

HOUSE OF REPRESENTATIVES
COMMONWEALTH OF PENNSYLVANIA

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House Bill 2555

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House State Government Committee

Matthew Ryan Office Building
Room 205
Harrisburg, Pennsylvania

Wednesday, September 3, 2008 - 10:30 a.m.

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BEFORE:

Honorable Babette Josephs, Majority Madam Chairman
Honorable Thomas Blackwell
Honorable Lawrence Curry
Honorable Fabrizio Florindo
Honorable Sean Ramaley
Honorable Matthew Baker, Minority Chairman
Honorable Glen Grell
Honorable Karl Mantz
Honorable Jim Marshall
Honorable Thomas Quigley

1 ALSO PRESENT:

2 Rodney Oliver
3 Majority Executive Director

4 Marianne Spizzirri
5 Majority Legislative Assistant

6 Matt Hulburt
7 Majority Research Analyst

8 Brian Dell
9 Majority Research Analyst

10 Susan Boyle
11 Minority Executive Director

12 Gina Strine
13 Minority Administrative Assistant

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1 MADAM CHAIRMAN JOSEPHS: I welcome everybody
2 who's here for this hearing. As I already remarked to Mr.
3 Baker, the Republican Chair, this is a really, really
4 interesting committee. One day we're talking about reducing
5 the size of the legislature, the next day our jurisdiction
6 covers the Athletic Commission, and the day after that we
7 might be looking at pension funds and the week after that
8 conveying land.

9 We are a very -- our committee is very active.
10 The State Government Committee has a very, very large
11 jurisdiction over most parts of the State Department, the
12 Department of General Services, some of the pension fund and
13 the State Athletic Commission, which Representative Gergely
14 was kind enough to bring to my attention with his bill.

15 I'm going to ask him to start right after all of
16 us introduce ourselves who are on the committee. I'm
17 Babette Josephs, chair of the committee. We can start on
18 the left.

19 REPRESENTATIVE CURRY: Lawrence Curry, East
20 Montgomery County.

21 REPRESENTATIVE FLORINDO: Fabrizio Florindo,
22 Erie County.

23 REPRESENTATIVE BAKER: Representative Matt
24 Baker, Republican Chairman, Tioga and Bradford Counties.

25 REPRESENTATIVE MANTZ: Representative Karl

1 Mantz, 187th Legislative District straddling Berks and
2 Lehigh Counties.

3 REPRESENTATIVE MARSHALL: Representative Jim
4 Marshall, Beaver County.

5 REPRESENTATIVE QUIGLEY: Representative Tom
6 Quigley from West Montgomery County.

7 REPRESENTATIVE GRELL: Representative Glen
8 Grell, 87th District, Cumberland County.

9 MADAM CHAIRMAN JOSEPHS: And being joined in one
10 second by also the executive -- I'd like to give the
11 executive directors of the committee a chance to introduce
12 themselves. On the left.

13 MR. OLIVER: Good morning. Rodney Oliver,
14 Executive Director of the Democratic Committee.

15 MS. BOYLE: Susan Boyle, Republican Executive
16 Director.

17 MADAM CHAIRMAN JOSEPHS: Thank you. Mr.
18 Gergely, Representative Gergely, whenever you're ready,
19 please proceed.

20 REPRESENTATIVE GERGELY: Thank you, Madam
21 Chairwoman. Thank you today for having the opportunity to
22 speak before House Bill 2555.

23 This is a good piece of legislation that will
24 help Pennsylvania update all of its regulations. And the
25 reason it came to fruition was working with Greg Sirb, who

1 will speak after myself, he is the Director of the State
2 Athletic Commission, one of the issues that be included in
3 this bill is the provision to develop amateur wrestling that
4 occurs in the state.

5 And we had started I think discussions maybe in
6 my first term, so five years ago, about how that's regulated
7 with oversight, et cetera. And we have come to the
8 conclusion there are some desirable changes that will both
9 help the organizations that promote wrestling and bring them
10 forward to have a better way of doing business, plus keep
11 safety in the ring.

12 But as we were pursuing that, we also just said,
13 you know, there are many other provisions the Department of
14 State would like to codify that would help us with agents
15 and with boxing so that we are pretty much in line with the
16 rest of the country. This helps our younger boxers be able
17 to participate in events in Pennsylvania, as well as agents
18 that have bond requirements to coincide here to pretty much
19 federal regulation, our NFL regulations, et cetera.

20 So we're just trying to make this a compact of
21 six issues that are relative to the three different aspects
22 of the State Athletic Commission. I don't see that there
23 was much negativity to this, and I hope that you also agree.
24 Thank you.

25 MADAM CHAIRMAN JOSEPHS: Thank you,

1 Representative. You're what we like, brief and to the
2 point. Are there any questions? Thank you so much for your
3 bill, for your participation. If you can stay around, we'd
4 appreciate that because as we hear more of the details there
5 may be questions to you.

6 REPRESENTATIVE GERGELY: No problem.

7 MADAM CHAIRMAN JOSEPHS: Thank you.

8 REPRESENTATIVE GERGELY: Thank you.

9 MADAM CHAIRMAN JOSEPHS: Mr. Sirb, you've been
10 the Director of the State Athletic -- the Executive Director
11 of the State Athletic Commission. Whenever you're ready, if
12 you can speak to us rather than read to us, we'd appreciate
13 it.

14 MR. SIRB: I like that brief and to the point
15 part. Good morning. Chairwoman Josephs, Chairman Baker, I
16 appreciate you taking the time to consider House Bill 2555.
17 It makes some minor but yet very specific revisions to the
18 Title V Athletic Code.

19 My name is Greg Sirb. I serve as the executive
20 director of the commission. I've served in this position
21 since 1990. I'm very proud to represent the Department of
22 State on behalf of the Commonwealth Secretary Pedro A.
23 Cortes.

24 To give you just a quick overview of what we're
25 asking here, the bill makes six key amendments to the title.

1 First of all, it authorizes the Athletic Commission to be
2 able to go into other states to regulate their athletic
3 contests, particularly professional boxing. And this is
4 authorized under the federal law as we speak.

5 This came to fruition because the state of
6 Delaware passed legislation about a year ago stating that,
7 we have no commission, we'll allow another state to come in
8 to oversee our pro boxing events. And they very much would
9 like Pennsylvania to come in.

10 It will increase our revenue for our department,
11 and I should state that most of the Delaware boxers train in
12 the greater Philly area. A lot of the trainers in Philly go
13 down to Delaware. They're part of our family, and we would
14 appreciate having our legislation match the legislation that
15 the state of Delaware passed.

16 The second one is for the amateur boxers. We
17 just want to bring the age level for the amateur boxers to
18 coincide with the national standard which is set by USA
19 Amateur Boxing which allows eight and nine year olds to box
20 at just the local level with other eight- and nine-year-old
21 competitors.

22 Currently our age group right now is ten. And
23 we would just like to have that standard down to eight and
24 nine so we can meet the national standard by USA Boxing
25 which is done in most states.

1 The third part of this would be for the
2 commission to set the authority for the glove weights in pro
3 boxing. We want this to be -- instead of being a statute to
4 be in regulation. The weight of the fighters change
5 constantly. The hands are getting bigger. The technology
6 of the glove is getting enormous to how they can make these
7 gloves and the styles, and we want to have the flexibility
8 through regulation to set the weight of the gloves only for
9 professional boxing.

10 Fourth, it's very much -- this will simplify a
11 error that was made in wording. We just wanted to add the
12 word wrestling contest to the definition of the promoter so
13 that the promoter in professional wrestling would be a
14 promoter that does exhibitions and/or contests.

15 So this change would remove any argument that
16 the commission has jurisdiction over these events. And this
17 is strictly an addition that we're going to have for -- it's
18 a health and safety issue we think, it's an error that we
19 should have caught probably previously, but this is
20 definitely just to make the word contest added to the
21 promoter.

22 And, fifth, as Representative Gergely had talked
23 about, the expense of the doctor at ringside. Currently for
24 pro wrestling events in Pennsylvania, which we do probably
25 over 350 a year in this state, it is big business here,

1 right now there is currently a physician must be at ringside
2 for all pro wrestling events.

3 Physicians are having a hard time getting these
4 events, there's some liability concerns for the physicians,
5 obviously -- particularly for the small promoters,
6 particularly in western Pennsylvania. It's a cost. And
7 particularly now during high school football season a lot of
8 the local doctors are covering high school football games.
9 They're just not readily available for these professional
10 wrestling contests.

11 So they came to us, and the commission feels
12 that safety could be adhered to with a physician or an
13 ambulance with appropriate medical personnel at the
14 professional wrestling contest.

15 And, lastly, the legislation will eliminate the
16 bonding requirements only for those agents dealing with
17 professional athletes. A lot of the agents have come to us,
18 the ones representing professional athletes, hey, we already
19 require a bond through our players' associations. And the
20 commission took that into consideration.

21 We at the commission feel that the professional
22 athlete requires less protection than the student athlete.
23 They're already required to have this requirement through
24 they players' associations, and we think this would be a
25 nice compromise. They would still need to be registered,

1 but we're only removing the bonding requirement for them.

2 Again, the department and the commission fully
3 endorses House Bill 2555. And not only my testimony, I
4 always like to mention when I get before a distinguished
5 group that the commission is self-funded. We receive no
6 general fund moneys. We've been self-funded since 1990.
7 We're one of the few commissions in this country that is
8 self-funded. And in fact since the mid-1990s we've given
9 back to the general fund almost a million dollars.

10 With that being said, I open it up for
11 questions, and I do thank you for your time.

12 MADAM CHAIRMAN JOSEPHS: Are there any
13 questions? Mr. Chairman Baker and then Mr. Grell.

14 REPRESENTATIVE BAKER: Thank you very much,
15 Madam Chairman. You said self-funded. How do you do that?

16 MR. SIRB: In our legislation we have passed, we
17 charge 5 percent admission tax on the ticket sold. We do it
18 through licensing, licensing of the boxers, all the kick
19 boxers. With the 5 percent we also have a pay-per-view tax
20 when they're showing the pay per view in the -- that's
21 televised in the State of Pennsylvania, and also the
22 licensing of the athletic agents. Some good budget skills
23 and keeping it nice, skinny and thin on the commission side.

24 REPRESENTATIVE BAKER: You need to be commended
25 for that. Perhaps you've got a paradigm for other

1 commissions and other entities in the government to emulate.

2 I do have a question concerning -- I do like the
3 bill. I think it's a good bill. I have a question
4 about -- in reading your testimony while listening to your
5 comments, it allows for the commission to have some sort of
6 oversight in other states. Is that correct?

7 MR. SIRB: Correct.

8 REPRESENTATIVE BAKER: And your written
9 testimony mentioned Delaware has no boxing commission. So
10 if we were to go into Delaware, you mentioned the casinos
11 are hosting professional boxing events several times a year,
12 our commission would provide some oversight and supervision
13 of any of those kind of professional boxing venues; is that
14 correct?

15 MR. SIRB: Correct.

16 REPRESENTATIVE BAKER: And in no way would
17 amateur boxing be permitted in a gambling casino?

18 MR. SIRB: That we would leave up to our amateur
19 associations and the casino itself. It would probably be an
20 odd mix since you have to be 18 or 21 I believe to get on
21 the casino floor. I think that would be an odd mix if they
22 allowed amateur boxing in casinos. But right now it's
23 strictly pro boxing.

24 REPRESENTATIVE BAKER: Yeah. I was not
25 heretofore knowledgeable about any boxing venues in casinos.

1 I'm very troubled by that. I have some personal problems
2 with casinos to begin with. And especially with amateur
3 boxing, if there's a possibility of amateur boxing in
4 casinos, I think there just needs to be -- I'm not sure that
5 that is right to begin with. And if there is going to be
6 that venue that there is tremendous oversight and
7 supervision regarding that.

8 Could you define amateur boxing, what the age
9 range is and who typically participates in the amateur
10 boxing.

11 MR. SIRB: Amateurs typically can range from the
12 age -- on average I'd say 24 years and younger. And, again,
13 these are guys that haven't turned pro, are coming up
14 through the ranks.

15 In the state of Pennsylvania we have two amateur
16 associations. On the eastern side we have the Mid-Atlantic.
17 They cover from State College east. And from State College
18 west we have the Allegheny Mountain Association.

19 REPRESENTATIVE BAKER: So what you're saying,
20 sir, then is minors that are classified as amateurs could be
21 in a gambling venue performing in various states; is that
22 correct?

23 MR. SIRB: That would be -- yes, they could, if
24 the casino would like to have that. I do know that the USA
25 Olympic team this year did box in their trials at the

1 Mohegan Sun in Connecticut.

2 REPRESENTATIVE BAKER: I am very troubled by
3 having amateurs, minors in particular, boxing in -- I mean
4 minors aren't allowed, as I understand, on many gambling
5 floors. Why are we allowing minors to be performing in a
6 very highly regulated gambling venue? I'm very perplexed by
7 that.

8 But overall I think the bill is a good bill, and
9 I would like to pursue those other issues possibly with your
10 commission. I know many of our members have concerns about
11 casinos and would be more than willing to talk to you
12 further about that issue. Thank you very much.

13 MADAM CHAIRMAN JOSEPHS: I'd like to say we've
14 been joined by Representative Ramaley. And Mr. Grell has a
15 question.

16 REPRESENTATIVE GRELL: Thank you, Madam
17 Chairwoman. Chairman Baker asked a part of my question, but
18 I want to ask you further about this potential arrangement
19 with Delaware and with other states.

20 If Delaware, for example, doesn't see fit to
21 regulate boxing within its jurisdiction, why should the
22 Pennsylvania Athletic Commission get involved in that?

23 MR. SIRB: Under the federal law, the federal
24 law grants any state and/or travel commission -- the federal
25 law states if you do not have a commission, you cannot have

1 boxing in your jurisdiction unless it's overseen by a other
2 state commission.

3 Now, Delaware averages about two or three
4 professional boxing matches a year. So the Delaware
5 Legislature said, well, we can't self-fund it, it's not
6 going to happen here. Instead of saying there's no boxing,
7 they asked Pennsylvania. They actually passed legislation
8 to ask Pennsylvania to come in and regulate their events.

9 As I stated before, most of the Delaware
10 boxers -- there's probably about 12 to 15 that are
11 registered as pros, train in Philadelphia, they're trained
12 by Philadelphia trainers. When they asked us to do that, it
13 seemed like a good fit for us. Plus, for us it's a revenue
14 source.

15 REPRESENTATIVE GRELL: Okay. That's my next
16 question. How will they compensate your commission for you
17 performing that function?

18 MR. SIRB: We were going to draw up probably a
19 MOU with Delaware if we get this legislation passed, and it
20 would be paid strictly by the promoter of the event. And it
21 would basically be the same thing we do in Pennsylvania. We
22 get 5 percent of the gate tax. And depending on the size of
23 the event, that's the sort of what we call the charge we
24 would have to the promoter.

25 REPRESENTATIVE GRELL: And who would you enter

1 into that MOU with for the state of Delaware, for example?

2 MR. SIRB: Right now their legislation has it
3 through their professional division of regulation which
4 would be sort of comparable to our BEOA in Pennsylvania.
5 That's who they have given the jurisdiction to.

6 REPRESENTATIVE GRELL: Do they currently have
7 boxing in Delaware?

8 MR. SIRB: They've had about two or three fights
9 a year.

10 REPRESENTATIVE GRELL: Okay. I thought you said
11 earlier though that they can't have boxing unless it's
12 regulated by an entity and that their legislature has not
13 seen fit to create such an entity.

14 MR. SIRB: The federal law allows either another
15 state commission or the national association, which is the
16 Association of Boxing Commissions, to come in. So every
17 fight that they've had probably for the past two or three
18 years has been regulated by the national association. But
19 Delaware feels more comfortable just coming to Pennsylvania
20 rather than going to the national group.

21 REPRESENTATIVE GRELL: Okay. Thank you very
22 much.

23 MR. SIRB: You're welcome.

24 MADAM CHAIRMAN JOSEPHS: Mr. Blackwell.

25 REPRESENTATIVE BLACKWELL: Thank you, Madam

1 Chairman. Greg, how are you doing?

2 MR. SIRB: I'm doing all right.

3 REPRESENTATIVE BLACKWELL: In terms of the
4 amateur boxers, most casinos, don't they have the boxing not
5 on the casino floor but in the hotel? Is that correct?

6 MR. SIRB: Correct.

7 REPRESENTATIVE BLACKWELL: That's how the
8 amateurs -- they arrange -- boxers generally work in the
9 boxing arena in the venue. They're not on the casino floor.
10 They're not allowed on the gaming floor by law. They're in
11 the hotel.

12 MR. SIRB: They're usually in the hotel, or what
13 the casino would do would be set up an area either outside
14 or off the casino floor that the patrons come in and that's
15 where the fight would be.

16 REPRESENTATIVE BAKER: Just to follow up.

17 MADAM CHAIRMAN JOSEPHS: Mr. Chairman.

18 REPRESENTATIVE BAKER: So just to clarify
19 that -- thank you for those questions -- it is in somewhat
20 of a sequestered separate area?

21 MR. SIRB: Yes.

22 REPRESENTATIVE BAKER: Where they actually have
23 this competition for amateurs and professionals or just the
24 amateurs?

25 MR. SIRB: It's usually for both. For example,

1 in the Mohegan Sun or up in Foxwood up in Connecticut, they
2 have been hosting a lot of the USA amateur national
3 tournaments, they're usually in the bingo hall where they
4 hold the big bingo events. That's where they put them. And
5 there's only sort of basically one way in, which is from the
6 outside, and one way out, you know, for those participants
7 so that they're not on the casino floor.

8 REPRESENTATIVE BAKER: But it is in the casino
9 proper somewhere?

10 MR. SIRB: Yes.

11 REPRESENTATIVE BAKER: Thank you.

12 MADAM CHAIRMAN JOSEPHS: I have a question.
13 What does the athletic commission do, if anything, to
14 encourage the participation of women and girls in these
15 sports?

16 MR. SIRB: Well, it is very difficult. As an
17 ex-fighter and a wrestler, it is very difficult for me to
18 watch women box. It is. I'll be honest with you. But
19 over the years we've probably registered at least a couple
20 dozen female boxers, and they've been fantastic. Fantastic.
21 They made a nice piece of change doing it. They set up a
22 new standard.

23 We've got some younger girls in our amateur
24 program that when I was at the gym a couple weeks ago that
25 were fantastic. It's still hard for me to watch, but over

1 the years I think they're getting more and more acceptance
2 into the sport.

3 MADAM CHAIRMAN JOSEPHS: But my question really
4 was what are you doing to make sure that acceptance is
5 accelerated. Of course they do well. We would not expect
6 anything else. As a matter of fact, I think there's a
7 couple of recruits right in this room.

8 MR. SIRB: It's hard to recruit. I'll be honest
9 with you, Chairwoman, it's hard to recruit. When you go
10 into -- particularly a lot of times they're coming from the
11 health clubs, you know, they're working out at the health
12 clubs and they do a Ty boxing series or they do some type of
13 aerobic activity that includes boxing. Well, the next step
14 would be to come down to the gym. Now, some of the gyms in
15 Philadelphia aren't your Gold's Gym. These are rough
16 places. And it's sometimes very difficult to get them into
17 the gym.

18 But I can tell you this. Once they've come into
19 the gym and felt what it's like to box, that girl usually
20 stays.

21 MADAM CHAIRMAN JOSEPHS: Well, I'm interested in
22 that aspect of it. I think that if it's a great sport for
23 boys and men, it's a great sport for girls and women. The
24 same with wrestling.

25 I just actually was at a basketball game with a

1 bunch of kids in the district. There was the orange against
2 the yellow. There was an orange girl, there was a yellow
3 girl, they were great. And doing what they needed to do,
4 not on the streets. You know, developing character, getting
5 to know how to cooperate, good study habits, learning to
6 know adults that can be trusted in the neighborhood. This
7 is great for all kids.

8 And I believe that boxing and wrestling is also.
9 So I am happy to work with you because watching any girls or
10 women wouldn't be much of a problem for me. Thank you.

11 Anybody else? Mr. Quigley.

12 REPRESENTATIVE QUIGLEY: Does this legislation
13 pertain to anything like this ultimate fighting that's
14 taking place now? Does Pennsylvania license those events?

15 MR. SIRB: Currently ultimate fighting, which
16 is -- it's mixed martial arts, they call it MMA -- we have
17 regulations pending as we speak. I see it's been passed in
18 New Jersey and Ohio. A lot of our fighters are fighting in
19 both of those jurisdictions. We are getting an
20 enormous -- just calls -- I'm averaging probably a hundred
21 calls a week from constituents awaiting these regulations
22 for the ultimate fights, the mixed martial arts.

23 So they would -- once those regulations are
24 passed, they would fall under the State Athletic Commission.

25 REPRESENTATIVE QUIGLEY: So currently

1 Pennsylvania doesn't --

2 MR. SIRB: It is illegal in Pennsylvania
3 currently.

4 MADAM CHAIRMAN JOSEPHS: Any other questions?
5 Mr. Oliver.

6 MR. OLIVER: This legislation does not affect
7 the need for a physician to be present at the ring during
8 boxing matches; is that correct?

9 MR. SIRB: Correct. At boxing matches it is
10 required by law to have a physician and ambulance at all
11 times. That will not change.

12 MR. OLIVER: Thank you.

13 MADAM CHAIRMAN JOSEPHS: Mr. Baker.

14 REPRESENTATIVE BAKER: Just curious, is it your
15 State Athletic Commission that oversees and conducts random
16 drug tests and that sort of thing of professional athletes?

17 MR. SIRB: Yes.

18 REPRESENTATIVE BAKER: And has there been any
19 violations or difficulty or problems that have reared its
20 ugly head over the last year or two?

21 MR. SIRB: We have done drug testing, random
22 drug testing, I believe since early '90s. I have a whole
23 sheet that shows you the data. We're probably averaging
24 3 -- about 3 to 4 percent positives, which is pretty much
25 standard in a lot of those cases, but nothing that I would

1 think to be out of the ordinary.

2 REPRESENTATIVE BAKER: And what happens to those
3 people? Do you have a suspension? Do you have a banning
4 for life kind of thing for misconduct? Which there is such
5 as was exhibited in the Olympics, one of the individuals who
6 was banned for terrible misconduct, unsportsmanlike conduct.
7 Do you have similar --

8 MR. SIRB: Yes.

9 REPRESENTATIVE BAKER: -- disciplinary actions?

10 MR. SIRB: Disciplinary actions are spelled out
11 in regulation. First offense, obviously, if you would win,
12 we would take the win away. It would be called a no
13 contest. There's a fine involved. On the second offense it
14 is mandatory rehabilitation. You would have to go to a
15 rehab program.

16 We're one of the few states that do that, and I
17 really like it. It really forces the kid to acknowledge, I
18 may have a problem. And by forcing him into rehab we've had
19 some good results from that.

20 REPRESENTATIVE BAKER: And do you delineate
21 between professional disciplinary action and amateur?

22 MR. SIRB: No.

23 REPRESENTATIVE BAKER: Thank you.

24 MR. SIRB: You're welcome.

25 MADAM CHAIRMAN JOSEPHS: If people knew what

1 good, interesting questions were being asked, the room would
2 be a lot fuller. Anything else?

3 Mr. Sirb, thank you very much. Mr. Gergely,
4 thank you. Members, thank you. I'm sure you'll make
5 yourself available for other questions.

6 MR. SIRB: I certainly will. Thank you very
7 much.

8 MADAM CHAIRMAN JOSEPHS: I call the hearing to
9 adjournment.

10 (Whereupon, the hearing was concluded at 11:00
11 a.m.)

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1 I hereby certify that the proceedings and
2 evidence are contained fully and accurately in the notes
3 taken by me on the within proceedings, and that this copy is
4 a correct transcript of the same.

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Pamela L. Packer

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Court Reporter-Notary Public

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