

Amend CSSB 279 by adding the following appropriately numbered ARTICLE and SECTIONS and renumbering the ARTICLES and SECTIONS of the bill accordingly:

ARTICLE \_\_\_\_ . COMBATIVE SPORTS

SECTION \_\_.001. Chapter 2052, Occupations Code, is amended to read as follows:

CHAPTER 2052. COMBATIVE SPORTS

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 2052.001. LEGISLATIVE DECLARATION. This chapter shall be liberally construed and applied to promote its underlying purposes.

Sec. 2052.002. DEFINITIONS. In this chapter:

(1) "Boxing" includes kickboxing, in which a person delivers blows with any part of the arm below the shoulder, including the hand, and any part of the leg below the hip, including the foot.

(2) "Boxing promoter" means a person who arranges, advertises, or conducts a boxing event.

(3) "Commission" means the Texas Commission of Licensing and Regulation [~~"Championship tournament" means a state, regional, national, or international elimination tournament in which the winners of elimination tournaments compete for a championship in each weight category~~].

(4) [~~"Commissioner" means the commissioner of licensing and regulation or the commissioner's designated representative.~~]

[~~(5)~~] "Department" means the Texas Department of Licensing and Regulation.

(5) [(6)] "Elimination tournament" means a boxing contest in which elimination tournament contestants compete in a series of matches until not more than one contestant remains in any weight category. The term does not include a boxing event described by Section 2052.108.

(6) "Executive director" means the executive director of the department or the executive director's designated representative.

(7) [~~"Elimination tournament boxing promoter" means a~~]

~~person who arranges, advertises, or conducts an elimination tournament.~~

~~[(8) "Elimination tournament contestant" means a person who competes in an elimination tournament.~~

~~[(9)] "Exhibition" means a boxing or wrestling skills demonstration.~~

(8) ~~[(10)]~~ "Event" means a contest, match, or exhibition.

(9) ~~[(11)]~~ "Judge" means a person who is:

(A) located at ringside during a boxing match; and

(B) responsible for scoring the performances of the participants in the match.

(10) ~~[(12) "Local tournament" means an elimination tournament in which only a resident of this state may compete.~~

~~[(13)] "Professional boxer" means a person who competes in a boxing event in this state conducted for a purse or compensation.~~

(11) "Promoter" means a boxing promoter or wrestling promoter.

(12) ~~[(14)]~~ "Referee" means a person who:

(A) is present in the ring during a boxing event; and

(B) exercises general supervision of the event.

(13) "Ringside physician" means an individual licensed to practice medicine in this state who is registered with the department.

~~(14) [(15) "Regional tournament" means an elimination tournament in which a contestant from outside of the immediate area in which the tournament is conducted may compete against local contestants.~~

~~[(16)] "Wrestling promoter" means a person who arranges, advertises, or conducts a wrestling event.~~

SUBCHAPTER B. POWERS AND DUTIES OF DEPARTMENT  
AND COMMISSIONER

Sec. 2052.051. ADMINISTRATION OF CHAPTER. The department shall administer this chapter.

Sec. 2052.052. RULES. (a) The executive director [~~commissioner~~] shall adopt reasonable and necessary rules to administer this chapter.

(b) The executive director [~~commissioner~~] may adopt rules:

(1) governing professional kickboxing contests and exhibitions; [~~and~~]

(2) establishing reasonable qualifications for an applicant seeking a license from the department under this chapter;

(3) recognizing a sanction, medical suspension, or disqualification of a license holder by a combative sports authority in any state, provided that if licensure is denied based on those actions, an applicant has a right to a hearing as prescribed by rule;

(4) establishing practice requirements or specialty certifications that a person licensed to practice medicine in this state must meet to register as a ringside physician;

(5) requiring a contestant to present to the executive director at the time of weigh-in an original copy of recent blood test results that demonstrate whether the contestant is free from hepatitis B virus, hepatitis C virus, human immunodeficiency virus, and any other communicable disease designated by rule of the executive director and providing that a contestant's failure to provide the required blood test results will disqualify the contestant;

(6) providing that to participate in any event a contestant must be free of hepatitis B virus, hepatitis C virus, human immunodeficiency virus, and any other communicable disease designated by rule;

(7) requiring that a contestant undergo a physical examination, including an ophthalmological examination, at or near the time of weigh-in and providing for disqualification of a contestant who is determined by an examining physician to be unfit;  
and

(8) establishing additional responsibilities for promoters.

Sec. 2052.053. INVESTIGATIVE AUTHORITY. (a) The executive director [~~commissioner~~] shall investigate allegations of activity

that may violate this chapter.

(b) The executive director [~~commissioner~~] may enter, at a reasonable time, a place of business or an establishment in which activity alleged to violate this chapter may occur. The executive director [~~commissioner~~] is not required to give advance notice before entering.

Sec. 2052.054. CONTINUING EDUCATION. (a) The executive director [~~commissioner~~] may recognize, prepare, or administer continuing education programs for persons licensed under this chapter.

(b) Participation in a continuing education program under Subsection (a) is voluntary.

Sec. 2052.055. MEDICAL ADVISORY COMMITTEE. (a) The executive director may appoint a medical advisory committee to advise the department concerning health issues for boxing event contestants.

(b) If the executive director elects to appoint an advisory committee, the executive director by rule shall establish:

(1) the number of committee members;

(2) qualifications for appointment to the committee;

and

(3) the purpose and duties of the committee.

#### SUBCHAPTER C. LICENSING, REGISTRATION, AND PERMITS

Sec. 2052.101. BOXING PROMOTER LICENSE. A person may not act as a boxing promoter [~~or an elimination tournament boxing promoter~~] unless the person holds a license issued under this chapter.

Sec. 2052.102. BOXING PROMOTER LICENSE APPLICATION REQUIREMENTS. (a) An applicant for a boxing promoter's license under this chapter must apply on a form furnished by the executive director [~~commissioner~~].

(b) An application must be accompanied by:

(1) a license fee in an amount set by the department [~~commission~~]; and

(2) a surety bond:

(A) subject to approval by the executive director [~~commissioner~~]; and

(B) conditioned on the applicant's payment of the tax imposed under Section 2052.151.

(c) The executive director [~~commissioner~~] shall establish the amount of the surety bond required under Subsection (b). The bond amount may not be less than \$300.

Sec. 2052.103. [~~ELIMINATION TOURNAMENT BOXING PROMOTER LICENSE APPLICATION REQUIREMENTS. (a) An applicant for an elimination tournament boxing promoter's license under this chapter must apply on a form furnished by the commissioner.~~

~~[(b) An application must be accompanied by an application fee of not more than \$1,000 and, if the applicant charges a fee for admission to the elimination tournament or awards a trophy, prize, including a prize of money, or other item of value of more than \$50 to a contestant winning the elimination tournament.~~

~~[(1) a \$50,000 surety bond subject to approval by the commissioner and conditioned on the applicant's payment of:~~

~~[(A) the tax imposed under Section 2052.151; and~~

~~[(B) a claim against the applicant as described by Section 2052.109(a)(3); and~~

~~[(2) proof of not less than \$10,000 accidental death or injury insurance coverage for each contestant participating in the elimination tournament.~~

~~[Sec. 2052.104. ELIMINATION TOURNAMENT BOXING PROMOTER ANNUAL LICENSE FEE. The annual fee for an elimination tournament boxing promoter's license may not exceed \$1,000.~~

~~[Sec. 2052.105.] WRESTLING PROMOTER REGISTRATION. A person may not act as a wrestling promoter unless the person is registered with the secretary of state under this chapter.~~

Sec. 2052.104 [~~2052.106~~]. WRESTLING PROMOTER APPLICATION REQUIREMENTS. (a) Registration as a wrestling promoter must be made on a form furnished by the secretary of state.

(b) A registration must be accompanied by:

(1) a registration fee prescribed by the secretary of state in an amount reasonably necessary to cover the costs of administering the wrestling promoters registration program; and

(2) a \$5,000 surety bond to be filed with the secretary of state.

Sec. 2052.105 [~~2052.107~~]. OTHER BOXING LICENSES. Unless a person holds a license or registration issued under this chapter, the person may not act as a:

- (1) professional boxer;
- (2) manager of a professional boxer;
- (3) referee;
- (4) judge;
- (5) second;
- (6) timekeeper; [~~or~~]
- (7) matchmaker; or
- (8) ringside physician.

Sec. 2052.106 [~~2052.108~~]. APPLICATION REQUIREMENTS FOR OTHER LICENSES. (a) An application for a license under Section 2052.105 [~~2052.107~~] must be made on a form furnished by the executive director [~~commissioner~~].

(b) An application must be accompanied by the required license fee.

Sec. 2052.107 [~~2052.109~~]. SURETY BOND. (a) A surety bond required under this subchapter must:

- (1) be issued by a company authorized to conduct business in this state;
- (2) comply with the applicable requirements of the Insurance Code;
- (3) be payable to the state for use by the state or a political subdivision that establishes that the boxing or wrestling promoter is liable to it for damages, penalties, taxes, or other expenses resulting from promotional activities conducted in this state; and
- (4) be open to more than one claim, except that the claims may not exceed the face value of the bond.

(b) A person required to file a surety bond under this subchapter shall file a new bond annually.

(c) A company that issues a bond shall notify the department in writing of the cancellation of the bond not later than the 30th day before the date on which the bond is canceled.

Sec. 2052.108 [~~2052.110~~]. LICENSE AND BONDING EXCEPTIONS. The licensing and bonding requirements of this subchapter do not

apply to:

(1) a boxing event in which the participants do not receive a money remuneration, purse, or prize for their performances or services if the event is promoted, conducted, or maintained by:

- (A) an educational institution;
- (B) a law enforcement organization;
- (C) a Texas National Guard Unit; or
- (D) an amateur athletic organization recognized

by the executive director [~~commissioner~~];

(2) an event conducted by a nonprofit amateur athletic association chartered under the law of this state, including a membership club affiliated with the association located within this state and recognized by the executive director [~~commissioner~~];

(3) an event conducted by a college, school, or university that is part of the institution's athletic program in which only students of different educational institutions participate; [~~or~~]

(4) an event in which only members of a troop, battery, company, or unit of the Texas National Guard or a law enforcement agency participate; or

(5) an event conducted by an organization of the Olympic Games, the Paralympic Games, or the Pan-American Games.

Sec. 2052.109 [~~2052.111~~]. DENIAL OF APPLICATION. The executive director [~~commissioner~~] may deny an application for a license if:

(1) the applicant does not meet the qualifications for the license; or

(2) after conducting an investigation and a hearing, the executive director [~~commissioner~~] determines that the applicant has violated this chapter or a rule adopted under this chapter.

Sec. 2052.110 [~~2052.112~~]. RECIPROCITY AGREEMENT. The executive director [~~commissioner~~] may waive a license requirement under this subchapter if the applicant holds a license issued by another state that has a reciprocity agreement with this state.

Sec. 2052.111 [~~2052.113~~]. LICENSE AND PERMIT REQUIRED FOR

CLOSED CIRCUIT BOXING TELECAST. A person who exhibits in this state a simultaneous telecast of a live, spontaneous, or current boxing event on a closed circuit telecast in which a fee is charged for admission to the telecast must:

(1) hold a boxing promoter's license under this chapter; and

(2) obtain a permit for the closed circuit telecast.

Sec. 2052.112. LICENSE, REGISTRATION, AND PERMIT TERM AND RENEWAL. (a) A license, registration, or permit issued under this chapter is valid for one year after the date of issuance.

(b) The holder of a license, registration, or permit may renew the license, registration, or permit by paying a renewal fee and complying with other renewal requirements prescribed by department rule before the expiration date. The department shall issue a renewal certificate to the holder at the time of renewal.

Sec. 2052.113. PROMOTER RESPONSIBILITIES. For each promoted event, a promoter shall:

(1) assure that all contestants scheduled to participate are licensed before the event;

(2) provide that an ambulance, serviced by at least two emergency medical technicians, is present on the premises where the event is held;

(3) provide for a physical examination of each contestant that complies with rules adopted under this chapter; and

(4) comply with all applicable rules adopted by the executive director or the commission.

#### SUBCHAPTER D. GROSS RECEIPTS TAX

Sec. 2052.151. IMPOSITION AND RATE OF TAX. (a) A tax is imposed on a person who:

(1) conducts a boxing event [~~including an elimination tournament,~~] in which a fee is charged for admission to the event;

(2) exhibits in this state a simultaneous telecast of a live, spontaneous, or current boxing event on a closed circuit telecast, in which a fee is charged for admission to the telecast; or

(3) conducts or sponsors an amateur boxing event, other than an event exempt from licensing under Section 2052.108(2)



~~[2052.110(2)]~~, (3), ~~[or]~~ (4), or (5), in which a fee is charged for admission to the event.

(b) The rate of the tax is three percent of the gross receipts obtained from the event.

Sec. 2052.152. TAX REPORT AND PAYMENT. (a) A person on whom a tax is imposed under Section 2052.151, not later than 72 hours after the end of the event or telecast for which the tax is due, shall submit to the department a verified report on a form furnished by the department stating:

(1) the number of tickets sold to the event;

(2) the ticket prices charged; ~~and~~

(3) the gross price charged for the sale or lease of broadcasting, television, and motion picture rights without any deductions for commissions, brokerage fees, distribution fees, advertising, or other expenses or charges; and

(4) the amount of gross receipts obtained from the event.

(b) The person shall attach to the report a cashier's check or money order payable to this state in the amount of the tax imposed on the event covered by the report.

(c) The department may audit a report filed under Subsection (b).

Sec. 2052.153. CLOSED CIRCUIT TELECAST. A person exhibiting a simultaneous telecast of a live, spontaneous, or current boxing event on a closed circuit telecast in which a fee is charged for admission to the exhibition:

(1) must:

(A) be a boxing promoter; and

(B) obtain a permit for each telecast exhibited;

and

(2) shall comply with the tax provisions of Section 2052.151.

~~[Sec. 2052.154. CERTAIN AMATEUR EVENTS. A person shall comply with the tax requirements imposed under Section 2052.151 if the person:~~

~~(1) conducts or sponsors an amateur boxing event, except an event conducted under Section 2052.110(2), (3), or (4);~~

and

~~[(2) charges an event admission fee.]~~

SUBCHAPTER E. ~~[REGULATION OF]~~ ELIMINATION TOURNAMENTS

Sec. 2052.201. ELIMINATION TOURNAMENTS PROHIBITED ~~[GENERAL RULES]~~. ~~[(a)]~~ An elimination tournament may not ~~[only]~~ be held in this state ~~[conducted as a one-night or two-night event]~~.

~~[(b) An elimination tournament match consists of three one-minute rounds with an interval of at least one minute between rounds.]~~

~~[(c) The standing-eight-count and the three-knock-down rules apply to an elimination tournament.]~~

~~[(d) An elimination tournament contestant must be randomly matched with an opponent in the same weight category as the contestant during the preliminary round of an elimination tournament.]~~

~~[Sec. 2052.202. CONTESTANT PARTICIPATION. (a) An elimination tournament contestant may not participate in more than:~~

~~[(1) one match during the first night of a two-night elimination tournament other than a championship tournament; or~~

~~[(2) two matches during the first night of a two-night championship tournament.]~~

~~[(b) An elimination tournament contestant may participate in any number of matches during the second night of a two-night elimination tournament.]~~

~~[(c) Except as provided by Subsection (d), an elimination tournament boxing promoter may permit an elimination tournament contestant who does not win a match during the first night of a two-night elimination tournament to participate in the tournament during the second night of the tournament.]~~

~~[(d) An elimination tournament contestant who is knocked out during the tournament may not continue to participate in the tournament.]~~

~~[Sec. 2052.203. ELIMINATION TOURNAMENT BOXING PROMOTER RESPONSIBILITIES. (a) An elimination tournament boxing promoter shall require that each elimination tournament contestant:~~

~~[(1) be at least 18 years old and younger than 36 years old;~~

~~[(2) submit proof that the contestant has received proper training, including a written description of the contestant's training program during the 28 days before the elimination tournament,~~

~~[(3) have no professional boxing experience,~~

~~[(4) have fewer than six boxing match wins during the preceding five years that are recognized by an amateur boxing organization that is recognized under department rules for this purpose,~~

~~[(5) use 16-ounce gloves, and~~

~~[(6) wear the following protective gear provided by the promoter:~~

~~[(A) except as provided by Subsection (b), headgear approved by the department,~~

~~[(B) a mouthpiece, and~~

~~[(C) a groin guard or kidney-groin guard approved by the department.~~

~~[(b) The elimination tournament boxing promoter of a local, regional, or championship elimination tournament is not required to require that each elimination tournament contestant wear headgear approved by the department if the promoter under department rules notifies the commissioner of the decision not to use the approved headgear.~~

~~[Sec. 2052.204. ELIMINATION TOURNAMENT RINGSIDE PHYSICIAN.~~

~~(a) An elimination tournament boxing promoter shall provide a ringside physician for each elimination tournament.~~

~~[(b) An elimination tournament ringside physician shall:~~

~~[(1) perform a complete medical examination of each elimination tournament contestant at the tournament's location before the tournament begins,~~

~~[(2) remain at ringside at all times during a scheduled elimination tournament match,~~

~~[(3) offer solutions to boxing-related medical problems to the elimination tournament boxing promoter and contestants,~~

~~[(4) examine each elimination tournament contestant between matches,~~

~~[(5) immediately before the second night of a two-night elimination tournament, perform a complete physical examination of each elimination tournament contestant who is scheduled to participate during the second night, and~~

~~[(6) immediately notify the elimination tournament boxing promoter if the physician disqualifies an elimination tournament contestant.]~~

~~[Sec. 2052.205. NEGATIVE PREGNANCY TEST RESULT. A female elimination tournament contestant may not participate in an elimination tournament unless the contestant provides the ringside physician with proof of a negative pregnancy test result.]~~

~~[Sec. 2052.206. WEIGHT CATEGORIES. (a) The weight categories for an elimination tournament are:~~

~~[(1) less than 112 pounds,~~

~~[(2) 112 pounds or more and less than 119 pounds,~~

~~[(3) 119 pounds or more and less than 127 pounds,~~

~~[(4) 127 pounds or more and less than 136 pounds,~~

~~[(5) 136 pounds or more and less than 148 pounds,~~

~~[(6) 148 pounds or more and less than 161 pounds,~~

~~[(7) 161 pounds or more and less than 176 pounds,~~

~~[(8) 176 pounds or more and less than 190 pounds, and~~

~~[(9) 190 pounds or more.]~~

~~[(b) An elimination tournament contestant may not compete in a weight category other than the contestant's weight category as listed under Subsection (a) unless the contestant:~~

~~[(1) competes in the next heavier weight category for the contestant, and~~

~~[(2) the contestant's weight is within three percent of the minimum weight for that next heavier weight category.]~~

~~[Sec. 2052.207. RING REQUIREMENTS. (a) An elimination tournament match must be conducted in a square ring. Each side of the ring must be not less than 16 feet or more than 24 feet in length.]~~

~~[(b) The floor of the ring must be:~~

~~[(1) three-fourths inch thick, and~~

~~[(2) padded with one-inch thick closed-cell foam material.]~~

SUBCHAPTER F. OTHER COMBATIVE SPORT REGULATIONS

Sec. 2052.251. BOXING GLOVES. A boxing event contestant~~[~~~~other than an elimination tournament contestant under Subchapter E]~~ shall wear eight-ounce boxing gloves~~[~~ unless the executive director ~~[~~~~commissioner]~~ by rule requires or permits a contestant to wear heavier gloves.

Sec. 2052.252. CERTAIN AMATEUR EVENTS. (a) This section applies to an amateur boxing event, other than an event described by Section 2052.108(2), (3), (4), or (5) ~~[~~~~elimination tournament subject to Subchapter E]~~, in which a fee is charged for admission to the event.

(b) The event may take place only if the executive director ~~[~~~~commissioner]~~ approves the event not later than seven days before the date the event begins.

(c) Each entry in the event must be filed with the amateur organization not later than the third day before the date the event begins.

(d) The amateur organization shall determine the amateur standing of the event contestants.

(e) The event is subject to the supervision of the executive director ~~[~~~~commissioner]~~.

(f) All profits from the event must be used to develop amateur athletics.

(g) Only a referee or judge licensed under this chapter may participate in the event.

(h) Each contestant participating in the event must be examined by a licensed physician within a reasonable time before the event begins. A licensed physician must be present at ringside during the entire event.

(i) A professional boxer licensed under this chapter may not participate in any capacity in the event.

Sec. 2052.253. KICKBOXING. A professional kickboxing event must be fought on the basis of the contestants' best efforts.

SUBCHAPTER G. DISCIPLINARY PROCEDURES; PENALTIES;

CRIMINAL OFFENSE

Sec. 2052.301. ADMINISTRATIVE PENALTIES AND SANCTIONS  
~~[~~~~REVOCATION AND SUSPENSION OF LICENSE OR PERMIT]~~. On a

determination that a person has violated this chapter, a rule adopted under this chapter, or a rule adopted under Chapter 51, the executive director may impose administrative sanctions as provided by Subchapter G, Chapter 51, or the commission may impose administrative penalties as provided by Subchapter F, Chapter 51 [The commissioner may revoke or suspend the license or permit of a license or permit holder under this chapter for violating this chapter or a rule adopted under this chapter].

Sec. 2052.3015. PROMOTER PENALTY FOR LATE LICENSE. A promoter who does not comply with Section 2052.113(1) in a timely manner is subject to a penalty under this chapter for each contestant who obtains a license less than 72 hours before an event in which the contestant is scheduled to participate.

Sec. 2052.302. WITHHOLDING OF PURSE AND FORFEITURE OF PURSE. (a) The executive director [commissioner] may order a promoter [boxer or manager] to withhold any [forfeit to this state a] purse or other funds payable to the holder of a license or registration under this chapter if it appears more likely than not that the holder has violated [in an amount of not more than \$1,000 for violating] this chapter or a rule adopted under this chapter.

(b) The promoter shall surrender any purse or funds withheld as provided by Subsection (a) to the executive director on demand. Not later than the fifth working day after the event, the department shall notify in writing the promoter and any person from whom a sum was withheld of the date of a hearing to determine whether all or part of the purse or funds withheld should be forfeited to the state. The hearing must be scheduled for a date not later than the 10th day after the date of the notice. Not later than the 10th day after the date of the hearing, the executive director shall enter an order with findings of fact and conclusions of law determining whether all or part of the purse or funds should be forfeited. Any funds not forfeited shall be distributed to the persons entitled to the funds.

(c) Except as otherwise provided by this subchapter, a proceeding under this section shall be conducted in the manner provided by Chapter 2001, Government Code.

(d) A person aggrieved by an order entered under this

section may appeal the order by filing a petition in a district court in Travis County in the manner provided by Chapter 2001, Government Code.

Sec. 2052.303. CIVIL PENALTY; INJUNCTION. (a) A court may assess a civil penalty against a person who violates this chapter or a rule adopted under this chapter. The amount of the penalty may not exceed \$1,000 for each violation.

(b) The attorney general or the department may file a civil suit to:

(1) assess and recover a civil penalty under Subsection (a); or

(2) enjoin a person who violates or threatens to violate this chapter or a rule adopted under this chapter from continuing the violation or threat.

(c) Venue for a suit filed under Subsection (b) is in a district court in Travis County.

(d) A civil penalty assessed under this section shall be paid to this state.

Sec. 2052.304. PETITION FOR REVIEW. (a) A person may seek review of a decision or an order of the executive director or the commission [~~commissioner~~] under this chapter by filing a petition for review in a district court in Travis County [~~not later than the 30th day after the date on which the decision or order of the commissioner is final if the person is:~~

~~[(1) a party to an administrative hearing in which the decision or order is issued; and~~

~~[(2) aggrieved by the decision or order].~~

(b) Chapter 2001, Government Code, governs any proceeding under this section [~~The filing of a petition for review under Subsection (a) does not stay the effect of the decision or order of the commissioner that is the subject of the petition. The commissioner or the district court in which the petition for review is filed may order a stay on appropriate terms].~~

~~[(c) If a stay is ordered under Subsection (b), a supersedeas bond is not required.~~

~~[Sec. 2052.305. SERVICE OF PROCESS. A petition for review filed under Section 2052.304 must be served on:~~

~~[(1) the commissioner, and~~

~~[(2) all parties of record to a hearing before the commissioner that relates to the matter for which the petition for review is filed.~~

~~[Sec. 2052.306. CERTIFICATION OF RECORD. (a) On receipt of a petition for review served under Section 2052.305, the commissioner, not later than the date on which the answer to the petition must be filed or the date on which the record is made available to the commissioner, whichever date is later, shall certify to the district court in which the petition is filed the record of the proceedings to which the petition relates.~~

~~[(b) The petitioner shall pay the costs of preparing and certifying the record under this section.~~

~~[(c) On final determination of the review, the district court shall order payment of the costs described under Subsection (b) as part of the costs in the case.~~

~~[Sec. 2052.307. JUDICIAL REVIEW. (a) A district court reviewing a decision or an order of the commissioner under this subchapter shall try the action without a jury in the same manner as a civil action, except that evidence is not admissible unless the evidence was presented at the hearing or noticed in the record of the hearing before the commissioner. The petitioner has the burden of proof in the action.~~

~~[(b) The court may:~~

~~[(1) affirm the decision or order of the commissioner,~~  
~~or~~

~~[(2) remand the matter to the commissioner for further proceedings.]~~

Sec. 2052.305 [~~2052.308~~]. APPEAL. (a) The petitioner or executive director [~~commissioner~~] may appeal a final judgment of a court conducting a review under this subchapter in the same manner as a civil action.

(b) The executive director [~~commissioner~~] is not required to file an appeal bond.

Sec. 2052.306 [~~2052.309~~]. CRIMINAL OFFENSE. (a) A person commits an offense if the person violates this chapter or a rule adopted under this chapter.



(b) An offense under this section is a Class A misdemeanor.

SECTION \_\_\_\_.002. (a) Except as provided by Subsections (b) and (c) of this section, this article takes effect January 1, 2004.

(b) This section takes effect September 1, 2003.

(c) Section 2052.201, Occupations Code, as amended by this article, takes effect September 1, 2003, and applies to an elimination tournament scheduled to occur on or after that date. An elimination tournament scheduled to occur before that date is governed by the law in effect on the date that the tournament was scheduled, and the former law is continued in effect for that purpose.

SECTION \_\_\_\_.003. Section 2052.302, Occupations Code, as amended by this article, applies to a forfeiture imposed on or after the effective date of this article. A forfeiture imposed before that date is governed by the law in effect on the date that the forfeiture was ordered, and the former law is continued in effect for that purpose.