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Office of the Governor of Guam

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Felix P. Camacho
Governor

Michael W. Cruz, M.D.
Lieutenant Governor

16 JUL 2009

The Honorable Judith T. Won Pat, Ed.D.
Speaker
Mina' Trenta Na Liheslaturan Guåhan
155 Hessler Street
Hagåtña, Guam 96910

2009 JUL 17 AM 9:33 AM

Dear Speaker Won Pat:

Transmitted herewith is Bill No. 23(LS) "AN ACT TO REPEAL CHAPTER 41 OF TITLE 22, GUAM CODE ANNOTATED, RELATIVE TO THE GUAM BOXING AND WRESTLING COMMISSION; TO ADD A NEW CHAPTER 7 TO TITLE 11, GUAM CODE ANNOTATED, RELATIVE TO "UNARMED COMBAT" AND ESTABLISHING THE GUAM UNARMED COMBAT COMMISSION; AND TO CITE THIS ACT AS THE "GUAMUNARMED COMBAT COMMISSION ACT OF 2009"" which I signed into law on July 14, 2009 as **Public Law 30-45**.

Sinseru yan Magåhet,

MICHAEL W. CRUZ, M.D.
I Maga'låhen Guåhan, para pa'go
Acting Governor of Guam

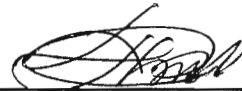
Attachment: copy of Bill

30-69-0869
Office of the Speaker
Judith T. Won Pat, Ed. D.
Date _____
Time _____
Received by _____

I MINA'TRENTA NA LIHESLATURAN GUÅHAN
2009 (FIRST) Regular Session

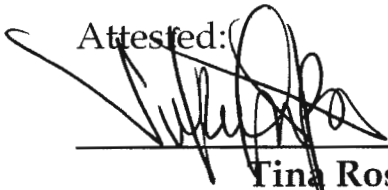
CERTIFICATION OF PASSAGE OF AN ACT TO I MAGA'LAHEN GUÅHAN

This is to certify that **Substitute Bill No. 23 (LS)**, "AN ACT TO *REPEAL* CHAPTER 41 OF TITLE 22, GUAM CODE ANNOTATED, RELATIVE TO THE GUAM BOXING AND WRESTLING COMMISSION; TO *ADD* A NEW CHAPTER 7 TO TITLE 11, GUAM CODE ANNOTATED, RELATIVE TO "UNARMED COMBAT" AND ESTABLISHING THE GUAM UNARMED COMBAT COMMISSION; AND TO CITE THIS ACT AS THE "*GUAM UNARMED COMBAT COMMISSION ACT OF 2009*"," was on the 2nd day of July 2009, duly and regularly passed.



Judith T. Won Pat, Ed. D.
Speaker

Attested:



Tina Rose Muña Barnes
Senator and Legislative Secretary

.....

This Act was received by *I Maga'lahaen Guåhan* this 2 day of July, 2009, at 4:30 o'clock P.M.



Assistant Staff Officer
Maga'lahaen's Office

APPROVED:



MIKE W. CRUZ, MD
GOVERNOR OF GUAM ACTING

Date:

07.14.09

Public Law No. 30-45

I MINA'TRENTA NA LIHESLATURAN GUÅHAN
2009 (FIRST) Regular Session

Bill No. 23 (LS)

As substituted by the Committee
on Municipal Affairs, Aviation,
Housing and Recreation, and further
substituted and amended on the Floor.

Introduced by:

J. V. Espaldon
T. R. Muña Barnes
Adolpho B. Palacios, Sr.
T. C. Ada
F. B. Aguon, Jr.
F. F. Blas, Jr.
E. J.B. Calvo
B. J.F. Cruz
Judith P. Guthertz, DPA
v. c. pangelinan
M. J. Rector
R. J. Respicio
Telo Taitague
Ray Tenorio
Judith T. Won Pat, Ed.D.

**AN ACT TO *REPEAL* CHAPTER 41 OF TITLE 22, GUAM
CODE ANNOTATED, RELATIVE TO THE GUAM BOXING
AND WRESTLING COMMISSION; TO *ADD* A NEW
CHAPTER 7 TO TITLE 11, GUAM CODE ANNOTATED,
RELATIVE TO “UNARMED COMBAT” AND
ESTABLISHING THE GUAM UNARMED COMBAT
COMMISSION; AND TO CITE THIS ACT AS THE “*GUAM
UNARMED COMBAT COMMISSION ACT OF 2009*”.**

- 1 §7105. *Promoter* defined.
2 §7106. *Purse* defined.
3 §7107. *Ring Official* defined.
4 §7108. *Sanctioning Organization* defined.
5 §7109. *Unarmed Combat* defined.
6 §7110. *Unarmed Combatant* defined.

7 **Article 2**

8 **MEDICAL ADVISORY BOARD**

- 9 §7200. Creation; Chairman; Terms.
10 §7201. Qualifications of Members.
11 §7202. Duties.

12 **Article 3**

13 **GUAM UNARMED COMBAT COMMISSION**

- 14 §7300. Creation; Number, Composition and Appointment of Members;
15 Quorum; Prohibitions Concerning Contests and Exhibitions.
16 §7301. Chairman; Seal; Rules and Regulations; Form of Contracts.
17 §7302. Employment of Executive Secretary; Deposit of Money in
18 Guam Unarmed Combat Commission Fund.
19 §7303. Inspectors: Appointment; Duties; Promotion or Sponsoring of
20 Professional Contest *or* Exhibition Prohibited.
21 §7304. Compensation of Members of Commission and other
22 Employees of Commission; Classification of Executive
23 Secretary.
24 §7305. Authority to Affiliate with Other State *or* National Boxing
25 Commission or Athletic Authority.

1 **Article 4**

2 **LICENSING AND CONTROL OF CONTESTS AND EXHIBITIONS OF**
3 **UNARMED COMBAT**

4 §7400. Jurisdiction of Commission.

5 §7401. License for Contest *or* Exhibition Where Admission Fee
6 Received; Application for License; Fee; Limited, Restricted *or*
7 Conditional License; Bond *or* Deposit; Unarmed Combat
8 Commission's Agency Account; Additional Deposit;
9 Exceptions.

10 §7402. Licenses for Contestant, Promoter, Manager, Trainer, Ring
11 Official and Others; Application for License; Submission of
12 Clearances; Withdrawal of Application; Uniform Scale of Fees;
13 Payment of Costs of Proceedings.

14 §7403. Confidentiality of Certain Information Concerning Applicant
15 for License; Disclosure of Information; Procedure.

16 §7404. Application for License to Include Social Security Number of
17 Applicant.

18 §7405. Permit for Promoter to Present Program; Limited, Restricted *or*
19 Conditional Permit; Fees; Exceptions.

20 §7406. Additional Fees for License of Promoter; Exemption;
21 Regulations.

22 §7407. Time for Report to Commission and Payment of Additional
23 Fees by Promoter.

24 §7408. Suspension, Revocation and Other Disciplining of Contestant
25 and Other Participants; Grounds for Refusal to Issue License.

- 1 §7409. Hearing by Member of Commission; Notice of Disciplinary
2 Hearing; Approval of Adjudication and Order by Majority of
3 Commission; Distribution of Written Report.
- 4 §7410. Commission May Issue Subpoenas, Administer Oaths, Appoint
5 Hearing Examiners and Pay Certain Expenses; Penalty for
6 Making False Oath before Commission.
- 7 §7411. Suspension of License *or* Permit by Member or Executive
8 Secretary of Commission Pending Final Determination by
9 Commission; Continuation of Suspension by Commission;
10 Procedure.
- 11 §7412. Contract Between Contestant and Licensee: Copy Provided to
12 Contestant and Executive Secretary; Impounding Gate
13 Receipts.
- 14 §7413. Insurance for Licensed Contestants.
- 15 §7414. Advance against Purse by Promoter to Licensee Prohibited;
16 Permission of Commission for Advance to Contestant for
17 Necessary Expenses.
- 18 §7415. Order to Promoter to Withhold Part of Purse *or* Other Money
19 Due Certain Contestants *or* Manager *or* Second; Hearing;
20 Disposition of Money.
- 21 §7416. Registration of Sanctioning Organization *or* Television
22 Network; Fees, Costs and Deposit; Regulations.
- 23 §7417. Promoter and Network to File Copy of Contracts for Television
24 Rights; Records of Accounts and Other Documents;
25 Assessment of Fee for License; Confidentiality of Contract.
- 26 §7418. Attendance of Representative or Member of Commission at
27 Weigh-Ins, Medical Examinations, Contests and Exhibitions.

- 1 §7419. Promoter to Control Seating Arrangements; Member of
2 Commission Furnished Ringside Seat.
- 3 §7420. Length of Boxing Contests and Rounds; Rest Between Rounds.
- 4 §7421. Weighing-in of Participants in Boxing Contests.
- 5 §7422. Revocation of License.
- 6 §7423. Penalties in Lieu of *or* in Addition to Other Disciplinary
7 Action; Payment of Costs of Proceedings.
- 8 §7424. Reinstatement of Revoked License: Payment of Penalty
9 Prescribed by Commission; Payment of Costs of Proceedings.

10 **Article 5**

11 **APPLICABILITY OF CHAPTER; PENALTIES**

- 12 §7500. Amateur Contest *or* Exhibition of School, College *or*
13 University *or* Non-Profit Unarmed Combat Organization
14 *Exempted* from Provisions of Chapter.
- 15 §7501. Certain Exhibitions of Unarmed Self-Defense Exempted from
16 Provisions of Chapter.
- 17 §7502. Penalty.

1 **Article 1**

2 **DEFINITIONS**

3 **§7100. Definitions.** As used in this Chapter, unless the context
4 otherwise requires, the words and terms defined in §§7101 to 7108 inclusive,
5 have the meanings ascribed to them in those Sections.

6 **§7101.** *Board* means the Medical Advisory Board.

7 **§7102.** *Commission* means the Guam Unarmed Combat
8 Commission.

9 **§7103.** *Contestant* means any person who engages in unarmed
10 combat for remuneration.

11 **§7104.** (a) *Manager* means a person who:

12 (1) Undertakes to represent the interests of another person,
13 by contract, agreement *or* other arrangement, in procuring, arranging
14 *or* conducting a professional contest *or* exhibition in which that
15 person will participate as a contestant;

16 (2) Directs *or* controls the activities of an unarmed
17 combatant relating to the participation of the unarmed combatant in
18 professional contests or exhibitions;

19 (3) Receives *or* is entitled to receive at *least* ten percent
20 (10%) of the gross purse *or* gross income of any professional unarmed
21 combatant for services relating to the participation of the unarmed
22 combatant in a professional contest *or* exhibition; *or*

23 (4) Receives compensation for services as an agent *or*
24 representative of an unarmed combatant.

25 (b) The term *does not* include an attorney who is licensed to
26 practice law in Guam *if* his participation in any of the activities described in

1 subsection (1) is limited *solely* to his legal representation of a client who is
2 an unarmed combatant.

3 **§7105.** *Promoter* means any person who produces *or* stages any
4 professional contest *or* exhibition of unarmed combat.

5 **§7106.** *Purse* means the financial guarantee *or* any other
6 remuneration for which contestants are participating in a contest *or*
7 exhibition and includes the contestant's share of any payment received for
8 radio broadcasting, television *or* motion picture rights.

9 **§7107.** *Ring official* means any person who performs an official
10 function during the progress of a contest or exhibition of unarmed combat.

11 **§7108.** *Sanctioning organization* means an organization that
12 sanctions professional contests of unarmed combat in Guam.

13 **§7109.** *Unarmed combat* means boxing, wrestling, mixed martial
14 arts, kickboxing, *or* any form of competition in which a blow is usually
15 struck which may reasonably be expected to inflict injury.

16 **§7110.** (a) *Unarmed combatant* means any person who engages
17 in unarmed combat in a contest *or* exhibition, whether *or not* the person
18 receives remuneration.

19 (b) The term includes, without limitation:

20 (1) A contestant; and

21 (2) An amateur boxer who:

22 (A) Is registered with the Guam Amateur Boxing organization
23 recognized by the Guam National Olympic Committee and the
24 International Boxing Association (AIBA); and

25 (B) Any contestant who has participated in a competition
26 promoted as a professional event *or* competes against a professional

1 contestant regardless of remuneration *or not*, shall not be allowed to
2 compete in amateur unarmed competitions.

3 (c) The term *does not* include a person who participates in a contest *or*
4 exhibition that is *exempt* from the provisions of this Chapter.

5 Article 2

6 MEDICAL ADVISORY BOARD

7 §7200. **Creation; Chairman; Terms.** (a) The Medical
8 Advisory Board consisting of three (3) members to be appointed by *I*
9 *Maga'lahi* is hereby created.

10 (b) A Chairman shall be elected from among the members.

11 (c) *I Maga'lahi* shall appoint each member to a term of four (4)
12 years. *If* the position of a member is vacated, *I Maga'lahi* shall appoint a
13 qualified person to replace the member for the remainder of the unexpired
14 term.

15 §7201. **Qualifications of Members.** Each member of the Board
16 must: (a) be licensed to practice medicine pursuant to Article 2 of
17 Chapter 12, Title 10, Guam Code Annotated; and

18 (b) have at least five (5) years of experience in the practice of
19 medicine at the time of his appointment.

20 §7202. **Duties.** The Board shall: (a) Prepare and submit to the
21 Commission appropriate standards for the physical and mental examination
22 of contestants. *No* standard is effective until it is approved by the
23 Commission. The Commission shall ensure that applicable tests for
24 HIV/AIDS, TB, and other communicable diseases, and the mandatory
25 requirement of a CT scan, are included in the standards to be promulgated
26 and approved.

1 (b) Recommend to the Commission for licensing, physicians who
2 are qualified to examine contestants.

3 (c) Advise the Commission as to the physical *or* mental fitness of a
4 contestant, *if* it so requests.

5 (d) Prepare and submit to *I Liheslatura* and the Commission reports
6 containing any recommendations for revisions in the law which it deems
7 necessary to protect the health of contestants in Guam.

8 Article 3

9 GUAM UNARMED COMBAT COMMISSION

10 §7300. Creation; Number, Composition and Appointment of 11 Members; Quorum; Prohibitions Concerning Contests and Exhibitions.

12 (a) The Guam Unarmed Combat Commission, consisting of seven (7)
13 members appointed by *I Maga'lahi* and subject to confirmation by *I*
14 *Liheslaturan Guåhan*, is hereby created within the Department of Revenue
15 and Taxation. Commission members *shall* serve for a term of four (4) years.
16 The seven (7) member Commission, at least two (2) being female, *shall* be
17 constituted as follows: two (2) members of the general public, two (2)
18 members with a background in the sport of boxing, two (2) members with a
19 background in the sport of mixed martial arts, and one (1) member with a
20 background in the visitor industry in the area of sports tourism. The
21 Director of the Department of Revenue and Taxation, the Director of the
22 Department of Parks and Recreation and the Chairman of the Medical
23 Advisory Board, as provided in §7200, *shall* serve as Ex-Officio Members.
24 *If* the position of a member is vacated, *I Maga'lahi shall* appoint a qualified
25 person to replace the member for the remainder of the unexpired term.

26 (b) Four (4) members of the Commission constitute a
27 quorum for the exercise of the authority conferred upon the Commission,

1 and a concurrence of at least four (4) of the members is necessary to render
2 a choice *or* a decision by the Commission.

3 (c) A member *shall not* at any time during his service as a member
4 of the Commission promote *or* sponsor any contest *or* exhibition of unarmed
5 combat, *or* combination of those events, *or* have any financial interest in the
6 promotion *or* sponsorship of those contests *or* exhibitions.

7 (d) The Commission *shall* meet at least quarterly but *may* meet as
8 often as the duties of such Commission require.

9 **§7301. Chairman; Seal; Rules and Regulations; Form of**
10 **Contracts.** (a) A Chairman *shall* be elected from among the members who
11 *shall* serve in such capacity for a term of one (1) year, whereupon another
12 member *shall* be elected as provided herein.

13 (b) The Commission may purchase and use a seal.

14 (c) The Commission shall adopt rules and regulations for the
15 administration of this Chapter. The rules and regulations must include:

16 (1) number and qualifications of ring officials required at
17 any exhibition *or* contest;

18 (2) procedures for obtaining police and court clearances
19 pursuant to §7402 to investigate the criminal history of all ring
20 officials and employees of the Commission and any other applicant
21 the Commission wishes to investigate;

22 (3) powers, duties and compensation of ring officials; and

23 (4) qualifications of licensees.

24 (5) rules of competition, weighing of contestants and scoring
25 of decisions.

26 (6) age limits, weight limits, physical conditions and
27 classification of contestants.

1 (d) The Commission *shall* review and approve all forms of
2 contracts between sponsors, licensees, promoters and contestants.

3 **§7302. Employment of Executive Secretary; Deposit of**
4 **Money in Guam Unarmed Combat Commission Fund.** (a) The
5 Commission may employ an Executive Secretary, who must *not* be a
6 member of the Commission.

7 (b) *Except* as provided in §7401 and §7416, all money received by
8 the Executive Secretary *or* the Commission pursuant to the provisions of this
9 Chapter must be deposited with the Treasurer of Guam for credit to the
10 Guam Unarmed Combat Commission Fund.

11 **§7303. Inspectors: Appointment; Duties; Promotion *or***
12 **Sponsoring of Professional Contest *or* Exhibition Prohibited.** (a) The
13 Commission may appoint one (1) *or* more official representatives to be
14 designated as inspectors, and may appoint one (1) Chief Inspector. The
15 Chief Inspector *shall* supervise the work of all other inspectors appointed by
16 the Commission. Each inspector must receive from the Commission a card
17 authorizing him to act as an Inspector. He holds office as an Inspector at the
18 pleasure of the Commission.

19 (b) An Inspector *shall not* at any time during his service as an
20 Inspector promote *or* sponsor any professional contest *or* exhibition of
21 unarmed combat, *or* combination of those events.

22 **§7304. Compensation of Members of Commission and Other**
23 **Employees of Commission; Classification of Executive Secretary.** (a)
24 Members of the Commission, *if* authorized by the Chairman, are entitled to
25 receive a stipend of *not more than* Fifty Dollars (\$50) for each meeting of
26 the Commission.

1 (b) While engaged in the business of the Commission, each
2 member and employee of the Commission is, upon the authorization of the
3 Chairman, entitled to receive the per diem allowance and travel expenses
4 provided by the Government Travel Law, Chapter 23, Title 5, Guam Code
5 Annotated.

6 (c) The Executive Secretary of the Commission *shall* be a member
7 of the unclassified service, as defined by §4102(a) of Chapter 4, Title 4,
8 Guam Code Annotated.

9 (d) Each Inspector for the Commission is entitled to receive for the
10 performance of his duties a fee approved by the Commission.

11 **§7305. Authority to Affiliate with Other State *or* National**
12 **Boxing Commission *or* Athletic Authority.** The Commission *shall* have
13 the authority to affiliate with any other State *or* National Boxing
14 Commission *or* Athletic Authority.

15 **Article 4**

16 **LICENSING AND CONTROL OF CONTESTS AND EXHIBITIONS OF** 17 **UNARMED COMBAT**

18 **§7400. Jurisdiction of Commission.** (a) The Commission has
19 and is vested with the *sole* direction, management, control and jurisdiction
20 over all contests *or* exhibitions of unarmed combat to be conducted, held *or*
21 given within Guam, and *no* contest *or* exhibition may be conducted, held *or*
22 given within Guam *except* in accordance with the provisions of this Chapter.

23 (b) Any boxing *or* sparring contest conforming to the requirements
24 of this Chapter and to the regulations of the Commission *shall* be deemed to
25 be a boxing contest and *not* a prize fight.

1 (c) Any contest involving a form of unarmed self-defense must be
2 conducted pursuant to rules for that form which are approved by the
3 Commission before the contest is conducted, held *or* given.

4 **§7401. License for Contest or Exhibition Where Admission**
5 **Fee Received; Application for License; Fee; Limited, Restricted *or***
6 **Conditional License; Bond *or* Deposit; Guam Athletic Commission**
7 **Fund; Additional Deposit; Exceptions.** (a) The Commission may issue
8 and revoke licenses to conduct, hold *or* give contests *or* exhibitions of
9 unarmed combat where an admission fee is received in accordance with such
10 terms and provisions as the Commission prescribes.

11 (b) Any application for such a license must be in writing and
12 correctly show and define the applicant. The application must be
13 accompanied by an annual fee to be fixed by the Commission, on a uniform
14 scale.

15 (c) The Commission may deny an application for such a license *or*
16 grant a limited, restricted *or* conditional license for any cause deemed
17 sufficient by the Commission.

18 (d) Before any license is granted, the applicant must file a bond in
19 an amount fixed by the Commission but *not less than* Ten Thousand Dollars
20 (\$10,000), executed by the applicant as principal, and by a corporation
21 qualified under the laws of Guam as surety, payable to the Treasurer of
22 Guam, and conditioned upon the faithful performance by the applicant of the
23 provisions of this Chapter. In lieu of a bond, the applicant may deposit with
24 the Commission a like amount of lawful money of the United States *or* any
25 other form of security, including, but *not limited to*: bonds of the United
26 States *or* of Guam of an actual market value of *not less than* the amount of
27 the required cash payment *or* surety bond; a letter of credit from a bank,

1 savings bank, credit union *or* savings and loan association situated in Guam,
2 which meets the requirements set for that purpose by the Treasurer of Guam;
3 *or* a savings certificate, certificate of deposit *or* investment certificate of a
4 bank, savings bank, credit union *or* savings and loan association situated in
5 Guam, which must indicate an account of an amount *not less than* the
6 amount of the required cash payment *or* surety bond and, *except* as
7 otherwise provided by specific statute, that the amount is *not* available for
8 withdrawal *except* by direct order of the Treasurer of Guam. *If* security is
9 provided in the form of a savings certificate, certificate of deposit *or*
10 investment certificate, the certificate must state that the amount is *not*
11 available for withdrawal except upon order of the Commission. All money
12 which the Commission receives pursuant to this subsection must be
13 deposited with the Treasurer of Guam for credit to the Guam Unarmed
14 Combat Commission Fund, which *shall* be established by enactment of this
15 Act.

16 (e) *If* the Commission believes the requirement for a bond is
17 inadequate, the Commission may require the promoter to make a deposit of
18 money in an amount fixed by the Commission. The deposit must be made
19 *not less than* five (5) days before the contest *or* exhibition. It may be used to
20 satisfy any obligation incurred by the promoter during the staging of the
21 contest *or* exhibition upon order of the Commission. After satisfaction of all
22 such obligations, the Commission *shall* release the remainder to the
23 promoter.

24 (f) The provisions of subsections (d) and (e) *do not* apply to
25 amateur athletic clubs.

26 **§7402. Licenses for Contestant, Promoter, Manager, Trainer,**
27 **Ring Official and Others; Application for License; Submission of**

1 **Clearances; Withdrawal of Application; Uniform Scale of Fees;**
2 **Payment of Costs of Proceedings.** (a) All contestants, promoters,
3 managers, seconds, trainers and ring officials must be licensed by the
4 Commission. *No* person may participate, directly *or* indirectly, in any
5 professional contest *or* exhibition of unarmed combat unless he has first
6 procured a license from the Commission.

7 (b) The Commission may deny an application for a license or grant
8 a limited or license or grant a limited, restricted or controlled license for any
9 cause deemed sufficient by the Commission.

10 (c) The Commission *shall* require:

11 (1) each ring official and employee of the Commission; and

12 (2) any other applicant the Commission wishes to
13 investigate, to submit to the Commission, with the application, a
14 police and court clearance.

15 (d) After an application has been submitted to the Commission, the
16 application may *not* be withdrawn unless the Commission consents to the
17 withdrawal.

18 (e) The Commission *shall* fix a uniform scale of license fees.

19 (f) In addition to the license fees required by subsection (e), the
20 Commission may require an applicant for a license to:

21 (1) pay the costs of the proceedings associated with the
22 issuance of the license, including, without limitation, investigative
23 costs and attorney's fees; and

24 (2) deposit with the Commission such an amount of money
25 as the Commission deems necessary to pay for those costs. *If* any
26 amount required to be deposited pursuant to this subsection exceeds
27 the actual cost of the proceedings, including, without limitation,

1 investigative costs and attorney’s fees, the Commission *shall* refund
2 the excess amount to the applicant upon the completion of the
3 proceedings.

4 (g) It is a violation of this Chapter for any person to participate,
5 directly *or* indirectly, as stated in subsection (a), *unless* he has been granted
6 a license therefor.

7 **§7403. Confidentiality of Certain Information Concerning**
8 **Applicant for License; Disclosure of Information; Procedure.** (a) *Except*
9 as otherwise provided in subsection (b), the Commission *shall* keep
10 confidential:

11 (1) any information that it receives concerning an applicant
12 for the issuance of a license pursuant to this Chapter which is declared
13 confidential by law and that is provided to the Commission by another
14 governmental entity *or* the Association of Boxing Commissions;

15 (2) any information contained in a medical record of such an
16 applicant, *if* the information is *not* relevant to the Commission in
17 determining whether to grant a license to the applicant;

18 (3) any information relating to the financial records of an
19 applicant *or* licensee; and

20 (4) any information required to be disclosed to the
21 Commission and kept confidential pursuant to federal law.

22 (b) The Commission *shall* reveal the information set forth in
23 subsection (a):

24 (1) upon the lawful order of a court of competent
25 jurisdiction;

26 (2) to any person upon the request of the person who is the
27 subject of the information; and

1 (3) in the course of the necessary administration of this
2 Chapter.

3 (c) A person seeking an order of a court of competent jurisdiction for
4 the disclosure of information described in subsection (a) must submit a
5 motion in writing to the court requesting the information. At least ten (10)
6 days before submitting the motion, the person must provide notice to the
7 Commission, the Attorney General and all persons who may be affected by
8 the disclosure of the information. The notice must:

9 (1) include, without limitation, a copy of the motion and all
10 documents in support of the motion that are to be filed with the court;
11 and

12 (2) be delivered in person *or* by certified mail to the last
13 known address of each person to whom notice must be provided.

14 **§7404. Application for License to Include Social Security**
15 **Number of Applicant.** An application for a license issued pursuant to
16 §7402 must include the social security number of the applicant.

17 **§7405. Permit for Promoter to Present Program; Limited,**
18 **Restricted *or* Conditional Permit; Fees; Exceptions.** (a) Every promoter,
19 in order to present a program of contests *or* exhibitions of unarmed combat,
20 must obtain a permit from the Commission for each program.

21 (b) The Commission may deny an application for such a permit *or*
22 grant a limited, restricted *or* conditional permit for any cause deemed
23 sufficient by the Commission.

24 (c) The Commission *shall* charge and collect the following fees for
25 a permit to present a program of contests *or* exhibitions:

1 Permit for a promoter who has *no* place of business in Guam-One
2 Thousand Dollars (\$1,000); and Permit for a promoter who has a place of
3 business in Guam-Two Hundred Fifty Dollars (\$250).

4 The provisions of this subsection *do not* apply to the presentation of a
5 program of amateur contests *or* exhibitions of unarmed combat.

6 **§7406. Additional Fees for License of Promoter; Exemption;**
7 **Regulations.** (a) In addition to the payment of any other fees and money due
8 under this Chapter, every promoter, *except* as provided in subsection (2),
9 *shall* pay a license fee of:

10 (1) four percent (4%) of the total gross receipts from
11 admission fees to the live contest *or* exhibition of unarmed combat,
12 exclusive of any federal tax *or* tax imposed by the government of
13 Guam; and

14 (2) three percent (3%) of the first One Million Dollars
15 (\$1,000,000), and one percent (1%) of the next Two Million Dollars
16 (\$2,000,000), of the total gross receipts from the sale, lease *or* other
17 exploitation of broadcasting, television and motion picture rights for
18 that contest *or* exhibition, without any deductions for commissions,
19 brokerage fees, distribution fees, advertising, contestants' purses *or*
20 any other expenses *or* charges.

21 (b) A corporation organized pursuant to Part 2 of Chapter 10, Title
22 18, Guam Code Annotated, which promotes an amateur contest *or* exhibition
23 of unarmed combat whose net proceeds are to be spent entirely in Guam, for
24 the purposes for which the corporation is organized, is *exempt* from the fees
25 payable under this Section. The corporation must retain the services of a
26 promoter licensed pursuant to this Chapter.

27 (c) The Commission *shall* adopt regulations:

1 (1) requiring that the number and face value of all
2 complimentary tickets be reported; and

3 (2) governing the treatment of complimentary tickets for the
4 purposes of computing gross receipts from admission fees under
5 subsection (a)(1).

6 **§7407. Time for Report to Commission and Payment of**
7 **Additional Fees by Promoter.** (a) Every promoter *shall*, within ten (10)
8 days after the completion of any contest, match *or* exhibition for which an
9 admission fee is charged and received, furnish to the Commission a verified
10 written report showing:

11 (1) the number of tickets sold and issued *or* sold *or* issued
12 for the contest, match *or* exhibition; and

13 (2) the amount of the:

14 (A) gross receipts from admission fees;

15 (B) gross receipts derived from the sale, lease *or* other
16 exploitation of broadcasting, motion picture and television
17 rights of such contest, match *or* exhibition, without any
18 deductions for commissions, brokerage fees, distribution fees,
19 advertising, contestants' purses *or* any other expenses *or*
20 charges; and

21 (C) such other matters as the Commission may
22 prescribe.

23 (b) The promoter *shall, not later than* twenty (20) days after the
24 contest, match *or* exhibition, pay to the Commission the license and permit
25 fee described in §7406.

26 **§7408. Suspension, Revocation and Other Disciplining of**
27 **Contestant and Other Participants; Grounds for Refusal to Issue**

1 **License.** (a) The Commission may suspend *or* revoke the license of,
2 otherwise discipline, *or* take any combination of such actions against any
3 contestant, promoter, ring official *or* other participant who, in the judgment
4 of the Commission:

5 (1) enters into a contract for a contest *or* exhibition of
6 unarmed combat in bad faith;

7 (2) participates in any sham *or* fake contest *or* exhibition of
8 unarmed combat;

9 (3) participates in a contest *or* exhibition of unarmed combat
10 pursuant to a collusive understanding *or* agreement in which the
11 contestant competes in or terminates the contest *or* exhibition in a
12 manner that is *not* based upon honest competition *or* the honest
13 exhibition of the skill of the contestant;

14 (4) is guilty of an act *or* conduct that is detrimental to a
15 contest *or* exhibition of unarmed combat, including, but *not limited to*,
16 any foul *or* unsportsmanlike conduct in connection with a contest *or*
17 exhibition of unarmed combat; *or*

18 (5) fails to comply with any limitation, restriction *or*
19 condition placed on his license.

20 (b) The Commission may refuse to issue a license to an applicant who
21 has committed any of the acts described in subsection (a).

22 **§7409. Hearing by Member of Commission; Notice of**
23 **Disciplinary Hearing; Approval of Adjudication and Order by Majority**
24 **of Commission; Distribution of Written Report.** (a) Any member of the
25 Commission may conduct hearings.

1 (b) All disciplinary hearings conducted under the provisions of this
2 Chapter must be preceded by a written notice to be served upon the accused
3 at least ten (10) days before the hearing.

4 (c) Before any adjudication is rendered, a majority of the members
5 of the Commission *shall* examine the record and approve the adjudication
6 and order.

7 (d) The Commission *shall* file a written report of its findings,
8 adjudication and order in the record of the proceedings and send a copy to
9 the accused.

10 **§7410. Commission May Issue Subpoenas, Administer Oaths,**
11 **Appoint Hearing Examiners and Pay Certain Expenses; Penalty for**
12 **Making False Oath Before Commission.** (a) The Commission, *or* a
13 quorum of four (4) members thereof, may:

14 (1) issue subpoenas to require the attendance and testimony
15 of a licensee *or* other person whom the Commission believes to have
16 information of importance to the Commission;

17 (2) issue subpoenas *duces tecum* to require the production of
18 books and papers by a licensee *or* other person whom the Commission
19 believes to have books *or* papers of importance to the Commission;

20 (3) administer oaths and require testimony under oath;

21 (4) appoint hearing examiners who may administer oaths and
22 receive evidence and testimony under oath; and

23 (5) pay for such transportation and other expenses of
24 witnesses, as it may deem reasonable and proper.

25 (b) Service of process *or* notice required pursuant to this Section
26 must be served in the manner provided for service of process and notices in
27 civil actions.

1 (c) A person making a false oath in a matter before the
2 Commission *or* a hearing examiner is guilty of perjury, which is a felony of
3 the third degree and *shall* be punished as provided in §80.30(c) of Chapter
4 80, Title 9, Guam Code Annotated.

5 **§7411. Suspension of License *or* Permit by Member *or***
6 **Executive Secretary of Commission Pending Final Determination by**
7 **Commission; Continuation of Suspension by Commission; Procedure.**

8 (a) Each member of the Commission *or* the Executive Secretary of
9 the Commission may, upon his own motion *or* upon the verified written
10 charge of any person charging a licensee *or* the holder of a permit with
11 violating any provision of this Chapter *or* the regulations adopted pursuant
12 thereto, suspend for a period *not exceeding* ten (10) days any license *or*
13 permit until final determination by the Commission *if*, in his opinion, the
14 action is necessary to protect the public welfare and the best interests of the
15 sports regulated pursuant to this Chapter.

16 (b) If a license *or* permit is suspended pursuant to subsection (a),
17 the Commission may, upon written notice to the licensee *or* holder of the
18 permit and after a hearing, continue the suspension until it makes a final
19 determination of any disciplinary action to be taken against the licensee *or*
20 holder of the permit.

21 **§7412. Contract Between Contestant and Licensee: Copy**
22 **Provided to Contestant and Executive Secretary; Impounding Gate**
23 **Receipts.** (a) Every contestant competing under the terms of this
24 Chapter, *or* regulation of the Commission, is entitled to receive a copy of a
25 written contract *or* agreement, approved as to form by the Commission,
26 binding the licensee to pay the contestant a certain fixed fee *or* percentage of
27 the gate receipts.

1 (b) One (1) copy of the agreement must be filed with the Executive
2 Secretary of the Commission and one (1) copy must be retained by the
3 licensee *or* sponsor of the contest.

4 (c) The Inspector *or* member of the Commission in attendance at
5 the contest *shall* determine whether such an agreement has been delivered to
6 each contestant and may require that a sufficient amount of the gate receipts
7 be impounded to pay the contestants according to those agreements.

8 **§7413. Insurance for Licensed Contestants.** The Commission
9 *shall* adopt by regulation, and rules requirements for insurance providing
10 coverage in the event of injury or death for persons competing in unarmed
11 combat competitions, exhibitions and events subject to this Chapter. This
12 insurance must comply with standards prescribed by the local insurance
13 commissioner. The minimum coverage for insurance *shall* be in an amount
14 *no less than* Ten Thousand Dollars (\$10,000). Said insurance coverage may
15 be covered by a Bond. The cost of such insurance premium *shall* be covered
16 by the promoter.

17 **§7414. Advance Against Purse by Promoter to Licensee**
18 **Prohibited; Permission of Commission for Advance to Contestant for**
19 **Necessary Expenses.** *No* promoter may pay *or* give any money to a
20 licensee before any contest *or* exhibition of unarmed combat as an advance
21 against a contestant's purse *or* for a similar purpose, *except* that the promoter
22 may, with the prior written permission by a majority of the Commission
23 members, pay *or* advance to a contestant necessary expenses for
24 transportation and maintenance in preparation for a contest *or* exhibition.

25 **§7415. Order to Promoter to Withhold Part of Purse *or***
26 **Other Money Due Certain Contestants or Manager *or* Second; Hearing;**
27 **Disposition of Money.** (a) The Commission, its Executive Secretary, *or* any

1 other employee authorized by the Commission, may order the promoter to
2 withhold any part of a purse *or* other money belonging *or* payable to any
3 contestant, manager *or* second *if*, in the judgment of the Commission,
4 Executive Secretary, *or* other employee:

5 (1) the contestant is *not* competing honestly *or* to the best of
6 his skill and ability *or* the contestant otherwise violates any
7 regulations adopted by the Commission *or* any of the provisions of
8 this Chapter, including, but *not limited to*, the provisions of subsection
9 (a) of §7408; *or*

10 (2) the manager *or* second violate any regulations adopted by
11 the Commission *or* any of the provisions of this Chapter, including,
12 but *not limited to*, the provisions of subsection (a) of §7408.

13 (b) Upon the withholding of any part of a purse *or* other money
14 pursuant to this Section, the Commission *shall* immediately schedule a
15 hearing on the matter, provide adequate notice to all interested parties and
16 dispose of the matter as promptly as possible.

17 (c) *If* it is determined that a contestant, manager *or* second is *not*
18 entitled to any part of his share of the purse *or* other money, the promoter
19 *shall* pay the money over to the Commission. Subject to the provisions of
20 subsection (d), the money must be deposited with the Treasurer of Guam for
21 credit to the Guam Unarmed Combat Commission Fund.

22 (d) Money turned over to the Commission, pending final action in
23 any matter, must be credited to the Guam Unarmed Combat Commission
24 Fund and must remain in that Account until the Commission orders its
25 disposition in accordance with the final action taken.

26 **§7416. Registration of Sanctioning Organization *or***
27 **Television Network; Fees, Costs and Deposit; Regulations.** (a) The

1 Commission may require a sanctioning organization *or* a broadcasting
2 network for television that televises professional contests of unarmed
3 combat in Guam to register with the Commission before it participates,
4 directly *or* indirectly, in any professional contest *or* exhibition of unarmed
5 combat.

6 (b) *If* such registration is required, the Commission *shall* adopt
7 regulations that prescribe, without limitation, the requirements for
8 registration and any fees for registration.

9 (c) The Commission may require a sanctioning organization *or*
10 broadcasting network that applies for registration to:

11 (1) pay the costs of the proceedings relating to the issuance
12 of the registration, including, without limitation, investigative costs
13 and attorney's fees; and

14 (2) deposit with the Commission such an amount of money
15 as the Commission deems necessary to pay for those costs. *If* any
16 amount required to be deposited pursuant to this subsection exceeds
17 the actual cost of the proceedings, including, without limitation,
18 investigative costs and attorney's fees, the Commission *shall* refund
19 the excess amount to the sanctioning organization *or* broadcasting
20 network upon the completion of the proceedings.

21 **§7417. Promoter and Network to File Copy of Contracts for**
22 **Television Rights; Records of Accounts and Other Documents;**
23 **Assessment of Fee for License; Confidentiality of Contract.** (a) A
24 promoter and a broadcasting network for television *shall* each, at least
25 seventy-two (72) hours before a contest *or* exhibition of unarmed combat, *or*
26 combination of those events is to be held, file with the Commission's

1 Executive Secretary a copy of all contracts entered into for the sale, lease *or*
2 other exploitation of television rights for the contest *or* exhibition.

3 (b) The promoter *shall* keep detailed records of the accounts and
4 other documents related to his receipts from the sale, lease *or* other
5 exploitation on the television rights for a contest *or* exhibition. The
6 Commission, at any time, may inspect these accounts and documents to
7 determine the amount of the total gross receipts received by the promoter
8 from the television rights.

9 (c) *If* a promoter *or* a network fails to comply with the
10 requirements of this Section, the Commission may determine the amount of
11 the total gross receipts from the sale, lease *or* other exploitation of television
12 rights for the contest *or* exhibition and assess the appropriate license fee
13 pursuant to §7406(a).

14 (d) Each contract filed with the Commission pursuant to this
15 Section is confidential and is *not* a public record.

16 **§7418. Attendance of Representative or Member of**
17 **Commission at Weigh-Ins, Medical Examinations, Contests and**
18 **Exhibitions.** A member of the Commission, the Executive Secretary of the
19 Commission, a Chief Inspector *or* a member of the staff of the Commission
20 must be present at all weigh-ins, medical examinations, contests, exhibitions
21 *or* matches, and *shall* ensure that the rules are strictly enforced.

22 **§7419. Promoter to Control Seating Arrangements; Member**
23 **of Commission Furnished Ringside Seat.** Each promoter of a contest *or*
24 exhibition of unarmed combat has charge of all seating arrangements but
25 *shall* furnish to each member of the Commission who is present one (1)
26 ringside seat.

1 **§7420. Length of Boxing and Mixed Martial Arts Contests**
2 **and Rounds; Rest Between Rounds.** (a) *No* boxing contest, sparring
3 match *or* exhibition may be *more than* twelve (12) rounds in length. Rounds
4 must be *not more than* three (3) minutes. There must be a rest period of sixty
5 (60) seconds between successive rounds.

6 (b) *No* mixed martial arts contest may be *longer than* three (3)
7 rounds in length. Rounds must be *not more than* five (5) minutes. There
8 must be a rest period of sixty (60) seconds between successive rounds.

9 (c) *No* mixed martial arts championship contest may be longer than
10 five (5) rounds in length. Rounds must *not be more than* five (5) minutes.
11 There must be a rest period of sixty (60) seconds between successive rounds.

12 **§7421. Weighing-in of Participants in Boxing Contests.**
13 Every participant in a boxing contest *shall* be present and weighed in *no*
14 *later than* 7:00 p.m. on the day before the contest.

15 **§7422. Revocation of License.** Any license issued under this
16 Chapter may be revoked for cause deemed sufficient by the Commission
17 upon a hearing as provided for in §7409.

18 **§7423. Penalties in Lieu of *or* in Addition to other**
19 **Disciplinary Action; Payment of Costs of Proceedings.** (a) *If* disciplinary
20 action is taken against a person pursuant to this Chapter and the disciplinary
21 action *does not* relate to a contest *or* exhibition of unarmed combat as
22 provided in subsection (b), the Commission may, in lieu of revoking a
23 license, prescribe a penalty *not to exceed* Fifty Thousand Dollars (\$50,000).

24 (b) *If* disciplinary action is taken against a person pursuant to this
25 Chapter, including, but *not limited to*, a hearing for the revocation of a
26 license, and the disciplinary action relates to:

1 (1) the preparation for a contest *or* an exhibition of unarmed
2 combat;

3 (2) the occurrence of a contest *or* an exhibition of unarmed
4 combat; *or*

5 (3) any other action taken in conjunction with a contest *or* an
6 exhibition of unarmed combat, the Commission may prescribe a
7 penalty pursuant to subsection (c).

8 (c) A penalty prescribed by the Commission pursuant to subsection
9 (b):

10 (1) must *not exceed* Fifty Thousand Dollars (\$50,000) *or* one
11 hundred percent (100%) of the share of the purse to which the holder
12 of the license is entitled for the contest *or* exhibition, whichever
13 amount is greater; and

14 (2) may be imposed in addition to *or* in lieu of any other
15 disciplinary action that is taken against the person by the Commission.

16 (d) *If* disciplinary action is taken against a person pursuant to this
17 Chapter, the Commission may require the person against whom such action
18 is taken to pay the costs of the proceeding, including investigative costs and
19 attorney's fees.

20 **§7424. Reinstatement of Revoked License: Payment of Penalty**
21 **Prescribed by Commission; Payment of Costs of Proceedings.** (a) *Except*
22 as otherwise provided in §7423, upon receipt of an application and the
23 payment of a penalty prescribed by the Commission, *not to exceed* Fifty
24 Thousand Dollars (\$50,000), the Commission may reinstate a revoked
25 license.

26 (b) In addition to the penalty required by subsection (a), the
27 Commission may require the applicant to:

1 **§7502. Penalty.** Any person who *shall*, directly *or* indirectly,
2 violate any of the provisions of this Chapter, *or* the rules *or* regulations of
3 the Commission, *shall* be guilty of a misdemeanor.”

4 **Section 4. Commission Members to Remain.** Upon enactment into law
5 of this Act, the current members of the Boxing and Wrestling Commission *shall*
6 continue as members of the Guam Unarmed Combat Commission, subject to the
7 conditions set forth in §7300.

6

I MINA' TRENTA NA LIHESLATURAN GUÅHAN

2009 (FIRST) Regular Session

Date: July 2, 2009

VOTING SHEET

SBill No. 23(LS)

Resolution No. _____

Question: _____

<u>NAME</u>	<u>YEAS</u>	<u>NAYS</u>	<u>NOT VOTING/ ABSTAINED</u>	<u>OUT DURING ROLL CALL</u>	<u>ABSENT</u>
ADA, Thomas C.	✓				
AGUON, Frank B., Jr.					EA
BLAS, Frank F., Jr.	✓				
CALVO, Edward J.B.					EA
CRUZ, Benjamin J. F.	✓				
ESPALDON, James V.					EA
GUTHERTZ, Judith Paulette	✓				
MUNA-BARNES, Tina Rose	✓				
PALACIOS, Adolpho Borja, Sr.	✓				
PANGELINAN, vicente (ben) cabrera	✓				
RECTOR, Matthew	✓				
RESPICIO, Rory J.	✓				
TAITAGUE, Telo	✓				
TENORIO, Ray	✓				
WON PAT, Judith T.	✓				

TOTAL

12

3

CERTIFIED TRUE AND CORRECT:

Clerk of the Legislature

* 3 Passes = No vote
EA = Excused Absence



I Mina'Trenta Na Liheslaturan Guahan

Office of The Legislative Secretary

Tina Rose Muna Barnes

Chairperson, Committee on Municipal Affairs, Aviation, Housing and Recreation
155 Hesler Place Hagatna, Guam 96910 [Tel: 671-472-3455/6 Fax: 671-472-3400]

2009 FEB 13 PM 5:16
Renner

February 12, 2009

The Honorable Judith T. Won Pat, Ed.D.

Speaker

I Mina'Trenta Na Liheslaturan Guahan

155 Hesler Place

Hagåtña, Guam 96910

VIA: The Honorable Rory J. Respicio
Chairperson, Committee on Rules

RE: Committee Report – Bill No. 23 (LS)

Dear Speaker Won Pat:

The Committee on Municipal Affairs, Aviation, Housing and Recreation, to which was referred **Bill No. 23 (LS) – “An act to repeal Chapter 41 of Title 22, Guam Code Annotated, relative to the Boxing and Wrestling Commission; to add a new Chapter 7 to Title 11, Guam Code Annotated, relative to “Unarmed Combat” and establishing the Guam Unarmed Combat Commission; and, citing this act as the “Guam Unarmed Combat Commission Act of 2009” as substituted by the committee;”** herein reports back with its recommendation..

Committee votes are as follows:

- ✓ TO PASS
- Ø TO NOT PASS
- Ø TO ABSTAIN
- | TO REPORT OUT ONLY

Sinserru yan Magahet,

Tina Rose Muna Barnes
Chairwoman
Senator

COR
RECEIVED
2/12/09
4:17pm



Senator Tina Rose Muña Barnes

Office of The Legislative Secretary

I Mina Trente Na Liheslaturan Guahán / Thirtieth Guam Legislature

MEMORANDUM

TO: All Members
Committee on Municipal Affairs,
Aviation, Housing and Recreation

FROM: Chairperson

Subject: Voting Sheet

Transmitted herewith are the voting sheet and the Committee Report on Bill No. 23(LS): An act to repeal Chapter 41 of Title 22, Guam Code Annotated, relative to the Guam Boxing and Wrestling Commission; to add a new Chapter 7 to Title 11, Guam Code Annotated, relative to "Unarmed Combat" and establishing the Guam Unarmed Combat Commission; and, citing this act as the "Guam Unarmed Combat Commission Act of 2009", as substituted by the committee; for your review and vote via signature.

Your attention to this matter is greatly appreciated.

Attachments

Chairperson
Committee on Municipal
Affairs, Aviation, Housing
and Recreation

Vice Chairperson
Tourism, Culture, Youth
Affairs, and Public
Broadcasting



Contact:

155 Hester Place
Hagåtña, Guam 96910

Tel: 671.472.3455
Fax: 671.472.3400



I Mina'Trenta Na Liheslaturan Guahan

Office of The Legislative Secretary

Tina Rose Muna Barnes

Chairperson, Committee on Municipal Affairs, Aviation, Housing and Recreation

155 Keeler Place Hagatna, Guam 96910 [Tel: 671-472-3455/6 Fax: 671-472-3400]

COMMITTEE VOTING SHEET

BILL NO. 23 An act to repeal Chapter 41 of Title 22, Guam Code Annotated, relative to the Guam Boxing and Wrestling Commission; to add a new Chapter 7 to Title 11, Guam Code Annotated, relative to "Unarmed Combat" and establishing the Guam Unarmed Combat Commission; and, citing this act as the "Guam Unarmed Combat Commission Act of 2009

Senators	Signature	To PASS Confirm	Not To PASS Confirm	To Report Out Of Committee	Abstain	Place In Inactive File
Tina Rose Muna Barnes <i>Chairperson</i>		✓				
Benjamin J. F. Cruz <i>Vice Chairperson</i>						
Judith T. Won Pat, Ed. D.		✓				
vicente c. pangelinan						
Judith P. Guthertz		✓				
Thomas C. Ada						
Rory J. Respicio						
Frank B. Agoun, Jr.	 2/13/09					
Edward J. B. Calvo						
Frank F. Blas, Jr.						
Ray Tenorio		✓				
Matt Rector				✓		
Telo Taitague						

Bill 23 (LS): Relative to Guam Unarmed Combat Commission Act of 2009

as substituted by the committee

I. Overview Public Hearing:

The Committee on Municipal Affairs, Aviation, Housing and Recreation convened for a public hearing on Wednesday, February 11, 2009. Proceedings began shortly after 9 a.m. to receive testimony on the nomination of Jose Guevera Jr. to the GHURA Board and Bill 23 (LS). Notice of the hearing was disseminated to all local media outlets via electronic media beginning on February 4th and published in the Pacific Daily News accordingly. Notice of the hearing was also made known on the Guam Legislature's Website <http://www.guamlegislature.com/calendar.htm>.

Committee Members Present:

Senator Tina Rose Muna Barnes, Chairwoman

Vice Speaker BJ Cruz, Vice-Chairman

Speaker Judith T. Won Pat

Senator Rory Respicio

Senator Frank B. Aguon, Jr.

Sen. Vicente C. Pangelinan

Senator Edward J. B. Calvo

Senator Telo Taitague

Testimony submitted by:

George M Flores Guam Boxing and Wrestling Commission (Oral)

Abner Collazo-Cruz Guam Boxing and Wrestling Commission (Oral/Written)

Patrick Lujan Guam Boxing and Wrestling Commission (Oral)

Eli Monge PXC (Oral)

II. Summary of Testimonies:

Bill 23 (LS): Relative to Guam Unarmed Combat Commission Act of 2009

Prior to opening the hearing to testimony, Chairwoman Muna-Barnes noted that the existing statute is 30 years old and only governs boxing and wrestling. Mixed martial arts (MMA) has exploded on the scene and fighters are not protected/covered under the existing statute. MMA is regulated by state athletic commission across the US. In states where there are no regulations, large organizations like UFC do not hold events and MMA is nonexistent.

Muna-Barnes stated that the proposed statute is modeled after the state of Nevada and provides for proper licensure of fighters, officials, promoters. The proposed statute also provides for medical clearance and testing for HIV, TB, etc. and provides a legitimate process to file claims, grievances between fighters and promoters

MMA events in the past on Guam have said they are sanctioned by the Guam Boxing and Wrestling Commission, when in fact they are not. The Commission has only provided guidance when asked; otherwise they have no true roll in any of the events that have been promoted on Guam.

George M. Flores is a member of the Guam Boxing and Wrestling Commission. He testified in favor of the measure. He said the rules and regulations concerning unarmed combat sports have been needed for some time. Flores suggested three amendments: 1. diversifying the make-up of the Commission to include a GVB representative and representatives from the different unarmed combat disciplines; 2. that the Commission should chose a chairman from amongst its members; and 3. that fees be either be based on a set amount or a percentage of the gate admissions.

Abner Collazo-Cruz is a member of the Guam Boxing and Wrestling Commission. Mr. Collazo-Cruz stated that Guam's current laws are antiquated and lauded the continued efforts to bring the legislation to fruition. He submitted written testimony detailing several proposed amendments that would exempt amateurs and those competing in non-profit organization events from certain provision in the proposed legislation.

Patrick Lujan is a member of the Guam Boxing and Wrestling Commission. He reviewed the legislation and noted the changes made from the previously introduced measure (Bill No. 313) from the 29th Guam Legislature. Lujan offered several possible amendments for consideration: 1. allowing the commission to contract an Executive Secretary rather than a fulltime employee, as the overall work of the Commission would be intermittent and would only ramp up in the initial stages of the licensure process and around proposed events; 2. that the Legislature consider a small appropriation for initial start-up costs to be reimbursed to the General Fund once revenues were realized by the Commission; and 3. that the Commission be allowed to provide services regionally to support the growth of mixed martial arts in Micronesia.

Eli Monge is a promoter of unarmed combat sports. He expressed his support for the bill and his willingness to work with the proposed Commission to advance the growth of MMA in the islands. He stated that his company, PXC, has staged over thirty fights over the past five years and has done its best to mirror the current requirements of the Boxing and Wrestling Commission and that he has worked well with the existing Commission. He welcomed the legislation as an effort to legitimize the sport of MMA and its athletes.

Speaker Won pat expressed her concern for the participants health and well-being and questioned what would be done to protect them. Mr. Collazo-Cruz stated that the insurance requirement would help fighters in the event of injury during participation. Mr. Lujan pointed out the proposed Medical Review Board would evaluate and give clearance to fighters and also screen for communicable diseases including HIV and TB. He also stated that routine and random drug testing is also an option.

Speaker Won Pat inquired on what steps were being taken to prevent young kids from acting out some of the moves seen in MMA. Mr. Monge emphasized that PXC has the “keep It In the Cage” program as a public service to promote proper training and dissuade individuals from street brawling. He also noted that PXC athletes go into the schools and talk to kids about the dangers of executing maneuvers without proper training. Mr. Collazo-Cruz noted that youth programs are evolving and harnessing the energy of kids, keeping them out of trouble and provided a well disciplined environment.

Senator Pangelinan asked whether there was any input from the Medical Society. The panel noted that they have worked closely with physicians, particularly, Dr. Chris Dombrowski, and gotten guidance on issues that need to be review and practices that need to be changed. Senator Pangelinan sought to clarify the need for glove protection. The panel confirmed that the requirement for gloves is spelled out in the rules and regulations.

Senator Taitague questioned how officials were compensated. The panel informed the Committee that the promoter is responsible for all fees related to ring officials, including the ring-side physician.

III. Findings and recommendations:

Bill 23 (LS): Relative to Guam Unarmed Combat Commission Act of 2009

The Committee on Municipal Affairs, Aviation, Housing and Recreation to which was referred **Bill 23 (LS): Relative to the Guam Unarmed Combat Commission Act of 2009, herein reports out the measure.** The Committee finds that the sport of mixed martial arts has grown in popularity over the past five years with over forty events being promoted in Guam. It is the intent of Bill 23 (LS) to provide a mechanism to regulate and license activities related to unarmed combat sports through the Boxing and Wrestling Commission as currently provided for in Chapter 41, Title 22, Guam Code Annotated. The Boxing and Wrestling Commission was enacted by the Thirteenth Guam Legislature and has not seen significant modification since its inception. Neither the existing statute nor the promulgated rules and regulations take into account the sport of mixed martial arts.

In the interest of protecting contestants, the committee finds that it is necessary to revamp the Boxing and Wrestling commission and establish new statues and rules and regulations to incorporate the sport of mixed martial arts, as well as update provisions related to boxing and wrestling. The passage of this legislation would legitimize the sport of MMA and provide a mechanism for these events to be properly sanctioned. Additionally, the Committee took into account the concerns of those that provided testimony during the public hearing on bill No. 23(LS) in addition to the input that was provided in prior legislation, specifically Bill 313 (EC); which was introduced in the 29th Guam Legislature.

The Committee hereby reports out **Bill No. 23 (LS): An act to repeal Chapter 41 of Title 22, Guam Code Annotated, relative to the Guam Boxing and Wrestling Commission; to add a new Chapter 7 to Title 11, Guam Code Annotated, relative to “Unarmed Combat” and establishing the Guam Unarmed Combat Commission; and, citing this act as the “Guam Unarmed Combat Commission Act of 2009”, as substituted by the committee; with its recommendation.**

I MINA 'TRENTA NA LIHESLATURAN GUÁHAN
2009 (First) REGULAR SESSION

Bill No.23(LS)

As substituted by the Committee
On Municipal Affairs, Aviation,
Housing and Recreation

Introduced by:

J.V. Espaldon
T. R. Muña Barnes

AN ACT TO REPEAL CHAPTER 41 OF TITLE 22, GUAM CODE ANNOTATED, RELATIVE TO THE GUAM BOXING AND WRESTLING COMMISSION; TO ADD A NEW CHAPTER 7 TO TITLE 11, GUAM CODE ANNOTATED, RELATIVE TO “UNARMED COMBAT” AND ESTABLISHING THE GUAM [ATHLETIC] UNARMED COMBAT COMMISSION; AND, CITING THIS ACT AS THE “GUAM [ATHLETIC] UNARMED COMBAT COMMISSION ACT OF 2009”.

BE IT ENACTED BY THE PEOPLE OF GUAM:

Section 1. Legislative Findings. *I Liheslaturan Guahan* finds that the sport of mixed martial arts has grown in popularity over the past five years. Collectively, there were over fifteen (15) mixed martial arts competitions staged in Guam during 2006. Such activities should be regulated and licensed by the Boxing and Wrestling Commission as currently provided for in Chapter 41, Title 22, Guam Code Annotated. The Boxing and Wrestling Commission was enacted by the Thirteenth Guam Legislature and has not seen significant modification since its inception. Neither the existing statute nor the promulgated rules and regulations take into account the sport of mixed martial arts. In the interest of protecting contestants, *I Liheslaturan Guahan* finds that it is necessary to revamp the Boxing and Wrestling commission and establish new statues and rules and regulations to incorporate the sport of mixed martial arts, as well as update provisions related to boxing and wrestling.

Section 2. Repeal of Chapter 41 of Title 22, Guam Code Annotated. Chapter 41 of Title 22, Guam Code Annotated is repealed in its entirety.

1 **Section 3. A new Chapter 7 is added to Title 11, Guam Code Annotated.** A new
2 Chapter 7 is added to Title 11, Guam Code Annotated to read:

3 **“CHAPTER 7 – UNARMED COMBAT**

4 **Article 1**

5 **DEFINITIONS.**

- 6 **§ 7100. Definitions**
7 **§ 7101. “Board” defined.**
8 **§ 7102. “Commission” defined.**
9 **§ 7103. “Contestant” defined.**
10 **§ 7104. “Manager” defined.**
11 **§ 7105. “Promoter” defined.**
12 **§ 7106. “Purse” defined.**
13 **§ 7107. “Ring official” defined.**
14 **§ 7108. “Sanctioning organization” defined.**
15 **§ 7109. “Unarmed combat” defined.**
16 **§ 7110. “Unarmed combatant” defined.**

17 **Article 2**

18 **MEDICAL ADVISORY BOARD**

- 19 **§ 7200. Creation; Chairman; terms.**
20 **§ 7201. Qualifications of members.**
21 **§ 7202. Duties.**

22 **Article 3**

23 **GUAM [~~ATHLETIC~~] UNARMED COMBAT COMMISSION**

- 24 **§ 7300. Creation; number and appointment of members; quorum; prohibitions**
25 **concerning contests and exhibitions.**
26 **§ 7301. Chairman; seal; regulations; form of contracts.**

- 1 § 7302. Employment of Executive [~~Director~~] Secretary; deposit of money in
2 General Fund; exceptions.
- 3 § 7303. Inspectors: Appointment; duties; promotion or sponsoring of
4 professional contest or exhibition prohibited.
- 5 § 7304. Compensation of members of Commission and other employees of
6 Commission; classification of Executive [~~Director~~] Secretary; certain
7 other employment of Executive [~~Director~~] Secretary allowed.
- 8 § 7305. Authority to affiliate with other state or national boxing commission or
9 athletic authority.

10 Article 4

11 LICENSING AND CONTROL OF CONTESTS AND EXHIBITIONS OF UNARMED
12 COMBAT

- 13 § 7400. Jurisdiction of Commission.
- 14 § 7401. License for contest or exhibition where admission fee received;
15 application for license; fee; limited, restricted or conditional license; bond
16 or deposit; [~~Athletic~~] Unarmed Combat Commission's Agency Account;
17 additional deposit; exceptions.
- 18 § 7402. Licenses for contestant, promoter, manager, trainer, ring official and
19 others; application for license; privileged statements; submission of
20 fingerprints; withdrawal of application; uniform scale of fees; payment of
21 costs of proceedings.
- 22 § 7403. Confidentiality of certain information concerning applicant for license;
23 disclosure of information; procedure.
- 24 § 7404. Payment of child support: Statement by applicant for license; grounds for
25 denial of license; duty of Commission.
- 26 § 7405. Suspension of license for failure to pay child support or comply with
27 certain subpoenas or warrants; reinstatement of license.
- 28 § 7406. Application for license to include social security number of applicant.

- 1 § 7407. Contest or exhibition shown on closed-circuit telecast or motion picture
2 for fee: Fee for license; report to Commission.
- 3 § 7408. Permit for promoter to present program; limited, restricted or
4 conditional permit; fees; exceptions.
- 5 § 7409. Additional fees for license of promoter; exemption; regulations.
- 6 § 7410. Additional fee for each ticket sold for admission to live professional
7 unarmed contest, match or exhibition; money collected to be used for
8 amateur unarmed contests or exhibitions; application for grant;
9 regulations.
- 10 § 7411. Time for report to Commission and payment of additional fees by
11 promoter.
- 12 § 7412. Suspension, revocation and other disciplining of contestant and other
13 participants; grounds for refusal to issue license.
- 14 § 7413. Hearing by member of Commission; notice of disciplinary hearing;
15 approval of adjudication and order by majority of Commission;
16 distribution of written report.
- 17 § 7414. Commission may issue subpoenas, administer oaths, appoint hearing
18 examiners and pay certain expenses; penalty for making false oath before
19 Commission.
- 20 § 7415. Suspension of license or permit by member or Executive [~~Director~~]
21 Secretary of Commission pending final determination by Commission;
22 continuation of suspension by Commission; procedure.
- 23 § 7416. Contract between contestant and licensee: Copy provided to contestant
24 and Executive [~~Director~~] Secretary; impounding gate receipts.
- 25 § 7417. Insurance for licensed contestants.
- 26 § 7418. Advance against purse by promoter to licensee prohibited; permission of
27 member of Commission for advance to contestant for necessary expenses.
- 28 § 7419. Order to promoter to withhold part of purse or other money due certain
29 contestants or manager or second; hearing; disposition of money.
- 30 § 7420. Registration of sanctioning organization or television network; fees, costs
31 and deposit; regulations.

- 1 § 7421. Promoter and network to file copy of contracts for television rights;
- 2 records of accounts and other documents; assessment of fee for license;
- 3 confidentiality of contract.
- 4 § 7422. Attendance of representative or member of Commission at weigh-ins,
- 5 medical examinations, contests and exhibitions.
- 6 § 7423. Promoter to control seating arrangements; member of Commission
- 7 furnished ringside seat.
- 8 § 7424. Length of boxing contests and rounds; rest between rounds.
- 9 § 7425. Weighing-in of participants in boxing contests.
- 10 § 7426. Revocation of license.
- 11 § 7427. Penalties in lieu of or in addition to other disciplinary action; payment of
- 12 costs of proceedings.
- 13 § 7428. Reinstatement of revoked license: Payment of penalty prescribed by
- 14 Commission; payment of costs of proceedings.

16 Article 5

17 **APPLICABILITY OF CHAPTER; PENALTIES**

- 18 § 7500. Amateur contest or exhibition of school, college or university exempted
- 19 from provisions of chapter.
- 20 § 7501. Certain exhibitions of Oriental unarmed self-defense exempted from
- 21 provisions of chapter.
- 22 § 7502. Penalty.

23 Article 1

24 **DEFINITIONS**

- 25 § 7100. **Definitions.** As used in this chapter, unless the context otherwise requires,
- 26 the words and terms defined in §7101 to §7108 inclusive, have the meanings ascribed to them in
- 27 those sections.
- 28 § 7101. **“Board” defined.** “Board” means the Medical Advisory Board.

1 **§ 7102. “Commission” defined.** “Commission” means the Guam [Athletic] Unarmed
2 Combat Commission.

3 **§ 7103. “Contestant” defined.** “Contestant” means any person who engages in
4 unarmed combat for remuneration.

5 **§ 7104. “Manager” defined.** (a) “Manager” means a person who:

6 (1) Undertakes to represent the interests of another person, by contract, agreement or
7 other arrangement, in procuring, arranging or conducting a professional contest or exhibition in
8 which that person will participate as a contestant;

9 (2) Directs or controls the activities of an unarmed combatant relating to the
10 participation of the unarmed combatant in professional contests or exhibitions;

11 (3) Receives or is entitled to receive at least 10 percent of the gross purse or gross
12 income of any professional unarmed combatant for services relating to the participation of the
13 unarmed combatant in a professional contest or exhibition; or

14 (4) Receives compensation for services as an agent or representative of an unarmed
15 combatant.

16 **(b)** The term does not include an attorney who is licensed to practice law in this state if his
17 participation in any of the activities described in subsection 1 is limited solely to his legal
18 representation of a client who is an unarmed combatant.

19 **§ 7105. “Promoter” defined.** “Promoter” means any person who produces or stages
20 any professional contest or exhibition of unarmed combat.

21 **§ 7106. “Purse” defined.** “Purse” means the financial guarantee or any other
22 remuneration for which contestants are participating in a contest or exhibition and includes the
23 contestant’s share of any payment received for radio broadcasting, television or motion picture
24 rights.

25 **§ 7107. “Ring official” defined.** “Ring official” means any person who performs an
26 official function during the progress of a contest or exhibition of unarmed combat.

27 **§ 7108. “Sanctioning organization” defined.** “Sanctioning organization” means an
28 organization that sanctions professional contests of unarmed combat in this state.

29 **§ 7109. “Unarmed combat” defined.** “Unarmed combat” means boxing, wrestling
30 or any form of competition in which a blow is usually struck which may reasonably be expected to
31 inflict injury.

1 (b) Have at least 5 years of experience in the practice of medicine at the time of his
2 appointment.

3 § 7202. Duties. The Board shall: (a) Prepare and submit to the Commission
4 appropriate standards for the physical and mental examination of contestants. No standard is
5 effective until it is approved by the Commission. The Commission shall ensure that applicable tests
6 for HIV/AIDS, TB, and other communicable diseases, and the mandatory requirement of a CT scan,
7 are included in the standards to be promulgated and approved.

8 (b) Recommend to the Commission for licensing, physicians who are qualified to examine
9 contestants.

10 (c) Advise the Commission as to the physical or mental fitness of a contestant, if it so
11 requests.

12 (d) Prepare and submit to the Legislature and the Commission reports containing any
13 recommendations for revisions in the law which it deems necessary to protect the health of
14 contestants in this state.

15 **GUAM [ATHLETIC] UNARMED COMBAT COMMISSION**

16 § 7300. Creation; number, composition and appointment of members; quorum;
17 prohibitions concerning contests and exhibitions. (a) The Guam [Athletic] Unarmed Combat
18 Commission, consisting of [~~five (5)~~] seven (7) members appointed by the Governor and subject to
19 confirmation by *I Liheslaturan Guåhan*, is hereby created within the Department of Revenue and
20 Taxation. Commission members shall serve for a term of four (4) years. The seven (7) member
21 Commission, at least two (2) being female, shall be constituted as follows: two (2) member of the general
22 public, two (2) members with a background in the sport of boxing, two (2) members with a background in the
23 sport of mixed martial arts, and one (1) member with a background in the visitor industry in the area of sports
24 tourism. The Director of the Department of Revenue and Taxation, the Director of the Department of Parks
25 and Recreation and the Chairman of the Medical Advisory Board, as provided in §7200, shall serve as an
26 ex-officio members. If the position of a member is vacated, the Governor shall appoint a qualified
27 person to replace the member for the remainder of the unexpired term.

28 (b) [~~Three (3)~~] Four (4) members of the Commission constitute a quorum for the exercise of
29 the authority conferred upon the Commission, and a concurrence of at least [~~three (3)~~] four (4) of the
30 members is necessary to render a choice or a decision by the Commission.

1 (c) A member shall not at any time during his service as a member of the Commission
2 promote or sponsor any contest or exhibition of unarmed combat, or combination of those events, or
3 have any financial interest in the promotion or sponsorship of those contests or exhibitions.

4 **§ 7301. Chairman; seal; regulations; form of contracts.** (a) A chairman shall be
5 elected from among the members who shall serve in such capacity for a term of one (1) year,
6 whereupon another member shall be elected as provided herein.

7 (b) The Commission may purchase and use a seal.

8 (c) The Commission may adopt regulations for the administration of this chapter. The
9 regulations must include:

10 (1) Number and qualifications of ring officials required at any exhibition or contest.

11 (2) Procedures for obtaining fingerprints pursuant to §7402 to investigate the criminal history
12 of all ring officials and employees of the Commission and any other applicant the Commission
13 wishes to investigate.

14 (3) Powers, duties and compensation of ring officials.

15 (4) Qualifications of licensees.

16 (d) The Commission shall prepare all forms of contracts between sponsors, licensees,
17 promoters and contestants.

18 **§ 7302. Employment of Executive [~~Director~~] Secretary; deposit of money in**
19 **General Fund; exceptions.** (a) The Commission may employ an Executive [~~Director~~] Secretary,
20 who must not be a member of the Commission.

21 (b) Except as provided in §7401 and §7419, all money received by the Executive [~~Director~~]
22 Secretary or the Commission pursuant to the provisions of this chapter must be deposited with the
23 Treasurer of Guam for credit to the Guam [Athletic] Unarmed Combat Commission Fund.

24 **§ 7303. Inspectors: Appointment; duties; promotion or sponsoring of**
25 **professional contest or exhibition prohibited.** (a) The Commission may appoint one or more
26 official representatives to be designated as inspectors, and may appoint one chief inspector. The
27 chief inspector shall supervise the work of all other inspectors appointed by the Commission. Each
28 inspector must receive from the Commission a card authorizing him to act as an inspector. He holds
29 office as an inspector at the pleasure of the Commission.

30 (b) An inspector shall not at any time during his service as an inspector promote or sponsor
31 any professional contest or exhibition of unarmed combat, or combination of those events.

1 (c) Any contest involving a form of Oriental unarmed self-defense must be conducted
2 pursuant to rules for that form which are approved by the Commission before the contest is
3 conducted, held or given.

4 **§ 7401. License for contest or exhibition where admission fee received;**
5 **application for license; fee; limited, restricted or conditional license; bond or deposit; Guam**
6 **Athletic Commission Fund; additional deposit; exceptions. (a)** The Commission may issue and
7 revoke licenses to conduct, hold or give contests or exhibitions of unarmed combat where an
8 admission fee is received in accordance with such terms and provisions as the Commission
9 prescribes.

10 (b) Any application for such a license must be in writing and correctly show and define the
11 applicant. The application must be accompanied by an annual fee to be fixed by the Commission on
12 a uniform scale.

13 (c) The Commission may deny an application for such a license or grant a limited, restricted
14 or conditional license for any cause deemed sufficient by the Commission.

15 (d) Before any license is granted, the applicant must file a bond in an amount fixed by the
16 Commission but not less than \$10,000, executed by the applicant as principal, and by a corporation
17 qualified under the laws of the territory as surety, payable to the Treasurer of Guam, and conditioned
18 upon the faithful performance by the applicant of the provisions of this chapter. In lieu of a bond, the
19 applicant may deposit with the Commission a like amount of lawful money of the United States or
20 any other form of security, including, but not limited to: bonds of the United States or of the
21 Territory of Guam of an actual market value of not less than the amount of the required cash
22 payment or surety bond; a letter of credit from a bank, savings bank, credit union or savings and loan
23 association situated in Guam, which meets the requirements set for that purpose by the Treasurer of
24 Guam; or, a savings certificate, certificate of deposit or investment certificate of a bank, savings
25 bank, credit union or savings and loan association situated in Guam, which must indicate an account
26 of an amount not less than the amount of the required cash payment or surety bond and, except as
27 otherwise provided by specific statute, that the amount is not available for withdrawal except by
28 direct order of the Treasurer of Guam. If security is provided in the form of a savings certificate,
29 certificate of deposit or investment certificate, the certificate must state that the amount is not
30 available for withdrawal except upon order of the Commission. All money which the Commission
31 receives pursuant to this subsection must be deposited with the Treasurer of Guam for credit to the

1 Guam [Athletic] Unarmed Combat Commission Fund, which shall be established by enactment of
2 this statute.

3 (e) If the Commission believes the requirement for a bond is inadequate, the Commission
4 may require the promoter to make a deposit of money in an amount fixed by the Commission. The
5 deposit must be made not less than five (5) days before the contest or exhibition. It may be used to
6 satisfy any obligation incurred by the promoter during the staging of the contest or exhibition upon
7 order of the Commission. After satisfaction of all such obligations, the Commission shall release the
8 remainder to the promoter.

9 (f) The provisions of subsections (d) and (e) do not apply to amateur athletic clubs.

10 **§ 7402. Licenses for contestant, promoter, manager, trainer, ring official and**
11 **others; application for license; privileged statements; submission of fingerprints; withdrawal**
12 **of application; uniform scale of fees; payment of costs of proceedings. (a)** All contestants,
13 promoters, managers, seconds, trainers and ring officials must be licensed by the Commission. No
14 person may participate, directly or indirectly, in any professional contest or exhibition of unarmed
15 combat unless he has first procured a license from the Commission.

16 (b) The Commission may deny an application for a license or grant a limited, restricted or
17 conditional license for any cause deemed sufficient by the Commission.

18 (c) ~~[An application for a license constitutes a request for a determination of the applicant's~~
19 ~~general suitability, character, integrity, and ability to participate or engage in, or be associated with~~
20 ~~contests or exhibitions of unarmed combat. The burden of proof is on the applicant to establish to the~~
21 ~~satisfaction of the Commission that the applicant is qualified to receive a license. By filing an~~
22 ~~application with the Commission, an applicant accepts the risk of adverse public notice,~~
23 ~~embarrassment, criticism, financial loss or other action with respect to his application, and expressly~~
24 ~~waives any claim for damages as a result thereof. Any written or oral statement that is made by any~~
25 ~~member of the Commission or any witness testifying under oath which is relevant to the application~~
26 ~~and investigation of the applicant is absolutely privileged and does not impose liability for~~
27 ~~defamation or constitute a ground for recovery in a civil action.~~

28 ~~—(d)]~~ The Commission shall require:

29 (1) Each ring official and employee of the Commission; and

30 (2) Any other applicant the Commission wishes to investigate, shall submit to the
31 Commission with the application a complete set of his fingerprints which the Commission may

1 forward to the Guam Police Department for submission to the Federal Bureau of Investigation for its
2 report.

3 ~~{(e)}~~(d) After an application has been submitted to the Commission, the application may not
4 be withdrawn unless the Commission consents to the withdrawal.

5 ~~{(f)}~~(e) The Commission shall fix a uniform scale of license fees.

6 ~~{(g)}~~(f) In addition to the license fees required by subsection (f), the Commission may require
7 an applicant for a license to:

8 (1) Pay the costs of the proceedings associated with the issuance of the license, including,
9 without limitation, investigative costs and attorney's fees; and

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

15 ~~{(h)}~~(g) It is a violation of this chapter for any person to participate, directly or indirectly, as
16 stated in subsection (a), unless he has been granted a license therefor.

17 **§ 7403. Confidentiality of certain information concerning applicant for license;**
18 **disclosure of information; procedure. (a)** Except as otherwise provided in subsection (b), the
19 Commission shall keep confidential:

20 (1) Any information that it receives concerning an applicant for the issuance of a license
21 pursuant to this chapter which is declared confidential by law and that is provided to the
22 Commission by another governmental entity or the Association of Boxing Commissions;

23 (2) Any information contained in a medical record of such an applicant, if the information is
24 not relevant to the Commission in determining whether to grant a license to the applicant;

25 (3) Any information relating to the financial records of an applicant or licensee; and

26 (4) Any information required to be disclosed to the Commission and kept confidential
27 pursuant to federal law.

28 **(b)** The Commission shall reveal the information set forth in subsection (a):

29 (1) Upon the lawful order of a court of competent jurisdiction;

30 (2) To any person upon the request of the person who is the subject of the information; and

31 (3) In the course of the necessary administration of this chapter.

1 (c) A person seeking an order of a court of competent jurisdiction for the disclosure of
2 information described in subsection (a) must submit a motion in writing to the court requesting the
3 information. At least 10 days before submitting the motion, the person must provide notice to the
4 Commission, the Attorney General and all persons who may be affected by the disclosure of the
5 information. The notice must:

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

8 (2) Be delivered in person or by certified mail to the last known address of each person to
9 whom notice must be provided.

10 ~~§7404. [Payment of child support: Statement by applicant for license; grounds for~~
11 ~~denial of license; duty of Commission. (a) An applicant for the issuance or renewal of a license~~
12 ~~issued pursuant to §7402 shall submit to the Commission a statement from the Child Support~~
13 ~~Enforcement Agency indicating whether the applicant is subject to an existing court order for child~~
14 ~~support.~~

15 ~~_____ (b) The Commission shall include the statement required pursuant to subsection (a) in:~~

16 ~~_____ (1) The application or any other forms that must be submitted for the issuance or~~
17 ~~renewal of the license; or~~

18 ~~_____ (2) A separate form prescribed by the Commission.~~

19 ~~_____ (c) A license may not be issued or renewed by the Commission pursuant to §7402 if the~~
20 ~~applicant:~~

21 ~~_____ (1) Fails to submit the statement required pursuant to subsection (a); or~~

22 ~~_____ (2) Indicates on the statement submitted pursuant to subsection (a) that he is subject~~
23 ~~to a court order for the support of a child and is not in compliance with the order or a plan approved~~
24 ~~by the district attorney or other public agency enforcing the order for the repayment of the amount~~
25 ~~owed pursuant to the order.~~

26 ~~_____ (d) If an applicant indicates on the statement submitted pursuant to subsection (a) that he is~~
27 ~~subject to a court order for the support of a child and is not in compliance with the order or a plan~~
28 ~~approved by the district attorney or other public agency enforcing the order for the repayment of the~~
29 ~~amount owed pursuant to the order, the Commission shall advise the applicant to contact the district~~
30 ~~attorney or other public agency enforcing the order to determine the actions that the applicant may~~
31 ~~take to satisfy the arrearage.~~

1 **§7405.] §7404. Application for license to include social security number of applicant.**

2 An application for a license issued pursuant to §7402 must include the social security number of the
3 applicant.

4 **§ 740[6]5. [Contest or exhibition shown on closed-circuit telecast or motion picture**
5 **for fee: Fee for license; report to Commission. (a)** Any person who charges and receives an
6 admission fee for exhibiting any live contest or exhibition of unarmed combat on a closed-circuit
7 telecast, or motion picture, shall, within 10 days after the event, furnish to the Commission a verified
8 written report on a form which is supplied by the Commission, showing the number of tickets sold
9 and issued or sold or issued, and the gross receipts therefor without any deductions.

10 ~~(b) That person shall also, not later than twenty (20) days after the exhibition, pay to the~~
11 ~~Commission a license fee, exclusive of federal taxes thereon, of 4 cents for each \$1 or fraction~~
12 ~~thereof received for admission at the exhibition. The license fee applies uniformly at the same rate to~~
13 ~~all persons subject to it. The license fee must be based on the face value of all tickets sold and~~
14 ~~complimentary tickets issued.~~

15 **§ 7407.] Permit for promoter to present program; limited, restricted or conditional**
16 **permit; fees; exceptions. (a)** Every promoter, in order to present a program of contests or
17 exhibitions of unarmed combat, must obtain a permit from the Commission for each program.

18 **(b)** The Commission may deny an application for such a permit or grant a limited, restricted
19 or conditional permit for any cause deemed sufficient by the Commission.

20 **(c)** The Commission shall charge and collect the following fees for a permit to present a
21 program of contests or exhibitions:

22 Permit for a promoter who has no place of business in this state..... [\$100] \$1,000

23 Permit for a promoter who has a place of business in this state.....[\$100] \$250

24 The provisions of this subsection do not apply to the presentation of a program of amateur contests
25 or exhibitions of unarmed combat.

26 **§ 740[8]6. Additional fees for license of promoter; exemption; regulations. (a)** In
27 addition to the payment of any other fees and money due under this chapter, every promoter, except
28 as provided in subsection (2), shall pay a license fee of:

1 (1) Four percent of the total gross receipts from admission fees to the live contest or
2 exhibition of unarmed combat, exclusive of any federal tax or tax imposed by ~~[any political~~
3 ~~subdivision of this state]~~ the government of Guam; and

4 (2) Three percent of the first \$1,000,000, and 1 percent of the next \$2,000,000, of the total
5 gross receipts from the sale, lease or other exploitation of broadcasting, television and motion picture
6 rights for that contest or exhibition, without any deductions for commissions, brokerage fees,
7 distribution fees, advertising, contestants' purses or any other expenses or charges.

8 (b) A corporation organized pursuant to Part 2 of Chapter 10, Title 18, Guam Code
9 Annotated, which promotes an amateur contest or exhibition of unarmed combat whose net proceeds
10 are to be spent entirely in this territory, for the purposes for which the corporation is organized, is
11 exempt from the fees payable under this section. The corporation must retain the services of a
12 promoter licensed pursuant to this chapter.

13 (c) The Commission shall adopt regulations:

14 (1) Requiring that the number and face value of all complimentary tickets be reported.

15 (2) Governing the treatment of complimentary tickets for the purposes of computing gross
16 receipts from admission fees under subsection (a)(1).

17 **§ 740[9]7. Additional fee for each ticket sold for admission to live professional**
18 **boxing or wrestling contest, match or exhibition; money collected to be used for amateur**
19 **boxing contests or exhibitions; application for grant; regulations. (a)** ~~[Except as otherwise~~
20 ~~provided in subsection (b), i]~~ In addition to the payment of any other fees or taxes required by this
21 chapter, a promoter shall pay to the Commission a fee of \$1.00 for each ticket sold for admission to
22 a live professional boxing or wrestling contest, match or exhibition which is held in this [state]
23 territory.

24 (b) ~~[In lieu of the fee imposed pursuant to subsection (a), the Executive [Director] Secretary~~
25 ~~of the Commission may require a promoter to pay to the Commission a fee of \$0.50 for each ticket~~
26 ~~sold for admission to a live professional boxing or wrestling contest, match or exhibition which is~~
27 ~~held in this state if the gross receipts from admission fees to the contest, match or exhibition are less~~
28 ~~than \$500,000.~~

29 ~~— (c) The money collected pursuant to subsections (a) and (b) must be used by the Commission~~
30 ~~to award grants to organizations which promote amateur boxing contests or exhibitions in this state.~~

31 (d) The Commission shall adopt by regulation the manner in which:

1 (1) The fees required by subsection[s] (a) [~~and (b)~~] must be paid.

2 (2) Applications for grants may be submitted to the Commission and the standards to be used
3 to award grants to organizations which promote amateur boxing contests or exhibitions in this [state]
4 territory.

5 **§ 74[10]08. Time for report to Commission and payment of additional fees by**
6 **promoter. (a)** Every promoter shall, within 10 days after the completion of any contest, match or
7 exhibition for which an admission fee is charged and received, furnish to the Commission a verified
8 written report showing:

9 (1) The number of tickets sold and issued or sold or issued for the contest, match or
10 exhibition;

11 (2) The amount of the:

12 (i) Gross receipts from admission fees; and

13 (ii) Gross receipts derived from the sale, lease or other exploitation of broadcasting,
14 motion picture and television rights of such contest, match or exhibition, without any
15 deductions for commissions, brokerage fees, distribution fees, advertising, contestants'
16 purses or any other expenses or charges; and

17 (iii) Such other matters as the Commission may prescribe.

18 (b) The promoter shall, not later than twenty (20) days after the contest, match or exhibition,
19 pay to the Commission the license fee described in [~~§7407~~]**§7405**.

20 **§ 74[11]09. Suspension, revocation and other disciplining of contestant and other**
21 **participants; grounds for refusal to issue license. (a)** The Commission may suspend or revoke the
22 license of, otherwise discipline, or take any combination of such actions against any contestant,
23 promoter, ring official or other participant who, in the judgment of the Commission:

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

25 (2) Participates in any sham or fake contest or exhibition of unarmed combat;

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

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

1 ~~(5)~~ Is guilty of an act or conduct that is detrimental to a contest or exhibition of unarmed
2 combat, including, but not limited to, any foul or unsportsmanlike conduct in connection with a
3 contest or exhibition of unarmed combat; or

4 ~~[(6)]~~ (5) Fails to comply with any limitation, restriction or condition placed on his license.

5 **(b)** The Commission may refuse to issue a license to an applicant who has committed any of
6 the acts described in subsection **(a)**.

7 **§ 741[2]0. Hearing by member of Commission; notice of disciplinary hearing;**
8 **approval of adjudication and order by majority of Commission; distribution of written report.**

9 **(a)** Any member of the Commission may conduct hearings.

10 **(b)** All disciplinary hearings conducted under the provisions of this chapter must be preceded
11 by a written notice to be served upon the accused at least 10 days before the hearing.

12 **(c)** Before any adjudication is rendered, a majority of the members of the Commission shall
13 examine the record and approve the adjudication and order.

14 **(d)** The Commission shall file a written report of its findings, adjudication and order in the
15 record of the proceedings and send a copy to the accused.

16 **§ 741[3]1. Commission may issue subpoenas, administer oaths, appoint hearing**
17 **examiners and pay certain expenses; penalty for making false oath before Commission. (a)** The
18 Commission, or a quorum of three members thereof, may:

19 (1) Issue subpoenas to require the attendance and testimony of a licensee or other person
20 whom the Commission believes to have information of importance to the Commission;

21 (2) Issue subpoenas duces tecum to require the production of books and papers by a licensee
22 or other person whom the Commission believes to have books or papers of importance to the
23 Commission;

24 (3) Administer oaths and require testimony under oath;

25 (4) Appoint hearing examiners who may administer oaths and receive evidence and
26 testimony under oath; and

27 (5) Pay such transportation and other expenses of witnesses as it may deem reasonable and
28 proper.

29 **(b)** Service of process or notice required pursuant to this section must be served in the
30 manner provided for service of process and notices in civil actions.

1 (c) A person making false oath in a matter before the Commission or a hearing examiner is
2 guilty of perjury which is a felony of the third degree and shall be punished as provided in §80.30(c)
3 of Chapter 80, Title 9, Guam Code Annotated.

4 § 741[4]2. **Suspension of license or permit by member or Executive [~~Director~~
5 Secretary of Commission pending final determination by Commission; continuation of
6 suspension by Commission; procedure. (a)** Each member of the Commission or the Executive
7 [~~Director~~] Secretary of the Commission may, upon his own motion or upon the verified written
8 charge of any person charging a licensee or the holder of a permit with violating any provision of
9 this chapter or the regulations adopted pursuant thereto, suspend for a period not exceeding ten (10)
10 days any license or permit until final determination by the Commission if, in his opinion, the action
11 is necessary to protect the public welfare and the best interests of the sports regulated pursuant to
12 this chapter.

13 (b) If a license or permit is suspended pursuant to subsection (a), the Commission may, upon
14 written notice to the licensee or holder of the permit and after a hearing, continue the suspension
15 until it makes a final determination of any disciplinary action to be taken against the licensee or
16 holder of the permit.

17 § 741[5]3. **Contract between contestant and licensee: Copy provided to contestant
18 and Executive [~~Director~~] Secretary; impounding gate receipts. (a)** Every contestant competing
19 under the terms of this chapter or regulation of the Commission is entitled to receive a copy of a
20 written contract or agreement approved as to form by the Commission binding the licensee to pay
21 the contestant a certain fixed fee or percentage of the gate receipts.

22 (b) One copy of the agreement must be filed with the Executive [~~Director~~] Secretary of the
23 Commission and one copy must be retained by the licensee or sponsor of the contest.

24 (c) The inspector or member of the Commission in attendance at the contest shall determine
25 whether such an agreement has been delivered to each contestant and may require that a sufficient
26 amount of the gate receipts be impounded to pay the contestants according to those agreements.

27 § 741[6]4. **Insurance for licensed contestants.** The Commission *may*, by regulation,
28 require insurance coverage for each licensed contestant to provide for medical, surgical and hospital
29 care for injuries sustained while engaged in contests or exhibitions of unarmed combat, in an amount
30 of \$50,000 or more payable to the physician or hospital which treated the contestant for his injuries
31 or, if he has paid for that care, directly to him or his beneficiary. Any unarmed combat organization

1 who conducts contests as a non-profit organization and is in good status with the Department of
2 Revenue and Taxation shall be excluded from this provision provided that the organization's waiver
3 is signed by he contestant or by a legal guardian if under 18 years of age.

4 **§ 741[7]5. Advance against purse by promoter to licensee prohibited; permission of**
5 **member of Commission for advance to contestant for necessary expenses.** No promoter may
6 pay or give any money to a licensee before any contest or exhibition of unarmed combat as an
7 advance against a contestant's purse or for a similar purpose, except that the promoter may, with the
8 prior written permission ~~[of a member]~~ by a majority of the Commission members, pay or advance
9 to a contestant necessary expenses for transportation and maintenance in preparation for a contest or
10 exhibition.

11 **§ 741[8]6. Order to promoter to withhold part of purse or other money due certain**
12 **contestants or manager or second; hearing; disposition of money. (a)** The Commission, its
13 Executive ~~[Director]~~ Secretary or any other employee authorized by the Commission may order the
14 promoter to withhold any part of a purse or other money belonging or payable to any contestant,
15 manager or second if, in the judgment of the Commission, Executive ~~[Director]~~ Secretary or other
16 employee:

17 (1) The contestant is not competing honestly or to the best of his skill and ability or the
18 contestant otherwise violates any regulations adopted by the Commission or any of the provisions of
19 this chapter, including, but not limited to, the provisions of subsection (a) of §74[12]09; or

20 (2) The manager or seconds violate any regulations adopted by the Commission or any of the
21 provisions of this chapter, including, but not limited to, the provisions of subsection (a) of
22 §74[12]09.

23 ~~(b) [This section does not apply to any contestant in a wrestling exhibition who appears not~~
24 ~~to be competing honestly or to the best of his skill and ability.~~

25 ~~(e)}~~ Upon the withholding of any part of a purse or other money pursuant to this section, the
26 Commission shall immediately schedule a hearing on the matter, provide adequate notice to all
27 interested parties and dispose of the matter as promptly as possible.

28 ~~{(d)}~~ **(c)** If it is determined that a contestant, manager or second is not entitled to any part of
29 his share of the purse or other money, the promoter shall pay the money over to the Commission.
30 Subject to the provisions of subsection (e), the money must be deposited with the Treasurer of Guam
31 for credit to the Guam ~~[Athletic]~~ Unarmed Combat Commission Fund.

1 ~~{(e)}~~ **(d)** Money turned over to the Commission pending final action in any matter must be
2 credited to the Guam [~~Athletic~~] Unarmed Combat Commission Fund and must remain in that
3 Account until the Commission orders its disposition in accordance with the final action taken.

4 **§ 741[9]7. Registration of sanctioning organization or television network; fees, costs
5 and deposit; regulations.** (a) The Commission may require a sanctioning organization or a
6 broadcasting network for television that televises professional contests of unarmed combat in this
7 territory to register with the Commission before it participates, directly or indirectly, in any
8 professional contest or exhibition of unarmed combat.

9 **(b)** If such registration is required, the Commission shall adopt regulations that prescribe,
10 without limitation, the requirements for registration and any fees for registration.

11 **(c)** The Commission may require a sanctioning organization or broadcasting network that
12 applies for registration to:

13 (1) Pay the costs of the proceedings relating to the issuance of the registration, including,
14 without limitation, investigative costs and attorney's fees; and

15 (2) Deposit with the Commission such an amount of money as the Commission deems
16 necessary to pay for those costs. If any amount required to be deposited pursuant to this paragraph
17 exceeds the actual cost of the proceedings, including, without limitation, investigative costs and
18 attorney's fees, the Commission shall refund the excess amount to the sanctioning organization or
19 broadcasting network upon the completion of the proceedings.

20 **§ 74[20]18. Promoter and network to file copy of contracts for television rights;
21 records of accounts and other documents; assessment of fee for license; confidentiality of
22 contract.** (a) A promoter and a broadcasting network for television shall each, at least seventy-two
23 (72) hours before a contest or exhibition of unarmed combat, or combination of those events is to be
24 held, file with the Commission's Executive [~~Director~~] Secretary a copy of all contracts entered into
25 for the sale, lease or other exploitation of television rights for the contest or exhibition.

26 **(b)** The promoter shall keep detailed records of the accounts and other documents related to
27 his receipts from the sale, lease or other exploitation on the television rights for a contest or
28 exhibition. The Commission, at any time, may inspect these accounts and documents to determine
29 the amount of the total gross receipts received by the promoter from the television rights.

30 **(c)** If a promoter or a network fails to comply with the requirements of this section, the
31 Commission may determine the amount of the total gross receipts from the sale, lease or other

1 exploitation of television rights for the contest or exhibition and assess the appropriate license fee
2 pursuant to §740[9]6(a).

3 (d) Each contract filed with the Commission pursuant to this section is confidential and is not
4 a public record.

5 § 74[21]19. **Attendance of representative or member of Commission at weigh-ins,**
6 **medical examinations, contests and exhibitions.** The Executive [~~Director~~] Secretary of the
7 Commission, a chief inspector or a member of the staff of the Commission must be present at all
8 weigh-ins, medical examinations, contests, exhibitions or matches, and shall ensure that the rules are
9 strictly enforced.

10 § 742[2]0. **Promoter to control seating arrangements; member of Commission**
11 **furnished ringside seat.** Each promoter of a contest or exhibition of unarmed combat has charge of
12 all seating arrangements but shall furnish to each member of the Commission who is present one
13 ringside seat.

14 § 742[3]1. **Length of boxing and mixed martial arts contests and rounds; rest**
15 **between rounds.** (a) No boxing contest, sparring match or exhibition may be more than 12 rounds
16 in length. Rounds must be not more than 3 minutes. There must be a rest period of 60 seconds
17 between successive rounds.

18 (b) No mixed martial arts contest may be longer than three (3) rounds in length. Rounds
19 must be not more than five (5) minutes. There must be a rest period of sixty (60) seconds between
20 successive rounds.

21 (c) No mixed martial arts championship contest may be longer than five (5) rounds in
22 length. Rounds must not be more than five (5) minutes. There must be a rest period of sixty (60)
23 seconds between successive rounds.

24 § 742[4]2. **Weighing-in of participants in boxing contests.** Every participant in a
25 boxing contest shall be present and weighed in no later than 7 p.m. on the day before to the contest.

26 § 742[5]3. **Revocation of license.** Any license issued under this chapter may be revoked
27 for cause deemed sufficient by the Commission upon a hearing as provided for in §741[3]0.

28 § 742[6]4. **Penalties in lieu of or in addition to other disciplinary action; payment of**
29 **costs of proceedings.** (a) If disciplinary action is taken against a person pursuant to this chapter and
30 the disciplinary action does not relate to a contest or exhibition of unarmed combat as provided in

1 subsection (b), the Commission may, in lieu of revoking a license, prescribe a penalty not to exceed
2 [~~\$250,000~~] \$50,000.

3 (b) If disciplinary action is taken against a person pursuant to this chapter, including, but not
4 limited to, a hearing for the revocation of a license, and the disciplinary action relates to:

5 (1) The preparation for a contest or an exhibition of unarmed combat;

6 (2) The occurrence of a contest or an exhibition of unarmed combat; or

7 (3) Any other action taken in conjunction with a contest or an exhibition of unarmed combat,
8 the Commission may prescribe a penalty pursuant to subsection (c).

9 (c) A penalty prescribed by the Commission pursuant to subsection (b):

10 (1) Must not exceed [~~\$250,000~~] \$50,000 or one hundred percent (100%) of the share of the
11 purse to which the holder of the license is entitled for the contest or exhibition, whichever amount is
12 greater; and

13 (2) May be imposed in addition to or in lieu of any other disciplinary action that is taken
14 against the person by the Commission.

15 (d) If disciplinary action is taken against a person pursuant to this chapter, the Commission
16 may require the person against whom such action is taken to pay the costs of the proceeding,
17 including investigative costs and attorney's fees.

18 **§ 7427. Reinstatement of revoked license: Payment of penalty prescribed by**
19 **Commission; payment of costs of proceedings.** (a) Except as otherwise provided in ~~§742[7]4~~,
20 upon receipt of an application and the payment of a penalty prescribed by the Commission, not to
21 exceed [~~\$250,000~~] \$50,000, the Commission may reinstate a revoked license.

22 (b) In addition to the penalty required by subsection (a), the Commission may require the
23 applicant to:

24 (1) Pay the costs of the proceedings associated with the reinstatement of the license,
25 including investigative costs and attorney's fees; and

26 (2) Deposit with the Commission such an amount of money as the Commission deems
27 necessary to pay for those costs. If any amount required to be deposited pursuant to this paragraph
28 exceeds the actual cost of the proceedings, including investigative costs and attorney's fees, the
29 Commission shall refund the excess amount to the applicant upon the completion of the proceedings.

1
2 **Article 5**

3 **APPLICABILITY OF CHAPTER; PENALTIES**

4 **§ 7500. Amateur contest or exhibition of school, college or university or non-**
5 **profit unarmed combat organization exempted from provisions of chapter.** The provisions of
6 this chapter do not apply to any amateur contests or exhibitions of unarmed combat or any
7 combination thereof conducted by or participated in exclusively by any unarmed combat
8 organization who conducts contests as a non-profit organization and is in good status with the
9 Department of Revenue and Taxation any school, college or university or by any association or
10 organization of a school, college or university or non, when each participant in the contests or
11 exhibitions is a bona fide student in the school, college or university. All amateur boxing
12 competitions shall follow the technical and competition rules as defined by the International Boxing
13 Association (AIBA).

14 **§ 7501. Certain exhibitions of Oriental unarmed self-defense exempted from**
15 **provisions of chapter.** The provisions of this chapter do not apply to exhibitions of Oriental
16 unarmed self-defense in which no dangerous blow is intended to be struck.

17 **§ 7502. Penalty.** Any person who shall, directly or indirectly, violate any of the
18 provisions of this chapter, or the rules or regulations of the Commission, shall be guilty of a
19 misdemeanor.”

20 **Section 4. Commission Members to Remain.** Upon enactment into law of this Act, the
21 current members of the Boxing and Wrestling Commission shall continue as members of the Guam
Athletic Commission, subject to the conditions set in §7300.

**I MINA 'TRENTA NA LIHESLATURAN GUAHAN
2009 (First) REGULAR SESSION**

Bill No. 23 (25)

Introduced by:

J.V. Espaldon
T. R. Muña Barnes

2009 JAN -5 AM 11: 07

AN ACT TO REPEAL CHAPTER 41 OF TITLE 22, GUAM CODE ANNOTATED, RELATIVE TO THE GUAM BOXING AND WRESTLING COMMISSION; TO ADD A NEW CHAPTER 7 TO TITLE 11, GUAM CODE ANNOTATED, RELATIVE TO "UNARMED COMBAT" AND ESTABLISHING THE GUAM [ATHLETIC] UNARMED COMBAT COMMISSION; AND, CITING THIS ACT AS THE "GUAM [ATHLETIC] UNARMED COMBAT COMMISSION ACT OF 2009".

BE IT ENACTED BY THE PEOPLE OF GUAM:

Section 1. Legislative Findings. *I Liheslaturan Guahan* finds that the sport of mixed martial arts has grown in popularity over the past five years. Collectively, there were over fifteen (15) mixed martial arts competitions staged in Guam during 2006. Such activities should be regulated and licensed by the Boxing and Wrestling Commission as currently provided for in Chapter 41, Title 22, Guam Code Annotated. The Boxing and Wrestling Commission was enacted by the Thirteenth Guam Legislature and has not seen significant modification since its inception. Neither the existing statute nor the promulgated rules and regulations take into account the sport of mixed martial arts. In the interest of protecting contestants, *I Liheslaturan Guahan* finds that it is necessary to revamp the Boxing and Wrestling commission and establish new statutes and rules and regulations to incorporate the sport of mixed martial arts, as well as update provisions related to boxing and wrestling.

Section 2. Repeal of Chapter 41 of Title 22, Guam Code Annotated. Chapter 41 of Title 22, Guam Code Annotated is repealed in its entirety.

Section 3. A new Chapter 7 is added to Title 11, Guam Code Annotated. A new Chapter 7 is added to Title 11, Guam Code Annotated to read:

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“CHAPTER 7 – UNARMED COMBAT

Article 1

DEFINITIONS.

- § 7100. Definitions**
- § 7101. “Board” defined.**
- § 7102. “Commission” defined.**
- § 7103. “Contestant” defined.**
- § 7104. “Manager” defined.**
- § 7105. “Promoter” defined.**
- § 7106. “Purse” defined.**
- § 7107. “Ring official” defined.**
- § 7108. “Sanctioning organization” defined.**
- § 7109. “Unarmed combat” defined.**
- § 7110. “Unarmed combatant” defined.**

Article 2

MEDICAL ADVISORY BOARD

- § 7200. Creation; Chairman; terms.**
- § 7201. Qualifications of members.**
- § 7202. Duties.**

Article 3

GUAM [ATHLETIC] UNARMED COMBAT COMMISSION

- § 7300. Creation; number and appointment of members; quorum; prohibitions concerning contests and exhibitions.**
- § 7301. Chairman; seal; regulations; form of contracts.**
- § 7302. Employment of Executive [~~Director~~] Secretary; deposit of money in General Fund; exceptions.**

- 1 **§ 7303.** **Inspectors: Appointment; duties; promotion or sponsoring of**
- 2 **professional contest or exhibition prohibited.**
- 3 **§ 7304.** **Compensation of members of Commission and other employees of**
- 4 **Commission; classification of Executive [~~Director~~] Secretary; certain**
- 5 **other employment of Executive [~~Director~~] Secretary allowed.**
- 6 **§ 7305.** **Authority to affiliate with other state or national boxing commission or**
- 7 **athletic authority.**

8 **Article 4**

9 **LICENSING AND CONTROL OF CONTESTS AND EXHIBITIONS OF UNARMED**
10 **COMBAT**

- 11 **§ 7400.** **Jurisdiction of Commission.**
- 12 **§ 7401.** **License for contest or exhibition where admission fee received;**
- 13 **application for license; fee; limited, restricted or conditional license; bond**
- 14 **or deposit; [~~Athletic~~] Unarmed Combat Commission's Agency Account;**
- 15 **additional deposit; exceptions.**
- 16 **§ 7402.** **Licenses for contestant, promoter, manager, trainer, ring official and**
- 17 **others; application for license; privileged statements; submission of**
- 18 **fingerprints; withdrawal of application; uniform scale of fees; payment of**
- 19 **costs of proceedings.**
- 20 **§ 7403.** **Confidentiality of certain information concerning applicant for license;**
- 21 **disclosure of information; procedure.**
- 22 **§ 7404.** **Payment of child support: Statement by applicant for license; grounds for**
- 23 **denial of license; duty of Commission.**
- 24 **§ 7405.** **Suspension of license for failure to pay child support or comply with**
- 25 **certain subpoenas or warrants; reinstatement of license.**
- 26 **§ 7406.** **Application for license to include social security number of applicant.**
- 27 **§ 7407.** **Contest or exhibition shown on closed-circuit telecast or motion picture**
- 28 **for fee: Fee for license; report to Commission.**

- 1 **§ 7408.** **Permit for promoter to present program; limited, restricted or**
2 **conditional permit; fees; exceptions.**
- 3 **§ 7409.** **Additional fees for license of promoter; exemption; regulations.**
- 4 **§ 7410.** **Additional fee for each ticket sold for admission to live professional**
5 **boxing or wrestling contest, match or exhibition; money collected to be**
6 **used for amateur boxing contests or exhibitions; application for grant;**
7 **regulations.**
- 8 **§ 7411.** **Time for report to Commission and payment of additional fees by**
9 **promoter.**
- 10 **§ 7412.** **Suspension, revocation and other disciplining of contestant and other**
11 **participants; grounds for refusal to issue license.**
- 12 **§ 7413.** **Hearing by member of Commission; notice of disciplinary hearing;**
13 **approval of adjudication and order by majority of Commission;**
14 **distribution of written report.**
- 15 **§ 7414.** **Commission may issue subpoenas, administer oaths, appoint hearing**
16 **examiners and pay certain expenses; penalty for making false oath before**
17 **Commission.**
- 18 **§ 7415.** **Suspension of license or permit by member or Executive ~~[Director]~~**
19 **Secretary of Commission pending final determination by Commission;**
20 **continuation of suspension by Commission; procedure.**
- 21 **§ 7416.** **Contract between contestant and licensee: Copy provided to contestant**
22 **and Executive ~~[Director]~~ Secretary; impounding gate receipts.**
- 23 **§ 7417.** **Insurance for licensed contestants.**
- 24 **§ 7418.** **Advance against purse by promoter to licensee prohibited; permission of**
25 **member of Commission for advance to contestant for necessary expenses.**
- 26 **§ 7419.** **Order to promoter to withhold part of purse or other money due certain**
27 **contestants or manager or second; hearing; disposition of money.**
- 28 **§ 7420.** **Registration of sanctioning organization or television network; fees, costs**
29 **and deposit; regulations.**

- 1 **§ 7421.** **Promoter and network to file copy of contracts for television rights;**
- 2 **records of accounts and other documents; assessment of fee for license;**
- 3 **confidentiality of contract.**
- 4 **§ 7422.** **Attendance of representative or member of Commission at weigh-ins,**
- 5 **medical examinations, contests and exhibitions.**
- 6 **§ 7423.** **Promoter to control seating arrangements; member of Commission**
- 7 **furnished ringside seat.**
- 8 **§ 7424.** **Length of boxing contests and rounds; rest between rounds.**
- 9 **§ 7425.** **Weighing-in of participants in boxing contests.**
- 10 **§ 7426.** **Revocation of license.**
- 11 **§ 7427.** **Penalties in lieu of or in addition to other disciplinary action; payment of**
- 12 **costs of proceedings.**
- 13 **§ 7428.** **Reinstatement of revoked license: Payment of penalty prescribed by**
- 14 **Commission; payment of costs of proceedings.**

Article 5

APPLICABILITY OF CHAPTER; PENALTIES

- 18 **§ 7500.** **Amateur contest or exhibition of school, college or university exempted**
- 19 **from provisions of chapter.**
- 20 **§ 7501.** **Certain exhibitions of Oriental unarmed self-defense exempted from**
- 21 **provisions of chapter.**
- 22 **§ 7502.** **Penalty.**

Article 1

DEFINITIONS

§ 7100. Definitions. As used in this chapter, unless the context otherwise requires, the words and terms defined in §7101 to §7108 inclusive, have the meanings ascribed to them in those sections.

§ 7101. “Board” defined. “Board” means the Medical Advisory Board.

1 **§ 7102. “Commission” defined.** “Commission” means the Guam [Athletic] Unarmed
2 Combat Commission.

3 **§ 7103. “Contestant” defined.** “Contestant” means any person who engages in
4 unarmed combat for remuneration.

5 **§ 7104. “Manager” defined.** (a) “Manager” means a person who:

6 (1) Undertakes to represent the interests of another person, by contract, agreement or
7 other arrangement, in procuring, arranging or conducting a professional contest or exhibition in
8 which that person will participate as a contestant;

9 (2) Directs or controls the activities of an unarmed combatant relating to the
10 participation of the unarmed combatant in professional contests or exhibitions;

11 (3) Receives or is entitled to receive at least 10 percent of the gross purse or gross
12 income of any professional unarmed combatant for services relating to the participation of the
13 unarmed combatant in a professional contest or exhibition; or

14 (4) Receives compensation for services as an agent or representative of an unarmed
15 combatant.

16 (b) The term does not include an attorney who is licensed to practice law in this state if his
17 participation in any of the activities described in subsection 1 is limited solely to his legal
18 representation of a client who is an unarmed combatant.

19 **§ 7105. “Promoter” defined.** “Promoter” means any person who produces or stages
20 any professional contest or exhibition of unarmed combat.

21 **§ 7106. “Purse” defined.** “Purse” means the financial guarantee or any other
22 remuneration for which contestants are participating in a contest or exhibition and includes the
23 contestant’s share of any payment received for radio broadcasting, television or motion picture
24 rights.

25 **§ 7107. “Ring official” defined.** “Ring official” means any person who performs an
26 official function during the progress of a contest or exhibition of unarmed combat.

27 **§ 7108. “Sanctioning organization” defined.** “Sanctioning organization” means an
28 organization that sanctions professional contests of unarmed combat in this state.

29 **§ 7109. “Unarmed combat” defined.** “Unarmed combat” means boxing, wrestling
30 or any form of competition in which a blow is usually struck which may reasonably be expected to
31 inflict injury.

1 (b) Recommend to the Commission for licensing, physicians who are qualified to examine
2 contestants.

3 (c) Advise the Commission as to the physical or mental fitness of a contestant, if it so
4 requests.

5 (d) Prepare and submit to the Legislature and the Commission reports containing any
6 recommendations for revisions in the law which it deems necessary to protect the health of
7 contestants in this state.

8 **GUAM [ATHLETIC] UNARMED COMBAT COMMISSION**

9 § 7300. **Creation; number and appointment of members; quorum; prohibitions**
10 **concerning contests and exhibitions.** (a) The Guam [Athletic] Unarmed Combat Commission,
11 consisting of [~~five (5)~~] seven (7) members appointed by the Governor and subject to confirmation by
12 *I Liheslaturan Guåhan*, is hereby created within the Department of Revenue and Taxation.
13 Commission members shall serve for a term of four (4) years. If the position of a member is vacated,
14 the Governor shall appoint a qualified person to replace the member for the remainder of the
15 unexpired term.

16 (b) [~~Three (3)~~] Four (4) members of the Commission constitute a quorum for the exercise of
17 the authority conferred upon the Commission, and a concurrence of at least [~~three (3)~~] four (4) of the
18 members is necessary to render a choice or a decision by the Commission.

19 (c) A member shall not at any time during his service as a member of the Commission
20 promote or sponsor any contest or exhibition of unarmed combat, or combination of those events, or
21 have any financial interest in the promotion or sponsorship of those contests or exhibitions.

22 § 7301. **Chairman; seal; regulations; form of contracts.** (a) [~~The members of the~~
23 ~~Commission shall elect one of their number as Chairman of the Commission.~~] The Governor shall
24 designate one of the members of the Board as its Chairman.

25 (b) The Commission may purchase and use a seal.

26 (c) The Commission may adopt regulations for the administration of this chapter. The
27 regulations must include:

28 (1) Number and qualifications of ring officials required at any exhibition or contest.

1 (2) Procedures for obtaining fingerprints pursuant to §7402 to investigate the criminal history
2 of all ring officials and employees of the Commission and any other applicant the Commission
3 wishes to investigate.

4 (3) Powers, duties and compensation of ring officials.

5 (4) Qualifications of licensees.

6 (d) The Commission shall prepare all forms of contracts between sponsors, licensees,
7 promoters and contestants.

8 **§ 7302. Employment of Executive ~~Director~~ Secretary; deposit of money in**
9 **General Fund; exceptions. (a)** The Commission may employ an Executive ~~Director~~ Secretary,
10 who must not be a member of the Commission.

11 (b) Except as provided in §7401 and §7419, all money received by the Executive ~~Director~~
12 Secretary or the Commission pursuant to the provisions of this chapter must be deposited with the
13 Treasurer of Guam for credit to the Guam ~~Athletic~~ Unarmed Combat Commission Fund.

14 **§ 7303. Inspectors: Appointment; duties; promotion or sponsoring of**
15 **professional contest or exhibition prohibited. (a)** The Commission may appoint one or more
16 official representatives to be designated as inspectors, and may appoint one chief inspector. The
17 chief inspector shall supervise the work of all other inspectors appointed by the Commission. Each
18 inspector must receive from the Commission a card authorizing him to act as an inspector. He holds
19 office as an inspector at the pleasure of the Commission.

20 (b) An inspector shall not at any time during his service as an inspector promote or sponsor
21 any professional contest or exhibition of unarmed combat, or combination of those events.

22 **§ 7304. Compensation of members of Commission and other employees of**
23 **Commission; classification of Executive ~~Director~~ Secretary; certain other employment of**
24 **Executive Director allowed. (a)** Members of the Commission, if authorized by the Chairman, are
25 entitled to receive a stipend of not more than Fifty Dollars (\$50) for each meeting of the
26 Commission.

27 (b) While engaged in the business of the Commission, each member and employee of the
28 Commission is, upon the authorization of the Chairman, entitled to receive the per diem allowance
29 and travel expenses provided by the Government Travel Law, Chapter 23, Title 5, Guam Code
30 Annotated.

1 (c) The Executive [~~Director~~] Secretary of the Commission shall be a member of the
2 unclassified service, as defined by §4102(a) of Chapter 4, Title 4, Guam Code Annotated. [~~He may~~
3 ~~pursue any other business or occupation not inconsistent or in conflict with his duties as Executive~~
4 ~~{Director} Secretary.~~]

5 (d) Each inspector for the Commission is entitled to receive for the performance of his duties
6 a fee approved by the Commission.

7 § 7305. **Authority to affiliate with other state or national boxing commission or**
8 **athletic authority.** The Commission shall have the authority to affiliate with any other state or
9 national boxing commission or athletic authority.

10 **Article 4**

11 **LICENSING AND CONTROL OF CONTESTS AND EXHIBITIONS OF UNARMED**
12 **COMBAT**

13 § 7400. **Jurisdiction of Commission.** (a) The Commission has and is vested with the
14 sole direction, management, control and jurisdiction over all contests or exhibitions of unarmed
15 combat to be conducted, held or given within the territory of Guam, and no contest or exhibition
16 may be conducted, held or given within this territory except in accordance with the provisions of this
17 chapter.

18 (b) Any boxing or sparring contest conforming to the requirements of this chapter and to the
19 regulations of the Commission shall be deemed to be a boxing contest and not a prize fight.

20 (c) Any contest involving a form of Oriental unarmed self-defense must be conducted
21 pursuant to rules for that form which are approved by the Commission before the contest is
22 conducted, held or given.

23 § 7401. **License for contest or exhibition where admission fee received;**
24 **application for license; fee; limited, restricted or conditional license; bond or deposit; Guam**
25 **Athletic Commission Fund; additional deposit; exceptions.** (a) The Commission may issue and
26 revoke licenses to conduct, hold or give contests or exhibitions of unarmed combat where an
27 admission fee is received in accordance with such terms and provisions as the Commission
28 prescribes.

1 **(b)** Any application for such a license must be in writing and correctly show and define the
2 applicant. The application must be accompanied by an annual fee to be fixed by the Commission on
3 a uniform scale.

4 **(c)** The Commission may deny an application for such a license or grant a limited, restricted
5 or conditional license for any cause deemed sufficient by the Commission.

6 **(d)** Before any license is granted, the applicant must file a bond in an amount fixed by the
7 Commission but not less than \$10,000, executed by the applicant as principal, and by a corporation
8 qualified under the laws of the territory as surety, payable to the Treasurer of Guam, and conditioned
9 upon the faithful performance by the applicant of the provisions of this chapter. In lieu of a bond, the
10 applicant may deposit with the Commission a like amount of lawful money of the United States or
11 any other form of security, including, but not limited to: bonds of the United States or of the
12 Territory of Guam of an actual market value of not less than the amount of the required cash
13 payment or surety bond; a letter of credit from a bank, savings bank, credit union or savings and loan
14 association situated in Guam, which meets the requirements set for that purpose by the Treasurer of
15 Guam; or, a savings certificate, certificate of deposit or investment certificate of a bank, savings
16 bank, credit union or savings and loan association situated in Guam, which must indicate an account
17 of an amount not less than the amount of the required cash payment or surety bond and, except as
18 otherwise provided by specific statute, that the amount is not available for withdrawal except by
19 direct order of the Treasurer of Guam. If security is provided in the form of a savings certificate,
20 certificate of deposit or investment certificate, the certificate must state that the amount is not
21 available for withdrawal except upon order of the Commission. All money which the Commission
22 receives pursuant to this subsection must be deposited with the Treasurer of Guam for credit to the
23 Guam [Athletic] Unarmed Combat Commission Fund, which shall be established by enactment of
24 this statute.

25 **(e)** If the Commission believes the requirement for a bond is inadequate, the Commission
26 may require the promoter to make a deposit of money in an amount fixed by the Commission. The
27 deposit must be made not less than five (5) days before the contest or exhibition. It may be used to
28 satisfy any obligation incurred by the promoter during the staging of the contest or exhibition upon
29 order of the Commission. After satisfaction of all such obligations, the Commission shall release the
30 remainder to the promoter.

31 **(f)** The provisions of subsections (d) and (e) do not apply to amateur athletic clubs.

1 **§ 7402. Licenses for contestant, promoter, manager, trainer, ring official and**
2 **others; application for license; privileged statements; submission of fingerprints; withdrawal**
3 **of application; uniform scale of fees; payment of costs of proceedings. (a)** All contestants,
4 promoters, managers, seconds, trainers and ring officials must be licensed by the Commission. No
5 person may participate, directly or indirectly, in any professional contest or exhibition of unarmed
6 combat unless he has first procured a license from the Commission.

7 **(b)** The Commission may deny an application for a license or grant a limited, restricted or
8 conditional license for any cause deemed sufficient by the Commission.

9 **(c)** ~~[An application for a license constitutes a request for a determination of the applicant's~~
10 ~~general suitability, character, integrity, and ability to participate or engage in, or be associated with~~
11 ~~contests or exhibitions of unarmed combat. The burden of proof is on the applicant to establish to the~~
12 ~~satisfaction of the Commission that the applicant is qualified to receive a license. By filing an~~
13 ~~application with the Commission, an applicant accepts the risk of adverse public notice,~~
14 ~~embarrassment, criticism, financial loss or other action with respect to his application, and expressly~~
15 ~~waives any claim for damages as a result thereof. Any written or oral statement that is made by any~~
16 ~~member of the Commission or any witness testifying under oath which is relevant to the application~~
17 ~~and investigation of the applicant is absolutely privileged and does not impose liability for~~
18 ~~defamation or constitute a ground for recovery in a civil action.~~

19 **(d)** The Commission shall require:

20 (1) Each ring official and employee of the Commission; and

21 (2) Any other applicant the Commission wishes to investigate, shall submit to the
22 Commission with the application a complete set of his fingerprints which the Commission may
23 forward to the Guam Police Department for submission to the Federal Bureau of Investigation for its
24 report.

25 ~~(e)~~**(d)** After an application has been submitted to the Commission, the application may not
26 be withdrawn unless the Commission consents to the withdrawal.

27 ~~(f)~~**(e)** The Commission shall fix a uniform scale of license fees.

28 ~~(g)~~**(f)** In addition to the license fees required by subsection (f), the Commission may require
29 an applicant for a license to:

30 (1) Pay the costs of the proceedings associated with the issuance of the license, including,
31 without limitation, investigative costs and attorney's fees; and

1 (2) Deposit with the Commission such an amount of money as the Commission deems
2 necessary to pay for those costs. If any amount required to be deposited pursuant to this paragraph
3 exceeds the actual cost of the proceedings, including, without limitation, investigative costs and
4 attorney's fees, the Commission shall refund the excess amount to the applicant upon the completion
5 of the proceedings.

6 ~~(b)~~(g) It is a violation of this chapter for any person to participate, directly or indirectly, as
7 stated in subsection (a), unless he has been granted a license therefor.

8 **§ 7403. Confidentiality of certain information concerning applicant for license;
9 disclosure of information; procedure. (a)** Except as otherwise provided in subsection (b), the
10 Commission shall keep confidential:

11 (1) Any information that it receives concerning an applicant for the issuance of a license
12 pursuant to this chapter which is declared confidential by law and that is provided to the
13 Commission by another governmental entity or the Association of Boxing Commissions;

14 (2) Any information contained in a medical record of such an applicant, if the information is
15 not relevant to the Commission in determining whether to grant a license to the applicant;

16 (3) Any information relating to the financial records of an applicant or licensee; and

17 (4) Any information required to be disclosed to the Commission and kept confidential
18 pursuant to federal law.

19 (b) The Commission shall reveal the information set forth in subsection (a):

20 (1) Upon the lawful order of a court of competent jurisdiction;

21 (2) To any person upon the request of the person who is the subject of the information; and

22 (3) In the course of the necessary administration of this chapter.

23 (c) A person seeking an order of a court of competent jurisdiction for the disclosure of
24 information described in subsection (a) must submit a motion in writing to the court requesting the
25 information. At least 10 days before submitting the motion, the person must provide notice to the
26 Commission, the Attorney General and all persons who may be affected by the disclosure of the
27 information. The notice must:

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

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

1 ~~§7404. [Payment of child support; Statement by applicant for license; grounds for~~
2 ~~denial of license; duty of Commission. (a)~~ An applicant for the issuance or renewal of a license
3 issued pursuant to §7402 shall submit to the Commission a statement from the Child Support
4 Enforcement Agency indicating whether the applicant is subject to an existing court order for child
5 support.

6 ~~(b) The Commission shall include the statement required pursuant to subsection (a) in:~~

7 ~~_____ (1) The application or any other forms that must be submitted for the issuance or~~
8 ~~renewal of the license; or~~

9 ~~_____ (2) A separate form prescribed by the Commission.~~

10 ~~(c) A license may not be issued or renewed by the Commission pursuant to §7402 if the~~
11 ~~applicant:~~

12 ~~_____ (1) Fails to submit the statement required pursuant to subsection (a); or~~

13 ~~_____ (2) Indicates on the statement submitted pursuant to subsection (a) that he is subject~~
14 ~~to a court order for the support of a child and is not in compliance with the order or a plan approved~~
15 ~~by the district attorney or other public agency enforcing the order for the repayment of the amount~~
16 ~~owed pursuant to the order.~~

17 ~~(d) If an applicant indicates on the statement submitted pursuant to subsection (a) that he is~~
18 ~~subject to a court order for the support of a child and is not in compliance with the order or a plan~~
19 ~~approved by the district attorney or other public agency enforcing the order for the repayment of the~~
20 ~~amount owed pursuant to the order, the Commission shall advise the applicant to contact the district~~
21 ~~attorney or other public agency enforcing the order to determine the actions that the applicant may~~
22 ~~take to satisfy the arrearage.~~

23 **§7405.] Application for license to include social security number of applicant.** An
24 application for a license issued pursuant to §7402 must include the social security number of the
25 applicant.

26 **§ 740[6]5. [Contest or exhibition shown on closed-circuit telecast or motion picture**
27 **for fee; Fee for license; report to Commission. (a)** Any person who charges and receives an
28 admission fee for exhibiting any live contest or exhibition of unarmed combat on a closed-circuit
29 telecast, or motion picture, shall, within 10 days after the event, furnish to the Commission a verified
30 written report on a form which is supplied by the Commission, showing the number of tickets sold
31 and issued or sold or issued, and the gross receipts therefor without any deductions.

1 ~~_____ (b) That person shall also, not later than twenty (20) days after the exhibition, pay to the~~
2 ~~Commission a license fee, exclusive of federal taxes thereon, of 4 cents for each \$1 or fraction~~
3 ~~thereof received for admission at the exhibition. The license fee applies uniformly at the same rate to~~
4 ~~all persons subject to it. The license fee must be based on the face value of all tickets sold and~~
5 ~~complimentary tickets issued.~~

6 ~~§ 7407.]~~ **Permit for promoter to present program; limited, restricted or conditional**
7 **permit; fees; exceptions.** (a) Every promoter, in order to present a program of contests or
8 exhibitions of unarmed combat, must obtain a permit from the Commission for each program.

9 (b) The Commission may deny an application for such a permit or grant a limited, restricted
10 or conditional permit for any cause deemed sufficient by the Commission.

11 (c) The Commission shall charge and collect the following fees for a permit to present a
12 program of contests or exhibitions:

13 Permit for a promoter who has no place of business in this state..... [~~\$100~~] \$1,000

14 Permit for a promoter who has a place of business in this state..... [~~\$100~~] \$250

15 The provisions of this subsection do not apply to the presentation of a program of amateur contests
16 or exhibitions of unarmed combat.

17 ~~§ 740~~**[8]6.** **Additional fees for license of promoter; exemption; regulations.** (a) In
18 addition to the payment of any other fees and money due under this chapter, every promoter, except
19 as provided in subsection (2), shall pay a license fee of:

20 (1) Four percent of the total gross receipts from admission fees to the live contest or
21 exhibition of unarmed combat, exclusive of any federal tax or tax imposed by [~~any political~~
22 ~~subdivision of this state~~] the government of Guam; and

23 (2) Three percent of the first \$1,000,000, and 1 percent of the next \$2,000,000, of the total
24 gross receipts from the sale, lease or other exploitation of broadcasting, television and motion picture
25 rights for that contest or exhibition, without any deductions for commissions, brokerage fees,
26 distribution fees, advertising, contestants' purses or any other expenses or charges.

27 (b) A corporation organized pursuant to Part 2 of Chapter 10, Title 18, Guam Code
28 Annotated, which promotes an amateur contest or exhibition of unarmed combat whose net proceeds
29 are to be spent entirely in this territory, for the purposes for which the corporation is organized, is
30 exempt from the fees payable under this section. The corporation must retain the services of a
31 promoter licensed pursuant to this chapter.

1 (c) The Commission shall adopt regulations:

2 (1) Requiring that the number and face value of all complimentary tickets be reported.

3 (2) Governing the treatment of complimentary tickets for the purposes of computing gross
4 receipts from admission fees under subsection (a)(1).

5 **§ 740[9]7. Additional fee for each ticket sold for admission to live professional**
6 **boxing or wrestling contest, match or exhibition; money collected to be used for amateur**
7 **boxing contests or exhibitions; application for grant; regulations. (a) [Except as otherwise**
8 **provided in subsection (b), i] In addition to the payment of any other fees or taxes required by this**
9 **chapter, a promoter shall pay to the Commission a fee of \$1.00 for each ticket sold for admission to**
10 **a live professional boxing or wrestling contest, match or exhibition which is held in this [state]**
11 **territory.**

12 ~~(b) [In lieu of the fee imposed pursuant to subsection (a), the Executive [Director] Secretary~~
13 ~~of the Commission may require a promoter to pay to the Commission a fee of \$0.50 for each ticket~~
14 ~~sold for admission to a live professional boxing or wrestling contest, match or exhibition which is~~
15 ~~held in this state if the gross receipts from admission fees to the contest, match or exhibition are less~~
16 ~~than \$500,000.~~

17 ~~— (c) The money collected pursuant to subsections (a) and (b) must be used by the Commission~~
18 ~~to award grants to organizations which promote amateur boxing contests or exhibitions in this state.~~

19 ~~(d)~~ The Commission shall adopt by regulation the manner in which:

20 (1) The fees required by subsection[s] (a) [~~and (b)~~] must be paid.

21 (2) Applications for grants may be submitted to the Commission and the standards to be used
22 to award grants to organizations which promote amateur boxing contests or exhibitions in this [state]
23 territory.

24 **§ 74[10]08. Time for report to Commission and payment of additional fees by**
25 **promoter. (a) Every promoter shall, within 10 days after the completion of any contest, match or**
26 **exhibition for which an admission fee is charged and received, furnish to the Commission a verified**
27 **written report showing:**

28 (1) The number of tickets sold and issued or sold or issued for the contest, match or
29 exhibition;

30 (2) The amount of the:

31 (i) Gross receipts from admission fees; and

1 (ii) Gross receipts derived from the sale, lease or other exploitation of broadcasting,
2 motion picture and television rights of such contest, match or exhibition, without any
3 deductions for commissions, brokerage fees, distribution fees, advertising, contestants'
4 purses or any other expenses or charges; and

5 (iii) Such other matters as the Commission may prescribe.

6 (b) The promoter shall, not later than twenty (20) days after the contest, match or exhibition,
7 pay to the Commission the license fee described in ~~§7407~~§7405.

8 **§ 74~~41~~09. Suspension, revocation and other disciplining of contestant and other**
9 **participants; grounds for refusal to issue license.** (a) The Commission may suspend or revoke the
10 license of, otherwise discipline, or take any combination of such actions against any contestant,
11 promoter, ring official or other participant who, in the judgment of the Commission:

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

13 (2) Participates in any sham or fake contest or exhibition of unarmed combat;

14 (3) Participates in a contest or exhibition of unarmed combat pursuant to a collusive
15 understanding or agreement in which the contestant competes in or terminates the contest or
16 exhibition in a manner that is not based upon honest competition or the honest exhibition of the skill
17 of the contestant;

18 (4) ~~[Is guilty of a failure to give his best efforts, a failure to compete honestly or a failure to~~
19 ~~give an honest exhibition of his skills in a contest or exhibition of unarmed combat;~~

20 (5) Is guilty of an act or conduct that is detrimental to a contest or exhibition of unarmed
21 combat, including, but not limited to, any foul or unsportsmanlike conduct in connection with a
22 contest or exhibition of unarmed combat; or

23 [(6)] (5) Fails to comply with any limitation, restriction or condition placed on his license.

24 (b) The Commission may refuse to issue a license to an applicant who has committed any of
25 the acts described in subsection (a).

26 **§ 741~~2~~0. Hearing by member of Commission; notice of disciplinary hearing;**
27 **approval of adjudication and order by majority of Commission; distribution of written report.**

28 (a) Any member of the Commission may conduct hearings.

29 (b) All disciplinary hearings conducted under the provisions of this chapter must be preceded
30 by a written notice to be served upon the accused at least 10 days before the hearing.

1 (c) Before any adjudication is rendered, a majority of the members of the Commission shall
2 examine the record and approve the adjudication and order.

3 (d) The Commission shall file a written report of its findings, adjudication and order in the
4 record of the proceedings and send a copy to the accused.

5 **§ 741[3]1. Commission may issue subpoenas, administer oaths, appoint hearing**
6 **examiners and pay certain expenses; penalty for making false oath before Commission. (a)** The
7 Commission, or a quorum of three members thereof, may:

8 (1) Issue subpoenas to require the attendance and testimony of a licensee or other person
9 whom the Commission believes to have information of importance to the Commission;

10 (2) Issue subpoenas duces tecum to require the production of books and papers by a licensee
11 or other person whom the Commission believes to have books or papers of importance to the
12 Commission;

13 (3) Administer oaths and require testimony under oath;

14 (4) Appoint hearing examiners who may administer oaths and receive evidence and
15 testimony under oath; and

16 (5) Pay such transportation and other expenses of witnesses as it may deem reasonable and
17 proper.

18 (b) Service of process or notice required pursuant to this section must be served in the
19 manner provided for service of process and notices in civil actions.

20 (c) A person making false oath in a matter before the Commission or a hearing examiner is
21 guilty of perjury which is a felony of the third degree and shall be punished as provided in §80.30(c)
22 of Chapter 80, Title 9, Guam Code Annotated.

23 **§ 741[4]2. Suspension of license or permit by member or Executive [Director]**
24 **Secretary of Commission pending final determination by Commission; continuation of**
25 **suspension by Commission; procedure. (a)** Each member of the Commission or the Executive
26 **[Director] Secretary** of the Commission may, upon his own motion or upon the verified written
27 charge of any person charging a licensee or the holder of a permit with violating any provision of
28 this chapter or the regulations adopted pursuant thereto, suspend for a period not exceeding ten (10)
29 days any license or permit until final determination by the Commission if, in his opinion, the action
30 is necessary to protect the public welfare and the best interests of the sports regulated pursuant to
31 this chapter.

1 (b) If a license or permit is suspended pursuant to subsection (a), the Commission may, upon
2 written notice to the licensee or holder of the permit and after a hearing, continue the suspension
3 until it makes a final determination of any disciplinary action to be taken against the licensee or
4 holder of the permit.

5 § 741[5]3. **Contract between contestant and licensee: Copy provided to contestant**
6 **and Executive [Director] Secretary; impounding gate receipts.** (a) Every contestant competing
7 under the terms of this chapter or regulation of the Commission is entitled to receive a copy of a
8 written contract or agreement approved as to form by the Commission binding the licensee to pay
9 the contestant a certain fixed fee or percentage of the gate receipts.

10 (b) One copy of the agreement must be filed with the Executive [Director] Secretary of the
11 Commission and one copy must be retained by the licensee or sponsor of the contest.

12 (c) The inspector or member of the Commission in attendance at the contest shall determine
13 whether such an agreement has been delivered to each contestant and may require that a sufficient
14 amount of the gate receipts be impounded to pay the contestants according to those agreements.

15 § 741[6]4. **Insurance for licensed contestants.** The Commission *may*, by regulation,
16 require insurance coverage for each licensed contestant to provide for medical, surgical and hospital
17 care for injuries sustained while engaged in contests or exhibitions of unarmed combat, in an amount
18 of \$50,000 or more payable to the physician or hospital which treated the contestant for his injuries
19 or, if he has paid for that care, directly to him or his beneficiary.

20 § 741[7]5. **Advance against purse by promoter to licensee prohibited; permission of**
21 **member of Commission for advance to contestant for necessary expenses.** No promoter may
22 pay or give any money to a licensee before any contest or exhibition of unarmed combat as an
23 advance against a contestant's purse or for a similar purpose, except that the promoter may, with the
24 prior written permission [~~of a member~~] by a majority of the Commission members, pay or advance
25 to a contestant necessary expenses for transportation and maintenance in preparation for a contest or
26 exhibition.

27 § 741[8]6. **Order to promoter to withhold part of purse or other money due certain**
28 **contestants or manager or second; hearing; disposition of money.** (a) The Commission, its
29 Executive [Director] Secretary or any other employee authorized by the Commission may order the
30 promoter to withhold any part of a purse or other money belonging or payable to any contestant,

1 manager or second if, in the judgment of the Commission, Executive ~~[Director]~~ Secretary or other
2 employee:

3 (1) The contestant is not competing honestly or to the best of his skill and ability or the
4 contestant otherwise violates any regulations adopted by the Commission or any of the provisions of
5 this chapter, including, but not limited to, the provisions of subsection (a) of §74~~[12]~~09; or

6 (2) The manager or seconds violate any regulations adopted by the Commission or any of the
7 provisions of this chapter, including, but not limited to, the provisions of subsection (a) of
8 §74~~[12]~~09.

9 ~~(b) [This section does not apply to any contestant in a wrestling exhibition who appears not
10 to be competing honestly or to the best of his skill and ability.~~

11 ~~(e)~~ Upon the withholding of any part of a purse or other money pursuant to this section, the
12 Commission shall immediately schedule a hearing on the matter, provide adequate notice to all
13 interested parties and dispose of the matter as promptly as possible.

14 ~~{(d)}~~ (c) If it is determined that a contestant, manager or second is not entitled to any part of
15 his share of the purse or other money, the promoter shall pay the money over to the Commission.
16 Subject to the provisions of subsection (e), the money must be deposited with the Treasurer of Guam
17 for credit to the Guam ~~[Athletic]~~ Unarmed Combat Commission Fund.

18 ~~{(e)}~~ (d) Money turned over to the Commission pending final action in any matter must be
19 credited to the Guam ~~[Athletic]~~ Unarmed Combat Commission Fund and must remain in that
20 Account until the Commission orders its disposition in accordance with the final action taken.

21 **§ 741~~[9]~~7. Registration of sanctioning organization or television network; fees, costs
22 and deposit; regulations. (a)** The Commission may require a sanctioning organization or a
23 broadcasting network for television that televises professional contests of unarmed combat in this
24 territory to register with the Commission before it participates, directly or indirectly, in any
25 professional contest or exhibition of unarmed combat.

26 **(b)** If such registration is required, the Commission shall adopt regulations that prescribe,
27 without limitation, the requirements for registration and any fees for registration.

28 **(c)** The Commission may require a sanctioning organization or broadcasting network that
29 applies for registration to:

30 **(1)** Pay the costs of the proceedings relating to the issuance of the registration, including,
31 without limitation, investigative costs and attorney's fees; and

1 (2) Deposit with the Commission such an amount of money as the Commission deems
2 necessary to pay for those costs. If any amount required to be deposited pursuant to this paragraph
3 exceeds the actual cost of the proceedings, including, without limitation, investigative costs and
4 attorney's fees, the Commission shall refund the excess amount to the sanctioning organization or
5 broadcasting network upon the completion of the proceedings.

6 **§ 74[20]18. Promoter and network to file copy of contracts for television rights;**
7 **records of accounts and other documents; assessment of fee for license; confidentiality of**
8 **contract. (a)** A promoter and a broadcasting network for television shall each, at least seventy-two
9 (72) hours before a contest or exhibition of unarmed combat, or combination of those events is to be
10 held, file with the Commission's Executive [~~Director~~] Secretary a copy of all contracts entered into
11 for the sale, lease or other exploitation of television rights for the contest or exhibition.

12 (b) The promoter shall keep detailed records of the accounts and other documents related to
13 his receipts from the sale, lease or other exploitation on the television rights for a contest or
14 exhibition. The Commission, at any time, may inspect these accounts and documents to determine
15 the amount of the total gross receipts received by the promoter from the television rights.

16 (c) If a promoter or a network fails to comply with the requirements of this section, the
17 Commission may determine the amount of the total gross receipts from the sale, lease or other
18 exploitation of television rights for the contest or exhibition and assess the appropriate license fee
19 pursuant to §740[9]6(a).

20 (d) Each contract filed with the Commission pursuant to this section is confidential and is not
21 a public record.

22 **§ 74[21]19. Attendance of representative or member of Commission at weigh-ins,**
23 **medical examinations, contests and exhibitions.** The Executive [~~Director~~] Secretary of the
24 Commission, a chief inspector or a member of the staff of the Commission must be present at all
25 weigh-ins, medical examinations, contests, exhibitions or matches, and shall ensure that the rules are
26 strictly enforced.

27 **§ 742[2]0. Promoter to control seating arrangements; member of Commission**
28 **furnished ringside seat.** Each promoter of a contest or exhibition of unarmed combat has charge of
29 all seating arrangements but shall furnish to each member of the Commission who is present one
30 ringside seat.

1 **§ 742[3]1. Length of boxing and mixed martial arts contests and rounds; rest**
2 **between rounds.** (a) No boxing contest, sparring match or exhibition may be more than 12 rounds
3 in length. Rounds must be not more than 3 minutes. There must be a rest period of 60 seconds
4 between successive rounds.

5 (b) No mixed martial arts contest may be longer than three (3) rounds in length. Rounds
6 must be not more than five (5) minutes. There must be a rest period of sixty (60) seconds between
7 successive rounds.

8 (c) No mixed martial arts championship contest may be longer than five (5) rounds in
9 length. Rounds must not be more than five (5) minutes. There must be a rest period of sixty (60)
10 seconds between successive rounds.

11 **§ 742[4]2. Weighing-in of participants in boxing contests.** Every participant in a
12 boxing contest shall be present and weighed in no later than 7 p.m. on the day before to the contest.

13 **§ 742[5]3. Revocation of license.** Any license issued under this chapter may be revoked
14 for cause deemed sufficient by the Commission upon a hearing as provided for in §741[3]0.

15 **§ 742[6]4. Penalties in lieu of or in addition to other disciplinary action; payment of**
16 **costs of proceedings.** (a) If disciplinary action is taken against a person pursuant to this chapter and
17 the disciplinary action does not relate to a contest or exhibition of unarmed combat as provided in
18 subsection (b), the Commission may, in lieu of revoking a license, prescribe a penalty not to exceed
19 [~~\$250,000~~] \$50,000.

20 (b) If disciplinary action is taken against a person pursuant to this chapter, including, but not
21 limited to, a hearing for the revocation of a license, and the disciplinary action relates to:

22 (1) The preparation for a contest or an exhibition of unarmed combat;

23 (2) The occurrence of a contest or an exhibition of unarmed combat; or

24 (3) Any other action taken in conjunction with a contest or an exhibition of unarmed combat,
25 the Commission may prescribe a penalty pursuant to subsection (c).

26 (c) A penalty prescribed by the Commission pursuant to subsection (b):

27 (1) Must not exceed [~~\$250,000~~] \$50,000 or one hundred percent (100%) of the share of the
28 purse to which the holder of the license is entitled for the contest or exhibition, whichever amount is
29 greater; and

30 (2) May be imposed in addition to or in lieu of any other disciplinary action that is taken
31 against the person by the Commission.

1 (d) If disciplinary action is taken against a person pursuant to this chapter, the Commission
2 may require the person against whom such action is taken to pay the costs of the proceeding,
3 including investigative costs and attorney's fees.

4 § 7427. **Reinstatement of revoked license: Payment of penalty prescribed by**
5 **Commission; payment of costs of proceedings.** (a) Except as otherwise provided in §742[7]4,
6 upon receipt of an application and the payment of a penalty prescribed by the Commission, not to
7 exceed [~~\$250,000~~] \$50,000, the Commission may reinstate a revoked license.

8 (b) In addition to the penalty required by subsection (a), the Commission may require the
9 applicant to:

10 (1) Pay the costs of the proceedings associated with the reinstatement of the license,
11 including investigative costs and attorney's fees; and

12 (2) Deposit with the Commission such an amount of money as the Commission deems
13 necessary to pay for those costs. If any amount required to be deposited pursuant to this paragraph
14 exceeds the actual cost of the proceedings, including investigative costs and attorney's fees, the
15 Commission shall refund the excess amount to the applicant upon the completion of the proceedings.

16 Article 5

17 APPLICABILITY OF CHAPTER; PENALTIES

18 § 7500. **Amateur contest or exhibition of school, college or university exempted**
19 **from provisions of chapter.** The provisions of this chapter do not apply to any amateur contests or
20 exhibitions of unarmed combat or any combination thereof conducted by or participated in
21 exclusively by any school, college or university or by any association or organization of a school,
22 college or university, when each participant in the contests or exhibitions is a bona fide student in the
23 school, college or university.

24 § 7501. **Certain exhibitions of Oriental unarmed self-defense exempted from**
25 **provisions of chapter.** The provisions of this chapter do not apply to exhibitions of Oriental
26 unarmed self-defense in which no dangerous blow is intended to be struck.

27 § 7502. **Penalty.** Any person who shall, directly or indirectly, violate any of the
28 provisions of this chapter, or the rules or regulations of the Commission, shall be guilty of a
29 misdemeanor.”

1 **Section 4. Commission Members to Remain.** Upon enactment into law of this Act, the
2 current members of the Boxing and Wrestling Commission shall continue as members of the Guam
3 Athletic Commission, subject to the conditions set in §7300.



I Mina'Trenta Na Liheslaturan Guahan

Office of The Legislative Secretary

Tina Rose Muna Barnes

Chairperson, Committee on Municipal Affairs, Aviation, Housing and Recreation
155 Hesler Place Hagatna, Guam 96910 [Tel: 671-472-3455/6 Fax: 671-472-3400]

AGENDA

PUBLIC HEARING

WEDNESDAY, FEBRUARY 11, 2009, 9:00 A.M.

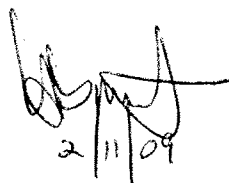
LEGISLATURE'S PUBLIC HEARING ROOM

- 1. APPOINTMENT OF JOSE R. GUEVARA, JR.** as a Member of the Guam Housing & Urban Renewal Authority Board
- 2. BILL NO. 23 (LS) – J.V. ESPALDON, T.R. MUNA BARNES**
An act to repeal chapter 41 of title 22, Guam Code Annotated, relative to the Guam Boxing and Wrestling Commission; to add new chapter 17 to title 11, Guam Code Annotated, relative to “Unarmed Combat” and establishing the Guam (Athletic) Unarmed Combat Commission; and citing this act as the “Guam (Athletic) Unarmed Combat Commission Act of 2009”.

The Public is invited to observe the discussion in person or on the legislative cable TV channel MCV Channel 13. Testimony, questions and comments may be addressed to SENATOR TINA ROSE MUNA BARNES, Chairwoman, Committee on Municipal Affairs, Aviation, Housing and Recreation, by e-mail to tinamunabarnes@gmail.com , fax to 671-472-3400, delivery to the legislative mail room at 155 Hesler Place, Hagatna, Guam 96910.

Bill 23

1. Article 4, 7410, Line #6 (pg.4) – Change “boxing” to “unarmed”
2. Article 1 (Definitions), 7710, (pg.7)
 - a. (i) Line #7 & 8 - Replace entire line to read “Any boxer who is registered with the Guam amateur boxing organization recognized by the Guam National Olympic Committee and the International Boxing Association “AIBA”.”
 - b. (ii) Line #9,10, 11 – Replace entire line to read “Any contestant who has participated in a competition promoted as professional event or competes against a professional contestant regardless of remuneration or not, shall not allowed to compete in amateur unarmed competitions.”
3. Article 4 (Licensing and control of contests and exhibitions of unarmed combat), 7414, (Insurance for licensed contestants), Line #15, (pg. 19),
 - a. Change the word “may” to “shall”
 - b. Add “Any unarmed combat organization who conducts contests as a non-profit organization and in good status with Guam Revenue and Taxation shall be excluded from this provision provided that the organization’s waiver is signed by the contestant or by the legal guardian if under 18 years of age”.
4. Article 5 (Applicability of Charter Penalties), 7500, Line #21, (pg. 23) –
 - a. Line #18 – Add “...,university or non-profit unarmed combat organization exempted...”
 - b. Line #21 - Add “exclusively by any unarmed organization who is a non-profit organization and in good status with the Department of Guam Revenue and Taxation or by any school, college or university...”.
 - c. Line #24 – Add “All amateur boxing competitions shall follow the technical and competition rules as defined by the International Boxing Association (AIBA) www.aiba.org.”



2/11/09

Submitted by:
Abner "CAND" Collozo-Cruz
Member of GBWC
President, Guam Amateur Boxing Fed.



Senator Tina Muña Barnes
Legislative Secretary
I Mina Trente Na Liheslaturan Guahan / Thirtieth Guam Legislature

1ST NOTICE

February 4, 2009, 2009

MEMORANDUM

TO: All Senators
FROM: Senator Tina Rose Muña Barnes
SUBJECT: Public Hearing Notice

Please be advised that the Committee on Municipal Affairs, Aviation, Housing and Recreation will be conducting public hearings on the following:

Appointment of Jose R. Guevara, Jr, appointed by Governor Felix P. Camacho on December 12, 2008 to serve as a member of the Guam Housing & Urban Renewal Authority Board.

Bill No. 23 (LS) – J.V Espaldon, T.R. Muña Barnes
AN ACT TO REPEAL CHAPTER 41 OF TITLE 22, GUAM CODE ANNOTATED, RELATIVE TO THE GUAM BOXING AND WRESTLING COMMISSION; TO ADD A NEW CHAPTER 17 TO TITLE 11, GUAM CODE ANNOTATE, RELATIVE TO "UNARMED COMBAT" AND ESTABLISHING THE GUAM (ATHLETIC) UNARMED COMBAT COMMISSION; AND CITING THIS ACT AS THE "GUAM (ATHLETIC) UNARMED COMBAT COMMISSION ACT OF 2009".

The public hearing will take place on Wednesday, February 11, 2009 at 9:00A.M.- 12:00P.M. at the Guam Legislature's Public Hearing Room in Hagatna, Guam

Your attendance and participation is greatly appreciated.

Sincere yan magahet,

Senator Tina Rose Muña-Barnes

Cc: Protocol
MIS
All Media

Chairperson
Committee on Municipal Affairs, Aviation, Housing and Recreation

Vice Chairperson
Tourism, Culture, Youth Affairs, and Public Broadcasting



Contact:

155 Hester Place
Hagatna, Guam 96910

Tel 671.472.3455
Fax 671.472.3400

Gmail - For Immediate Release



rich jerd <legislativesecretary1@gmail.com>

For Immediate Release

1 message

rich jerd <legislativesecretary1@gmail.com>

Wed, Feb 4, 2009 at 2:29 PM

To: clynt@kuam.com, rgibson@k57.com, news@guampdn.com, parroyo@k57.com, therese@mvguam.com, Kevin@spbgum.com, Sabrina@kuam.com, editor@mvguam.com

Please find attached copy Notice of a Public Hearing that will be conducted on Wednesday, February 11, 2009, from 9:00 a.m. to 12:00 p.m. in the Guam Legislature, Public Hearing Room.

Thank you,

Richard Dohrumal
Legislative Assistant
Office of The Legislative Secretary
Ph: 472-3455/6
Fx: 472-3400

 TRMB Public Hearing.doc
344K



Senator Tina Muña Barnes
Legislative Secretary
I Mina Trente Na Liheslaturan Guahan / Thirtieth Guam Legislature

2ND NOTICE

February 4, 2009, 2009

MEMORANDUM

TO: All Senators
FROM: Senator Tina Rose Muña Barnes
SUBJECT: Public Hearing Notice

Please be advised that the Committee on Municipal Affairs, Aviation, Housing and Recreation will be conducting public hearings on the following:

Appointment of Jose R. Guevara, Jr, appointed by Governor Felix P. Camacho on December 12, 2008 to serve as a member of the Guam Housing & Urban Renewal Authority Board.

Bill No. 23 (LS) – J.V Espaldon, T.R. Muña Barnes
AN ACT TO REPEAL CHAPTER 41 OF TITLE 22, GUAM CODE ANNOTATED, RELATIVE TO THE GUAM BOXING AND WRESTLING COMMISSION; TO ADD A NEW CHAPTER 17 TO TITLE 11, GUAM CODE ANNOTATE, RELATIVE TO "UNARMED COMBAT" AND ESTABLISHING THE GUAM (ATHLETIC) UNARMED COMBAT COMMISSION; AND CITING THIS ACT AS THE "GUAM (ATHLETIC) UNARMED COMBAT COMMISSION ACT OF 2009".

The public hearing will take place on Wednesday, February 11, 2009 at 9:00A.M.- 12:00P.M. at the Guam Legislature's Public Hearing Room in Hagatna, Guam

Your attendance and participation is greatly appreciated.

Sincere yan magahet,

Senator Tina Rose Muña-Barnes

Cc: Protocol
MIS
All Media

Chairperson
Committee on Municipal Affairs, Aviation, Housing and Recreation

Vice Chairperson
Tourism, Culture, Youth Affairs, and Public Broadcasting



Contact:

155 Hester Place
Hagatna, Guam 96910

Tel 671.472.3455
Fax 671.472.3400

Gmail - 2nd notice of Public Hearing



rich jerd <legislativesecretary1@gmail.com>

2nd notice of Public Hearing

1 message

rich jerd <legislativesecretary1@gmail.com>

Fri, Feb 6, 2009 at 4:00 PM

To: Kevin@spbgum.com, editor@mvguam.com, news@guampdn.com, Sabrina@kuam.com, clynt@kuam.com, rgibson@k57.com, parroyo@k57.com, these@mvguam.com

please find attached notice of up-coming public hearing on Wednesday, February 11, 2009, from 9:00am to 12:00 pm.

Thank you,
Richard

 **TRMB Public Hearing.doc**
344K

The
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way to the
heart...

...times weekend the easiest way to
one's heart is through Shioti.
the **Shioti Eurasion Restaurant**
into a decadent 5-course dinner

- 1 Spinach en Croute
- o Bisque
- of Romaine with
- vic-Cesar Dressing
- hermidor and Tenderloin
- ified Angus Beef
- shaped Chocolate
- ruffle

LIFESTYLE

Pacific Daily News, Wednesday, February 11, 2009 guampdn.com

GOVERNMENT MEETINGS

Today

▲ **Alcohol Beverage Control Board:** Meeting 5:30 p.m., Department of Rev & Tax director's conference room, old PriceSmart building, Route 16, Barrigada. Call 635-1802/05.

▲ **Committee on Municipal Affairs, Aviation, Housing and Recreation:** Public hearing 9 a.m. to noon, Legislature's public hearing room, Hagåtña. Appointment of Jose R. Guevara Jr. to serve as Guam Housing and Urban Renewal Authority member; Bill 23, relative to unarmed combat and establishing Guam (Athletic) Unarmed Combat Commission. Call 472-3455.

▲ **Guam Board of Examiners for Dentistry:** Disciplinary hearing on Hugh Sule at 5:30 p.m., Health


Professional Licensing Office, Suite 9, Legacy Square Commercial Complex, Route 10, Mangilao. For special accommodations, call 735-7408.

Tomorrow

▲ **Civil Service Commission:** Board meeting 5:30 p.m., seventh floor conference room, ITC Building, Tamuning. Grievance hearing: Juanita Quintanilla vs. Department of Chamorro Affairs; signing, judgments of dismissal: Rick T. Garcia vs. A.B. Won Pat Guam International Airport Authority, Frank J. Troy vs. University of Guam, Danilo R. Galiza vs. Department of Public Works, Kenneth P. Chargualaf vs. Guam Public School System; bills and laws relating to CSC. For special accommodations, call Bianca at 647-1855/7 or TDD 647-1872.

AN OUTRIGGER

Valentine's



PALM CAFE

VALENTINE'S DAY

SATURDAY, FEBRUARY 14, 2009

Dinner Buffet

6:00 P.M. - 10:00 P.M.

FEATURING

Prime Rib, Crab, Sashimi, Shrimp Tempura,
Stuffed Pork Loin, Dim Sum, Pasta Station,
Rolled Sushi, variety of salads, entrees, desserts.
Includes Bottomless Kirin Ichiban, Rolling Rock,
Bud and Budlight Draft
and a glass of Bottega Petalo or Fragolino.

ADULTS: \$38.95*
CHILDREN (6-12 YEARS): \$24.95*

*Plus 10% service charge

I MINA 'TRENTA NA LIHESLATURAN GUÁHAN
2009 (First) REGULAR SESSION

Bill No. 23 (25)

Introduced by:

J.V. Espaldon
T. R. Muña Barnes

2009 JAN -5 AM 11:07

AN ACT TO REPEAL CHAPTER 41 OF TITLE 22, GUAM CODE ANNOTATED, RELATIVE TO THE GUAM BOXING AND WRESTLING COMMISSION; TO ADD A NEW CHAPTER 7 TO TITLE 11, GUAM CODE ANNOTATED, RELATIVE TO “UNARMED COMBAT” AND ESTABLISHING THE GUAM [ATHLETIC] UNARMED COMBAT COMMISSION; AND, CITING THIS ACT AS THE “GUAM [ATHLETIC] UNARMED COMBAT COMMISSION ACT OF 2009”.

BE IT ENACTED BY THE PEOPLE OF GUAM:

Section 1. Legislative Findings. *I Liheslaturan Guahan* finds that the sport of mixed martial arts has grown in popularity over the past five years. Collectively, there were over fifteen (15) mixed martial arts competitions staged in Guam during 2006. Such activities should be regulated and licensed by the Boxing and Wrestling Commission as currently provided for in Chapter 41, Title 22, Guam Code Annotated. The Boxing and Wrestling Commission was enacted by the Thirteenth Guam Legislature and has not seen significant modification since its inception. Neither the existing statute nor the promulgated rules and regulations take into account the sport of mixed martial arts. In the interest of protecting contestants, *I Liheslaturan Guahan* finds that it is necessary to revamp the Boxing and Wrestling commission and establish new statues and rules and regulations to incorporate the sport of mixed martial arts, as well as update provisions related to boxing and wrestling.

Section 2. Repeal of Chapter 41 of Title 22, Guam Code Annotated. Chapter 41 of Title 22, Guam Code Annotated is repealed in its entirety.

Section 3. A new Chapter 7 is added to Title 11, Guam Code Annotated. A new Chapter 7 is added to Title 11, Guam Code Annotated to read:

1 **“CHAPTER 7 – UNARMED COMBAT**

2 **Article 1**

3 **DEFINITIONS.**

4 **§ 7100. Definitions**

5 **§ 7101. “Board” defined.**

6 **§ 7102. “Commission” defined.**

7 **§ 7103. “Contestant” defined.**

8 **§ 7104. “Manager” defined.**

9 **§ 7105. “Promoter” defined.**

10 **§ 7106. “Purse” defined.**

11 **§ 7107. “Ring official” defined.**

12 **§ 7108. “Sanctioning organization” defined.**

13 **§ 7109. “Unarmed combat” defined.**

14 **§ 7110. “Unarmed combatant” defined.**

15 **Article 2**

16 **MEDICAL ADVISORY BOARD**

17 **§ 7200. Creation; Chairman; terms.**

18 **§ 7201. Qualifications of members.**

19 **§ 7202. Duties.**

20 **Article 3**

21 **GUAM [ATHLETIC] UNARMED COMBAT COMMISSION**

22 **§ 7300. Creation; number and appointment of members; quorum; prohibitions**
23 **concerning contests and exhibitions.**

24 **§ 7301. Chairman; seal; regulations; form of contracts.**

25 **§ 7302. Employment of Executive [~~Director~~] Secretary; deposit of money in**
26 **General Fund; exceptions.**

1 § 7303. Inspectors: Appointment; duties; promotion or sponsoring of
2 professional contest or exhibition prohibited.

3 § 7304. Compensation of members of Commission and other employees of
4 Commission; classification of Executive [~~Director~~] Secretary; certain
5 other employment of Executive [~~Director~~] Secretary allowed.

6 § 7305. Authority to affiliate with other state or national boxing commission or
7 athletic authority.

8 Article 4

9 LICENSING AND CONTROL OF CONTESTS AND EXHIBITIONS OF UNARMED 10 COMBAT

11 § 7400. Jurisdiction of Commission.

12 § 7401. License for contest or exhibition where admission fee received;
13 application for license; fee; limited, restricted or conditional license; bond
14 or deposit; [Athletic] Unarmed Combat Commission's Agency Account;
15 additional deposit; exceptions.

16 § 7402. Licenses for contestant, promoter, manager, trainer, ring official and
17 others; application for license; privileged statements; submission of
18 fingerprints; withdrawal of application; uniform scale of fees; payment of
19 costs of proceedings.

20 § 7403. Confidentiality of certain information concerning applicant for license;
21 disclosure of information; procedure.

22 § 7404. Payment of child support: Statement by applicant for license; grounds for
23 denial of license; duty of Commission.

24 § 7405. Suspension of license for failure to pay child support or comply with
25 certain subpoenas or warrants; reinstatement of license.

26 § 7406. Application for license to include social security number of applicant.

27 § 7407. Contest or exhibition shown on closed-circuit telecast or motion picture
28 for fee: Fee for license; report to Commission.

- 1 **§ 7408. Permit for promoter to present program; limited, restricted or**
2 **conditional permit; fees; exceptions.**
- 3 **§ 7409. Additional fees for license of promoter; exemption; regulations.**
- 4 **§ 7410. Additional fee for each ticket sold for admission to live professional**
5 **boxing or wrestling contest, match or exhibition; money collected to be**
6 **used for amateur boxing contests or exhibitions; application for grant;**
7 **regulations.**
- 8 **§ 7411. Time for report to Commission and payment of additional fees by**
9 **promoter.**
- 10 **§ 7412. Suspension, revocation and other disciplining of contestant and other**
11 **participants; grounds for refusal to issue license.**
- 12 **§ 7413. Hearing by member of Commission; notice of disciplinary hearing;**
13 **approval of adjudication and order by majority of Commission;**
14 **distribution of written report.**
- 15 **§ 7414. Commission may issue subpoenas, administer oaths, appoint hearing**
16 **examiners and pay certain expenses; penalty for making false oath before**
17 **Commission.**
- 18 **§ 7415. Suspension of license or permit by member or Executive [~~Director~~**
19 **Secretary of Commission pending final determination by Commission;**
20 **continuation of suspension by Commission; procedure.**
- 21 **§ 7416. Contract between contestant and licensee: Copy provided to contestant**
22 **and Executive [~~Director~~ Secretary]; impounding gate receipts.**
- 23 **§ 7417. Insurance for licensed contestants.**
- 24 **§ 7418. Advance against purse by promoter to licensee prohibited; permission of**
25 **member of Commission for advance to contestant for necessary expenses.**
- 26 **§ 7419. Order to promoter to withhold part of purse or other money due certain**
27 **contestants or manager or second; hearing; disposition of money.**
- 28 **§ 7420. Registration of sanctioning organization or television network; fees, costs**
29 **and deposit; regulations.**

1 **§ 7102. “Commission” defined.** “Commission” means the Guam [Athletic] Unarmed
2 Combat Commission.

3 **§ 7103. “Contestant” defined.** “Contestant” means any person who engages in
4 unarmed combat for remuneration.

5 **§ 7104. “Manager” defined. (a)** “Manager” means a person who:

6 (1) Undertakes to represent the interests of another person, by contract, agreement or
7 other arrangement, in procuring, arranging or conducting a professional contest or exhibition in
8 which that person will participate as a contestant;

9 (2) Directs or controls the activities of an unarmed combatant relating to the
10 participation of the unarmed combatant in professional contests or exhibitions;

11 (3) Receives or is entitled to receive at least 10 percent of the gross purse or gross
12 income of any professional unarmed combatant for services relating to the participation of the
13 unarmed combatant in a professional contest or exhibition; or

14 (4) Receives compensation for services as an agent or representative of an unarmed
15 combatant.

16 **(b)** The term does not include an attorney who is licensed to practice law in this state if his
17 participation in any of the activities described in subsection 1 is limited solely to his legal
18 representation of a client who is an unarmed combatant.

19 **§ 7105. “Promoter” defined.** “Promoter” means any person who produces or stages
20 any professional contest or exhibition of unarmed combat.

21 **§ 7106. “Purse” defined.** “Purse” means the financial guarantee or any other
22 remuneration for which contestants are participating in a contest or exhibition and includes the
23 contestant’s share of any payment received for radio broadcasting, television or motion picture
24 rights.

25 **§ 7107. “Ring official” defined.** “Ring official” means any person who performs an
26 official function during the progress of a contest or exhibition of unarmed combat.

27 **§ 7108. “Sanctioning organization” defined.** “Sanctioning organization” means an
28 organization that sanctions professional contests of unarmed combat in this state.

29 **§ 7109. “Unarmed combat” defined.** “Unarmed combat” means boxing, wrestling
30 or any form of competition in which a blow is usually struck which may reasonably be expected to
31 inflict injury.

1 (b) Recommend to the Commission for licensing, physicians who are qualified to examine
2 contestants.

3 (c) Advise the Commission as to the physical or mental fitness of a contestant, if it so
4 requests.

5 (d) Prepare and submit to the Legislature and the Commission reports containing any
6 recommendations for revisions in the law which it deems necessary to protect the health of
7 contestants in this state.

8 **GUAM ~~[ATHLETIC]~~ UNARMED COMBAT COMMISSION**

9 **§ 7300. Creation; number and appointment of members; quorum; prohibitions**
10 **concerning contests and exhibitions.** (a) The Guam [Athletic] Unarmed Combat Commission,
11 consisting of [~~five (5)~~] seven (7) members appointed by the Governor and subject to confirmation by
12 *I Liheslaturan Guåhan*, is hereby created within the Department of Revenue and Taxation.
13 Commission members shall serve for a term of four (4) years. If the position of a member is vacated,
14 the Governor shall appoint a qualified person to replace the member for the remainder of the
15 unexpired term.

16 (b) [~~Three (3)~~] Four (4) members of the Commission constitute a quorum for the exercise of
17 the authority conferred upon the Commission, and a concurrence of at least [~~three (3)~~] four (4) of the
18 members is necessary to render a choice or a decision by the Commission.

19 (c) A member shall not at any time during his service as a member of the Commission
20 promote or sponsor any contest or exhibition of unarmed combat, or combination of those events, or
21 have any financial interest in the promotion or sponsorship of those contests or exhibitions.

22 **§ 7301. Chairman; seal; regulations; form of contracts.** (a) [~~The members of the~~
23 ~~Commission shall elect one of their number as Chairman of the Commission.~~] The Governor shall
24 designate one of the members of the Board as its Chairman.

25 (b) The Commission may purchase and use a seal.

26 (c) The Commission may adopt regulations for the administration of this chapter. The
27 regulations must include:

28 (1) Number and qualifications of ring officials required at any exhibition or contest.

1 (2) Procedures for obtaining fingerprints pursuant to §7402 to investigate the criminal history
2 of all ring officials and employees of the Commission and any other applicant the Commission
3 wishes to investigate.

4 (3) Powers, duties and compensation of ring officials.

5 (4) Qualifications of licensees.

6 (d) The Commission shall prepare all forms of contracts between sponsors, licensees,
7 promoters and contestants.

8 **§ 7302. Employment of Executive [~~Director~~] Secretary; deposit of money in**
9 **General Fund; exceptions. (a)** The Commission may employ an Executive [~~Director~~] Secretary,
10 who must not be a member of the Commission.

11 (b) Except as provided in §7401 and §7419, all money received by the Executive [~~Director~~]
12 Secretary or the Commission pursuant to the provisions of this chapter must be deposited with the
13 Treasurer of Guam for credit to the Guam [Athletic] Unarmed Combat Commission Fund.

14 **§ 7303. Inspectors: Appointment; duties; promotion or sponsoring of**
15 **professional contest or exhibition prohibited. (a)** The Commission may appoint one or more
16 official representatives to be designated as inspectors, and may appoint one chief inspector. The
17 chief inspector shall supervise the work of all other inspectors appointed by the Commission. Each
18 inspector must receive from the Commission a card authorizing him to act as an inspector. He holds
19 office as an inspector at the pleasure of the Commission.

20 (b) An inspector shall not at any time during his service as an inspector promote or sponsor
21 any professional contest or exhibition of unarmed combat, or combination of those events.

22 **§ 7304. Compensation of members of Commission and other employees of**
23 **Commission; classification of Executive [~~Director~~] Secretary; certain other employment of**
24 **Executive Director allowed. (a)** Members of the Commission, if authorized by the Chairman, are
25 entitled to receive a stipend of not more than Fifty Dollars (\$50) for each meeting of the
26 Commission.

27 (b) While engaged in the business of the Commission, each member and employee of the
28 Commission is, upon the authorization of the Chairman, entitled to receive the per diem allowance
29 and travel expenses provided by the Government Travel Law, Chapter 23, Title 5, Guam Code
30 Annotated.

1 (c) The Executive [~~Director~~] Secretary of the Commission shall be a member of the
2 unclassified service, as defined by §4102(a) of Chapter 4, Title 4, Guam Code Annotated. [~~He may~~
3 ~~pursue any other business or occupation not inconsistent or in conflict with his duties as Executive~~
4 ~~{Director} Secretary.~~]

5 (d) Each inspector for the Commission is entitled to receive for the performance of his duties
6 a fee approved by the Commission.

7 § 7305. **Authority to affiliate with other state or national boxing commission or**
8 **athletic authority.** The Commission shall have the authority to affiliate with any other state or
9 national boxing commission or athletic authority.

10 Article 4

11 LICENSING AND CONTROL OF CONTESTS AND EXHIBITIONS OF UNARMED 12 COMBAT

13 § 7400. **Jurisdiction of Commission.** (a) The Commission has and is vested with the
14 sole direction, management, control and jurisdiction over all contests or exhibitions of unarmed
15 combat to be conducted, held or given within the territory of Guam, and no contest or exhibition
16 may be conducted, held or given within this territory except in accordance with the provisions of this
17 chapter.

18 (b) Any boxing or sparring contest conforming to the requirements of this chapter and to the
19 regulations of the Commission shall be deemed to be a boxing contest and not a prize fight.

20 (c) Any contest involving a form of Oriental unarmed self-defense must be conducted
21 pursuant to rules for that form which are approved by the Commission before the contest is
22 conducted, held or given.

23 § 7401. **License for contest or exhibition where admission fee received;**
24 **application for license; fee; limited, restricted or conditional license; bond or deposit; Guam**
25 **Athletic Commission Fund; additional deposit; exceptions.** (a) The Commission may issue and
26 revoke licenses to conduct, hold or give contests or exhibitions of unarmed combat where an
27 admission fee is received in accordance with such terms and provisions as the Commission
28 prescribes.

1 **(b)** Any application for such a license must be in writing and correctly show and define the
2 applicant. The application must be accompanied by an annual fee to be fixed by the Commission on
3 a uniform scale.

4 **(c)** The Commission may deny an application for such a license or grant a limited, restricted
5 or conditional license for any cause deemed sufficient by the Commission.

6 **(d)** Before any license is granted, the applicant must file a bond in an amount fixed by the
7 Commission but not less than \$10,000, executed by the applicant as principal, and by a corporation
8 qualified under the laws of the territory as surety, payable to the Treasurer of Guam, and conditioned
9 upon the faithful performance by the applicant of the provisions of this chapter. In lieu of a bond, the
10 applicant may deposit with the Commission a like amount of lawful money of the United States or
11 any other form of security, including, but not limited to: bonds of the United States or of the
12 Territory of Guam of an actual market value of not less than the amount of the required cash
13 payment or surety bond; a letter of credit from a bank, savings bank, credit union or savings and loan
14 association situated in Guam, which meets the requirements set for that purpose by the Treasurer of
15 Guam; or, a savings certificate, certificate of deposit or investment certificate of a bank, savings
16 bank, credit union or savings and loan association situated in Guam, which must indicate an account
17 of an amount not less than the amount of the required cash payment or surety bond and, except as
18 otherwise provided by specific statute, that the amount is not available for withdrawal except by
19 direct order of the Treasurer of Guam. If security is provided in the form of a savings certificate,
20 certificate of deposit or investment certificate, the certificate must state that the amount is not
21 available for withdrawal except upon order of the Commission. All money which the Commission
22 receives pursuant to this subsection must be deposited with the Treasurer of Guam for credit to the
23 Guam [Athletic] Unarmed Combat Commission Fund, which shall be established by enactment of
24 this statute.

25 **(e)** If the Commission believes the requirement for a bond is inadequate, the Commission
26 may require the promoter to make a deposit of money in an amount fixed by the Commission. The
27 deposit must be made not less than five (5) days before the contest or exhibition. It may be used to
28 satisfy any obligation incurred by the promoter during the staging of the contest or exhibition upon
29 order of the Commission. After satisfaction of all such obligations, the Commission shall release the
30 remainder to the promoter.

31 **(f)** The provisions of subsections **(d)** and **(e)** do not apply to amateur athletic clubs.

1 **§ 7402. Licenses for contestant, promoter, manager, trainer, ring official and**
2 **others; application for license; privileged statements; submission of fingerprints; withdrawal**
3 **of application; uniform scale of fees; payment of costs of proceedings. (a)** All contestants,
4 promoters, managers, seconds, trainers and ring officials must be licensed by the Commission. No
5 person may participate, directly or indirectly, in any professional contest or exhibition of unarmed
6 combat unless he has first procured a license from the Commission.

7 **(b)** The Commission may deny an application for a license or grant a limited, restricted or
8 conditional license for any cause deemed sufficient by the Commission.

9 **(c)** ~~[An application for a license constitutes a request for a determination of the applicant's~~
10 ~~general suitability, character, integrity, and ability to participate or engage in, or be associated with~~
11 ~~contests or exhibitions of unarmed combat. The burden of proof is on the applicant to establish to the~~
12 ~~satisfaction of the Commission that the applicant is qualified to receive a license. By filing an~~
13 ~~application with the Commission, an applicant accepts the risk of adverse public notice,~~
14 ~~embarrassment, criticism, financial loss or other action with respect to his application, and expressly~~
15 ~~waives any claim for damages as a result thereof. Any written or oral statement that is made by any~~
16 ~~member of the Commission or any witness testifying under oath which is relevant to the application~~
17 ~~and investigation of the applicant is absolutely privileged and does not impose liability for~~
18 ~~defamation or constitute a ground for recovery in a civil action.~~

19 ~~(d)~~ The Commission shall require:

20 (1) Each ring official and employee of the Commission; and

21 (2) Any other applicant the Commission wishes to investigate, shall submit to the
22 Commission with the application a complete set of his fingerprints which the Commission may
23 forward to the Guam Police Department for submission to the Federal Bureau of Investigation for its
24 report.

25 ~~(e)~~**(d)** After an application has been submitted to the Commission, the application may not
26 be withdrawn unless the Commission consents to the withdrawal.

27 ~~(f)~~**(e)** The Commission shall fix a uniform scale of license fees.

28 ~~(g)~~**(f)** In addition to the license fees required by subsection (f), the Commission may require
29 an applicant for a license to:

30 (1) Pay the costs of the proceedings associated with the issuance of the license, including,
31 without limitation, investigative costs and attorney's fees; and

1 (2) Deposit with the Commission such an amount of money as the Commission deems
2 necessary to pay for those costs. If any amount required to be deposited pursuant to this paragraph
3 exceeds the actual cost of the proceedings, including, without limitation, investigative costs and
4 attorney's fees, the Commission shall refund the excess amount to the applicant upon the completion
5 of the proceedings.

6 ~~(h)~~(g) It is a violation of this chapter for any person to participate, directly or indirectly, as
7 stated in subsection (a), unless he has been granted a license therefor.

8 **§ 7403. Confidentiality of certain information concerning applicant for license;
9 disclosure of information; procedure. (a)** Except as otherwise provided in subsection (b), the
10 Commission shall keep confidential:

11 (1) Any information that it receives concerning an applicant for the issuance of a license
12 pursuant to this chapter which is declared confidential by law and that is provided to the
13 Commission by another governmental entity or the Association of Boxing Commissions;

14 (2) Any information contained in a medical record of such an applicant, if the information is
15 not relevant to the Commission in determining whether to grant a license to the applicant;

16 (3) Any information relating to the financial records of an applicant or licensee; and

17 (4) Any information required to be disclosed to the Commission and kept confidential
18 pursuant to federal law.

19 **(b)** The Commission shall reveal the information set forth in subsection (a):

20 (1) Upon the lawful order of a court of competent jurisdiction;

21 (2) To any person upon the request of the person who is the subject of the information; and

22 (3) In the course of the necessary administration of this chapter.

23 **(c)** A person seeking an order of a court of competent jurisdiction for the disclosure of
24 information described in subsection (a) must submit a motion in writing to the court requesting the
25 information. At least 10 days before submitting the motion, the person must provide notice to the
26 Commission, the Attorney General and all persons who may be affected by the disclosure of the
27 information. The notice must:

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

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

1 ~~§7404. [Payment of child support: Statement by applicant for license; grounds for~~
2 ~~denial of license; duty of Commission. (a) An applicant for the issuance or renewal of a license~~
3 ~~issued pursuant to §7402 shall submit to the Commission a statement from the Child Support~~
4 ~~Enforcement Agency indicating whether the applicant is subject to an existing court order for child~~
5 ~~support.~~

6 ~~_____ (b) The Commission shall include the statement required pursuant to subsection (a) in:~~

7 ~~_____ (1) The application or any other forms that must be submitted for the issuance or~~
8 ~~renewal of the license; or~~

9 ~~_____ (2) A separate form prescribed by the Commission.~~

10 ~~_____ (c) A license may not be issued or renewed by the Commission pursuant to §7402 if the~~
11 ~~applicant:~~

12 ~~_____ (1) Fails to submit the statement required pursuant to subsection (a); or~~

13 ~~_____ (2) Indicates on the statement submitted pursuant to subsection (a) that he is subject~~
14 ~~to a court order for the support of a child and is not in compliance with the order or a plan approved~~
15 ~~by the district attorney or other public agency enforcing the order for the repayment of the amount~~
16 ~~owed pursuant to the order.~~

17 ~~_____ (d) If an applicant indicates on the statement submitted pursuant to subsection (a) that he is~~
18 ~~subject to a court order for the support of a child and is not in compliance with the order or a plan~~
19 ~~approved by the district attorney or other public agency enforcing the order for the repayment of the~~
20 ~~amount owed pursuant to the order, the Commission shall advise the applicant to contact the district~~
21 ~~attorney or other public agency enforcing the order to determine the actions that the applicant may~~
22 ~~take to satisfy the arrearage.~~

23 ~~§7405.] Application for license to include social security number of applicant. An~~
24 ~~application for a license issued pursuant to §7402 must include the social security number of the~~
25 ~~applicant.~~

26 ~~§ 740[6]5. [Contest or exhibition shown on closed-circuit telecast or motion picture~~
27 ~~for fee: Fee for license; report to Commission. (a) Any person who charges and receives an~~
28 ~~admission fee for exhibiting any live contest or exhibition of unarmed combat on a closed-circuit~~
29 ~~telecast, or motion picture, shall, within 10 days after the event, furnish to the Commission a verified~~
30 ~~written report on a form which is supplied by the Commission, showing the number of tickets sold~~
31 ~~and issued or sold or issued, and the gross receipts therefor without any deductions.~~

1 ~~———— (b) That person shall also, not later than twenty (20) days after the exhibition, pay to the~~
2 ~~Commission a license fee, exclusive of federal taxes thereon, of 4 cents for each \$1 or fraction~~
3 ~~thereof received for admission at the exhibition. The license fee applies uniformly at the same rate to~~
4 ~~all persons subject to it. The license fee must be based on the face value of all tickets sold and~~
5 ~~complimentary tickets issued.~~

6 **§ 7407.] Permit for promoter to present program; limited, restricted or conditional**
7 **permit; fees; exceptions. (a)** Every promoter, in order to present a program of contests or
8 exhibitions of unarmed combat, must obtain a permit from the Commission for each program.

9 **(b)** The Commission may deny an application for such a permit or grant a limited, restricted
10 or conditional permit for any cause deemed sufficient by the Commission.

11 **(c)** The Commission shall charge and collect the following fees for a permit to present a
12 program of contests or exhibitions:

13 Permit for a promoter who has no place of business in this state..... [~~\$100~~] \$1,000

14 Permit for a promoter who has a place of business in this state..... [~~\$100~~] \$250

15 The provisions of this subsection do not apply to the presentation of a program of amateur contests
16 or exhibitions of unarmed combat.

17 **§ 740[8]6. Additional fees for license of promoter; exemption; regulations. (a)** In
18 addition to the payment of any other fees and money due under this chapter, every promoter, except
19 as provided in subsection (2), shall pay a license fee of:

20 (1) Four percent of the total gross receipts from admission fees to the live contest or
21 exhibition of unarmed combat, exclusive of any federal tax or tax imposed by [~~any political~~
22 ~~subdivision of this state~~] the government of Guam; and

23 (2) Three percent of the first \$1,000,000, and 1 percent of the next \$2,000,000, of the total
24 gross receipts from the sale, lease or other exploitation of broadcasting, television and motion picture
25 rights for that contest or exhibition, without any deductions for commissions, brokerage fees,
26 distribution fees, advertising, contestants' purses or any other expenses or charges.

27 **(b)** A corporation organized pursuant to Part 2 of Chapter 10, Title 18, Guam Code
28 Annotated, which promotes an amateur contest or exhibition of unarmed combat whose net proceeds
29 are to be spent entirely in this territory, for the purposes for which the corporation is organized, is
30 exempt from the fees payable under this section. The corporation must retain the services of a
31 promoter licensed pursuant to this chapter.

1 (c) The Commission shall adopt regulations:

2 (1) Requiring that the number and face value of all complimentary tickets be reported.

3 (2) Governing the treatment of complimentary tickets for the purposes of computing gross
4 receipts from admission fees under subsection (a)(1).

5 **§ 740[9]7. Additional fee for each ticket sold for admission to live professional**
6 **boxing or wrestling contest, match or exhibition; money collected to be used for amateur**
7 **boxing contests or exhibitions; application for grant; regulations. (a)** [~~Except as otherwise~~
8 ~~provided in subsection (b), i]~~ In addition to the payment of any other fees or taxes required by this
9 chapter, a promoter shall pay to the Commission a fee of \$1.00 for each ticket sold for admission to
10 a live professional boxing or wrestling contest, match or exhibition which is held in this [state]
11 territory.

12 ~~(b) [In lieu of the fee imposed pursuant to subsection (a), the Executive [Director] Secretary~~
13 ~~of the Commission may require a promoter to pay to the Commission a fee of \$0.50 for each ticket~~
14 ~~sold for admission to a live professional boxing or wrestling contest, match or exhibition which is~~
15 ~~held in this state if the gross receipts from admission fees to the contest, match or exhibition are less~~
16 ~~than \$500,000.~~

17 ~~—— (c) The money collected pursuant to subsections (a) and (b) must be used by the Commission~~
18 ~~to award grants to organizations which promote amateur boxing contests or exhibitions in this state.~~

19 ~~(d)~~ The Commission shall adopt by regulation the manner in which:

20 (1) The fees required by subsection[s] (a) [~~and (b)~~] must be paid.

21 (2) Applications for grants may be submitted to the Commission and the standards to be used
22 to award grants to organizations which promote amateur boxing contests or exhibitions in this [state]
23 territory.

24 **§ 74[10]08. Time for report to Commission and payment of additional fees by**
25 **promoter. (a)** Every promoter shall, within 10 days after the completion of any contest, match or
26 exhibition for which an admission fee is charged and received, furnish to the Commission a verified
27 written report showing:

28 (1) The number of tickets sold and issued or sold or issued for the contest, match or
29 exhibition;

30 (2) The amount of the:

31 (i) Gross receipts from admission fees; and

1 (ii) Gross receipts derived from the sale, lease or other exploitation of broadcasting,
2 motion picture and television rights of such contest, match or exhibition, without any
3 deductions for commissions, brokerage fees, distribution fees, advertising, contestants'
4 purses or any other expenses or charges; and

5 (iii) Such other matters as the Commission may prescribe.

6 (b) The promoter shall, not later than twenty (20) days after the contest, match or exhibition,
7 pay to the Commission the license fee described in ~~§7407~~§7405.

8 **§ 74~~11~~09. Suspension, revocation and other disciplining of contestant and other**
9 **participants; grounds for refusal to issue license. (a)** The Commission may suspend or revoke the
10 license of, otherwise discipline, or take any combination of such actions against any contestant,
11 promoter, ring official or other participant who, in the judgment of the Commission:

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

13 (2) Participates in any sham or fake contest or exhibition of unarmed combat;

14 (3) Participates in a contest or exhibition of unarmed combat pursuant to a collusive
15 understanding or agreement in which the contestant competes in or terminates the contest or
16 exhibition in a manner that is not based upon honest competition or the honest exhibition of the skill
17 of the contestant;

18 (4) ~~[Is guilty of a failure to give his best efforts, a failure to compete honestly or a failure to~~
19 ~~give an honest exhibition of his skills in a contest or exhibition of unarmed combat;~~

20 (5) Is guilty of an act or conduct that is detrimental to a contest or exhibition of unarmed
21 combat, including, but not limited to, any foul or unsportsmanlike conduct in connection with a
22 contest or exhibition of unarmed combat; or

23 [(6)] (5) Fails to comply with any limitation, restriction or condition placed on his license.

24 (b) The Commission may refuse to issue a license to an applicant who has committed any of
25 the acts described in subsection (a).

26 **§ 741~~2~~0. Hearing by member of Commission; notice of disciplinary hearing;**
27 **approval of adjudication and order by majority of Commission; distribution of written report.**

28 (a) Any member of the Commission may conduct hearings.

29 (b) All disciplinary hearings conducted under the provisions of this chapter must be preceded
30 by a written notice to be served upon the accused at least 10 days before the hearing.

1 (c) Before any adjudication is rendered, a majority of the members of the Commission shall
2 examine the record and approve the adjudication and order.

3 (d) The Commission shall file a written report of its findings, adjudication and order in the
4 record of the proceedings and send a copy to the accused.

5 **§ 741[3]1. Commission may issue subpoenas, administer oaths, appoint hearing
6 examiners and pay certain expenses; penalty for making false oath before Commission. (a)** The
7 Commission, or a quorum of three members thereof, may:

8 (1) Issue subpoenas to require the attendance and testimony of a licensee or other person
9 whom the Commission believes to have information of importance to the Commission;

10 (2) Issue subpoenas duces tecum to require the production of books and papers by a licensee
11 or other person whom the Commission believes to have books or papers of importance to the
12 Commission;

13 (3) Administer oaths and require testimony under oath;

14 (4) Appoint hearing examiners who may administer oaths and receive evidence and
15 testimony under oath; and

16 (5) Pay such transportation and other expenses of witnesses as it may deem reasonable and
17 proper.

18 (b) Service of process or notice required pursuant to this section must be served in the
19 manner provided for service of process and notices in civil actions.

20 (c) A person making false oath in a matter before the Commission or a hearing examiner is
21 guilty of perjury which is a felony of the third degree and shall be punished as provided in §80.30(c)
22 of Chapter 80, Title 9, Guam Code Annotated.

23 **§ 741[4]2. Suspension of license or permit by member or Executive [Director]
24 Secretary of Commission pending final determination by Commission; continuation of
25 suspension by Commission; procedure. (a)** Each member of the Commission or the Executive
26 [Director] Secretary of the Commission may, upon his own motion or upon the verified written
27 charge of any person charging a licensee or the holder of a permit with violating any provision of
28 this chapter or the regulations adopted pursuant thereto, suspend for a period not exceeding ten (10)
29 days any license or permit until final determination by the Commission if, in his opinion, the action
30 is necessary to protect the public welfare and the best interests of the sports regulated pursuant to
31 this chapter.

1 (b) If a license or permit is suspended pursuant to subsection (a), the Commission may, upon
2 written notice to the licensee or holder of the permit and after a hearing, continue the suspension
3 until it makes a final determination of any disciplinary action to be taken against the licensee or
4 holder of the permit.

5 § 741[5]3. **Contract between contestant and licensee: Copy provided to contestant**
6 **and Executive [Director] Secretary; impounding gate receipts.** (a) Every contestant competing
7 under the terms of this chapter or regulation of the Commission is entitled to receive a copy of a
8 written contract or agreement approved as to form by the Commission binding the licensee to pay
9 the contestant a certain fixed fee or percentage of the gate receipts.

10 (b) One copy of the agreement must be filed with the Executive [Director] Secretary of the
11 Commission and one copy must be retained by the licensee or sponsor of the contest.

12 (c) The inspector or member of the Commission in attendance at the contest shall determine
13 whether such an agreement has been delivered to each contestant and may require that a sufficient
14 amount of the gate receipts be impounded to pay the contestants according to those agreements.

15 § 741[6]4. **Insurance for licensed contestants.** The Commission *may*, by regulation,
16 require insurance coverage for each licensed contestant to provide for medical, surgical and hospital
17 care for injuries sustained while engaged in contests or exhibitions of unarmed combat, in an amount
18 of \$50,000 or more payable to the physician or hospital which treated the contestant for his injuries
19 or, if he has paid for that care, directly to him or his beneficiary.

20 § 741[7]5. **Advance against purse by promoter to licensee prohibited; permission of**
21 **member of Commission for advance to contestant for necessary expenses.** No promoter may
22 pay or give any money to a licensee before any contest or exhibition of unarmed combat as an
23 advance against a contestant's purse or for a similar purpose, except that the promoter may, with the
24 prior written permission [~~of a member~~] by a majority of the Commission members, pay or advance
25 to a contestant necessary expenses for transportation and maintenance in preparation for a contest or
26 exhibition.

27 § 741[8]6. **Order to promoter to withhold part of purse or other money due certain**
28 **contestants or manager or second; hearing; disposition of money.** (a) The Commission, its
29 Executive [Director] Secretary or any other employee authorized by the Commission may order the
30 promoter to withhold any part of a purse or other money belonging or payable to any contestant,

1 manager or second if, in the judgment of the Commission, Executive [~~Director~~] Secretary or other
2 employee:

3 (1) The contestant is not competing honestly or to the best of his skill and ability or the
4 contestant otherwise violates any regulations adopted by the Commission or any of the provisions of
5 this chapter, including, but not limited to, the provisions of subsection (a) of §74[12]09; or

6 (2) The manager or seconds violate any regulations adopted by the Commission or any of the
7 provisions of this chapter, including, but not limited to, the provisions of subsection (a) of
8 §74[12]09.

9 ~~(b) [This section does not apply to any contestant in a wrestling exhibition who appears not
10 to be competing honestly or to the best of his skill and ability.]~~

11 ~~(e)~~ Upon the withholding of any part of a purse or other money pursuant to this section, the
12 Commission shall immediately schedule a hearing on the matter, provide adequate notice to all
13 interested parties and dispose of the matter as promptly as possible.

14 ~~[(d)]~~ (c) If it is determined that a contestant, manager or second is not entitled to any part of
15 his share of the purse or other money, the promoter shall pay the money over to the Commission.
16 Subject to the provisions of subsection (e), the money must be deposited with the Treasurer of Guam
17 for credit to the Guam [~~Athletic~~] Unarmed Combat Commission Fund.

18 ~~[(e)]~~ (d) Money turned over to the Commission pending final action in any matter must be
19 credited to the Guam [~~Athletic~~] Unarmed Combat Commission Fund and must remain in that
20 Account until the Commission orders its disposition in accordance with the final action taken.

21 **§ 741[9]7. Registration of sanctioning organization or television network; fees, costs
22 and deposit; regulations. (a)** The Commission may require a sanctioning organization or a
23 broadcasting network for television that televises professional contests of unarmed combat in this
24 territory to register with the Commission before it participates, directly or indirectly, in any
25 professional contest or exhibition of unarmed combat.

26 **(b)** If such registration is required, the Commission shall adopt regulations that prescribe,
27 without limitation, the requirements for registration and any fees for registration.

28 **(c)** The Commission may require a sanctioning organization or broadcasting network that
29 applies for registration to:

30 (1) Pay the costs of the proceedings relating to the issuance of the registration, including,
31 without limitation, investigative costs and attorney's fees; and

1 (2) Deposit with the Commission such an amount of money as the Commission deems
2 necessary to pay for those costs. If any amount required to be deposited pursuant to this paragraph
3 exceeds the actual cost of the proceedings, including, without limitation, investigative costs and
4 attorney's fees, the Commission shall refund the excess amount to the sanctioning organization or
5 broadcasting network upon the completion of the proceedings.

6 **§ 74[20]18. Promoter and network to file copy of contracts for television rights;
7 records of accounts and other documents; assessment of fee for license; confidentiality of
8 contract. (a)** A promoter and a broadcasting network for television shall each, at least seventy-two
9 (72) hours before a contest or exhibition of unarmed combat, or combination of those events is to be
10 held, file with the Commission's Executive [~~Director~~] Secretary a copy of all contracts entered into
11 for the sale, lease or other exploitation of television rights for the contest or exhibition.

12 (b) The promoter shall keep detailed records of the accounts and other documents related to
13 his receipts from the sale, lease or other exploitation on the television rights for a contest or
14 exhibition. The Commission, at any time, may inspect these accounts and documents to determine
15 the amount of the total gross receipts received by the promoter from the television rights.

16 (c) If a promoter or a network fails to comply with the requirements of this section, the
17 Commission may determine the amount of the total gross receipts from the sale, lease or other
18 exploitation of television rights for the contest or exhibition and assess the appropriate license fee
19 pursuant to §740[9]6(a).

20 (d) Each contract filed with the Commission pursuant to this section is confidential and is not
21 a public record.

22 **§ 74[21]19. Attendance of representative or member of Commission at weigh-ins,
23 medical examinations, contests and exhibitions.** The Executive [~~Director~~] Secretary of the
24 Commission, a chief inspector or a member of the staff of the Commission must be present at all
25 weigh-ins, medical examinations, contests, exhibitions or matches, and shall ensure that the rules are
26 strictly enforced.

27 **§ 742[2]0. Promoter to control seating arrangements; member of Commission
28 furnished ringside seat.** Each promoter of a contest or exhibition of unarmed combat has charge of
29 all seating arrangements but shall furnish to each member of the Commission who is present one
30 ringside seat.

1 **§ 742[3]1. Length of boxing and mixed martial arts contests and rounds; rest**
2 **between rounds. (a)** No boxing contest, sparring match or exhibition may be more than 12 rounds
3 in length. Rounds must be not more than 3 minutes. There must be a rest period of 60 seconds
4 between successive rounds.

5 **(b)** No mixed martial arts contest may be longer than three (3) rounds in length. Rounds
6 must be not more than five (5) minutes. There must be a rest period of sixty (60) seconds between
7 successive rounds.

8 **(c)** No mixed martial arts championship contest may be longer than five (5) rounds in
9 length. Rounds must not be more than five (5) minutes. There must be a rest period of sixty (60)
10 seconds between successive rounds.

11 **§ 742[4]2. Weighing-in of participants in boxing contests.** Every participant in a
12 boxing contest shall be present and weighed in no later than 7 p.m. on the day before to the contest.

13 **§ 742[5]3. Revocation of license.** Any license issued under this chapter may be revoked
14 for cause deemed sufficient by the Commission upon a hearing as provided for in §741[3]0.

15 **§ 742[6]4. Penalties in lieu of or in addition to other disciplinary action; payment of**
16 **costs of proceedings. (a)** If disciplinary action is taken against a person pursuant to this chapter and
17 the disciplinary action does not relate to a contest or exhibition of unarmed combat as provided in
18 subsection **(b)**, the Commission may, in lieu of revoking a license, prescribe a penalty not to exceed
19 [~~\$250,000~~] \$50,000.

20 **(b)** If disciplinary action is taken against a person pursuant to this chapter, including, but not
21 limited to, a hearing for the revocation of a license, and the disciplinary action relates to:

22 (1) The preparation for a contest or an exhibition of unarmed combat;

23 (2) The occurrence of a contest or an exhibition of unarmed combat; or

24 (3) Any other action taken in conjunction with a contest or an exhibition of unarmed combat,
25 the Commission may prescribe a penalty pursuant to subsection (c).

26 **(c)** A penalty prescribed by the Commission pursuant to subsection (b):

27 (1) Must not exceed [~~\$250,000~~] \$50,000 or one hundred percent (100%) of the share of the
28 purse to which the holder of the license is entitled for the contest or exhibition, whichever amount is
29 greater; and

30 (2) May be imposed in addition to or in lieu of any other disciplinary action that is taken
31 against the person by the Commission.

1 (d) If disciplinary action is taken against a person pursuant to this chapter, the Commission
2 may require the person against whom such action is taken to pay the costs of the proceeding,
3 including investigative costs and attorney's fees.

4 § 7427. **Reinstatement of revoked license: Payment of penalty prescribed by**
5 **Commission; payment of costs of proceedings. (a)** Except as otherwise provided in §742[7]4,
6 upon receipt of an application and the payment of a penalty prescribed by the Commission, not to
7 exceed [~~\$250,000~~] \$50,000, the Commission may reinstate a revoked license.

8 (b) In addition to the penalty required by subsection (a), the Commission may require the
9 applicant to:

10 (1) Pay the costs of the proceedings associated with the reinstatement of the license,
11 including investigative costs and attorney's fees; and

12 (2) Deposit with the Commission such an amount of money as the Commission deems
13 necessary to pay for those costs. If any amount required to be deposited pursuant to this paragraph
14 exceeds the actual cost of the proceedings, including investigative costs and attorney's fees, the
15 Commission shall refund the excess amount to the applicant upon the completion of the proceedings.

16 Article 5

17 APPLICABILITY OF CHAPTER; PENALTIES

18 § 7500. **Amateur contest or exhibition of school, college or university exempted**
19 **from provisions of chapter.** The provisions of this chapter do not apply to any amateur contests or
20 exhibitions of unarmed combat or any combination thereof conducted by or participated in
21 exclusively by any school, college or university or by any association or organization of a school,
22 college or university, when each participant in the contests or exhibitions is a bona fide student in the
23 school, college or university.

24 § 7501. **Certain exhibitions of Oriental unarmed self-defense exempted from**
25 **provisions of chapter.** The provisions of this chapter do not apply to exhibitions of Oriental
26 unarmed self-defense in which no dangerous blow is intended to be struck.

27 § 7502. **Penalty.** Any person who shall, directly or indirectly, violate any of the
28 provisions of this chapter, or the rules or regulations of the Commission, shall be guilty of a
29 misdemeanor.”

1 **Section 4. Commission Members to Remain.** Upon enactment into law of this Act, the
2 current members of the Boxing and Wrestling Commission shall continue as members of the Guam
3 Athletic Commission, subject to the conditions set in §7300.