

LFC Requester:	Ginger Anderson
-----------------------	------------------------

**AGENCY BILL ANALYSIS
2024 REGULAR SESSION**

WITHIN 24 HOURS OF BILL POSTING, EMAIL ANALYSIS TO:

LFC@NMLEGIS.GOV

and

DFA@DFA.NM.GOV

{Include the bill no. in the email subject line, e.g., HB2, and only attach one bill analysis and related documentation per email message}

SECTION I: GENERAL INFORMATION

{Indicate if analysis is on an original bill, amendment, substitute or a correction of a previous bill}

Check all that apply:
Original **Amendment**
Correction **Substitute**

Date February 3, 2024
Bill No: SB 176

Sponsor: Antonio Maestas and Art De La Cruz
Short Title: Athletic Competition Act Changes

Agency Name and Code Regulation and Licensing - 420
Number: _____
Person Writing Carrie Cochran
Phone: 505-476-4612 **Email** Carrie.cochran@rld.nm.gov

SECTION II: FISCAL IMPACT

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Nonrecurring	Fund Affected
FY25	FY26		
N/A	N/A		

(Parenthesis () Indicate Expenditure Decreases)

REVENUE (dollars in thousands)

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY24	FY25	FY26		
N/A	N/A	N/A	N/A	N/A

(Parenthesis () Indicate Expenditure Decreases)

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY24	FY25	FY26	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Total	N/A	N/A	N/A	N/A	N/A	N/A

(Parenthesis () Indicate Expenditure Decreases)

Duplicates/Conflicts with/Companion to/Relates to:
Duplicates/Relates to Appropriation in the General Appropriation Act:

SECTION III: NARRATIVE

BILL SUMMARY

]

Synopsis: Senate Bill 176 (SB 176) [As amended by the Sen. Health & Public Affairs Comm. (SHPAC).]

Senate Bill 176 (SB 176) amends the Athletic Competition Act (Act) to add new definitions, add and increase licensure fees, add new weight classes for boxing contests and adds the requirement that the New Mexico athletic commission declare a state champion professional boxer in each weight class. SB 176 also extends the termination date of the athletic commission to July 1, 2029.

SB 176 adds the definition of “closed circuit telecast” which means a telecast that is not intended to be available for viewing without the payment of a fee, including a pay-per-view telecast, podcast, webcast, streaming media or any electronic transmission to an arena, bar, lounge, club, entertainment or meeting center or private residence. SB 176 adds the definition of “exhibition” to mean any contest or portion of a fight card, bout or event in any form of unarmed combat regulated by the commission and conducted, held or televised on closed circuit telecast originating in New Mexico. SB 176 strikes language regarding a “professional wrestler” and provides a new definition for a “sports entertainment wrestler” to mean an individual who competes for money, prizes or purses or who teaches, pursues or assists in the practice of sports entertainment wrestling as a means of obtaining a livelihood or pecuniary gain. SB 176 also adds the definition of “sports entertainment wrestling” to mean an activity in which participants struggle hand-to-hand primarily for the purpose of providing entertainment to spectators rather than conducting a bona fide athletic contest.

SB 176 makes a distinction between the different types of fighters, which were previously lumped into the definition of professional boxer. SB 176 defines a professional kickboxer as an individual who competes for money, prizes or purses or who teaches, pursues or assists in the practice of kickboxing as a means of obtaining a livelihood or pecuniary gain. SB 176 defines a professional martial artist as an individual who competes for money, prizes or purses or who teaches, pursues or assists in the practice of martial arts as a means of obtaining a livelihood or pecuniary gain. SB 176 defines a professional mixed martial artist as an individual who competes for money, prizes or purses or who teaches, pursues or assists in the practice of mixed martial arts as a means of obtaining a livelihood or pecuniary gain.

SB 176 increases annual licensure fees for all license types under the Act. The fees have increased as follows: promoters from three hundred dollars (\$300.00) to five hundred dollars (\$500.00); foreign co-promoters from five hundred dollars (\$500.00) to seven hundred fifty

dollars (\$750.00); referees from forty dollars (\$40.00) to seventy-five dollars (\$75.00); timekeepers and announcers from twenty-five dollars (\$25.00) to seventy-five dollars (\$75.00); seconds and trainers from twenty-five dollars (\$25.00) to seventy-five dollars (\$75.00); managers from fifty dollars (\$50.00) to seventy-five dollars (\$75.00); professional boxers from twenty-five dollars (\$25.00) to seventy-five dollars (\$75.00); professional kickboxers from twenty-five dollars (\$25.00) to seventy-five dollars (\$75.00); booking agents from fifty dollars (\$50.00) to seventy-five dollars (\$75.00); matchmakers from fifty dollars (\$50.00) to seventy-five dollars (\$75.00); and judges from twenty-five dollars (\$25.00) to seventy-five dollars (\$75.00). SB 176 adds annual licensure fees for the following: professional mixed martial artists in the amount of seventy-five dollars (\$75.00); amateur mixed martial artists in the amount of seventy-five dollars (\$75.00); professional martial artists in the amount of seventy-five dollars (\$75.00); and sports entertainment wrestlers in the amount of seventy-five dollars (\$75.00).

The SHPAC amendment to SB 176 amends the Act to require a professional boxer, professional martial artist, professional mixed martial artist or sports entertainment wrestler to obtain insurance coverage in the amount of twenty-five hundred dollars (\$2500.00).

SB 176 adds a new provision to the Act to allow an unarmed combatant to hold a professional license in one commission licensing category while maintaining amateur status in other unarmed combat disciplines.

SB 176 establishes the weight classes for a professional boxing contest to include the following: junior flyweight at one hundred eight (108) pounds; flyweight at one hundred twelve (112) pounds; bantamweight at one hundred eighteen (118) pounds; junior featherweight at one hundred twenty-two (122) pounds; featherweight at one hundred twenty-six (126) pounds; junior lightweight at one hundred thirty (130) pounds; lightweight at one hundred thirty-five (135) pounds; junior welterweight at one hundred forty (140) pounds; welterweight at one hundred forty-seven (147) pounds; junior middleweight at one hundred fifty-four (154) pounds; middleweight at one hundred sixty (160) pounds; light heavyweight at one hundred seventy-five (175) pounds; cruiserweight at one hundred ninety (190) pounds; and heavyweight which has no maximum weight for any contestant.

The SHPAC amendment to SB 176 adds “maximum” to the aforementioned weight classes, meaning no boxing contestant may participate in a contest for a specific weight class if they exceed the weight established for that weight class.

SB 176 adds new language requiring the New Mexico athletic commission to declare a state champion professional boxer in each weight class. At least two times per year, the athletic commission must publish a list of the top ten ranked professional boxing contenders in each weight class. The professional state boxing champion is required to defend the championship title within six months of winning the title and every six months thereafter against any challenger in the champion’s weight class. If the champion cannot or does not defend the title for physical reasons that are permanent, the commission must forfeit the championship and declare the title vacant. If the champion is unable to defend the title due to an illness or an injury that is not permanent, the champion must submit a physician’s report describing the illness or injury and an estimated time the champion will be able to defend the championship title to the athletic commission.

SB 176 extends the termination date of the New Mexico athletic commission to July 1, 2029.

FISCAL IMPLICATIONS

An increase in licensure fees will result in an increase in overall revenue.

SIGNIFICANT ISSUES

The new definition for “sports entertainment wrestler” eliminates any reference to a “professional wrestler.” The definition is vague as to whether it encompasses professional wrestling, which could cause confusion to applicants and licensees and may effectively create a loophole around the requirements of licensure for applicants and licensees who are promoting or participating in a professional wrestling event.

Under the current Act, once a professional boxer has been declared a “professional” boxer, that boxer is not permitted to participate in another athletic commission licensing category as an amateur. SB 176 amends the Act to allow an unarmed combatant to hold a professional license in one commission licensing category, while maintaining amateur status in another unarmed combat discipline. If a situation were to arise where an individual who has a professional license in one physical combat discipline is competing in another physical combat discipline as an amateur and then an opponent of that individual were to be injured during the contest, there is concern that litigation could result on behalf of the injured competitor claiming that the injured individual had been placed at an unfair level of risk due to having been placed in the position of competing against a “professional” fighter. While the Tort Claims Act would be presumed to cover the Athletic Commission and any state employees involved in such a matter, litigation expenses to establish a proper defense could still involve significant time and funds. The ultimate liability of the promoters and competitors involved in such a case would be decided by the courts.

PERFORMANCE IMPLICATIONS

ADMINISTRATIVE IMPLICATIONS

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

TECHNICAL ISSUES

OTHER SUBSTANTIVE ISSUES

ALTERNATIVES

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

The Act will be repealed on July 1, 2024, and the Athletic Commission will no longer exist.

AMENDMENTS