

CHAPTER 125

PROFESSIONS AND OCCUPATIONS

HOUSE BILL 02-1078

BY REPRESENTATIVE(S) Vigil, Borodkin, Chavez, Dean, Garcia, Groff, Mace, Ragsdale, Sanchez, Stengel, and Tapia;
also SENATOR(S) Tupa and Chlouber.

AN ACT

CONCERNING THE REGULATION OF BOXING IN COLORADO.

Be it enacted by the General Assembly of the State of Colorado:

SECTION 1. 12-10-104, Colorado Revised Statutes, is amended to read:

12-10-104. Office of boxing - creation. There is hereby created, within the office of the executive director of DIVISION OF REGISTRATIONS IN the department of regulatory agencies, the office of boxing. The office of boxing and the Colorado state boxing commission, created in section 12-10-105, shall exercise their respective powers and perform their respective duties and functions as specified in this article under the department of regulatory agencies as if the same were transferred to the department by a **type 2** transfer, as such transfer is defined in the "Administrative Organization Act of 1968", article 1 of title 24, C.R.S.

SECTION 2. 12-10-106 (1) (a), (4), and (5), Colorado Revised Statutes, are amended to read:

12-10-106. General powers and duties of the commission. (1) In addition to any other powers specifically granted to the commission in this article, the commission shall issue such rules as are necessary for the regulation of the conduct, promotion, and performance of live boxing and kickboxing matches in this state. Such rules shall be consistent with this article and applicable federal law and shall include:

(a) Requirements for issuance of licenses and permits for boxers, SECONDS, INSPECTORS, promoters, judges, and referees;

(4) The commission ~~shall~~ MAY maintain membership in the association of boxing

Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

commissions and ~~shall~~ MAY send the director or the director's designee to the association's annual convention.

(5) The commission ~~shall~~ MAY maintain a service subscription to the record-keeping database provider approved by the association of boxing commissions.

SECTION 3. Repeal. 12-10-107 (3) (c), (3) (e), (3) (g), (3) (i), (3) (j), and (3) (k), Colorado Revised Statutes, are repealed as follows:

12-10-107. Director - appointment - qualification - powers and duties. (3) In addition to the duties imposed upon the director elsewhere in this article, the director shall:

~~(c) (I) Employ and direct such personnel as may be necessary to carry out the purposes of this article, but no person shall be employed who has been convicted of a felony or match-related offense, notwithstanding section 24-5-101, C.R.S.~~

~~(H) The director, with the approval of the commission, may enter into agreements with any person, department, agency, or unit of state government to secure services that the director deems necessary and to provide for the payment for such services and may employ and compensate such consultants and technical assistants as may be required and as otherwise permitted by law.~~

~~(e) Make available for inspection by the commission or any member of the commission, upon request, all books, records, files, and other information and documents in the director's office;~~

~~(g) With the concurrence of the commission or pursuant to commission requirements and procedures, enter into contracts for materials, equipment, and supplies to be used in the operation of the commission;~~

~~(i) Annually prepare and submit to the commission, for its approval, a proposed budget for the succeeding fiscal year, which budget shall set forth a complete financial plan for all proposed expenditures and anticipated revenues of the commission;~~

~~(j) Take such action necessary, as may be determined by the commission, to protect the security and integrity of boxing; and~~

~~(k) Perform any other lawful acts that the commission may consider necessary or desirable in order to carry out the purposes and provisions of this article.~~

SECTION 4. Article 10 of title 12, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

12-10-107.1. Grounds for discipline. (1) THE DIRECTOR MAY DENY, SUSPEND, REVOKE, OR PLACE ON PROBATION THE LICENSE OF AN APPLICANT OR LICENSEE IF THE APPLICANT OR LICENSEE:

(a) VIOLATES ANY ORDER OF THE COMMISSION OR THE DIRECTOR OR ANY

PROVISION OF THIS ARTICLE OR THE RULES ESTABLISHED UNDER THIS ARTICLE;

(b) FAILS TO MEET THE REQUIREMENTS OF THIS ARTICLE OR THE RULES OF THE COMMISSION OR USES FRAUD, MISREPRESENTATION, OR DECEIT IN APPLYING FOR OR ATTEMPTING TO APPLY FOR LICENSURE;

(c) IS CONVICTED OF OR HAS ENTERED A PLEA OF NOLO CONTENDERE OR GUILTY TO A FELONY; EXCEPT THAT THE DIRECTOR SHALL BE GOVERNED BY THE PROVISIONS OF SECTION 24-5-101, C.R.S., IN CONSIDERING SUCH CONVICTION OR PLEA;

(d) IS ADDICTED TO OR DEPENDENT UPON ALCOHOL OR ANY CONTROLLED SUBSTANCE, WITHIN THE MEANING OF PART 3 OF ARTICLE 22 OF THIS TITLE, OR IS A HABITUAL USER OF SAID CONTROLLED SUBSTANCE, IF THE USE, ADDICTION, OR DEPENDENCY IS A DANGER TO CLIENTS OR PROSPECTIVE CLIENTS;

(e) HAS INCURRED DISCIPLINARY ACTION RELATED TO PROFESSIONAL BOXING IN ANOTHER JURISDICTION. EVIDENCE OF SUCH DISCIPLINARY ACTION SHALL BE PRIMA FACIE EVIDENCE FOR DENIAL OF A LICENSE OR OTHER DISCIPLINARY ACTION IF THE VIOLATION WOULD BE GROUNDS FOR SUCH DISCIPLINARY ACTION IN THIS STATE.

(2) ANY PROCEEDING TO DENY, SUSPEND, REVOKE, OR PLACE ON PROBATION A LICENSE SHALL BE CONDUCTED PURSUANT TO SECTIONS 24-4-104 AND 24-4-105, C.R.S. ANY PERSON WHOSE LICENSE IS DENIED, SUSPENDED, PLACED ON PROBATION, OR REVOKED SHALL PAY FOR THE COSTS INCURRED IN BRINGING AND CONDUCTING SUCH PROCEEDING.

SECTION 5. 12-10-109, Colorado Revised Statutes, is amended to read:

12-10-109. Fees - boxing cash fund - created. (1) The commission shall establish by rule, promulgated consistent with section 24-4-103, C.R.S., and collect nonrefundable license fees and may establish by rule and collect surcharges and other moneys as the commission deems necessary; except that such fees and surcharges shall not exceed the amount necessary to carry out the provisions of this article.

(2) ~~It is the intent of the general assembly that all direct and indirect costs incurred in the implementation of this article be funded by fees and such other moneys collected by the commission pursuant to subsection (1) of this section. All fees collected by the commission shall be transmitted to the state treasurer, who shall credit the same to the boxing cash fund, which fund is hereby created. All moneys credited to such fund shall be used for the administration and enforcement of this article. All interest derived from the deposit and investment of moneys in the fund shall be credited to the fund. At the end of any fiscal year, all unexpended and unencumbered moneys in the fund shall remain therein and shall not be credited or transferred to the general fund or any other fund.~~ ALL MONEYS COLLECTED UNDER THIS ARTICLE SHALL BE TRANSMITTED TO THE STATE TREASURER, WHO SHALL CREDIT THE SAME TO THE DIVISION OF REGISTRATIONS CASH FUND CREATED IN SECTION 24-34-105, C.R.S., AND THE GENERAL ASSEMBLY SHALL MAKE ANNUAL APPROPRIATIONS PURSUANT TO SAID SECTION FOR EXPENDITURES OF THE BOARD INCURRED IN THE PERFORMANCE OF ITS DUTIES UNDER THIS ARTICLE. SUCH EXPENDITURES SHALL BE MADE FROM SUCH APPROPRIATIONS UPON VOUCHERS AND WARRANTS DRAWN PURSUANT TO LAW.

SECTION 6. Repeal. 24-34-101 (1) (b), Colorado Revised Statutes, is repealed as follows:

24-34-101. Department created - executive director. (1) (b) ~~The office of the executive director of the department of regulatory agencies shall also consist of the office of boxing, the head of which shall be the director of the office of boxing, appointed pursuant to section 12-10-107, C.R.S.~~

SECTION 7. Transfer of appropriation. Any appropriation made in the annual general appropriation act for the fiscal year beginning July 1, 2001, to the department of regulatory agencies, office of the executive director, office of boxing, and any corresponding FTE, are hereby transferred to the department of regulatory agencies, division of registrations, for the implementation of this act.

SECTION 8. Effective date. This act shall take effect July 1, 2002.

SECTION 9. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

Approved: April 25, 2002