

HOUSE COMMITTEE OF REFERENCE REPORT

Chairman of Committee

February 16, 2010

Date

Committee on Business Affairs and Labor.

After consideration on the merits, the Committee recommends the following:

HB10-1245 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation:

1 Amend printed bill, page 6, line 5, strike "(3), Colorado Revised Statutes,
2 is" and substitute "(2) (a) (IV) (B), (2) (c), and (3), Colorado Revised
3 Statutes, are".

4 Page 6, strike line 8 and substitute:

5 "(2) (a) The commission shall consist of five voting members and
6 two nonvoting advisory members. All members shall be residents of
7 Colorado, be of good character and not have been convicted of any felony
8 or match-related offense, notwithstanding the provisions of section
9 24-5-101, C.R.S., and be appointed as follows:

10 (IV) (B) The two nonvoting advisory members shall advise the
11 commission on matters concerning the health and physical condition of
12 boxers ~~and kickboxers~~ and health issues relating to the conduct of
13 matches. The nonvoting members may prepare and submit to the
14 commission for its consideration and approval any rules that in their
15 judgment will safeguard the physical welfare of the participants engaged
16 in boxing.

17 (c) The commission shall designate by majority vote which
18 member is to serve as chair. Any member may be removed from office
19 by the person making the appointment for misfeasance, malfeasance,
20 willful neglect of duty, or other cause. ~~after notice and a public hearing,~~

1 ~~unless such notice and hearing have been expressly waived in writing.~~

2 (3) Meetings of the commission shall be held at least ~~quarterly~~".

3 Page 6, line 20, after "(b)," insert "(1) (e), (1) (g), (1) (J),".

4 Page 7, after line 2 insert:

5 "(e) Requirements for insurance COVERING PARTICIPANTS and
6 bonding OF PROMOTERS;

7 (g) Guidelines for contracts and financial arrangements BETWEEN
8 PROMOTERS AND PARTICIPANTS;

9 (J) Responsibilities of participants, including female boxers; ~~and~~
10 ~~kickboxers; and~~".

11 Page 8, after line 3 insert:

12 "SECTION 10. The introductory portion to 12-10-107.1 (1),
13 12-10-107.1 (1) (b), (1) (d), (1) (e), (2) (b), (2) (c), (2) (d), (2) (e), and (3)
14 (b), Colorado Revised Statutes, are amended, and the said 12-10-107.1 (1)
15 is further amended BY THE ADDITION OF A NEW PARAGRAPH, to
16 read:

17 **12-10-107.1. Grounds for discipline.** (1) The director may
18 deny, suspend, revoke, place on probation, or issue a letter of admonition
19 against ~~the license of an applicant or licensee~~ A LICENSE OR AN
20 APPLICATION FOR A LICENSE if the applicant or licensee:

21 (b) Fails to meet the requirements of this article or the rules of the
22 commission ~~or uses fraud, misrepresentation, or deceit in applying for or~~
23 ~~attempting to apply for licensure;~~

24 (d) Is addicted to or dependent upon alcohol or any controlled
25 substance, within the meaning of part 3 of article 22 of this title, or is a
26 habitual user of said controlled substance, if the use, addiction, or
27 dependency is a danger to ~~clients or prospective clients~~ OTHER
28 PARTICIPANTS OR OFFICIALS;

29 (e) Has incurred disciplinary action related to professional boxing

1 in another jurisdiction. Evidence of such disciplinary action shall be
2 prima facie evidence for denial of a license or other disciplinary action if
3 the violation would be grounds for such disciplinary action in this state;
4 OR

5 (f) USES FRAUD, MISREPRESENTATION, OR DECEIT IN APPLYING FOR
6 OR ATTEMPTING TO APPLY FOR LICENSURE.

7 (2) (b) ~~When a complaint or investigation discloses an instance of~~
8 ~~misconduct that, in the opinion of the director, does not warrant formal~~
9 ~~action by the director but that should not be dismissed as being without~~
10 ~~merit, a letter of admonition may be issued and sent, by certified mail, to~~
11 ~~the licensee.~~ UPON COMPLETING AN INVESTIGATION, THE DIRECTOR SHALL
12 MAKE ONE OF THE FOLLOWING FINDINGS:

13 (I) THE COMPLAINT IS WITHOUT MERIT AND NO FURTHER ACTION
14 NEED BE TAKEN.

15 (II) THERE IS NO REASONABLE CAUSE TO WARRANT FURTHER
16 ACTION.

17 (III) THE INVESTIGATION DISCLOSES AN INSTANCE OF CONDUCT
18 THAT DOES NOT WARRANT FORMAL ACTION, BUT THE DIRECTOR NOTICES
19 INDICATIONS OF POSSIBLE ERRANT CONDUCT THAT COULD LEAD TO
20 SERIOUS CONSEQUENCES IF NOT CORRECTED. IF THIS FINDING IS MADE,
21 THE DIRECTOR SHALL SEND A CONFIDENTIAL LETTER OF CONCERN TO THE
22 LICENSEE.

23 (IV) THE INVESTIGATION DISCLOSES AN INSTANCE OF CONDUCT
24 THAT DOES NOT WARRANT FORMAL ACTION BUT SHOULD NOT BE
25 DISMISSED AS BEING WITHOUT MERIT. IF THIS FINDING IS MADE, THE
26 DIRECTOR SHALL SEND A LETTER OF ADMONITION TO THE LICENSEE BY
27 CERTIFIED MAIL.

28 (V) THE INVESTIGATION DISCLOSES FACTS THAT WARRANT
29 FURTHER PROCEEDINGS BY FORMAL COMPLAINT. IF THIS FINDING IS MADE,
30 THE DIRECTOR SHALL REFER THE COMPLAINT TO THE ATTORNEY GENERAL
31 FOR PREPARATION AND FILING OF A FORMAL COMPLAINT.

32 (c) (I) When a letter of admonition is sent ~~by the director,~~ by
33 certified mail to a licensee, ~~such licensee shall be advised~~ THE DIRECTOR

1 SHALL INCLUDE IN THE LETTER A NOTICE that ~~he or she~~ THE LICENSEE has
2 the right to request in writing, within twenty days after receipt of the
3 letter, that formal disciplinary proceedings be initiated to adjudicate the
4 propriety of the conduct upon which the letter of admonition is based.

5 (II) IF THE REQUEST FOR ADJUDICATION IS TIMELY MADE, THE
6 LETTER OF ADMONITION IS VACATED AND THE DIRECTOR SHALL PROCEED
7 BY MEANS OF FORMAL DISCIPLINARY PROCEEDINGS.

8 (d) ~~If the request for adjudication is timely made, the letter of~~
9 ~~admonition shall be deemed vacated and the matter shall be processed by~~
10 ~~means of formal disciplinary proceedings.~~

11 (e) ~~When a complaint or investigation discloses an instance of~~
12 ~~conduct that does not warrant formal action by the director and, in the~~
13 ~~opinion of the director, the complaint should be dismissed, but the~~
14 ~~director has noticed indications of possible errant conduct by the licensee~~
15 ~~that could lead to serious consequences if not corrected, a confidential~~
16 ~~letter of concern may be issued and sent to the licensee.~~ THE DIRECTOR
17 SHALL CONDUCT ALL PROCEEDINGS PURSUANT TO THIS SUBSECTION (2)
18 EXPEDITIOUSLY AND INFORMALLY SO THAT NO LICENSEE IS SUBJECTED TO
19 UNFAIR AND UNJUST CHARGES AND THAT NO COMPLAINANT IS DEPRIVED
20 OF THE RIGHT TO A TIMELY, FAIR, AND PROPER INVESTIGATION OF A
21 COMPLAINT.

22 (3) (b) Upon failure of any witness to comply with such subpoena
23 or process, the district court of the county in which the subpoenaed
24 person or licensee resides or conducts business, upon application by the
25 ~~board or~~ director with notice to the subpoenaed person or licensee, may
26 issue to the person or licensee an order requiring that person or licensee
27 to appear before the ~~board or~~ director; to produce the relevant papers,
28 books, records, documentary evidence, or materials if so ordered; or to
29 give evidence touching the matter under investigation or in question.
30 Failure to obey the order of the court may be punished by the court as a
31 contempt of court."

32 Renumber succeeding sections accordingly.

33 Page 8, line 16, strike "board" and substitute "board OFFICE".

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