

House Engrossed Senate Bill

FILED

**KEN BENNETT
SECRETARY OF STATE**

State of Arizona
Senate
Forty-ninth Legislature
Second Regular Session
2010

CHAPTER 269

SENATE BILL 1076

AN ACT

AMENDING SECTIONS 5-104, 5-221, 5-222, 5-223, 5-224, 5-225, 5-235.01, 41-1092 AND 41-3011.07, ARIZONA REVISED STATUTES; RELATING TO THE ARIZONA STATE BOXING AND MIXED MARTIAL ARTS COMMISSION.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 5-104, Arizona Revised Statutes, is amended to
3 read:

4 5-104. Racing commission; director; department; powers and
5 duties

6 A. The commission shall:

7 1. Issue racing dates.

8 2. Prepare and adopt such complete rules to govern the racing meetings
9 as may be required to protect and promote the safety and welfare of the
10 animals participating in such racing meetings, to protect and promote public
11 health, safety and the proper conduct of racing and pari-mutuel wagering and
12 any other matter pertaining to the proper conduct of racing within this
13 state.

14 3. Conduct hearings on applications for permits and approve permits
15 and shall conduct such rehearings on licensing and regulatory decisions made
16 by the director as required pursuant to rules adopted by the commission.

17 4. Conduct all reviews of applications to construct capital
18 improvements at racetracks as provided in this chapter.

19 5. Adopt rules governing the proper and humane methods for the
20 disposition and transportation of dogs by breeders, kennels or others.

21 B. The director shall license personnel and shall regulate and
22 supervise all racing meetings held and pari-mutuel wagering conducted in this
23 state and cause the various places where racing meetings are held and
24 wagering is conducted to be visited and inspected on a regular basis. The
25 director may delegate to stewards such of the director's powers and duties as
26 are necessary to fully carry out and effectuate the purposes of this chapter.
27 The director shall exercise immediate supervision over the department of
28 racing. The director is subject to ongoing supervision by the commission,
29 and the commission may approve or reject decisions of the director in
30 accordance with rules established by the commission.

31 C. The commission or the department is authorized to allow stewards,
32 with the written approval of the director, to require a jockey, apprentice
33 jockey, sulky driver, groom, horseshoer, outrider, trainer, assistant
34 trainer, exercise rider, pony rider, starter, assistant starter, jockey's
35 agent, veterinarian, assistant veterinarian, cool-out, lead-out, paddock
36 employee, security or maintenance worker, official or individual licensed in
37 an occupational category whose role requires direct hands-on contact with
38 horses or greyhounds, while on the grounds of a permittee, to submit to a
39 test if the stewards have reason to believe the licensee is under the
40 influence of or unlawfully in possession of any prohibited substance
41 regulated by title 13, chapter 34.

42 D. The department shall employ the services of the office of
43 administrative hearings to conduct hearings on matters requested to be heard
44 by the director or the commission for the department except for those
45 rehearings that are required by the terms of this chapter to be conducted by

1 the commission. Any person adversely affected by a decision of a steward or
2 by any other decision of the department may request a hearing on such
3 decision. The decision of the administrative law judge becomes the decision
4 of the director unless rejected or modified by the director within thirty
5 days. The commission may hear any appeal of a decision of the director in
6 accordance with title 41, chapter 6, article 10.

7 E. The department may visit and investigate the offices, tracks or
8 places of business of any permittee and place in those offices, tracks or
9 places of business expert accountants and such other persons as it deems
10 necessary for the purpose of ascertaining that the permittee or any licensee
11 is in compliance with the rules adopted pursuant to this article.

12 F. The department shall collect the fees payable for a license issued
13 by it, as follows:

- 14 1. Occupational licenses, up to fifty dollars.
- 15 2. Owner, trainer, veterinarian, authorized agent, officials,
16 assistant trainer, stable name renewal or kennel name renewal, up to
17 seventy-five dollars.
- 18 3. Owner-trainer, driver, jockey, jockey agent or apprentice jockey,
19 up to one hundred fifty dollars.
- 20 4. New stable name or new kennel name, up to five hundred dollars.
- 21 5. Duplicate license, up to five dollars.
- 22 6. Temporary license, up to fifty dollars.
- 23 7. If not licensed pursuant to paragraph 9 of this subsection with a
24 combination license, greyhound racing kennels, up to one hundred dollars.
- 25 8. If not licensed pursuant to paragraph 9 of this subsection with a
26 combination license, farms or other operations where greyhounds are raised
27 for the purpose of dog racing, up to one hundred dollars.
- 28 9. Any combination of greyhound racing kennels, farms or other
29 operations where greyhounds are raised for the purpose of dog racing, up to
30 one hundred dollars.

31 G. The commission shall establish financial assistance procedures for
32 promoting adoption of racing greyhounds as domestic pets and for promoting
33 adoption of retired racehorses. The provision of financial assistance to
34 nonprofit enterprises for the purpose of promoting adoption of racing
35 greyhounds as domestic pets and for the purpose of promoting adoption of
36 retired racehorses is contingent on a finding by the commission that the
37 program presented by the enterprise is in the best interest of the racing
38 industry and this state. Upon a finding by the commission, the commission is
39 authorized to make grants to nonprofit enterprises whose programs promote
40 adoption of racing greyhounds or adoption of retired racehorses. The
41 commission shall develop an application process. The commission shall
42 require an enterprise to report to the commission on the use of grants under
43 this subsection. Financial assistance for nonprofit enterprises for the
44 purpose of promoting adoption of racing greyhounds as domestic pets under
45 this subsection shall not exceed the amount collected for license fees under

1 subsection F, paragraphs 7, 8 and 9 of this section. Financial assistance
2 for nonprofit enterprises that promote adoption of retired racehorses under
3 this subsection shall not exceed the amount of retired racehorse adoption
4 surcharges collected pursuant to this subsection. The commission shall
5 collect a retired racehorse adoption surcharge in addition to each civil
6 penalty assessed in connection with horse or harness racing pursuant to this
7 article. The amount of the retired racehorse adoption surcharge shall be
8 five per cent of the amount collected for each applicable civil penalty.

9 H. A license is valid for the period established by the commission,
10 but not to exceed three years, except for a temporary license issued pursuant
11 to section 5-107.01, subsection F. The licensing period for horse racing
12 shall begin July 1. The licensing period for greyhound racing shall begin
13 February 1.

14 I. Upon application in writing by an objector to any decision of track
15 stewards, made within three days after the official notification to the
16 objector of the decision complained of, the department or administrative law
17 judge shall review the objection. In the case of a suspension of a license
18 by the track stewards, such suspension shall commence at once and run for a
19 period of not more than sixty days. Before the end of this suspension
20 period, filing an application for review is not cause for reinstatement. If
21 at the end of this suspension period the department or administrative law
22 judge has not held a hearing to review the decision of the stewards, the
23 suspended license shall be reinstated until such time as the department or
24 administrative law judge holds a hearing to review the objection. Except as
25 provided in section 41-1092.08, subsection H, a final decision of the
26 commission is subject to judicial review pursuant to title 12, chapter 7,
27 article 6.

28 J. The commission or the director may issue subpoenas for the
29 attendance of witnesses and the production of books, records and documents
30 relevant and material to a particular matter before the commission or
31 department. Such subpoenas shall be served and enforced in accordance with
32 title 41, chapter 6, article 10.

33 K. Any member of the commission, the administrative law judge or the
34 director or the director's designee may administer oaths, and such oaths
35 shall be administered to any person who appears before the commission to give
36 testimony or information pertaining to matters before the commission.

37 L. The commission shall adopt rules which require permittees to retain
38 for three months all official race photographs and videotapes. The
39 department shall retain all such photographs and videotapes which are used as
40 evidence in an administrative proceeding until the conclusion of the
41 proceeding and any subsequent judicial proceeding. All photographs and
42 videotapes must be available to the public on request, including photographs
43 and videotapes of races concerning which an objection is made, regardless of
44 whether the objection is allowed or disallowed.

1 M. The director may establish a management review section for the
2 development, implementation and operation of a system of management reports
3 and controls in major areas of department operations, including licensing,
4 work load management and staffing, and enforcement of the provisions of this
5 article and the rules of the commission.

6 N. In cooperation with the department of public safety, the director
7 shall establish a cooperative fingerprint registration system. Each
8 applicant for a license or permit under this article or any other person who
9 has a financial interest in the business or corporation making the
10 application shall submit to fingerprint registration as part of the
11 background investigation conducted pursuant to section 5-108. The
12 cooperative fingerprint registration system shall be maintained in an updated
13 form using information from available law enforcement sources and shall
14 provide current information to the director upon request as to the fitness of
15 each racing permittee and each racing licensee to engage in the racing
16 industry in this state.

17 O. The director shall develop and require department staff to use
18 uniform procedural manuals in the issuance of any license or permit under
19 this article and in the enforcement of this article and the rules adopted
20 under this article.

21 P. The director shall submit an annual report containing such
22 operational and economic performance information as is necessary to evaluate
23 the department's budget request for the forthcoming fiscal year to the
24 governor, the speaker of the house of representatives, the president of the
25 senate and the Arizona state library, archives and public records no later
26 than September 30 each year. The annual report shall be for the preceding
27 fiscal year and contain such performance information as:

28 1. The total state revenues for the previous fiscal year from the
29 overall pari-mutuel handle with an itemization for each dog racing meeting,
30 each horse racing meeting, each harness racing meeting and each additional
31 wagering facility.

32 2. The total state revenues for the previous fiscal year from the
33 regulation of racing, including licensing fees assessed pursuant to
34 subsection F of this section and monetary penalties assessed pursuant to
35 section 5-108.02.

36 3. The amount and use of capital improvement funds pursuant to
37 sections 5-111.02 and 5-111.03 which would otherwise be state revenues.

38 4. The number of licenses and permits issued, renewed, pending and
39 revoked during the previous fiscal year.

40 5. The investigations conducted during the previous fiscal year and
41 any action taken as a result of the investigations.

42 6. The department budget for the immediately preceding three fiscal
43 years, including the number of full-time, part-time, temporary and contract
44 employees, a statement of budget needs for the forthcoming fiscal year and a
45 statement of the minimum staff necessary to accomplish these objectives.

1 7. Revenues generated for this state for the preceding fiscal year by
2 persons holding horse, harness and dog racing permits.

3 8. Recommendations for increasing state revenues from the regulation
4 of the racing industry while maintaining the financial health of the industry
5 and protecting the public interest.

6 Q. The commission may certify animals as Arizona bred or as Arizona
7 stallions. The commission may delegate this authority to a breeders'
8 association it contracts with for these purposes. The commission may
9 authorize the association, racing organization or department to charge and
10 collect a reasonable fee to cover the cost of breeding or ownership
11 certification or transfer of ownership for racing purposes.

12 R. The department has responsibility for the collection and accounting
13 of revenues for the state boxing AND MIXED MARTIAL ARTS commission including,
14 but not limited to, licensing fees required by section 5-230, the levy of the
15 tax on gross receipts imposed by section 5-104.02 and cash deposited pursuant
16 to section 5-229. All revenues collected pursuant to this subsection, from
17 whatever source, shall be reported and deposited pursuant to section
18 5-104.02, subsection C. The director shall adopt rules as necessary to
19 accomplish the purposes of this subsection and chapter 2, article 2 of this
20 title.

21 S. The commission may obtain the services of the office of
22 administrative hearings on any matter which the commission is empowered to
23 hear.

24 T. The department may adopt rules pursuant to title 41, chapter 6 to
25 carry out the purposes of this article, ensure the safety and integrity of
26 racing in this state and protect the public interest.

27 Sec. 2. Section 5-221, Arizona Revised Statutes, is amended to read:

28 5-221. Definitions

29 In this article, unless the context otherwise requires:

30 1. "Boxing" means the act of attack and defense with the fists, using
31 padded gloves, that is practiced as a sport. Where applicable, boxing
32 includes kickboxing.

33 2. "Commission" means the Arizona state boxing AND MIXED MARTIAL ARTS
34 commission.

35 3. "Contest" means any boxing contest, match or exhibition.

36 4. "Department" means the Arizona department of racing.

37 5. "Director" means the director of the Arizona department of racing.

38 6. "Executive director" means the executive director of the
39 commission.

40 7. "Kickboxing" means a form of boxing, INCLUDING MUAY THAI PURSUANT
41 TO RULES AND REGULATIONS OF THE UNITED STATES MUAY THAI ASSOCIATION AS
42 ADAPTED BY THE COMMISSION, in which blows are delivered with any part of the
43 arm below the shoulder, including the hand, and any part of the leg below the
44 hip, including the foot.

1 8. "MIXED MARTIAL ARTS" MEANS ANY FORM OF COMPETITION, OTHER THAN
2 BOXING OR KICKBOXING, IN WHICH BLOWS ARE DELIVERED.

3 ~~8.~~ 9. "Professional" means any person who competes for any money
4 prize or a prize that exceeds the value of thirty-five dollars or teaches or
5 pursues or assists in the practice of boxing as a means of obtaining a
6 livelihood or pecuniary gain.

7 ~~9.~~ 10. "Tough man contest" means any boxing match consisting of one
8 minute rounds, between two or more persons who use their hands, wearing
9 padded gloves that weigh not less than twelve ounces, or their feet, or both,
10 in any manner. Tough man contest does not include kickboxing or any
11 recognized martial arts competition.

12 ~~10. "Unarmed combat" means any form of competition, other than boxing
13 and kickboxing, in which blows are delivered.~~

14 Sec. 3. Section 5-222, Arizona Revised Statutes, is amended to read:
15 5-222. Application of this chapter; definition

16 This chapter does not apply to any amateur boxing contest conducted by
17 or participated in by the following institutions or organizations:

18 1. Any school, community college, college or university or an
19 association or organization composed exclusively of schools, community
20 colleges, colleges or universities when each contestant is a student enrolled
21 in a school, community college, college or university. As used in this
22 section, "school, community college, college or university" means every
23 school, community college, college or university and every other school,
24 community college, college or university determined by the state board of
25 education, community college districts as defined in section 15-1401 or the
26 Arizona board of regents to be maintained primarily for the giving of general
27 academic education.

28 2. A government unit or agency of the United States or this state and
29 its subdivisions.

30 3. A nonprofit interstate association or intrastate association in
31 this state which has standards and regulations for the physical safety of the
32 participants at least equal to the requirements of this chapter, including
33 such bona fide amateur associations or organizations.

34 4. A fraternal benefit society as defined in section 20-861.

35 5. Any bona fide private school whose primary purpose is instruction
36 in the martial arts, provided that the contests held in conjunction with such
37 instruction are amateur and provided that an admission fee is not charged for
38 attendance.

39 6. ANY BONA FIDE PRIVATE SCHOOL WHOSE PRIMARY PURPOSE IS INSTRUCTION
40 IN KARATE, PROVIDED THAT THE CONTESTS HELD IN CONJUNCTION WITH SUCH
41 INSTRUCTION ARE AMATEUR.

1 Sec. 4. Section 5-223, Arizona Revised Statutes, is amended to read:
2 5-223. Arizona state boxing and mixed martial arts commission;
3 appointment; terms; compensation; conflict of
4 interest; emergency ringside meetings

5 A. The Arizona state boxing AND MIXED MARTIAL ARTS commission shall
6 consist of three members appointed by the governor pursuant to section
7 38-211. The term of office of commissioners is three years. The term of one
8 member shall expire on the third Monday in January each year.

9 B. Two members of the commission constitute a quorum for conducting
10 business. A concurrence of two members is necessary to render a decision by
11 the commission. Emergency ringside meetings held immediately prior and
12 subsequent to a scheduled contest for the purpose of determining whether or
13 not there has been a violation of the rules and regulations of the commission
14 or the provisions of this chapter shall be exempt from the provisions of
15 title 38, chapter 3, article 3.1.

16 C. The commissioners shall receive compensation as determined pursuant
17 to section 38-611 for each day they act in their official capacity, not to
18 exceed one hundred days each year.

19 D. A commissioner shall not during his term of office promote, sponsor
20 or have any financial interest in a boxer, a boxing contest or in the
21 premises leased for a boxing contest.

22 Sec. 5. Section 5-224, Arizona Revised Statutes, is amended to read:
23 5-224. Division of boxing and mixed martial arts regulation;
24 powers and duties

25 A. A division of boxing AND MIXED MARTIAL ARTS regulation is
26 established in the Arizona department of racing to provide staff support for
27 the Arizona state boxing AND MIXED MARTIAL ARTS commission. The director of
28 the department shall appoint an ~~assistant~~ EXECUTIVE director to perform the
29 duties prescribed in this article. The resources for the Arizona state
30 boxing AND MIXED MARTIAL ARTS commission shall come from monies appropriated
31 to the department of racing.

32 B. The commission shall obtain from a physician licensed to practice
33 in this state rules and standards for the physical examination of boxers and
34 referees. A schedule of fees to be paid physicians by the promoter or
35 matchmaker for the examination shall be set by the commission.

36 C. The commission may adopt and issue rules pursuant to title 41,
37 chapter 6 to carry out the purposes of this chapter.

38 D. The commission shall hold a regular meeting quarterly and in
39 addition may hold special meetings. Except as provided in section 5-223,
40 subsection B, all meetings of the commission shall be open to the public and
41 reasonable notice of the meetings shall be given pursuant to title 38,
42 chapter 3, article 3.1.

43 E. The commission shall:

44 1. Make and maintain a record of the acts of the division, including
45 the issuance, denial, renewal, suspension or revocation of licenses.

1 2. Keep records of the commission open to public inspection at all
2 reasonable times.

3 3. Assist the director in the development of rules to be implemented
4 pursuant to section 5-104, subsection T.

5 4. Conform to the rules adopted pursuant to section 5-104,
6 subsection T.

7 F. The commission may enter into intergovernmental agreements with
8 Indian tribes, tribal councils or tribal organizations to provide for the
9 regulation of boxing AND MIXED MARTIAL ARTS contests on Indian reservations.
10 Nothing in this chapter shall be construed to diminish the authority of the
11 department of gaming.

12 Sec. 6. Section 5-225, Arizona Revised Statutes, is amended to read:

13 5-225. Regulation of boxing contests, tough man contests and
14 mixed martial arts

15 A. All boxing contests are subject to the provisions of this chapter.
16 Every contestant in a boxing contest shall wear padded gloves that weigh at
17 least eight ounces. The commission shall for every contest:

18 1. Direct a deputy to be present.

19 2. Direct the deputy to make a written report.

20 B. All tough man contests, including amateur tough man contests, are
21 subject to the provisions of this chapter. Every contestant in a tough man
22 contest shall wear padded gloves that weigh at least twelve ounces.

23 C. ~~Unarmed combat~~ MIXED MARTIAL ARTS, including amateur ~~unarmed combat~~
24 MIXED MARTIAL ARTS, is subject to the provisions of this chapter.
25 Contestants in ~~unarmed combat~~ MIXED MARTIAL ARTS shall not strike other
26 contestants in the spinal column or in the back of the head. ~~Contestants~~
27 ~~shall not strike with their knees or elbows unless specified by rule.~~ The
28 commission may establish a UNIFORM fee for ~~unarmed combat~~ MIXED MARTIAL ARTS
29 AND BOXING events in an amount determined by the commission. In determining
30 the amount of the fee, the executive director may consider factors including
31 the amount of time likely to be expended in processing the event application
32 and the complexity of the application. Monies that are derived from the fees
33 charged pursuant to this subsection AND MONIES DERIVED FROM
34 INTER-GOVERNMENTAL TRIBAL AGREEMENTS shall be available to the commission for
35 the administration and regulation of ~~unarmed combat~~ MIXED MARTIAL ARTS AND
36 BOXING, and those monies are exempt from the provisions of section 35-190
37 relating to lapsing of appropriations. ~~Within ninety days after the~~
38 ~~effective date of this amendment to this section,~~ The commission shall begin
39 ~~using~~ USE rules for ~~unarmed combat~~ MIXED MARTIAL ARTS that are consistent
40 with the mixed martial arts unified rules of ~~conduct~~ adopted by the New
41 Jersey state athletic control board, ~~which shall be used until the~~
42 ~~association of boxing commissions approves standardized rules that are~~
43 ~~implemented in states that use rules identical or substantially similar to~~
44 ~~the rules adopted by the New Jersey state athletic control board~~ UNDER NEW
45 JERSEY ADMINISTRATIVE CODE TITLE 13, SUBCHAPTER 24A WITH APPROVAL FROM THE

1 COMMISSION. Nothing in this subsection prevents a promoter of an unarmed
2 ~~combat~~ A MIXED MARTIAL ARTS event in this state from ~~prohibiting specific~~
3 ~~types of conduct~~ ADOPTING MORE RESTRICTIVE RULES for that particular event
4 ~~that are~~ THAN WOULD OTHERWISE BE allowed ~~under the rules adopted by the New~~
5 ~~Jersey state athletic control board, the association of boxing commissions or~~
6 ~~the Arizona state boxing commission.~~

7 Sec. 7. Section 5-235.01, Arizona Revised Statutes, is amended to
8 read:

9 5-235.01. Disciplinary action; grounds; civil penalty;
10 emergency suspension; injunction

11 A. The commission may take any one or a combination of the following
12 disciplinary actions:

- 13 1. Revoke a license.
- 14 2. Suspend a license.
- 15 3. Impose a civil penalty in an amount of not to exceed one thousand
16 dollars per violation of this chapter.

17 B. The commission may take disciplinary action or refuse to issue or
18 renew a license for any of the following causes:

- 19 1. Committing an act involving dishonesty, fraud or deceit with the
20 intent to substantially benefit oneself or another or substantially injure
21 another.
- 22 2. Advertising by means of known false, misleading, deceptive or
23 fraudulent statements through any communication media MEDIUM.
- 24 3. Violating ~~any provision of~~ this chapter or any rule adopted
25 pursuant to this chapter.
- 26 4. Making oral or written false statements to the commission.
- 27 5. Failing to complete the license application as prescribed by the
28 commission.

29 C. THE COMMISSION MAY CONDUCT TESTS FOR THE USE OF ALCOHOL AND DRUGS
30 DETERMINED BY THE COMMISSION TO IMPAIR CONTESTANTS. NOTWITHSTANDING ANY
31 OTHER PROVISION OF THIS ARTICLE, THE COMMISSION MAY IMMEDIATELY SUSPEND THE
32 LICENSE, IMMEDIATELY REVOKE THE LICENSE OR IMMEDIATELY IMPOSE A CIVIL PENALTY
33 NOT TO EXCEED FIVE HUNDRED DOLLARS, OR ANY COMBINATION OF THESE ACTIONS,
34 AGAINST A CONTESTANT WHO TESTS POSITIVE FOR ALCOHOL AND DRUGS, WHO REFUSES OR
35 FAILS TO TAKE A TEST FOR ALCOHOL AND DRUGS UNDER RULES ADOPTED BY THE
36 COMMISSION OR WHO REFUSES OR FAILS TO TAKE A TEST FOR ALCOHOL AND DRUGS AFTER
37 A TEST IS REQUESTED BY THE COMMISSION OR THE EXECUTIVE DIRECTOR. ALL CIVIL
38 PENALTIES ASSESSED PURSUANT TO THIS SUBSECTION SHALL BE DEPOSITED, PURSUANT
39 TO SECTIONS 35-146 AND 35-147, IN THE STATE GENERAL FUND. THE RULES ADOPTED
40 PURSUANT TO THIS SUBSECTION MAY INCLUDE APPROPRIATE DEFINITIONS FOR DRUGS
41 DETERMINED BY THE COMMISSION TO IMPAIR CONTESTANTS.

42 ~~C.~~ D. In case of emergency, a member of the commission ~~may~~, on his
43 own motion or on the verified complaint of any person charging a violation of
44 this chapter or of the rules promulgated by the commission, MAY suspend for a
45 period of not to exceed ten days any license until final determination by the

1 commission, if in his opinion the action is necessary to protect the public
2 welfare and the best interests of boxing.

3 ~~D-~~ E. The commission, the attorney general or a county attorney may
4 apply to the superior court in the county in which acts or practices of any
5 person which THAT constitute a violation of this chapter or the rules adopted
6 pursuant to this chapter are alleged to have occurred for an order enjoining
7 those acts or practices.

8 Sec. 8. Section 41-1092, Arizona Revised Statutes, is amended to read:
9 41-1092. Definitions

10 In this article, unless the context otherwise requires:

11 1. "Administrative law judge" means an individual or an agency head,
12 board or commission that sits as an administrative law judge, that conducts
13 administrative hearings in a contested case or an appealable agency action
14 and that makes decisions regarding the contested case or appealable agency
15 action.

16 2. "Administrative law judge decision" means the findings of fact,
17 conclusions of law and recommendations or decisions issued by an
18 administrative law judge.

19 3. "Appealable agency action" means an action that determines the
20 legal rights, duties or privileges of a party and that is not a contested
21 case. Appealable agency actions do not include interim orders by
22 self-supporting regulatory boards or rules, orders, standards or statements
23 of policy of general application issued by an administrative agency to
24 implement, interpret or make specific the legislation enforced or
25 administered by it, nor does it mean or include rules concerning the internal
26 management of the agency that do not affect private rights or interests. For
27 the purposes of this paragraph, administrative hearing does not include a
28 public hearing held for the purpose of receiving public comment on a proposed
29 agency action.

30 4. "Director" means the director of the office of administrative
31 hearings.

32 5. "Final administrative decision" means a decision by an agency that
33 is subject to judicial review pursuant to title 12, chapter 7, article 6.

34 6. "Office" means the office of administrative hearings.

35 7. "Self-supporting regulatory board" means any one of the following:

36 (a) The Arizona state board of accountancy.

37 (b) The state board of appraisal.

38 (c) The board of barbers.

39 (d) The board of behavioral health examiners.

40 (e) The Arizona state boxing AND MIXED MARTIAL ARTS commission.

41 (f) The state board of chiropractic examiners.

42 (g) The board of cosmetology.

43 (h) The state board of dental examiners.

44 (i) The state board of funeral directors and embalmers.

45 (j) The Arizona game and fish commission.

- 1 (k) The board of homeopathic and integrated medicine examiners.
2 (l) The Arizona medical board.
3 (m) The naturopathic physicians medical board.
4 (n) The state board of nursing.
5 (o) The board of examiners of nursing care institution administrators
6 and adult care home managers.
7 (p) The board of occupational therapy examiners.
8 (q) The state board of dispensing opticians.
9 (r) The state board of optometry.
10 (s) The Arizona board of osteopathic examiners in medicine and
11 surgery.
12 (t) The Arizona peace officer standards and training board.
13 (u) The Arizona state board of pharmacy.
14 (v) The board of physical therapy examiners.
15 (w) The state board of podiatry examiners.
16 (x) The state board for private postsecondary education.
17 (y) The state board of psychologist examiners.
18 (z) The board of respiratory care examiners.
19 (aa) The office of pest management.
20 (bb) The state board of technical registration.
21 (cc) The Arizona state veterinary medical examining board.
22 (dd) The acupuncture board of examiners.
23 (ee) The Arizona regulatory board of physician assistants.
24 (ff) The board of athletic training.
25 (gg) The board of massage therapy.
26 Sec. 9. Section 41-3011.07, Arizona Revised Statutes, is amended to
27 read:
28 41-3011.07. Arizona state boxing and mixed martial arts
29 commission; termination July 1, 2011
30 A. The Arizona state boxing AND MIXED MARTIAL ARTS commission
31 terminates on July 1, 2011.
32 B. Title 5, chapter 2, article 2 is repealed on January 1, 2012.

APPROVED BY THE GOVERNOR MAY 7, 2010.

FILED IN THE OFFICE OF THE SECRETARY OF STATE MAY 7, 2010.

Passed the House April 29, 2010,

by the following vote: 51 Ayes,

0 Nays, 9 Not Voting

[Signature]
Speaker of the House

[Signature]
Chief Clerk of the House

Passed the Senate March 22, 2010,

by the following vote: 24 Ayes,

5 Nays, 1 Not Voting

[Signature]
President of the Senate

[Signature]
Secretary of the Senate

**EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR**

This Bill was received by the Governor this
_____ day of _____, 20____,

at _____ o'clock _____ M.

Secretary to the Governor

Approved this _____ day of

_____, 20____,

at _____ o'clock _____ M.

Governor of Arizona

S.B. 1076

**EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE**

This Bill was received by the Secretary of State
this _____ day of _____, 20____,

at _____ o'clock _____ M.

Secretary of State

SENATE CONCURS IN HOUSE
AMENDMENTS AND FINAL PASSAGE

Passed the Senate April 29, 20 10

by the following vote: 18 Ayes,

7 Nays, 5 Not Voting

Robert S. Burnett
President of the Senate

Charmaine Ballew
Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill received by the Governor this

3 day of May, 20 10

at 8:50 o'clock A. M.

Micela Bonke
Secretary to the Governor

Approved this 7 day of

May, 2010

at 10:05 o'clock A. M.

Janice K. Brewer
Governor of Arizona

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill received by the Secretary of State

this 7th day of May, 20 10

at 4:30 o'clock P.M.

Ken Bennett
Secretary of State