

ASSEMBLY BILL NO. 467—ASSEMBLYMEN GOLDWATER,
BUCKLEY, KOIVISTO AND PERKINS

MARCH 10, 1999

JOINT SPONSORS: SENATORS CARLTON, COFFIN, JAMES,
PORTER, SCHNEIDER, SHAFFER AND TITUS

Referred to Committee on Judiciary

SUMMARY—Revises provisions relating to unarmed combat. (BDR 41-1300)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State or on Industrial Insurance: Yes.

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EXPLANATION – Matter in ***bolded italics*** is new; matter between brackets ~~[omitted material]~~ is material to be omitted.

AN ACT relating to unarmed combat; requiring the Nevada athletic commission to maintain certain records; declaring confidential certain information submitted to the commission; authorizing the commission to grant limited, restricted or conditional licenses; revising the provisions relating to applications for licenses; authorizing the commission to take disciplinary actions against certain persons; revising the powers of the commission relating to hearings; prohibiting perjury; providing a penalty; and providing other matters properly relating thereto.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE
AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 **Section 1.** Chapter 467 of NRS is hereby amended by adding thereto
2 a new section to read as follows:

3 ***1. The commission shall maintain a file of all applications for***
4 ***licenses pursuant to this chapter and a record of all actions taken with***
5 ***respect to those applications. The file and record are open to public***
6 ***inspection.***

7 ***2. The commission may maintain such other files and records as it***
8 ***may deem desirable.***

9 ***3. Except as otherwise provided in this subsection, all information***
10 ***and***

data:

1 (a) Required by the commission to be furnished to it pursuant to this
2 chapter or which may be otherwise obtained relating to the finances,
3 earnings or revenue of any applicant or licensee;

4 (b) Pertaining to the medical record or criminal record of the
5 applicant and any background regarding the applicant that has been
6 furnished to or obtained by the commission from any source; or

7 (c) Provided to a member, agent, employee or representative of the
8 commission by a governmental agency or an informer or on the
9 assurance that the information would be held in confidence and treated
10 as confidential,

11 are confidential and may be revealed in whole or in part only in the
12 course of the necessary administration of this chapter or upon the lawful
13 order of a court of competent jurisdiction. The commission may reveal
14 such information and data to an authorized agent of any agency of the
15 Federal Government, a state, a political subdivision of a state or the
16 government of a foreign country. Notwithstanding any other provision of
17 state law, such information may not be otherwise revealed without
18 specific authorization by the commission.

19 4. A person seeking an order of a court of competent jurisdiction for
20 the disclosure of information or data described in subsection 3 must
21 submit a motion in writing to the court requesting the information or
22 data. At least 10 days before submitting the motion, the person must
23 provide notice to the commission, the attorney general and all persons
24 who may be affected by the disclosure of the information or data. Such
25 notice must:

26 (a) Include, without limitation, a copy of the motion and all
27 documents in support of the motion that are to be filed with the court;
28 and

29 (b) Be delivered in person or by certified mail to the last known
30 address of each person to whom notice must be provided.

31 **Sec. 2.** NRS 467.100 is hereby amended to read as follows:

32 467.100 1. All contestants, promoters, managers, seconds, trainers
33 and ring officials must be licensed by the commission. No person may
34 participate, directly or indirectly, in any professional contest or exhibition
35 of unarmed combat unless he has first procured a license from the
36 commission.

37 2. The commission may deny an application for a license or grant a
38 limited, restricted or conditional license for any cause deemed sufficient
39 by the commission.

40 3. An application for a license constitutes a request for a
41 determination of the applicant's general suitability, character, integrity,
42 and ability to participate or engage in, or be associated with contests or
43 exhibitions of unarmed combat. The burden of proof is on the applicant

1 *to establish to the satisfaction of the commission that the applicant is*
2 *qualified to receive a license. By filing an application with the*
3 *commission, an applicant accepts the risk of adverse public notice,*
4 *embarrassment, criticism, financial loss or other action with respect to*
5 *his application, and expressly waives any claim for damages as a result*
6 *thereof. Any written or oral statement that is made by any member of the*
7 *commission or any witness testifying under oath which is relevant to the*
8 *application and investigation of the applicant is absolutely privileged and*
9 *does not impose liability for defamation or constitute a ground for*
10 *recovery in a civil action.*

11 *4. After an application has been submitted to the commission, the*
12 *application may not be withdrawn unless the commission consents to the*
13 *withdrawal.*

14 *5. The commission may require an applicant to pay any costs related*
15 *to an investigation conducted pursuant to this section, and may, when*
16 *deemed appropriate by the commission, require a deposit of money by an*
17 *applicant in advance for such costs.*

18 *6. The commission shall fix a uniform scale of license fees.*

19 ~~13.1~~ *7. It is a violation of this chapter for any person to participate,*
20 *directly or indirectly, as stated in subsection 1, unless he has been granted*
21 *a license therefor.*

22 **Sec. 3.** NRS 467.110 is hereby amended to read as follows:

23 467.110 1. The commission may suspend or revoke the license of,
24 otherwise discipline, or take any combination of such actions against any
25 contestant, promoter, ring official or other participant who, in the judgment
26 of the commission:

27 (a) Enters into a contract for a contest or exhibition of unarmed combat
28 in bad faith;

29 (b) Participates in any sham or fake contest or exhibition of unarmed
30 combat;

31 (c) Participates in a contest or exhibition of unarmed combat pursuant
32 to a collusive understanding or agreement in which the contestant
33 competes in or terminates the contest or exhibition in a manner that is not
34 based upon honest competition or the honest exhibition of the skill of the
35 contestant;

36 (d) Is guilty of a failure to give his best efforts, a failure to compete
37 honestly or a failure to give an honest exhibition of his skills in a contest or
38 exhibition of unarmed combat; ~~or~~

39 (e) Is guilty of an act or conduct that is detrimental to a contest or
40 exhibition of unarmed combat, including, but not limited to, any foul or
41 unsportsmanlike conduct in connection with a contest or exhibition of
42 unarmed combat ~~or~~ ; *or*

1 *(f) Fails to comply with any limitation, restriction or condition placed*
2 *on his license.*

3 2. The commission may refuse to issue a license to an applicant who
4 has committed any of the acts described in subsection 1.

5 **Sec. 4.** NRS 467.115 is hereby amended to read as follows:

6 467.115 1. The commission, or a quorum of three members thereof,
7 may ~~issue subpoenas in connection with investigations requiring~~ :

8 *(a) Issue subpoenas to require* the attendance and testimony of ~~for the~~
9 ~~production of books and papers by any~~ *a* licensee or other person whom
10 the commission believes to have information ~~[, books or papers]~~ of
11 importance to ~~[it in making the investigation.]~~ *the committee;*

12 *(b) Issue subpoenas duces tecum to require the production of books*
13 *and papers by a licensee or other person whom the commission believes*
14 *to have books or papers of importance to the commission;*

15 *(c) Administer oaths and require testimony under oath;*

16 *(d) Appoint hearing examiners who may administer oaths and receive*
17 *evidence and testimony under oath; and*

18 *(e) Pay such transportation and other expenses of witnesses as it may*
19 *deem reasonable and proper.*

20 2. *Service of process or notice required pursuant to this section must*
21 *be served in the manner provided for service of process and notices in*
22 *civil actions.*

23 3. *A person making false oath in a matter before the commission or*
24 *a hearing examiner is guilty of perjury which is a category D felony and*
25 *shall be punished as provided in NRS 193.130.*

26 **Sec. 5.** The amendatory provisions of this act do not apply to offenses
27 that were committed before the effective date of this act.

28 **Sec. 6.** This act becomes effective upon passage and approval.