

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2005

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SENATE DRS15299-LBx-271 (4/25)

Short Title: Restore Boxing Commission Budget Cuts. (Public)

Sponsors: Senator Clodfelter.

Referred to:

A BILL TO BE ENTITLED

AN ACT TO REESTABLISH THE BOXING COMMISSION AND RESTORE
BUDGET CUTS TO THAT PROGRAM.

The General Assembly of North Carolina enacts:

SECTION 1. Section 18.2 of S.L. 2004-124 is repealed, and any statutes repealed by that section are reenacted.

SECTION 2. G.S. 143-652, as reenacted by Section 1 of this act, reads as rewritten:

"§ 143-652. State Boxing Commission.

(a) Creation. – The North Carolina State Boxing Commission is created within the Department of Crime Control and Public Safety to regulate in North Carolina live boxing and kickboxing matches, whether professional, amateur, sanctioned amateur, or toughman events, in which admission is charged for viewing, or the contestants compete for a purse or prize of value greater than twenty-five dollars (\$25.00). The Commission shall consist of six voting members and two nonvoting advisory members. All the members shall be residents of North Carolina and shall meet requirements for membership under the Professional Boxing Safety Act of 1996. The members shall be appointed as follows:

- (1) One voting member shall be appointed by the Governor for an initial term of two years.
- (2) One voting member shall be appointed by the General Assembly upon the recommendation of the President Pro Tempore of the Senate for an initial term of one year, in accordance with G.S. 120-121.
- (3) One voting member shall be appointed by the General Assembly upon the recommendation of the Speaker of the House of Representatives for an initial term of one year.

1 (4) Two voting members shall be appointed by the Secretary of Crime
2 Control and Public Safety. One shall serve for an initial term of three
3 years, and the other shall serve for an initial term of two years.

4 (4a) One member shall be appointed by the Tribal Council of the Eastern
5 Band of the Cherokee for an initial term of three years.

6 (5) One nonvoting advisory member shall be appointed by the General
7 Assembly upon the recommendation of the Speaker of the House of
8 Representatives for an initial term of one year, in accordance with
9 G.S. 120-121, from nominations made by the North Carolina Medical
10 Society, which shall nominate two licensed physicians for the position.

11 (6) One nonvoting advisory member shall be appointed by the General
12 Assembly upon the recommendation of the President Pro Tempore of
13 the Senate for an initial term of one year, in accordance with
14 G.S. 120-121, from nominations made by the North Carolina Medical
15 Society, which shall nominate two licensed physicians for the position.

16 The member appointed pursuant to subdivision (5) of subsection (a) of this section
17 may serve on the Commission only if an agreement exists and remains in effect between
18 the Tribal Council of the Eastern Band of the Cherokee and the Commission authorizing
19 the Commission to regulate professional boxing matches within the Cherokee Indian
20 Reservation as provided by the Professional Boxing Safety Act of 1996.

21 The two nonvoting advisory members appointed pursuant to subdivisions (6) and (7)
22 of subsection (a) of this section shall advise the Commission on matters concerning the
23 health and physical condition of boxers and health issues relating to the conduct of
24 exhibitions and boxing matches. They may prepare and submit to the Commission for
25 its consideration and approval any rules that in their judgment will safeguard the
26 physical welfare of all participants engaged in boxing.

27 Terms for all members of the Commission except for the initial appointments shall
28 be for three years.

29 The Secretary of Crime Control and Public Safety shall designate which member of
30 the Commission is to serve as chair. A member of the Commission may be removed
31 from office by the Secretary of Crime Control and Public Safety for cause. Each
32 member before entering upon the duties of a member shall take and subscribe an oath to
33 perform the duties of the office faithfully, impartially, and justly to the best of the
34 member's ability. A record of these oaths shall be filed in the Department of Crime
35 Control and Public Safety.

36 (b) Vacancies. – Members shall serve until their successors are appointed and
37 have been qualified. Any vacancy in the membership of the Commission shall be filled
38 in the same manner as the original appointment. Vacancies for members appointed by
39 the General Assembly shall be filled in accordance with G.S. 120-122. A vacancy in the
40 membership of the Commission other than by expiration of term shall be filled for the
41 unexpired term only.

42 (c) Meetings. – Meetings of the Commission shall be called by the chair or by
43 any two members of the Commission, and meetings shall be held at least quarterly. Any
44 three voting members of the Commission shall constitute a quorum at any meeting.

1 Action may be taken and motions and resolutions adopted by the Commission at any
2 meeting by the affirmative vote of a majority of the members of the Commission
3 present at a meeting at which a quorum exists. Any or all members may participate in a
4 regular or special meeting by, or conduct the meeting through the use of, any means of
5 communication by which all members participating may simultaneously hear each other
6 during the meeting. A member participating in the meeting by this means is deemed to
7 be present in person at the meeting.

8 (d) Rule-Making Authority of the Commission. – The Commission shall have the
9 exclusive authority to approve and issue rules for the regulation of the conduct,
10 promotion, and performances of live boxing, kickboxing, sanctioned amateur, amateur,
11 and toughman matches and exhibitions in this State. The rules shall be issued pursuant
12 to the provisions of Chapter 150B of the General Statutes and may include, without
13 limitation, the following subjects:

- 14 (1) Requirements for issuance of licenses and permits required by this
15 Article.
- 16 (2) Regulation of ticket sales.
- 17 (3) Physical requirements for contestants, including classification by
18 weight and skill.
- 19 (4) Supervision of matches and exhibitions by licensed physicians and
20 referees.
- 21 (5) Insurance and bonding requirements.
- 22 (6) Compensation of participants and licensees.
- 23 (7) Contracts and financial arrangements.
- 24 (8) Prohibition of dishonest, unethical, and injurious practices.
- 25 (9) Facilities.
- 26 (10) Approval of sanctioning amateur sports organizations.
- 27 (11) Procedures and requirements for compliance with the Professional
28 Boxing Safety Act of 1996.

29 (e) Compensation. – None of the members of the Commission shall receive
30 compensation for serving on the Commission. However, members of the Commission
31 may be reimbursed for their expenses in accordance with the provisions of Chapter 138
32 of the General Statutes.

33 (f) Staff Assistance. – The Secretary of Crime Control and Public Safety shall
34 hire a person to serve as Executive Director of the Commission and shall provide staff
35 assistance to the Executive Director. The Executive Director shall enforce this Article
36 through the Division of Alcohol Law Enforcement. If necessary, the Executive Director
37 may train and contract with independent contractors for the purpose of regulating and
38 monitoring events, issuing licenses, collecting fees, and enforcing rules of the
39 Commission. The Executive Director may initiate criminal background checks on
40 persons requesting to work as independent contractors for the Commission or persons
41 applying to be licensed by the Commission.

42 (g) Initial appointments to the Commission under this reenacted section shall be
43 for terms commencing July 1, 2006. The Commission may reestablish any rules in
44 effect on the date of the prior abolition of the Commission without following any

1 requirements of Chapter 150B of the General Statutes other than publishing the rules.
2 Any rules of the Alcohol Law Enforcement Division relating to the subject shall remain
3 in effect until new or amended rules are adopted by the Commission."

4 **SECTION 3.** There is appropriated from the General Fund to the
5 Department of Crime Control and Public Safety for the 2006-2007 fiscal year the sum
6 of one hundred thirty-one thousand four hundred forty-nine dollars (\$131,449) to restore
7 budget cuts for the North Carolina State Boxing Commission.

8 **SECTION 4.** This act becomes effective July 1, 2006.