~~

12 [~~M.~~] J. "unarmed combatant" means:

13 (1) a person who engages in unarmed combat in
14 [~~a~~] an unarmed contest [~~or exhibition~~], whether or not the
15 person receives remuneration, including a wrestler, boxer or
16 mixed martial artist [~~or other contestant~~]; or

17 (2) an amateur boxer who is registered with
18 [~~United States amateur boxing, incorporated, or any other~~] any
19 amateur organization recognized by the commission and who, in
20 New Mexico, participates in an amateur boxing contest or
21 exhibition [~~in the state~~] that is registered and sanctioned by
22 [~~United States amateur boxing, incorporated or golden gloves of~~
23 ~~America~~] any amateur organization recognized by the commission;
24 and

25 K. "unarmed contest" means any unarmed contest or

1 exhibition between unarmed combatants, whether or not a fee for
2 admission of the public is charged."

3 SECTION 3. Section 60-2A-3 NMSA 1978 (being Laws 1980,
4 Chapter 90, Section 3, as amended) is amended to read:

5 "60-2A-3. COMMISSION CREATED--TERMS--RESTRICTIONS.--

6 A. [~~There is created~~] The "New Mexico athletic
7 commission" is created. The commission shall be
8 administratively attached to the department.

9 B. The commission [~~shall consist~~] consists of five
10 members who are New Mexico residents and who are appointed by
11 the governor. Three of the members shall have experience in
12 the professional sports, and the other two members shall
13 represent the public. The public members shall not have been
14 licensed or have [~~any~~] a financial interest, direct or
15 indirect, in the profession regulated. The members shall be
16 appointed for staggered terms of four years each. Each member
17 shall hold office until the expiration of the term for which
18 appointed or until a successor has been appointed. Not more
19 than three members of the commission shall be appointed from
20 the same political party. No commission member shall serve
21 more than two full terms consecutively. Any member who fails
22 to attend three consecutive meetings after receiving proper
23 notice of the meetings shall be automatically removed from the
24 commission unless the member's absences are excused pursuant to
25 applicable rules.

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1 C. No member shall at any time during [~~his~~]
2 membership on the commission promote or sponsor [~~any~~
3 ~~professional~~] an unarmed contest or have [~~any~~] a financial
4 interest in the promotion or sponsorship of [~~any professional~~]
5 an unarmed contest."

6 SECTION 4. Section 60-2A-4 NMSA 1978 (being Laws 1980,
7 Chapter 90, Section 4, as amended) is amended to read:

8 "60-2A-4. [~~CHAIRMAN~~] CHAIR--RULES.--

9 A. The commission shall elect annually in December
10 a [~~chairman~~] chair and such other officers as it deems
11 necessary. The commission shall meet as often as necessary for
12 the conduct of business, but no less than twice a year.
13 Meetings shall be called by the [~~chairman~~] chair or upon the
14 written request of three or more members of the commission.
15 Three members, at least one of whom is a public member, shall
16 constitute a quorum.

17 B. The commission may adopt, purchase and use a
18 seal.

19 C. The commission may adopt rules, subject to the
20 provisions of the State Rules Act, for the administration of
21 the [~~Professional Athletic~~] Unarmed Combat Competition Act not
22 inconsistent with the provisions of the [~~Professional Athletic~~]
23 Unarmed Combat Competition Act. The rules shall include but
24 not be limited to the:

25 (1) number and qualifications of ring

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- 1 officials required in [~~a professional~~] an unarmed contest;
- 2 (2) powers, duties and compensation of ring
- 3 officials; [~~and~~]
- 4 (3) qualifications and eligibility of
- 5 licensees;
- 6 (4) conduct of all unarmed contest
- 7 participants, including unarmed combatants, trainers, ring
- 8 officials, promoters, foreign co-promoters, matchmakers,
- 9 managers, seconds, referees, timekeepers and deputy inspectors;
- 10 and
- 11 (5) denial, suspension or revocation of
- 12 licenses.

13 D. The commission shall prepare all forms of

14 contracts between sponsors, licensees, promoters and

15 [~~contestants~~] unarmed combatants."

16 SECTION 5. Section 60-2A-7 NMSA 1978 (being Laws 1980,

17 Chapter 90, Section 7) is amended to read:

18 "60-2A-7. MEDICAL ADVISORY BOARD.--

19 A. [~~There is created~~] The "medical advisory board"

20 is created to assist the commission.

21 B. The board shall consist of three members to be

22 appointed by the commission. Each member of the board shall be

23 licensed to practice medicine in this state and shall have had

24 at the time of [~~his~~] appointment at least five years'

25 experience in the practice of [~~his~~] the member's profession.

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1 Members of the board shall serve without compensation.

2 C. The board shall:

3 (1) prepare and submit to the commission for
4 its approval standards for the physical and mental examination
5 of [~~professional boxers and professional wrestlers which~~]
6 unarmed combatants that shall safeguard their health; provided
7 no standard shall become effective until approved by the
8 commission;

9 (2) recommend to the commission for licensing
10 purposes physicians who are qualified to make examinations of
11 [~~professional boxers and wrestlers~~] unarmed combatants; and

12 (3) upon request of the commission, advise the
13 commission as to the physical and mental fitness of any
14 individual [~~professional boxer or wrestler~~] unarmed combatant."

15 **SECTION 6.** Section 60-2A-8 NMSA 1978 (being Laws 1980,
16 Chapter 90, Section 8) is amended to read:

17 "60-2A-8. JURISDICTION OF COMMISSION OVER [~~PROFESSIONAL~~]
18 UNARMED CONTESTS.--

19 A. The commission shall have sole direction,
20 management, control and jurisdiction over all [~~professional~~]
21 unarmed contests to be conducted, held or given within New
22 Mexico, and no [~~professional~~] unarmed contest shall be
23 conducted, held or given in this state except in accordance
24 with the provisions of the [~~Professional Athletic~~] Unarmed
25 Combat Competition Act.

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1 B. All unarmed contests shall be approved and
2 sanctioned by the commission or an Indian nation, tribe or
3 pueblo acting pursuant to its cooperative agreement with the
4 commission entered into pursuant to the Unarmed Combat
5 Competition Act.

6 C. An unarmed contest involving any forms of
7 eastern or western Asian or other martial arts or any form of
8 unarmed self-defense must be conducted pursuant to rules for
9 that form that are approved by the commission before the
10 unarmed contest is conducted, held or given in the state,
11 except in accordance with the provisions of the Unarmed Combat
12 Competition Act."

13 SECTION 7. Section 60-2A-8.1 NMSA 1978 (being Laws 2005,
14 Chapter 346, Section 7) is amended to read:

15 "60-2A-8.1. COOPERATIVE AGREEMENTS WITH TRIBAL
16 GOVERNMENTS.--

17 A. The commission may enter into a cooperative
18 agreement with an Indian nation, tribe or pueblo whose tribal
19 lands lie wholly or partly in New Mexico for the exchange of
20 information and for the reciprocal, joint or common direction,
21 management or control of [~~professional~~] unarmed contests
22 conducted, held or given in New Mexico. To be effective, an
23 agreement must be signed by the governor.

24 B. Money collected by the commission on behalf of
25 an Indian nation, tribe or pueblo in accordance with an

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1 agreement entered into pursuant to this section is not money of
2 this state and shall be collected and disbursed in accordance
3 with the terms of the agreement, notwithstanding any other
4 provision of law.

5 C. Nothing in an agreement entered into pursuant
6 to this section shall be construed as an assertion or an
7 admission by either this state or by the Indian nation, tribe
8 or pueblo that the fees of one have precedence over the fees of
9 the other when the person, event or transaction is subject to
10 the jurisdiction of both governments. An agreement entered
11 into pursuant to this section shall be construed solely as an
12 agreement between the two party governments and shall not alter
13 or affect the government-to-government relations between this
14 state and any other Indian nation, tribe or pueblo."

15 SECTION 8. Section 60-2A-9 NMSA 1978 (being Laws 1980,
16 Chapter 90, Section 9) is amended to read:

17 "60-2A-9. LICENSES TO CONDUCT [~~PROFESSIONAL~~] UNARMED
18 CONTESTS.--

19 A. The commission may issue licenses to conduct,
20 hold or give [~~a professional~~] an unarmed contest to any
21 promoter under such terms and in accordance with such rules as
22 the commission may adopt.

23 B. [~~Any~~] An application for [~~such~~] a license shall
24 be in writing and shall correctly show the promoter. The
25 application shall be accompanied by the annual fee prescribed

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1 by law.

2 C. Before [~~any~~] a license is granted to a promoter,
3 the promoter [~~must~~] shall file a bond in an amount fixed by the
4 commission but not less than [~~two thousand dollars (\$2,000)]~~
5 ten thousand dollars (\$10,000) with good and sufficient surety
6 and conditioned for the faithful performance by the promoter of
7 the provisions of the [~~Professional Athletic~~] Unarmed Combat
8 Competition Act."

9 SECTION 9. Section 60-2A-10 NMSA 1978 (being Laws 1980,
10 Chapter 90, Section 10) is amended to read:

11 "60-2A-10. LICENSES FOR PROMOTERS, [~~BOXERS, WRESTLERS~~]
12 UNARMED COMBATANTS, TRAINERS, RING OFFICIALS AND OTHERS.--

13 A. All promoters, foreign co-promoters,
14 matchmakers, [~~professional boxers, professional wrestlers~~]
15 unarmed combatants, managers, seconds, announcers, referees,
16 trainers, [~~booking agents~~] ring officials and timekeepers shall
17 be licensed by the commission.

18 B. No person shall be permitted to participate
19 either directly or indirectly in [~~any professional~~] an unarmed
20 contest unless [~~such~~] the person [~~shall have~~] has first
21 procured a license from the commission.

22 C. Any person violating the provisions of this
23 section is guilty of a petty misdemeanor."

24 SECTION 10. Section 60-2A-11 NMSA 1978 (being Laws 1980,
25 Chapter 90, Section 11) is amended to read:

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1 "60-2A-11. LICENSES FOR PHYSICIANS.--The commission may
2 issue licenses without fees to physicians, authorizing them to
3 officiate at [~~professional~~] unarmed contests."

4 SECTION 11. Section 60-2A-12 NMSA 1978 (being Laws 1980,
5 Chapter 90, Section 12, as amended) is amended to read:

6 "60-2A-12. LICENSE FEES.--

7 A. The annual license fee shall not exceed the
8 following amounts:

- 9 [A.] (1) promoters \$300.00
- 10 [B.] (2) foreign co-promoters 500.00
- 11 [C.] (3) referees 40.00
- 12 [D.] (4) timekeepers and announcers 25.00
- 13 [E.] (5) seconds and trainers 25.00
- 14 [F.] (6) managers 50.00
- 15 [~~G. professional boxers 25.00~~]
- 16 [~~H. professional wrestlers 25.00~~]
- 17 [~~I. booking agents 50.00~~]
- 18 (7) unarmed combatants 25.00
- 19 [J.] (8) matchmakers 50.00
- 20 [K.] (9) judges 25.00.

21 B. Every license shall expire at midnight on
22 December 31 of the year in which the license is issued.

23 C. The department may collect an administrative fee
24 not to exceed fifty dollars (\$50.00) from every person who
25 submits an application for a state or federal identification

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1 license."

2 SECTION 12. Section 60-2A-13 NMSA 1978 (being Laws 1980,
3 Chapter 90, Section 13) is amended to read:

4 "60-2A-13. REAL PARTY IN INTEREST.--The commission shall
5 not issue [~~any~~] a license for [~~a professional~~] an unarmed
6 contest unless it is satisfied that the promoter is the real
7 party in interest and intends to conduct, hold or give [~~such~~
8 ~~contests himself~~] the contest or unless the promoter receives
9 at least twenty-five percent of the net receipts. A license
10 may be revoked at any time if the commission finds that the
11 promoter is not the real party in interest."

12 SECTION 13. Section 60-2A-14 NMSA 1978 (being Laws 1980,
13 Chapter 90, Section 14, as amended) is amended to read:

14 "60-2A-14. DENIAL--SUSPENSION--REVOCATION OF LICENSES.--

15 A. The commission may deny, suspend or revoke [~~any~~]
16 a license when in [~~its~~] the commission's judgment the licensee:

17 (1) participated in [~~any~~] a sham or fake
18 [~~professional~~] unarmed contest;

19 (2) is guilty of a failure to give [~~his~~] the
20 licensee's best efforts in [~~a professional~~] an unarmed contest;

21 (3) is guilty of [~~any foul or~~] unsportsmanlike
22 conduct in connection with [~~a professional~~] an unarmed contest;
23 [~~or~~]

24 (4) is guilty of participating in an [~~event~~]
25 unarmed contest while under the influence of illegal drugs;

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1 (5) is guilty of fraud, deceit or
2 misrepresentation in procuring or attempting to procure a
3 license;

4 (6) has been adjudicated as mentally
5 incompetent by the medical advisory board or a qualified
6 medical professional;

7 (7) has been convicted of a felony;

8 (8) is unfit to participate in an unarmed
9 contest due to a physical or mental condition;

10 (9) has had a license denied, suspended or
11 revoked in any jurisdiction, territory or possession of the
12 United States or another country, as conclusively shown by a
13 certified copy of the record showing the denial, suspension or
14 revocation from the jurisdiction, territory or possession of
15 the United States or other country; or

16 (10) is guilty of violating a provision of the
17 Unarmed Combat Competition Act or any rule promulgated by the
18 commission pursuant to the Unarmed Combat Competition Act.

19 B. Before revocation of a license, the commission
20 shall afford the licensee opportunity for a hearing, and upon
21 request of the licensee and after reasonable notice, the
22 commission shall conduct a hearing on the revocation,
23 permitting the licensee to appear personally and by counsel,
24 introduce evidence and examine and cross-examine witnesses.

25 C. A majority vote of the members of the commission

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1 is required to revoke a license. The commission shall file a
2 written report of its findings, determinations and order with
3 the record of the proceedings and shall send a copy [~~thereof~~]
4 of it to the licensee.

5 D. The commission may suspend a license without
6 holding a hearing; provided that the licensee is notified of
7 the suspension and is given an opportunity for a post-
8 suspension, license-reinstatement hearing. The commission may
9 delegate authority to suspend a license at any unarmed contest
10 to a single commissioner or the chair of the commission. All
11 disciplinary actions shall be governed by the rules promulgated
12 by the commission."

13 SECTION 14. Section 60-2A-16 NMSA 1978 (being Laws 1980,
14 Chapter 90, Section 16) is amended to read:

15 "60-2A-16. CONTRACTS.--

16 A. Every [~~professional boxer or professional~~
17 ~~wrestler~~] unarmed combatant, except an amateur boxer, competing
18 in [a professional] an unarmed contest [shall be] is entitled
19 to receive a copy of a written contract or agreement, approved
20 as to form by the commission, binding a licensee to pay the
21 [professional boxer or professional wrestler] unarmed combatant
22 a certain fixed fee or percentage of the gate receipts.
23 Amateur boxers shall sign a written contract or agreement in a
24 form approved by the commission.

25 B. One copy of [~~such~~] the contract or agreement

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1 shall be filed with the executive secretary of the commission,
2 and one copy shall be retained by the licensee or promoter of
3 the [~~professional~~] unarmed contest."

4 SECTION 15. Section 60-2A-17 NMSA 1978 (being Laws 1980,
5 Chapter 90, Section 17) is amended to read:

6 "60-2A-17. INSURANCE.--

7 A. The commission may by rule require insurance
8 coverage for each [~~licensed professional boxer or professional~~
9 ~~wrestler~~] unarmed combatant to provide for medical, surgical
10 and hospital care for injuries sustained while preparing for or
11 engaged in [~~a professional~~] an unarmed contest, in [~~an~~] a
12 minimum amount of one thousand dollars (\$1,000) payable to
13 [~~such boxer or wrestler~~] the unarmed combatant as beneficiary.

14 B. In lieu of or in addition to the insurance
15 provided for in Subsection A of this section, the commission
16 may establish a voluntary injury fund in the state treasury to
17 provide for the medical care of [~~a professional boxer or~~
18 ~~professional wrestler~~] unarmed combatants injured in the course
19 of [~~a professional contest~~] unarmed contests. The fund shall
20 consist solely of voluntary contributions by promoters equal to
21 two percent of the gross receipts of the [~~professional~~] unarmed
22 contest. [~~The funds may~~] Money in the fund shall be expended
23 upon warrants drawn by the secretary of finance and
24 administration pursuant to vouchers signed by the [~~chairman~~]
25 chair of the commission [~~and warrants drawn by the secretary of~~

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1 ~~finance and administration]."~~

2 SECTION 16. Section 60-2A-18 NMSA 1978 (being Laws 1980,
3 Chapter 90, Section 18) is amended to read:

4 "60-2A-18. ADVANCES AGAINST CONTESTANT'S PURSE.--No
5 promoter or foreign co-promoter shall pay or give any money to
6 a licensee before any [~~professional~~] unarmed contest as an
7 advance against [~~a contestant's~~] an unarmed combatant's purse
8 or for a similar purpose, except that a promoter may, with the
9 prior written consent of the commission, pay or advance to [~~a~~
10 ~~contestant~~] an unarmed combatant necessary expenses for
11 transportation and maintenance in preparation for [~~a~~
12 ~~professional~~] an unarmed contest."

13 SECTION 17. Section 60-2A-19 NMSA 1978 (being Laws 1980,
14 Chapter 90, Section 19) is amended to read:

15 "60-2A-19. WITHHOLDING OF PURSE.--

16 A. The commission or its executive secretary may
17 order a promoter to withhold [~~any~~] a part of a purse or other
18 funds belonging or payable to [~~any contestant~~] an unarmed
19 combatant, manager or second if, in the judgment of the
20 commission or the executive secretary, the [~~contestant~~] unarmed
21 combatant is not competing honestly or to the best of [~~his~~] the
22 unarmed combatant's skill and ability or if the manager or
23 second has violated any of the provisions of the [~~Professional~~
24 ~~Athletic~~] Unarmed Combat Competition Act or [~~any~~] a rule
25 promulgated [~~thereunder~~] pursuant to that act.

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1 B. This section does not apply to ~~[any]~~ a
2 professional wrestler who appears not to be competing honestly
3 or to the best of ~~[his]~~ the professional wrestler's skill and
4 ability.

5 C. Upon the withholding of ~~[any]~~ a part of a purse
6 pursuant to this section, the commission shall ~~[immediately]~~
7 schedule a hearing on the matter as promptly as possible. If
8 it is determined that ~~[such contestant]~~ the unarmed combatant,
9 manager or second is not entitled to ~~[any]~~ a part of ~~[his]~~ a
10 share of the purse or other funds, the promoter shall turn
11 ~~[such]~~ that money over to the commission, and it shall become
12 forfeit to the state and be disposed of as are fees."

13 **SECTION 18.** Section 60-2A-20 NMSA 1978 (being Laws 1980,
14 Chapter 90, Section 20) is amended to read:

15 "60-2A-20. ATTENDANCE AT WEIGH-INS--MEDICAL
16 EXAMINATIONS--~~[PROFESSIONAL]~~ UNARMED CONTESTS.--

17 A. The executive secretary or a member of the
18 commission shall be present at all weigh-ins, medical
19 examinations and ~~[professional]~~ unarmed contests and shall see
20 that the provisions of the ~~[Professional Athletic]~~ Unarmed
21 Combat Competition Act and the rules ~~[made]~~ promulgated
22 pursuant ~~[thereto]~~ to that act are strictly enforced.

23 B. Every ~~[participant in a professional boxing]~~
24 unarmed combatant in an unarmed contest shall be present and
25 weighed in no later than twelve o'clock noon on the day of the

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1 [professional] unarmed contest."

2 SECTION 19. Section 60-2A-21 NMSA 1978 (being Laws 1980,
3 Chapter 90, Section 21) is amended to read:

4 "60-2A-21. LENGTH OF [PROFESSIONAL] UNARMED CONTESTS--
5 ROUNDS.--No [professional boxing] unarmed contest, except mixed
6 martial arts unarmed contests, shall be more than fifteen
7 rounds in length, and each round shall not exceed three minutes
8 in length. There shall be a one-minute rest between rounds.
9 The commission shall adopt rules governing the length of
10 [professional wrestling] unarmed contests, duration of rounds
11 and the period of rest between rounds. Mixed martial arts
12 unarmed contests shall be no longer than five rounds in length,
13 and each round shall not exceed five minutes in length."

14 SECTION 20. Section 60-2A-22 NMSA 1978 (being Laws 1980,
15 Chapter 90, Section 22) is amended to read:

16 "60-2A-22. MINORS--PARTICIPANTS.--No person under the
17 age of majority shall participate in or be licensed for any
18 [professional] unarmed contest."

19 SECTION 21. Section 60-2A-23 NMSA 1978 (being Laws 1980,
20 Chapter 90, Section 23, as amended) is amended to read:

21 "60-2A-23. REGULATORY FEES ON PROMOTIONS.--

22 A. In addition to any other taxes or fees provided
23 by law, there is imposed upon every promoter for the privilege
24 of promoting [a professional] an unarmed contest a regulatory
25 fee in an amount determined pursuant to the rules of the

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1 commission to be sufficient to cover the costs of regulating
2 the unarmed contest; provided that the fee shall not exceed
3 four percent of the total gross receipts of any [~~professional~~]
4 unarmed contest conducted live in New Mexico.

5 B. The commission shall adopt rules for the
6 administration, collection and enforcement of the fee imposed
7 pursuant to this section.

8 C. As used in this section, "total gross receipts
9 of any [~~professional~~] unarmed contest" includes:

10 (1) the gross price charged for the sale,
11 lease or other exploitation of broadcasting, television or
12 motion picture rights of the [~~professional~~] unarmed contest
13 without any deductions for commissions, brokerage fees,
14 distribution fees, advertising or other expenses or charges;

15 (2) the face value of all tickets sold and
16 complimentary tickets issued; and

17 (3) any sums received as consideration for
18 holding [~~a professional~~] an unarmed contest at a particular
19 location."

20 SECTION 22. Section 60-2A-24 NMSA 1978 (being Laws 1980,
21 Chapter 90, Section 24, as amended) is amended to read:

22 "60-2A-24. ATHLETIC COMMISSION FUND.--The proceeds of
23 the regulatory fee on promotions and of the supervisory fee on
24 closed-circuit television or motion pictures, together with any
25 license fees or other fees authorized pursuant to the

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1 ~~[Professional Athletic]~~ Unarmed Combat Competition Act, shall
2 be deposited with the state treasurer to the credit of the
3 "athletic commission fund", which is hereby created. Money in
4 the fund is subject to appropriation by the legislature.
5 Expenditures from the athletic commission fund shall only be
6 made on warrants drawn by the secretary of finance and
7 administration pursuant to vouchers issued and signed by the
8 person designated by the commission ~~[upon warrants drawn by the~~
9 ~~department of finance and administration]~~ in accordance with
10 the budget approved by the department of finance and
11 administration."

12 SECTION 23. Section 60-2A-25 NMSA 1978 (being Laws 1980,
13 Chapter 90, Section 25, as amended) is amended to read:

14 "60-2A-25. TIME OF PAYMENT OF REGULATORY FEE.--

15 A. Any person upon whom the regulatory fee is
16 imposed pursuant to Section 60-2A-23 NMSA 1978 shall, within
17 seventy-two hours after the completion of any ~~[professional]~~
18 unarmed contest for which an admission fee is charged and
19 received or a contribution is requested and received, furnish
20 to the commission a written report on forms prescribed by the
21 commission showing:

22 (1) the number of tickets sold and issued or
23 sold or issued for the ~~[professional]~~ unarmed contest;

24 (2) the amount of the gross receipts or value
25 thereof;

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1 (3) the amount of gross receipts derived from
2 the sale, lease or other exploitation of broadcasting, motion
3 picture or television rights of the [~~professional~~] unarmed
4 contest, without any deductions for commissions, brokerage
5 fees, distribution fees, advertising or any other expenses or
6 charges; and

7 (4) such other matters as the commission may
8 prescribe.

9 B. The commission or any of its authorized
10 employees may inspect the books, ticket stubs or any other data
11 necessary for the proper enforcement of the regulatory fee and
12 supervisory fee imposed pursuant to the [~~Professional Athletic~~]
13 Unarmed Combat Competition Act."

14 SECTION 24. Section 60-2A-26 NMSA 1978 (being Laws 1980,
15 Chapter 90, Section 26, as amended) is amended to read:

16 "60-2A-26. SUPERVISORY FEE ON CLOSED-CIRCUIT TELECASTS
17 OR MOTION PICTURES--REPORT TO COMMISSION.--

18 A. Any person who charges and receives an admission
19 fee for exhibiting any live [~~professional~~] unarmed contest on a
20 closed-circuit telecast or motion picture shall, within
21 seventy-two hours after the event, furnish to the commission a
22 verified written report on a form prescribed by the commission
23 showing the number of tickets sold and issued or sold or issued
24 and the gross receipts for the exhibition without any
25 deductions.

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1 B. There is imposed a supervisory fee upon the
2 privilege of exhibiting for an admission fee any live
3 [~~professional~~] unarmed contest on a closed-circuit telecast or
4 motion picture. A supervisory fee is imposed in an amount
5 determined pursuant to the rules of the commission to be
6 sufficient to cover the costs of supervising the exhibition of
7 the unarmed contest; provided that the fee shall not exceed
8 five percent of the gross receipts derived from the exhibition
9 of the unarmed contest.

10 C. The fee imposed pursuant to this section shall
11 be administered, collected, enforced and the proceeds deposited
12 as provided in Section 60-2A-24 NMSA 1978."

13 **SECTION 25.** Section 60-2A-27 NMSA 1978 (being Laws 1980,
14 Chapter 90, Section 27, as amended) is amended to read:

15 "60-2A-27. PENALTY--NONPAYMENT OF FEE.--Any person who
16 willfully attempts to evade or defeat any regulatory fee or
17 supervisory fee or the payment thereof imposed pursuant to the
18 [~~Professional Athletic~~] Unarmed Combat Competition Act is
19 guilty of a fourth degree felony."

20 **SECTION 26.** Section 60-2A-28 NMSA 1978 (being Laws 1980,
21 Chapter 90, Section 28, as amended) is amended to read:

22 "60-2A-28. CIVIL PENALTY.--In the case of failure due to
23 negligence or disregard of rules and regulations of the
24 commission, but without intent to defraud, to pay when due any
25 amount of regulatory fee or supervisory fee required to be paid

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1 pursuant to the [~~Professional Athletic~~] Unarmed Combat
2 Competition Act, there shall be added to the amount two percent
3 per month or a fraction of a month from the date the fee was
4 due or from the date the report was required to be filed, not
5 to exceed ten percent of the fee due."

6 SECTION 27. Section 60-2A-29 NMSA 1978 (being Laws 1980,
7 Chapter 90, Section 29) is amended to read:

8 "60-2A-29. PENALTY.--Any person violating the provisions
9 of the [~~Professional Athletic~~] Unarmed Combat Competition Act
10 is guilty of a misdemeanor and upon conviction [~~therefor~~] shall
11 be punished, in the discretion of the court, by a fine not to
12 exceed one thousand dollars (\$1,000) or by imprisonment in the
13 county jail not to exceed three months or by both such fine and
14 imprisonment."

15 SECTION 28. Section 60-2A-30 NMSA 1978 (being Laws 1980,
16 Chapter 90, Section 30, as amended) is amended to read:

17 "60-2A-30. TERMINATION OF AGENCY LIFE--DELAYED
18 REPEAL.--The New Mexico athletic commission is terminated on
19 July 1, 2017 pursuant to the Sunset Act. The commission shall
20 continue to operate according to the provisions of the
21 [~~Professional Athletic~~] Unarmed Combat Competition Act until
22 July 1, 2018. Effective July 1, 2018, Chapter 60, Article 2A
23 NMSA 1978 is repealed."

24 SECTION 29. Section 60-2A-33 NMSA 1978 (being Laws 1991,
25 Chapter 218, Section 6) is amended to read:

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"60-2A-33. CRIMINAL OFFENDER CHARACTER EVALUATION.--The provisions of the Criminal Offender Employment Act shall govern any consideration of criminal records required or permitted by the ~~[Professional Athletic]~~ Unarmed Combat Competition Act."

SECTION 30. REPEAL.--Section 60-2A-8.2 NMSA 1978 (being Laws 2007, Chapter 109, Section 2) is repealed.