

STATE OF WISCONSIN
DEPARTMENT OF REGULATION AND LICENSING

IN THE MATTER OF RULE-MAKING : REPORT TO THE LEGISLATURE
PROCEEDINGS BEFORE THE : ON CLEARINGHOUSE RULE 10-102
DEPARTMENT OF REGULATION : (S. 227.19 (3), Stats.)
AND LICENSING :

I. THE PROPOSED RULE:

The proposed rule, including the analysis and text, is attached.

II. REFERENCES TO APPLICABLE FORMS:

New forms are required by these rules. Descriptions of how these new forms may be obtained are embedded within the text of the rule.

III. FISCAL ESTIMATES:

The department finds that this proposed rule will have an impact on the private sector. The department also finds that the proposed rule will have no fiscal impact on the State of Wisconsin or on local units of government due to revenues generated from fees equaling the amount expended to conduct events.

IV. DETAILED STATEMENT EXPLAINING THE BASIS AND PURPOSE OF THE PROPOSED RULE, INCLUDING HOW THE PROPOSED RULE ADVANCES RELEVANT STATURORY GOALS OR PURPOSES:

Pursuant to the passage of 2009 Wisconsin Act 111, these proposed rules create mixed martial arts regulations that reflect current health and safety standards as practiced within the sport.

2009 Wisconsin Act 111 added the regulation of mixed martial arts to chapter 444, Stats., which had been solely devoted to boxing, and required the creation of new administrative rules nuanced to address the sport. A department-approved advisory panel was convened seeking their expertise on this newly emerging sport. The advisory panel consisted of male and female mixed martial arts combatants, referees, judges, gym owners from across the state that train fighters and promote mixed martial arts events and a licensed mixed martial arts ringside physician from a neighboring state. The advisory panel along with department staff met several times in 2010 to draft these proposed rules. The mixed martial arts regulations of several other states were reviewed as well.

V. NOTICE OF PUBLIC HEARING:

A public hearing was held on September 20, 2010. Written Comments were accepted until September 27, 2010.

Ray Yaeger of Wausau, Craig Monyelle of Beloit, and Michael P. Mersch, of Las Vegas, NV presented testimony. Mr. Ivan Hannibal of Madison presented testimony and written comments.

There was no other testimony presented and no further written comments were received.

SUMMARY OF PUBLIC HEARING COMMENTS AND WRITTEN COMMENTS:

Ray Yaeger of Wausau, WI supported the rule. He had two concerns. He proposed adding language regarding spiking an opponent to the canvas on his or her head or neck as a foul and amending RL 195.04(18) (a) to state, “no elbow or forearm strikes at any time.”

Craig Monyelle of Beloit, WI supported the rule but argued that RL 193.14(1), requiring a promoter to apply for a permit no more than 60 calendar days before an event, was too restrictive.

Michael P. Mersch of Las Vegas, NV, an attorney representing UFC Championship, an organization that promotes televised mixed martial arts events across the country, presented testimony. Mr. Mersch supported the rule. He argued for greater clarification of the rules. Specifically, he stated ss. RL 193.01 and RL 193.02, both required bonds but questioned whether a second bond was necessary. He was also concerned that the 60 calendar days permit application period would be too restrictive for promoters.

Ivan Hannibal, of Madison, WI presented testimony and provided written comments in support of the proposed rules. He argued for greater clarification in the rules by defining additional terms such as, manager, matchmaker, judge, referee, timekeeper, trainer, purse, and bout agreement. He was also concerned about distinguishing persons acting in dual roles such as should managers who also act as seconds be licensed as seconds and further clarification of promoters acting as managers.

DEPARTMENT RESPONSE TO PUBLIC HEARING COMMENTS AND WRITTEN COMMENTS:

After reviewing the public hearing comments and the written comments, the department made the following changes to the proposed rules:

Section RL 193.14(1) was amended by increasing the number of days that a promoter may apply for a permit from 60 calendar days to 90 calendar days.

The amount of the bond in s. RL 193.01 was reduced from \$25,000 to \$10,000 and the language in s. RL 193.02 regarding the second bond was amended to require promoters provide proof of having complied with RL 193.01. In short, one bond is now required. The proposed rules were reviewed in their entirety for other redundant provisions. When duplicative language was found it was deleted.

The advisory council was reconvened by the department seeking direction on the suggestions received via public comments. Section RL195.04, regarding fouls, was discussed and a sentence was added to s. RL 195.04(18) (a) allowing elbow strikes to the limbs. Also, the word “body” was deleted and the word “torso” was inserted. Consideration was given as to whether additional terms should be added to the definitions section. However, it was concluded additional terms were unnecessary. Also, s. RL 193.10 requiring a trainer’s license was deleted.

VI. RESPONSE TO LEGISLATIVE COUNCIL STAFF RECOMMENDATIONS:

Comment 1. s. Section RL 193.10 (1) requires a \$10 licensing fee for trainers at mixed martial arts events and cites s. 444.11, Stats., as authority for this fee but that particular statutory provision does not appear to create a licensing fee for trainers.

Response: RL 193.10 was deleted.

Comment 2. (a). References to the law in adjacent states are not informative without comparing and contrasting the Wisconsin provisions and those in the adjacent states.

Response: The plain language analysis was updated by deleting irrelevant language and adding a brief summary.

Comment 4.(b). Section RL 193.14 (1) (g) cites s. 444.01 (1r), Stats., as authority but there is no such statutory provision.

Response: The reference in s. RL 193.14 (1) (g) to s. 444.01 (1r), Stats., was changed to 444.01(1j) Stats.

Comment 5.(a). It is unclear how the requirement in s. RL 193.14 (3) works with the bond requirements in ss. RL 193.01 and 193.02.

Response: The bond in RL 193.14 (3) was deleted. The language in RL 193.02 was amended to require promoters to provide proof of having complied with RL 193.01.

Comment 5.(d). May the eye examination in s. RL 193.05 (2) (b) 4. be conducted by an optometrist? [See subd. 5. a.]

Response: Yes, optometrists and ophthalmologists were added to the pertinent provision of s. RL 193.05(2).

All of the other recommendations in the clearinghouse report were accepted and incorporated into the final draft of the proposed rule.

VII. FINAL REGULATORY FLEXIBILITY ANALYSIS:

These proposed rules will have no significant economic impact on small businesses, as defined in s. 227.114(1), Stats.