

ENROLLED ACT NO. 35, HOUSE OF REPRESENTATIVES

SIXTY-FIRST LEGISLATURE OF THE STATE OF WYOMING  
2012 BUDGET SESSION

AN ACT relating to mixed martial arts; establishing the mixed martial arts board; providing definitions; providing for the appointment of the state mixed martial arts board, inspectors and deputies; specifying duties; requiring reports; providing procedures for licensure; providing for distribution of revenues; providing for contingent repeal of the act as specified; providing penalties; granting rulemaking authority; providing an appropriation; and providing for an effective date.

*Be It Enacted by the Legislature of the State of Wyoming:*

**Section 1.** W.S. 33-48-101 through 33-48-117 are created to read:

CHAPTER 48  
MIXED MARTIAL ARTS REGULATION

**33-48-101. State mixed martial arts board created; appointment; term; rules and regulations; definitions.**

(a) The state board of mixed martial arts is created to implement and administer this chapter.

(b) The board shall consist of three (3) members.

(c) Terms of initial board members shall be staggered with one (1) member serving for one (1) year, one (1) serving for two (2) years and one (1) serving for three (3) years.

(d) The governor shall appoint the members of the board. Except for initial board members as provided under subsection (c) of this section, the term of each member shall be three (3) years. Upon expiration of their terms,

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members of the board shall continue to hold office until the appointment of their successors. No person shall serve as a member of the board for more than two (2) consecutive terms.

(e) A vacancy that occurs for any reason in the membership of the board shall be filled within thirty (30) days by the governor. A person appointed to fill a vacancy shall serve for the unexpired portion of the term.

(f) The governor may remove any member of the board as provided in W.S. 9-1-202 or upon a recommendation of a majority of the board for any reason.

(g) The board shall adopt a seal and shall make rules for the administration of this chapter.

(h) As used in this chapter:

(i) "Board" means the state board of mixed martial arts;

(ii) "Mixed martial arts" means unarmed combat involving the use, subject to any limitations set forth in this chapter or by rule of the board, of a combination of techniques from different disciplines of the martial arts including, without limitation, grappling, submission holds, kicking and striking;

(iii) "Unarmed combat" means any form of competition in which a blow is usually struck which may reasonably be expected to inflict injury.

**33-48-102. State mixed martial arts board; powers and duties; subpoenas; oaths.**

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(a) The board shall keep a full and accurate record of all acts and doings of the board. The board shall prepare for service of notices and other papers as may be necessary and shall have the power to administer oaths and issue subpoenas in all matters pertaining to the administration of the board's duties. Falsely swearing before the board shall be attended by the same consequences and be subject to the same penalties as if the disobedience or false swearing occurred in an action in the district court.

(b) A majority of the board constitutes a quorum for meetings and the transaction of business. The act of the majority of members of the board shall be the act of the board. The board shall meet as often as needed, but not less than four (4) times a year. The meetings shall be held in accordance with W.S. 16-4-401 through 16-4-407. The board shall keep permanent records of its meetings.

(c) Any subpoena issued by the board shall be subject to the following:

(i) The subpoena shall describe the objects required to be produced and shall prescribe a return date within a reasonable period of time within which the objects can be assembled and made available. If any tangible materials subpoenaed are located outside of this state, the person to whom the subpoena is issued shall make the materials available to the board at a convenient location;

(ii) At any time before the return date specified on the subpoena, the person summoned may, in the district court in which the person resides or does business, petition for an order modifying the subpoena, setting aside the subpoena or prohibiting disclosure of specified materials;

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(iii) If any party fails or refuses to obey a subpoena, the attorney general may, upon request of the board and reasonable notice to all affected persons, apply to the district court for an order compelling compliance.

**33-48-103. State mixed martial arts board; per diem; mileage.**

Board members shall receive as compensation the salary, per diem and mileage allowance as allowed to state legislators for each day or portion thereof in which they are engaged in the performance of their duties, payments of the same to be made out of the state mixed martial arts board's appropriation. Provided, that if any state officer is appointed to act as a board member, compensation for the services shall not be reimbursed except for any necessary expenses incurred or paid subject to the submission of appropriate receipts.

**33-48-104. State mixed martial arts board; report to legislature; repeal of chapter.**

(a) The board shall make a full report to the joint travel, recreation, wildlife and cultural resources interim committee of all proceedings during the two (2) years preceding the first day of December before the beginning of the general session of the legislature. The report shall contain a statement of persons, clubs, organizations or corporations issued licenses, the number of licenses revoked, suspended or denied, the gross receipts from each person, club, organization or corporation, and other information and comments in relation to the work of the board as public interest may require.

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(b) If the board raises fees pursuant to W.S. 33-48-108(b) and determines that the money received under this chapter remains insufficient to continue operations, the board shall report that information to the legislature and shall not request any appropriation from the legislature. W.S. 33-48-101 through 33-48-117 are repealed, effective upon adjournment of the first legislative session convened after the date a report under this subsection is made.

**33-48-105. Jurisdiction over mixed martial arts matches and licenses; power of municipalities.**

The board shall have sole direction, management, control of, and jurisdiction over, all mixed martial arts matches to be conducted, held or given within the state. No mixed martial arts match shall be conducted, held or given within the state except pursuant to a license granted by the board and in accordance with the provisions of this chapter and the rules and regulations of the board. Every license shall be subject to such rules as the board may prescribe. The board may, at its discretion, issue and for cause revoke, deny or suspend a license to conduct, hold or give a mixed martial arts match. The board shall have full power and authority to limit the number of mixed martial arts matches to be held or given by any person, club, organization or corporation in this state. No provision of this chapter shall prevent any incorporated city or town from prohibiting by ordinance any mixed martial arts match, provided that no match shall be held other than in compliance with this chapter.

**33-48-106. License application; fee and bond.**

Application for a license to conduct mixed martial arts matches shall be in writing, shall be addressed to the

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board and shall be verified by the individual promoter or by an officer of the club, organization or corporation on whose behalf the application is made. The application shall be accompanied by a fee as established by the board in accordance with W.S. 33-1-201. The application shall show that the club, organization or corporation has been in existence not less than thirty (30) days. Before any license is issued under this chapter to any person, club, organization or corporation, the applicant shall file with the state treasurer a bond in an amount established by the board, not to exceed ten thousand dollars (\$10,000.00), with good and sufficient surety, conditioned for the faithful performance of the conditions of this chapter.

**33-48-107. Report of person, club, organization or corporation; admission fee to be paid.**

(a) Every person, club, organization or corporation which exercises any of the privileges conferred by this chapter shall within seventy-two (72) hours after the determination of every match:

(i) Furnish to the board, or its inspector or deputy, a written report, verified by the individual promoter or an officer of the club, organization or corporation. The report shall show the number of tickets sold for the match, the amount of gross proceeds from the match and other matters as the board may prescribe; and

(ii) Pay to the board a fee of five percent (5%) of its total gross receipts from the sale of tickets of admission and admission fees to any mixed martial arts match.

**33-48-108. Disposition of fees.**

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(a) All money received by the board under this chapter shall be deposited with the state treasurer and credited to the mixed martial arts board account, which is hereby created.

(b) If at any time the board determines that the money received under this chapter is insufficient to continue operations without additional state funding, the board shall increase fees in accordance with W.S. 33-1-201 to the extent required to continue operations. If the board raises fees under this subsection and the money received under this chapter remains insufficient to continue operations, the board shall provide a report to the legislature as specified in W.S. 33-48-104(b).

**33-48-109. Amateur matches.**

Whenever an amateur mixed martial arts match is held by any person, club, organization or corporation, and the match is not for pecuniary profit, the license fee and bond provisions of W.S. 33-48-106, the reporting and fee provisions of W.S. 33-48-107, the presence of a board member and the deputy or inspector provisions of W.S. 33-48-110 shall not apply. The match shall, however, be subject to all other provisions of this chapter and the rules and regulations of the board.

**33-48-110. County inspectors.**

The board shall, after consultation with the county commissioners of the several counties, appoint official representatives designated as inspectors and deputy inspectors for each county. Each inspector and deputy shall receive from the board a card authorizing him to act as an inspector wherever the board may designate him to act. Any board member may, and at least one (1) inspector

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or deputy shall, be present at all matches conducted for pecuniary profit and see that the rules and regulations of the board are strictly observed. An inspector or deputy shall also be present at the counting of the gross receipts and shall immediately mail to the board the written report received by the inspector or deputy from the individual promoter or officer of the club, organization or corporation showing the number of tickets sold, the gross amount of proceeds and other matters as the board may prescribe. The board may establish compensation for, and pay, any inspectors or deputies appointed under this section from fees deposited in the mixed martial arts board account in accordance with W.S. 33-1-202 and this chapter.

**33-48-111. Rules for conduct of matches.**

(a) The board shall promulgate rules and regulations regarding the conduct of matches not inconsistent with this chapter or the unified rules of mixed martial arts adopted by the association of boxing commissions.

(b) No betting or wagering at any mixed martial arts match shall be permitted by any person directly associated with the mixed martial arts match, including the contestants, spectators and members of the club or organization, before, after or during any match, in or around the premises where the match is held. Nothing in this subsection shall be construed to prohibit betting or wagering as may be allowed by law away from the premises where the match is held, or to authorize betting or wagering otherwise prohibited by law.

**33-48-112. Examination by physician.**

Each contestant shall be examined not more than twelve (12) hours prior to a mixed martial arts match by a physician



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who has been licensed to practice in Wyoming and who has been designated by the board. The physician shall certify in writing, over his signature, as to the contestant's physical condition to engage in the match. The physician's compensation shall be provided by the individual promoter or entity unless otherwise agreed.

**33-48-113. Referees.**

No person shall act as a referee to a mixed martial arts match without a certificate granted by the board. The board is authorized to grant certificates to competent referees upon the application and the payment of an annual fee as established by the board in accordance with W.S. 33-1-201 and the board may revoke any certificate granted to any referee for cause as the board may deem sufficient.

**33-48-114. Penalty for contestants violating rules of board.**

(a) In addition to any penalty imposed under W.S. 33-48-117, any contestant who shall be found to be in violation of any rule or regulation of the board shall be penalized as follows:

(i) For the first offense he shall be restrained by order of the board from participating in any mixed martial arts match to be held or given by any person, club, organization or corporation licensed to give or hold any mixed martial arts match for a period of not less than three (3) months nor more than one (1) year at the discretion of the board;

(ii) For a second offense he shall be disqualified from further admission or participation in any mixed martial arts match, held or given by any person,

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club, organization or corporation licensed under this chapter.

**33-48-115. Failure to make reports; unsatisfactory reports; examination of records, officers.**

Whenever any person, club, organization or corporation fails to make a report of any match at the time prescribed by this chapter, or whenever the report is unsatisfactory to the board, the board may examine or cause to be examined, the books and records of the person, club, organization or corporation, and examine under oath its officers and other persons as witnesses for the purpose of determining the total amount of its gross receipts for any match and the amount of monies due pursuant to the provisions of this chapter. The board shall determine the amount due based upon the results of the examination. Should the person, club, organization or corporation fail to pay any monies determined to be due, together with the expenses incurred in making the examination, for a period of twenty (20) days after notice of the amount due by the board, the person, club, organization or corporation shall forfeit its license and shall be disqualified from receiving any new license or any renewal of its license. In addition, the person, club, organization or corporation shall forfeit to the state of Wyoming the bond required to be filed by W.S. 33-48-106, which may be recovered by the attorney general in the name of the state of Wyoming. Appeals of a disqualification under this section may be made as provided in the Wyoming Administrative Procedure Act.

**33-48-116. Weights and classes.**

The weights and classes of mixed martial arts participants and the rules and regulations of mixed martial arts shall

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be the same as the weights and classes and rules and regulations adopted by the association of boxing commissions in the unified rules of mixed martial arts, except as otherwise provided in this chapter.

**33-48-117. Penalty.**

Any person who violates any of the provisions of this chapter shall be deemed guilty of a misdemeanor punishable by imprisonment for not more than six (6) months, a fine of not more than seven hundred fifty dollars (\$750.00), or both.

**Section 2.** There is appropriated ten thousand dollars (\$10,000.00) from the general fund to the mixed martial arts board created by this act for the fiscal period beginning July 1, 2012 and ending June 30, 2013 to establish rules and regulations under this act. Notwithstanding any other provision of law, this appropriation shall not be transferred or expended for any other purpose and any unexpended, unobligated funds remaining from this appropriation shall revert as provided by law on June 30, 2013.

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**Section 3.** This act is effective July 1, 2012.

(END)

\_\_\_\_\_  
Speaker of the House

\_\_\_\_\_  
President of the Senate

\_\_\_\_\_  
Governor

TIME APPROVED: \_\_\_\_\_

DATE APPROVED: \_\_\_\_\_

I hereby certify that this act originated in the House.

\_\_\_\_\_  
Chief Clerk