

General Provisions Establishing the State Athletic Commission

Act 32 of 1992 (effective May 13, 1992)

5 Pa.C.S. §§ 101-106

§ 101. Definitions

Subject to additional definitions contained in subsequent provisions of this part which are applicable to specific provisions of this part, the following words and phrases when used in this part shall have the meanings given to them in this section unless the context clearly indicates otherwise:

“COMMISSION.” The State Athletic Commission.

“DEPARTMENT.” The Department of State of the Commonwealth.

“EXECUTIVE DIRECTOR.” The executive director of the State Athletic Commission.

“SECRETARY.” The Secretary of the Commonwealth.

§ 102. State Athletic Commission

(a) Composition.—The State Athletic Commission shall be composed of three members appointed by the Governor with the advice and consent of a majority of the members elected to the Senate. The Governor shall designate one of the members as chairman. The secretary and the chairman of the Medical Advisory Board established under section 501 (relating to Medical Advisory Board) shall be ex officio members of the commission. Each appointment shall be for a term of four years.

(b) Compensation.—Each commissioner, except the secretary and the chairman of the Medical Advisory Board, shall receive a salary of \$10,000 annually. The chairman of the commission shall receive a salary of \$10,500 annually. The commissioners and the chairman of the Medical Advisory Board shall also receive reasonable and necessary travel expenses incurred as a direct result of their duties as members of the commission. The expenses incurred by the commissioners shall be allowed and paid on the presentation of itemized vouchers therefor, which vouchers shall be subject to the approval of the secretary.

(c) Removal.—Except as authorized under this section, no commissioner may be removed from office during his term. The Governor may, upon clear and convincing evidence of misfeasance or malfeasance in office or neglect of duty, remove a commissioner prior to the expiration of the term. The Governor shall then provide the commissioner so removed with a detailed written statement of the reasons for removal.

(d) Quorum requirement.—Two members of the commission shall constitute a quorum.

§ 103. Duties of commission

(a) Meetings.—The commission shall hold regular meetings at least once every two months to carry out the requirements of this part, which shall include the consideration of any rules or regulations or amendments thereto which are recommended by the executive director. The meetings shall be open to the public. The meeting times shall be scheduled one year in advance and shall be published in the Pennsylvania Bulletin.

(b) General duties.—In addition to any other power specifically granted by this part, the commission:

(1) May establish policy and shall promulgate rules and regulations regarding professional and amateur boxing contests and exhibitions held within this Commonwealth and the presentation of such contests and exhibitions and all matters pertaining thereto, except such contests and exhibitions as are specifically exempted from this part.

(2) Shall promulgate rules and regulations regarding collection of taxes on professional wrestling exhibitions.

(3) May establish policy and promulgate rules and regulations regarding professional and amateur wrestling contests as authorized under Chapter 21 (relating to regulation of professional wrestling contests and exhibitions). The rules and regulations authorized under this section include those rules and regulations required by this part, together with such others as the commission considers necessary in order to carry out the provisions of this part.

§104. Appointment and qualifications of executive director

The secretary shall appoint an executive director of the commission with administrative experience and other qualifications indicating he is familiar with the activities to be regulated by this part. The executive director shall serve at the pleasure of the secretary. The executive director's salary shall be fixed by the secretary with the approval of the Governor, and the executive director shall hold no other paid public position.

§105. Powers and duties of executive director

The executive director shall supervise the administrative work of the commission. The executive director shall have the power and duty:

(1) To attend the meetings of the commission.

(2) To recommend to the commission suspension or revocation of any license or permit issued pursuant to this part for violations of any provisions of this part or the rules and regulations of the commission or when such action is necessary to protect the public welfare.

(3) To supervise and direct staff appointed by the secretary engaged in work directly related to the implementation of this part.

(4) To prepare and recommend to the commission rules and regulations and amendments thereto regarding the matters regulated under this part.

(5) To implement and supervise a drug testing program of all athletes licensed under Subpart B (relating to boxing) in consultation with the Medical Advisory Board and the Department of Health.

(6) To present the standing committees of both Houses of the General Assembly with an annual review of the commission's rules and regulations.

(7) To establish and maintain a record of all boxers licensed under Subpart B, showing for each licensee all of the following:

(i) The date licensed.

(ii) The results of prefight and postfight physicals.

(iii) Any fictitious or assumed names by which the licensee competes.

(iv) The number and dates of any suspensions of the licensee.

(v) The dates when the licensee is knocked out.

(vi) The licensee's record from other states.

(8) To administer and make effective the provisions of this part and the rules and regulations made under this part.

(9) To conduct a substantial portion of the activities required by this part at a single central location, wherein all records of the commission shall be maintained.

(10) To prepare an annual budget for the consideration of the commission, showing the costs of operation and revenues received in the previous fiscal year and the estimated costs of operations and revenues to be received in the next fiscal year. The budget shall be approved by the commission and forwarded to the secretary in a timely fashion for his review and inclusion in the budget request of the department.

(11) To aid the commission in the promotion of boxing contests in this Commonwealth.

(12) To supervise collection of taxes on professional wrestling exhibitions.

§106. Limitations on applicability of part

No provision of this part nor any rule or regulation promulgated under this part shall apply to any boxing contest or exhibition or wrestling contest or exhibition conducted or sponsored by any university, college, secondary school or group of universities, colleges or secondary schools or the Department of Corrections if all the participants are students regularly enrolled in such institutions or inmates confined within a State or county correctional facility, respectively.