

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 keep certain information confidential; 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 a
2 new section to read as follows:
3 ***1. Except as otherwise provided in subsection 2, the commission***
4 ***shall keep confidential:***
5 ***(a) Any information that it receives concerning an applicant for the***
6 ***issuance of a license pursuant to this chapter which is declared***
7 ***confidential by law and that is provided to the commission by another***
8 ***governmental entity; and***
9 ***(b) Any information contained in a medical record of such an***
10 ***applicant, if the information is not relevant to the commission in***
11 ***determining whether to grant a license to the applicant.***

1 2. *The commission shall reveal the information set forth in*
2 *subsection 1:*

- 3 (a) *Upon the lawful order of a court of competent jurisdiction;*
4 (b) *To any person upon the request of the person who is the subject of*
5 *the information; and*
6 (c) *In the course of the necessary administration of this chapter.*

7 3. *A person seeking an order of a court of competent jurisdiction for*
8 *the disclosure of information described in subsection 1 must submit a*
9 *motion in writing to the court requesting the information. At least 10*
10 *days before submitting the motion, the person must provide notice to the*
11 *commission, the attorney general and all persons who may be affected by*
12 *the disclosure of the information. Such notice must:*

13 (a) *Include, without limitation, a copy of the motion and all*
14 *documents in support of the motion that are to be filed with the court;*
15 *and*

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

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

19 467.100 1. All contestants, promoters, managers, seconds, trainers
20 and ring officials must be licensed by the commission. No person may
21 participate, directly or indirectly, in any professional contest or exhibition
22 of unarmed combat unless he has first procured a license from the
23 commission.

24 2. *The commission may deny an application for a license or grant a*
25 *limited, restricted or conditional license for any cause deemed sufficient*
26 *by the commission.*

27 3. *An application for a license constitutes a request for a*
28 *determination of the applicant's general suitability, character, integrity,*
29 *and ability to participate or engage in, or be associated with contests or*
30 *exhibitions of unarmed combat. The burden of proof is on the applicant*
31 *to establish to the satisfaction of the commission that the applicant is*
32 *qualified to receive a license. By filing an application with the*
33 *commission, an applicant accepts the risk of adverse public notice,*
34 *embarrassment, criticism, financial loss or other action with respect to*
35 *his application, and expressly waives any claim for damages as a result*
36 *thereof. Any written or oral statement that is made by any member of the*
37 *commission or any witness testifying under oath which is relevant to the*
38 *application and investigation of the applicant is absolutely privileged and*
39 *does not impose liability for defamation or constitute a ground for*
40 *recovery in a civil action.*

41 4. *After an application has been submitted to the commission, the*
42 *application may not be withdrawn unless the commission consents to the*
43 *withdrawal.*

1 **5.** The commission shall fix a uniform scale of license fees.

2 ~~{3-}~~ **6.** In addition to the license fees required by subsection ~~{2-}~~ **5**, the
3 commission may require an applicant for a license to:

4 (a) Pay the costs of the proceedings associated with the issuance of the
5 license, including , *without limitation*, investigative costs and attorney's
6 fees; and

7 (b) Deposit with the commission such an amount of money as the
8 commission deems necessary to pay for those costs. If any amount required
9 to be deposited pursuant to this paragraph exceeds the actual cost of the
10 proceedings, including , *without limitation*, investigative costs and
11 attorney's fees, the commission shall refund the excess amount to the
12 applicant upon the completion of the proceedings.

13 ~~{4-}~~ **7.** It is a violation of this chapter for any person to participate,
14 directly or indirectly, as stated in subsection 1, unless he has been granted a
15 license therefor.

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

17 467.110 1. The commission may suspend or revoke the license of,
18 otherwise discipline, or take any combination of such actions against any
19 contestant, promoter, ring official or other participant who, in the judgment
20 of the commission:

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

23 (b) Participates in any sham or fake contest or exhibition of unarmed
24 combat;

25 (c) Participates in a contest or exhibition of unarmed combat pursuant to
26 a collusive understanding or agreement in which the contestant competes in
27 or terminates the contest or exhibition in a manner that is not based upon
28 honest competition or the honest exhibition of the skill of the contestant;

29 (d) Is guilty of a failure to give his best efforts, a failure to compete
30 honestly or a failure to give an honest exhibition of his skills in a contest or
31 exhibition of unarmed combat; ~~{or}~~

32 (e) Is guilty of an act or conduct that is detrimental to a contest or
33 exhibition of unarmed combat, including, but not limited to, any foul or
34 unsportsmanlike conduct in connection with a contest or exhibition of
35 unarmed combat ~~{-}~~ ; *or*

36 ~~{f}~~ ***(f) Fails to comply with any limitation, restriction or condition placed***
37 ***on his license.***

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

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

41 467.115 **1.** The commission, or a quorum of three members thereof,
42 may ~~{issue subpoenas in connection with investigations requiring}~~ :

- 1 ***(a) Issue subpoenas to require*** the attendance and testimony of ~~for the~~
2 ~~production of books and papers by any~~ ***a*** licensee or other person whom
3 the commission believes to have information ~~[, books or papers]~~ of
4 importance to ~~[it in making the investigation.]~~ ***the committee;***
5 ***(b) Issue subpoenas duces tecum to require the production of books***
6 ***and papers by a licensee or other person whom the commission believes***
7 ***to have books or papers of importance to the commission;***
8 ***(c) Administer oaths and require testimony under oath;***
9 ***(d) Appoint hearing examiners who may administer oaths and receive***
10 ***evidence and testimony under oath; and***
11 ***(e) Pay such transportation and other expenses of witnesses as it may***
12 ***deem reasonable and proper.***
13 ***2. Service of process or notice required pursuant to this section must***
14 ***be served in the manner provided for service of process and notices in***
15 ***civil actions.***
16 ***3. A person making false oath in a matter before the commission or***
17 ***a hearing examiner is guilty of perjury which is a category D felony and***
18 ***shall be punished as provided in NRS 193.130.***
19 **Sec. 5.** The amendatory provisions of this act do not apply to offenses
20 that were committed before the effective date of this act.
21 **Sec. 6.** This act becomes effective upon passage and approval.