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BILL



ANALYSIS

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Senate Bill 808 (as introduced 11-9-11)
Sponsor: Senator Dave Robertson
Committee: Regulatory Reform

Date Completed: 6-7-12

CONTENT

The bill would amend the Michigan Unarmed Combat Regulatory Act to do the following:

- Rename the Act the "Michigan Boxing and Mixed Martial Arts Regulatory Act"; rename the Michigan Unarmed Combat Commission the "Michigan Boxing and Mixed Martial Arts Commission"; and rename the Michigan Unarmed Combat Fund the "Boxing and Mixed Martial Arts Fund".
- Establish the Commission as an autonomous agency within the Department of Licensing and Regulatory Affairs (LARA) and require it to exercise its powers and functions independently of LARA except for budget, procurement, human resources, information technology, and related administrative functions.
- Require LARA to provide suitable offices, facilities, equipment, staff, and supplies for the Commission in Lansing.
- Require the Governor to appoint an executive director as the administrator of the Commission, with the advice and consent of the Senate; provide that the executive director would be a full-time Commission employee, but not a member of the State Classified Civil Service; and require the executive director to report directly to the Governor.
- Require the Commission to employ an administrative assistant for the executive director and specify that he or she would be a full-time Commission employee.
- Specify that the executive director, rather than the LARA Director, would serve as a nonvoting ex officio member of the Commission.
- Require four members of the Commission to have experience, knowledge, or background in boxing, and four to have experience, knowledge, and background in mixed martial arts, rather than requiring four to be licensees in boxing and four to be licensees in mixed martial arts.
- Allow the Commission, rather than the LARA Director, to promulgate rules for the administration of the Act, and specify that rules in effect on the bill's effective date would remain in effect until rescinded or otherwise changed by law.
- Allow the Commission to use money in the Fund to reimburse LARA for the reasonable costs of services provided to the Commission (in addition to reimbursing the Attorney General for the reasonable costs of services, as currently authorized).
- Specify that the Commission would be the administrator of the Fund for auditing purposes.
- Specify that the Commission, rather than the Commission and LARA, would be vested with management, control, and jurisdiction over all professional boxing and professional mixed martial arts contests or exhibitions in Michigan.
- Provide that the Commission, rather than LARA, could conduct an investigation to enforce the Act's prohibition against an individual's engaging in or attempting to engage in an activity regulated under the Act without a license, unless he or she is exempt from licensure under the Act.

- Require a promoter's bond submitted to hold a contest or exhibition to be in an amount fixed by the Commission, rather than at least \$20,000; and prohibit the Commission from requiring a bond with a principal amount that exceeded 5% of the total purse or \$20,000, whichever was less.
- Require the regulatory and enforcement fee that promoters of certain events must pay to be 3% of the total gross receipts of revenue from broadcast, television, or motion picture rights or \$100,000 per contract, whichever was less, rather than 3% of those receipts but not to exceed \$25,000.
- Apply the regulatory and enforcement fee to boxing events located in a venue with a seating capacity of more than 2,000 spectators, rather than more than 5,000 spectators.
- Require a complaint alleging a violation of the Act to be submitted to the Commission, rather than LARA.
- Authorize the Commission, rather than LARA, to conduct investigations and hold hearings on alleged violations of the Act, and to take disciplinary actions after an investigation.
- Delete a requirement that a promoter furnish a seat in the area immediately adjacent to a contest or exhibition to each Commission member present at a contest or exhibition.
- Require the Commission, within one year after the bill's effective date, to issue an equivalent license without an examination to any person who is licensed in any capacity by LARA on the bill's effective date and who applied for an equivalent license on a form provided by the Commission.
- Specify that information received, prepared, used, or retained by the Commission would not be subject to the Freedom of Information Act if it included a trade secret or commercial, financial, or proprietary information of a licensee or license applicant who requested in writing that the Commission treat it as confidential.

MCL 338.3601 et al.

Legislative Analyst: Patrick Affholter

FISCAL IMPACT

The bill would have an indeterminate fiscal impact on the Department of Licensing and Regulatory Affairs. The bill would increase both costs and revenue to the Department, but it is not known at this time whether the increased revenue or increased costs would be greater.

The bill would create the executive director position for the Unarmed Combat Commission. The director would be a full-time unclassified employee. It is unknown what the compensation for the director would be, but it would be reasonable to estimate that between salary, benefits, and other employment costs, this position would cost the Department approximately \$125,000 to \$175,000 annually. The bill also would require the Commission to employ an administrative assistant to the director. If a new employee were hired for the position, it would be reasonable to estimate the position to cost the Department approximately \$50,000 to \$70,000. If existing staff could be reassigned for the position, the cost could be reduced or eliminated.

The bill also would increase the upper limit of the regulatory and enforcement fee from \$25,000 to \$100,000. This would likely result in additional revenue that would be credited to the Boxing and Mixed Martial Arts Fund. It is unknown at this time how much additional revenue would be raised by the increased fee limit, but if three to four boxing or mixed martial arts events each year grossed enough revenue to trigger the new limit, any additional costs to the Department caused by the bill would be covered by the additional revenue.

Fiscal Analyst: Josh Sefton

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.