By: Eddie Lucio, Jr. S.B. No. 34

A BILL TO BE ENTITLED

AN ACT

relating to the prohibition of elimination tournaments; providing penalties.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1.001. Subsection 2052.002 (6), Occupations Code, is amended to read as follows:

(6) "Elimination tournament" means a [~~boxing contest in which elimination tournament contestants compete in a series of matches until not more than one contestant remains in any weight category~~] competition or exhibition in which contestants or participants who have no professional experience participate in one or more matches by boxing, wrestling, kicking, or using martial arts techniques. The term does not include a boxing event described by Section 2052.110.

SECTION 1.002. Section 2052.101, Occupations Code, is amended to read as follows:

Section 2052.101. BOXING PROMOTER LICENSE. A person may not act as a boxing promoter [~~or an elimination tournament boxing promoter~~] unless the person holds a license issued under this chapter.

SECTION 1.003. Section 2052.110 (2), Occupations Code, is amended to read as follows:

Section 2052.110 (2). LICENSE AND BONDING EXCEPTIONS.

(2) an event conducted by a nonprofit amateur athletic association chartered under the law of this state[~~, including a membership club affiliated with the association located within this state and~~] that is recognized by the executive director, including a membership club affiliated with the association located within this state;

SECTION 1.004. Section 2052.151 (a)(1), Occupations Code, is amended to read as follows:

Section 2052.151. IMPOSITION AND RATE OF TAX

(a) A tax is imposed on a person who:

(1) conducts a boxing event [~~, including an elimination tournament,~~] in which a fee is charged for admission to the event;

SECTION 1.005. The Heading of Subchapter E, Section 2052.201, Occupations Code, is amended to read as follows:

SUBCHAPTER E. [~~REGULATION OF~~] ELIMINATION TOURNAMENTS

SECTION 1.006. Section 2052.201 is amended to read as follows:

Section 2052.201, ELIMINATION TOURNAMENTS PROHIBITED [~~GENERAL RULES~~]

(a) An elimination tournament may not [~~only~~] be held in this state [~~conducted as a one or two night event~~]. Notwithstanding the above, this section does not preclude kickboxing, mixed martial arts, shoot wrestling/fighting, or Pancrase wrestling/fighting as regulated by this chapter or commission rules.

(b) Promoting an elimination tournament conducted in this state is a violation of this chapter.

(c) Participating in an elimination tournament conducted in this state is a violation of this chapter.

[~~(b) An elimination tournament match consists of three rounds of not more than 90 seconds per round with an interval of at least one minute between rounds.~~

~~(c) The standing-eight-count and the three-knock-down rules apply to an elimination tournament.~~

~~(d) An elimination tournament contestant must be randomly matched with an opponent in the same weight category as the contestant during the preliminary round of an elimination tournament.~~]

SECTION 1.007. Section 2052.251 is amended to read as follows:

Section 2052.251. BOXING GLOVES. A boxing event contestant [~~, other than an elimination tournament contestant under Subchapter E,~~] shall wear eight-ounce boxing gloves, unless the commission by rule requires or permits a contestant to wear heavier gloves.

SECTION 1.008. Section 2052.252 (a) is amended to read as follows:

Section 2052.252. CERTAIN AMATEUR EVENTS.

(a) This section applies to an amateur boxing event, other than an event described by Section 2052.110 (2), (3), (4), or (5) [~~or an elimination tournament subject to Subchapter E,~~] in

which a fee is charged for admission to the event.

SECTION 1.009. Section 2052.303 is amended to read as follows:

Section 2052.303. CIVIL PENALTY; INJUNCTION.

(a) Except as provided in Subsection (b) below, a [~~A~~] court may assess a civil penalty against a person who violates this chapter or a rule adopted under this chapter. The amount of the penalty assessed under this subsection may not exceed $1,000 for each violation.

(b) A court may assess a civil penalty against a person who violates Subsection 2052.201 (b), or a rule adopted under that subsection. The amount of the penalty assessed under this subsection may not exceed $50,000 for each violation.

[~~(b)~~] (c) The attorney general or the department may file a civil suit to:

(1) assess and recover a civil penalty under Subsections (a) or (b); or

(2) enjoin a person who violates or threatens to violate this chapter or a rule adopted under this chapter from continuing the violation or threat.

[~~(c)~~] (d) Venue for a suit filed under Subsection ([b]c) is in a district court in Travis County.

[~~(d)~~] (e) A civil penalty assessed under this section shall be paid to this state.

SECTION 1.010. Section 2052.309 is amended to read as follows:

Section 2052.309. CRIMINAL OFFENSE.

(a) Except as provided in Subsection (c) below, a [~~A~~] person commits an offense if the person violates this chapter or a rule adopted under this chapter.

(b) An offense under [~~this section~~] subsection (a) is a Class A misdemeanor.

(c) A person commits an offense if the person violates Subsection 2052.201 (b) of this chapter, or a rule adopted under that subsection.

(d) An offense under subsection (c) is a second degree felony.

SECTION 1.011. The following sections of the Occupations Code are repealed:

(1) Section 2052.002, Subdivisions (3),(7),(8),(12), and(15);

(2) Section 2052.103, Occupations Code;

(3) Section 2052.104, Occupations Code;

(4) Section 2052.202, Occupations Code;

(5) Section 2052.203, Occupations Code;

(6) Section 2052.204, Occupations Code;

(7) Section 2052.205, Occupations Code;

(8) Section 2052.206, Occupations Code; and,

(9) Section 2052.207, Occupations Code.

SECTION 2. This article takes effect September 1, 2003, if it receives a vote of two thirds of all the members elected to each

house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary to take effect on that date, this Act takes effect on November 1, 2003.

S.B. No. 34 By Lucio

A BILL TO BE ENTITLED

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7-7-03 Filed with the Secretary of the Senate

JUL 0 8 2003 Read and referred to Committee on BUSINESS AND COMMERCE

_____ Reported favorably _____

_____ Reported adversely, with favorable Committee Substitute; Committee Substitute read first time.

_____ Ordered not printed

_____ Laid before the Senate

_____ Senate and Constitutional Rules to permit consideration suspended by: { unanimous consent / ____ yeas, ____ nays

_____ Read second time, _____, and ordered engrossed by: { unanimous consent / a viva voce vote / ____ yeas, ____ nays

_____ Senate and Constitutional 3 Day Rule suspended by a vote of ____ yeas, ____ nays.

_____ Read third time, _____, and passed by: { A viva voce vote / ____ yeas, ____ nays

_____
SECRETARY OF THE SENATE

OTHER ACTION:

_____ Engrossed

_____ Sent to House

Engrossing Clerk _____

_____ Received from the Senate

_____ Read first time and referred to Committee on _____

_____ Reported ____favorably (as amended) (as substituted)

_____ Sent to Committee on (Calendars) (Local & Consent Calendars)

_____ Read second time (comm. subst.) (amended); passed to third reading (failed) by a (non-record vote) (record vote of ____ yeas, ____ nays, ____ present, not voting)

_____ Constitutional rule requiring bills to be read on three several days suspended (failed to suspend) by a vote of ____ yeas, ____ nays, ____ present, not voting.

_____ Read third time (amended); finally passed (failed to pass) by a (non-record vote) (record vote of ____ yeas, ____ nays, ____ present, not voting)

_____ Returned to Senate.

_____
CHIEF CLERK OF THE HOUSE

_____ Returned from House without amendment.

_____ Returned from House with ____ amendments.

_____ Concurred in House amendments by a viva voce vote ____ yeas, ____ nays.

_____ Refused to concur in House amendments and requested the appointment of a Conference Committee to adjust the differences.

_____ Senate conferees instructed.

_____ Senate conferees appointed: _____, Chairman; _____

_____, _____, and _____

_____ House granted Senate request. House conferees appointed: _____ , Chairman;

_____ , _____ , _____ .

_____ Conference Committee Report read and filed with the Secretary of the Senate.

_____ Conference Committee Report adopted on the part of the House by: _____

{ a viva voce vote
{ _____ yeas, _____ nays

_____ Conference Committee Report adopted on the part of the Senate by:

{ a viva voce vote
{ _____ yeas, _____ nays

OTHER ACTION:

_____ Recommitted to Conference Committee

_____ Conferees discharged.

_____ Conference Committee Report failed of adoption by: _____

{ a viva voce vote
{ _____ yeas, _____ nays