

WEST VIRGINIA LEGISLATURE

2022 REGULAR SESSION

ENROLLED

House Bill 4463

BY DELEGATES CROUSE, CLARK, STEELE, HOWELL,

MAZZOCCHI, HOUSEHOLDER, AND D. JEFFRIES

(BY REQUEST OF THE ATHLETIC COMMISSION)

[Passed March 12, 2022; in effect July 1, 2022]

1 AN ACT to amend and reenact §29-5A-1 and §29-5A-16 of the Code of West Virginia, 1931, as
2 amended, all relating to the compensation the members of the State Athletic Commission
3 may receive during a fiscal year for their attendance and participation in public meetings
4 of the commission; and their work at exhibitions and matches sanctioned by the
5 commission.

Be it enacted by the Legislature of West Virginia:

ARTICLE 5A. STATE ATHLETIC COMMISSION.

§29-5A-1. Creation of commission; members; officers; seal and rules.

1 (a) The State Boxing Commission, heretofore created, is hereby continued and renamed
2 the State Athletic Commission. The commission shall consist of five persons appointed by the
3 Governor, by and with the consent of the Senate, no more than three of whom shall belong to the
4 same political party and no two of whom shall be residents of the same county at the same time.
5 One member shall have at least three years of experience in the sport of boxing. One member
6 shall have at least three years of experience in the sport of mixed martial arts. One member shall
7 have at least three years of experience in the health care industry as a licensed physician,
8 registered nurse, nurse practitioner, or physicians' assistant. Two members shall be citizen
9 members who are not licensed under the provisions of this article and who do not perform any
10 services related to the persons regulated under this article. The members shall serve without pay
11 except that each member shall receive \$100 for each day that he or she attends and participates
12 in a public meeting in which the commission makes or deliberates towards an official act:
13 *Provided*, That the compensation a member may receive pursuant to this subsection during each
14 fiscal year may not exceed \$2,000.

15 (b) At the expiration of the term of each member, his or her successor shall be appointed
16 by the Governor for a term of four years. If there is a vacancy in the board, the vacancy shall
17 likewise be filled by appointment by the Governor and the Governor shall likewise have the power
18 to remove any commissioner at his or her pleasure.

19 (c) Any three members of the commission shall constitute a quorum for the exercise of the
20 power or authority conferred upon it. The members of the commission shall, at the first meeting
21 after their appointment, elect one of their number chairman of the commission and another of their
22 number secretary of the commission, shall adopt a seal for the commission, and shall make such
23 rules for the administration of their office, not inconsistent herewith, as they may consider
24 expedient; and they may hereafter amend or abrogate such rules.

25 (d) The concurrence of at least three commissioners is necessary to render a choice or
26 decision of the commission except that, notwithstanding the requirements of the Open
27 Governmental Proceedings Act, §6-9a-1 *et seq.* of this code, a quorum of the commission may
28 vote in writing to approve changes to the roster of participants or the roster of officials if the need
29 for the substitution(s) is made known to the commission within 48 hours of an event that the
30 commission previously approved: *Provided*, That the substitution(s) is necessary to effectuate the
31 match: *Provided, however*, That the written decision of the commission is presented at the next
32 scheduled meeting of the commission and recorded in its minutes.

§29-5A-16. Presence of members of commission or inspector at exhibitions and matches.

1 (a) Each member of the commission may be present at all exhibitions and matches without
2 charge therefor, and shall, when present, see that the rules are strictly observed, and may be
3 present at the counting of the gross receipts. The commission may appoint an inspector to be
4 present representing the commission, which inspector has the same privilege hereby conferred
5 upon a member of the commission; and the inspector shall immediately mail to the commission
6 the official box office statement received from the officers of the club.

7 (b) Subject to available funds, the commission may pay a member of the commission \$150
8 for each day that he or she performs the work of the commission at a sanctioned exhibition or
9 match. But the commission may pay no more than two members of the commission for each day
10 of an exhibition or match. The commission may pay no more than \$3,000, collectively, to the
11 members of the commission pursuant to this subsection during any fiscal year.

The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

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Chairman, House Committee

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Chairman, Senate Committee

Originating in the House.

In effect July 1, 2022.

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Clerk of the House of Delegates

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Clerk of the Senate

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Speaker of the House of Delegates

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President of the Senate

The within this the.....
day of, 2022.

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Governor