

STATE OF OKLAHOMA

2nd Session of the 44th Legislature (1994)

CONFERENCE COMMITTEE SUBSTITUTE

FOR ENGROSSED

SENATE BILL NO. 1196

By: Douglass and Brown of the
Senate

and

Bryant (John), Cox and
Satterfield of the House

CONFERENCE COMMITTEE SUBSTITUTE

An Act relating to amusements and sports; creating the Oklahoma Professional Boxing Licensing Act; providing short title; defining terms; granting certain powers and duties to the Department of Labor; creating the Oklahoma Professional Boxing Advisory Committee; providing for date Committee ceases to exist; providing for appointment, membership, term of office, qualifications and duties of the Committee; providing for removal from office; requiring Committee and Commissioner to submit certain proposed rules and findings and recommendations by certain dates; providing for reimbursement of members; prohibiting certain acts by members; providing for organization and certain rules of the Committee; requiring procedures be subject to Administrative Procedures Act; requiring compliance with open meeting requirements; authorizing Department to employ certain employees; specifying general duties; limiting amount of certain salaries; authorizing certain other expenditures; prohibiting certain acts by employees; exempting certain contests and persons from act; directing the Department to promulgate rules for issuing sanctioning permits and provisional licenses; authorizing voluntary application for sanctioning permits; directing who shall apply for provisional licenses; authorizing certain contracts with other state boxing commissions and associations of state boxing commissions; specifying powers and duties of such commissions and associations; authorizing the Department to determine certain reasonable costs and fees; defining when sanctioning permits and provisional licenses expire; specifying the use of sanction and nonsanction notices; prohibiting the issuance of sanctioning permits and provisional licenses within certain political subdivisions; directing the deposit of certain fees; requiring certain licenses and permits related to boxing by a certain date; authorizing the issuance, withholding, suspension or revocation of certain licenses and permits; authorizing other disciplinary actions; providing for fees; providing for certain considerations prior to issuance of licenses; requiring certain persons to file bonds with the Department; authorizing Department to issue subpoenas, administer oaths, require suspension of certain persons, prescribe certain financial procedures, conduct investigations and delegate certain procedures; requiring notice and hearings by the Commissioner for certain violations; requiring the

Attorney General to bring actions against certain persons; providing for penalties; authorizing the imposition of administrative fines; authorizing the court to issue certain orders; creating the Oklahoma Professional Boxing Licensing Revolving Fund; stating purpose; authorizing certain use of funds; limiting amount of accrual; providing for assessments levied by the Oklahoma Tax Commission on promoters; providing for collection of and deposit of assessments; providing for credit for certain worthless and uncollectible gross receipts; requiring the Athletic Trainers Advisory Committee to assist the Committee for certain purposes; requiring Department approval prior to certain standards, fee schedules or lists becoming effective; requiring Commissioner to submit certain annual report; requiring certain contests and exhibitions to be in conformity to act by certain date; providing for codification; and providing an effective date.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 500 of Title 3A, unless there is created a duplication in numbering, reads as follows:

This act shall be known and may be cited as the "Oklahoma Professional Boxing Licensing Act".

SECTION 2. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 501 of Title 3A, unless there is created a duplication in numbering, reads as follows:

A. As used in the Oklahoma Professional Boxing Licensing Act:

1. "Administrator" means the administrator of professional boxing licensing within the Department;

2. "Amateur boxer" means a person who has never received or competed for any purse or other article either for the expenses of training therefor or for participating in any boxing contest or professional exhibition which exceeds in monies or other things of value a sum to be determined by the Commissioner upon recommendation of the Committee;

3. "Applicant" means any individual, club, association, corporation, partnership or trust which submits to the Commission an application for a license or permit pursuant to the Oklahoma Professional Boxing Licensing Act;

4. "Booking agent" means an individual who acts as a booker, agent, agency, representative or manager who secures engagements and contracts for professional boxers;

5. "Boxing" means any form of competitive pugilism or unarmed combat in which a blow is usually struck which may reasonably be expected to inflict injury, including, but not limited to, boxing, wrestling and kickboxing, but shall not include the martial arts as defined by the provisions of this section;

6. "Closed-circuit telecast of professional boxing contests and professional exhibitions" means telecast rights, other than television, cable television or pay-per-view telecasts, acquired by paying a licensing fee or by paying a contractual price by a business or individual, including but not limited to, restaurants, bars, taverns, hotels, motels, clubs and organizations, which offers the viewing of said event to the public. Such events shall include local and state professional boxing contests and professional exhibitions as defined in this section;

7. "Club" means an incorporated or unincorporated association or body of individuals voluntarily united and acting together for some common or special purpose;

8. "Committee" means the Oklahoma Professional Boxing Advisory Committee;

9. "Commissioner" means the Commissioner of Labor;

10. "Contest" means a boxing match in which it is reasonable to anticipate that the participants strive earnestly in good faith to win;

11. "Corner person" means, but shall not be limited to, a trainer, a second or any other individual who attends the participant during a match;

12. "Department" means the Department of Labor;

13. "Exhibition" means a boxing match in which the participants show or display their skill without necessarily striving to win, such as sparring;

14. "Judge" means an individual other than a referee who shall have a vote in determining the winner of any contest;

15. "Kickboxing" means any form of competitive pugilistic professional contest in which blows are delivered with the hand and any part of the foot. No blows are permitted below the waist. Such contests take place in a rope-enclosed ring and are fought in timed rounds;

16. "License" means a certificate issued by the Department which authorizes direct or indirect participation or connection with any professional boxing contest or professional exhibition;

17. "Manager" means an individual who controls or administers the affairs of any professional boxer. "Manager" shall include the representative of a manager as defined by the Department;

18. "Martial arts" means any form of karate, kung fu, tae kwon-do or any other forms of full contact or light contact martial arts or self-defense. "Full contact" means the use of full unrestrained physical force in a martial arts contest. "Light contact" means the use of controlled martial arts techniques whereby contact to the body is permitted in a restrained manner;

19. "Matchmaker" means an individual who brings together professional boxers or arranges professional boxing contests or professional exhibitions;

20. "Participant" means a professional who takes part in a professional boxing contest or professional exhibition;

21. "Pay-per-view telecasts of professional boxing contests and professional exhibitions" means telecasts offered by cable television companies to subscribers at a cost in addition to the basic monthly cable television subscription rate. Such events shall include local and state professional boxing contests and professional exhibitions as defined in this section;

22. "Person" means any individual, partnership, club, association, corporation or trust;

23. "Physician" means an individual licensed under the laws of this state to engage in the general practice of medicine or osteopathic medicine;

24. "Professional boxer" means an individual eighteen (18) years of age or older who competes for money, prizes or purses, or

who teaches, instructs or assists in the practice of boxing or sparring as a means of obtaining pecuniary gain;

25. "Professional boxing contest and professional exhibition" means a boxing match conducted within this state in which the participants are persons who must be licensed pursuant to the provisions of the Oklahoma Professional Boxing Licensing Act;

26. "Promoter" means any individual, a resident or nonresident of Oklahoma, club or corporation, which is domesticated or not domesticated in Oklahoma, who produces or stages professional contests or professional exhibitions conducted within this state and shall include any officer, director or employees as defined by the Department;

27. "Provisional license" means a certificate issued by the Department to participants of sanctioned professional boxing contests and professional exhibitions and is a mandatory requirement for participation in such events;

28. "Pugilism" means boxing or the skill or practice of fighting with the fists;

29. "Purse" means the financial guarantee or any other remuneration or thing of value for which a professional boxer participates in a professional boxing contest or professional exhibition and shall include the participant's share of any payment received for radio broadcasting, television, including cable television, pay-per-view television and closed circuit television, and motion picture rights. "Purse" shall also include gate receipts and any other prizes;

30. "Ring official" means any individual who performs an official function during the progress of a professional boxing contest or professional exhibition including, but not limited to, timekeepers, judges, referees and attending physicians;

31. "Sanctioning permit" means a permit issued by:

- a. the Department to promoters who make application for official approval of professional boxing contests and professional exhibitions,
- b. another state boxing commission to promoters, upon contracting with the promoter if such state boxing

commission is approved by the Commissioner of Labor and the promoter has made application for official approval of professional boxing contests and professional exhibitions with such state boxing commission, or

- c. an association of state boxing commissions to promoters, upon contracting with the promoter if such association of state boxing commissions is approved by the Commissioner of Labor and the promoter has made application for official approval of professional boxing contests and professional exhibitions with such association of state boxing commissions and issuance of the permit by such association is authorized by federal law;

32. "Sparring" means to engage in a form of boxing with jabbing or feinting movements, and the exchange of few heavy blows, such as occurs in a practice or exhibition boxing match;

33. "Trainer" means an individual who assists, coaches, or instructs any professional boxer with respect to physical conditioning, strategy, techniques or preparation for competition, professional boxing contests or professional exhibitions; and

34. "Vendor" means any individual, firm, organization, club or corporation who participates in the conduct of a professional boxing contest or professional exhibition by offering for sale food or merchandise including but not limited to wearing apparel, alcoholic and nonalcoholic beverages, souvenirs and programs.

B. The Department may define any term which is not defined in the Oklahoma Professional Boxing Licensing Act and may redefine any term defined in said act.

SECTION 3. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 502 of Title 3A, unless there is created a duplication in numbering, reads as follows:

The Commissioner shall have the power and duty to promulgate, prescribe, amend and repeal rules necessary to implement the provisions of the Oklahoma Professional Boxing Licensing Act, according to the Administrative Procedures Act, Section 250 et

seq. and Section 301 et seq. of Title 75 of the Oklahoma Statutes, including but not limited to defining qualifications, categories, limitations and fees for licenses, permits and examinations and establishing bonding, contract and insurance requirements.

SECTION 4. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 503 of Title 3A, unless there is created a duplication in numbering, reads as follows:

A. There is hereby created, until July 1, 1997, the Oklahoma Professional Boxing Advisory Committee, which shall be composed of seven (7) members appointed by the Commissioner of Labor by October 1, 1994. Each member shall be appointed for a term ending July 1, 1997.

B. The membership shall include one person with experience in professional boxing promotions; one person with experience in sports medicine; one person with experience in professional boxing organizations as an athlete, trainer or coach; one person with experience in professional athletics marketing; two lay members; and one member who shall be the administrator of professional boxing licensing of the Department. Each member shall be a citizen or a permanent resident of the United States and shall be a resident of this state.

C. No member of the Committee or any person related to a member within the third degree by consanguinity or affinity shall promote, sponsor or have any financial interest in the promotion or sponsorship of any professional boxing contest or professional exhibition while a member of the Committee.

D. The Commissioner may remove any member of the Committee for incompetence, wilful neglect of duty, corruption in office, or malfeasance in office. A vacancy on the Committee for an unexpired term shall be filled by appointment made by the Commissioner within thirty (30) days of such vacancy.

E. The Commissioner shall hold an initial organizational meeting of the Committee by November 1, 1994, and the members of the Committee shall elect from their membership a chairperson and a vice-chairperson to serve for one (1) year. Thereafter,

officers shall be elected annually. No member of the Committee shall serve more than two (2) successive terms as chairperson.

F. A majority of the appointed membership shall constitute a quorum for the purpose of conducting the business of the Committee. G. The Committee shall meet at least monthly, and special meetings may be called by the chairperson or the Commissioner.

H. Regular meetings shall be held at the established offices of the Department. Provided however, the Commissioner may authorize that meetings, hearings or proceedings may be held at any other designated place within this state.

I. The proceedings of all meetings of the Committee shall comply with the provisions of the Oklahoma Open Meeting Act, Section 301 et seq. of Title 25 of the Oklahoma Statutes.

J. Except as otherwise provided by law, all proceedings by the Committee shall be subject to the provisions of the Administrative Procedures Act, Section 250 et seq. and Section 301 et seq. of Title 75 of the Oklahoma Statutes.

K. Members of the Committee shall be reimbursed for expenses incurred in the performance of their duties as provided in the State Travel Reimbursement Act, Section 500.1 et seq. of Title 74 of the Oklahoma Statutes.

L. The Committee shall:

1. Assist and advise the Commissioner on all matters pertaining to the formation of rules necessary to carry out the purposes of the Oklahoma Professional Boxing Licensing Act;

2. Assist and advise the Department on all matters relating to the licensing of professional boxers, trainers, managers, corner persons, matchmakers, promoters, referees, judges, timekeepers, booking agents, clubs, corporations or any other individuals or entities associated with boxing, sparring, contests and exhibitions related thereto;

3. Assist and advise the Department in the formulation of license and permit fees pursuant to the requirements of the Oklahoma Professional Boxing Licensing Act;

4. Conduct investigations into the qualifications of applicants for licensure and registration at the request of the Department;

5. Conduct investigations and proceedings, at the request of the Department, for alleged violations of the Oklahoma Professional Boxing Licensing Act;

6. Develop and administer examinations for applicants for licenses and permits at the request of the Department;

7. Assist and advise the Department in such other matters upon request of the Department; and

8. By July 1, 1995, the Committee shall propose such rules to the Commissioner necessary to carry out the purpose of this act.

M. The Committee shall also:

1. Study the feasibility and advisability of creating a boxing commission within an appropriate agency or department or as an agency for the purpose of fully regulating and licensing professional boxing in Oklahoma. In developing its recommendations, the Committee shall consider but not be limited to studying the authority, responsibilities and jurisdiction of such commission, the necessary cost and funding requirements of such commission and the potential revenue which may result from regulating and licensing professional boxing in Oklahoma;

2. Submit a report of its findings and recommendations to the Commissioner by July 1, 1996; and

3. The Commissioner shall report the findings and recommendations of the Committee along with his own recommendations to the Governor, the President Pro Tempore of the Senate and the Speaker of the House of Representatives by November 1, 1996.

SECTION 5. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 504 of Title 3A, unless there is created a duplication in numbering, reads as follows:

A. The Commissioner may employ an administrator of professional boxing licensing to carry out the provisions of the Oklahoma Professional Boxing Licensing Act, to oversee the organization and activities of the Committee and to ensure

compliance with rules promulgated by the Commissioner on matters relating to professional boxing. The administrator shall perform such other duties as the Commissioner may prescribe. The salary of the administrator shall not exceed Thirty Thousand Six Hundred Dollars (\$30,600.00) per annum. The administrator of professional boxing licensing shall be an unclassified position.

B. The Commissioner may employ a secretary to keep records of all Department and Committee proceedings relating to professional boxing and to preserve all books, documents and papers belonging to the Committee. The secretary shall perform such other duties as the Commissioner may prescribe. The salary of the Secretary shall not exceed Seventeen Thousand Two Hundred Dollars (\$17,200.00) per annum.

C. The Department may incur expenses necessary for administering the provisions of the Oklahoma Professional Boxing Licensing Act including but not limited to office equipment, furniture, stationery, printing and postage.

D. The administrator, the secretary and any other employees of the Department employed or assigned by the Commissioner to carry out the provisions of this act or any persons related to said Department employees within the third degree by either consanguinity or affinity shall be prohibited from promoting, sponsoring or having any pecuniary interest in any professional boxing contest or professional exhibition regulated by the Department with the exception of medical personnel.

SECTION 6. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 505 of Title 3A, unless there is created a duplication in numbering, reads as follows:

A. The Department is hereby vested with jurisdiction to issue sanctioning permits for all professional boxing contests and professional exhibitions held or given within this state, except for the sanctioning permit specified in paragraph 31 of subsection A of Section 2 of this act and except for those events and persons specifically exempt by the provisions of the Oklahoma Professional Boxing Licensing Act.

B. Specifically exempt from the provisions of the Oklahoma Professional Boxing Licensing Act are the contests or exhibitions conducted or sponsored by:

1. Any school, college or university where the participants are students regularly enrolled in such institutions and the instructors, coaches and trainers are employees of such institutions. The term "school, college or university" shall not include a school or other institution whose principal purpose is to furnish instruction in boxing or sparring; and

2. Any military installation or branch of the Armed Forces where the participants are employed by the military installation or are members of the branch of the Armed Forces sponsoring the contest or exhibition.

C. The following persons are specifically exempt from the provisions of the Oklahoma Professional Boxing Licensing Act:

1. Amateur boxers as defined in Section 2 of this act;

2. Practitioners and instructors of the martial arts as defined by Section 2 of this act; and

3. Instructors of amateur boxers if such instructors are not required to be licensed pursuant to other provisions of this act.

SECTION 7. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 506 of Title 3A, unless there is created a duplication in numbering, reads as follows:

A. The Commissioner shall promulgate rules necessary to implement a process for issuing sanctioning permits for professional boxing contests and professional exhibitions held or given in this state and provisional licenses for participants of sanctioned contests and exhibitions, except those events and persons specifically exempt by the provisions of this act.

B. Beginning October 1, 1994, any promoter may voluntarily make application to the Department for a sanctioning permit for any professional boxing contest or professional exhibition sanctioned by the Department, another state boxing commission or an association of state boxing commissions such promoter may conduct, sponsor or hold within this state.

C. Beginning October 1, 1994, all persons or entities who participate in any professional boxing contest or professional exhibition sanctioned by the Department, another state boxing commission or an association of state boxing commissions, including but not limited to professional boxers, trainers, managers, corner persons, matchmakers, promoters, referees, judges, timekeepers, booking agents, clubs and corporations associated with a professional boxing contest or professional exhibition sanctioned by the Department, another state boxing commission or an association of state boxing commissions, shall be required to make application to the Department for a provisional license to participate in any professional boxing contest or professional exhibition sanctioned by the Department, another state boxing commission or an association of state boxing commissions.

D. An application for a sanctioning permit or a provisional license shall be on such form and require such information as shall be prescribed by the Department.

E. The Department shall determine reasonable cost and fees associated with issuing sanctioning permits and provisional licenses. All costs and fees for sanctioning an event shall be payable by the promoter making application for a sanctioning permit. Cost and fees for a provisional license may be paid by the participant making application or by the promoter of an event sanctioned by the Department, another state boxing commission or an association of state boxing commissions.

F. A sanctioning permit shall be in effect upon the date issued by the Department, another state boxing commission or an association of state boxing commissions and shall expire upon the conclusion of said event, unless said sanctioning permit is suspended or revoked for just cause by the Department, another state boxing commission or an association of state boxing commissions. A provisional license shall be in effect upon the date issued by the Department and shall expire June 30, 1995, unless said provisional license is suspended or revoked for just cause by the Department.

G. Only promoters whose professional boxing contests and professional exhibitions have been sanctioned by the Department, another state boxing commission or an association of state boxing commissions are authorized to place a notice of sanction on printed and promotional materials associated with the sanctioned event, which shall include but not be limited to advertising, tickets, programs, posters, souvenirs, wearing apparel, billboards, marquees and promotional signs inside and outside the venue where the event is to be held, and broadcasting, including but not limited to radio, television, including cable television, pay-per-view television and closed circuit television and motion pictures of said event. The notice of sanction shall substantially state the following:

"Pursuant to the provisions of Title 3A O.S. Supp. 1994, Section 500 et seq. and the rules of the Department of Labor, THIS EVENT IS SANCTIONED BY _____ . Sanctioning Permit No. _____."

H. Any promoter of a professional boxing contest or professional exhibition not sanctioned by the Department, another state boxing commission or an association of state boxing commissions shall place a notice that the event is not sanctioned on printed and promotional materials associated with the event, which shall include but not be limited to advertising, tickets, programs, posters, billboards, marquees and promotional signs inside and outside the venue where the event is to be held, and broadcasting, including but not limited to radio, television, including cable television, pay-per-view television and closed circuit television and motion pictures of said event. The notice shall substantially state the following:

"Pursuant to the provisions of Title 3A O.S. Supp. 1994, Section 500 et seq. and the rules of the Department of Labor, THIS EVENT IS NOT SANCTIONED BY THE STATE OF OKLAHOMA."

I. No sanctioning permit shall be issued for conducting or holding any professional boxing contest or professional exhibition

within any political subdivision of this state where local ordinance or resolution prohibits such contests or exhibitions within the limits of the political subdivision.

J. All fees and other monies resulting from sanctioning professional boxing contests and professional exhibitions and provisional licenses shall be placed to the credit of the Oklahoma Professional Boxing Licensing Revolving Fund.

SECTION 8. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 507 of Title 3A, unless there is created a duplication in numbering, reads as follows:

Beginning January 1, 1995, each professional boxer, trainer, manager, corner person, matchmaker, promoter, referee, judge, timekeeper, booking agent, club or corporation or any other individual or entity associated with professional boxing contests and professional exhibitions, unless otherwise exempted by the provisions of Section 7 of this act, shall procure a license from the Department before acting directly or indirectly in any capacity in connection with professional boxing and sparring and the contests and exhibitions related thereto.

SECTION 9. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 508 of Title 3A, unless there is created a duplication in numbering, reads as follows:

A. Beginning January 1, 1995, a sanctioning permit issued by the Department shall be required in order to conduct, sponsor, hold or participate in professional boxing contests or professional exhibitions.

B. No sanctioning permit shall be issued for conducting or holding any professional boxing contest or professional exhibition within any political subdivision of this state where a local ordinance or resolution prohibits such contests or exhibitions within the limits of the political subdivision.

SECTION 10. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 509 of Title 3A, unless there is created a duplication in numbering, reads as follows:

A. The Department may issue, withhold, suspend or revoke any and all licenses and sanctioning permits required by the provisions of the Oklahoma Professional Boxing Licensing Act or the rules promulgated by the Commissioner. The Department may also censure or reprimand any licensee or sanctioning permit holder. The Department, another state boxing commission or an association of state boxing commissions may issue, withhold, suspend or revoke any sanctioning permit required by the provisions of the Oklahoma Professional Boxing Licensing Act, if such entity is authorized pursuant to paragraph 31 of subsection A of Section 2 of this act or by the rules promulgated by the Commissioner.

B. The Department shall fix a uniform scale of fees for all licenses, sanctioning permits and examinations. Said fees shall be set at reasonable cost and shall not exceed the actual expense of issuing licenses and sanctioning permits and administering examinations.

SECTION 11. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 510 of Title 3A, unless there is created a duplication in numbering, reads as follows:

Before issuing any license or sanctioning permit, the Department shall consider the following in order of importance:

1. The preservation of the safety and health of the participants;
2. The best interest and welfare of the public; and
3. The best interest of professional boxing in general.

SECTION 12. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 511 of Title 3A, unless there is created a duplication in numbering, reads as follows:

A. Before any sanctioning permit is issued to any promoter to conduct or hold a professional boxing contest or professional exhibition, the applicant shall file with the Department a bond payable to the State of Oklahoma in an amount determined by the Commissioner, executed by the applicant and a surety company or companies authorized to do business in this state, and conditioned

upon the faithful performance by the promoter, which shall include but not be limited to the cancellation of a professional boxing contest or professional exhibition without good cause as determined by the Commissioner once the professional boxing contest or professional exhibition has been approved by the Department.

B. The bond required under this section shall guarantee the payment of all taxes, fees, fines and other monies due and payable pursuant to the provisions of the Oklahoma Professional Boxing Licensing Act and the rules promulgated by the Commissioner, including but not limited to, the payment of purses to the competitors, any contributions for required insurance, pensions, disability and medical examinations, the repayment to ticket holders of purchased tickets, the payment of fees to ring officials and physicians, and in the event of the cancellation of a professional boxing contest or professional exhibition approved by the Department without good cause, an amount determined by the Commissioner.

C. After issuance of a sanctioning permit to a promoter, the Commissioner may modify the amount of bond required to ensure adequate and sufficient coverage for payments of taxes, fees, fines, purses and other monies due and payable pursuant to the provisions of this section. Failure of any promoter to secure a modified bond required pursuant to this subsection within such period of time as the Commissioner may prescribe, shall be grounds for revocation of the sanctioning permit of such promoter.

D. All bond proceeds collected pursuant to the provisions of this section shall be placed to the credit of the Oklahoma Professional Boxing Licensing Revolving Fund.

SECTION 13. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 512 of Title 3A, unless there is created a duplication in numbering, reads as follows:

The Commissioner may:

1. Subpoena witnesses and compel the production of any and all books, memoranda, documents, papers and records showing the

receipts and disbursements of any individual, club or corporation licensed under the provisions of the Oklahoma Professional Boxing Licensing Act;

2. Administer oaths or affirmations to witnesses;

3. Require, at any time, the suspension for just cause from involvement in any activity associated with professional boxing of any employee or official employed by any licensee or permittee pursuant to the Oklahoma Professional Boxing Licensing Act;

4. Prescribe the manner that books and financial or other statements of any licensee or permittee relating to professional boxing shall be kept;

5. Visit, investigate, audit and place accountants and such other persons as the Commissioner may deem necessary in the offices or places of business related to professional boxing of any licensee or permittee for the purpose of ensuring that the rules of the Department are complied with; and

6. Authorize the Committee to carry out any of the procedures prescribed in this section.

SECTION 14. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 513 of Title 3A, unless there is created a duplication in numbering, reads as follows:

A. If upon inspection or investigation, or whenever the Commissioner determines that a violation of the Oklahoma Professional Boxing Licensing Act or of any order, standard or rule promulgated pursuant to the provisions of the Oklahoma Professional Boxing Licensing Act has occurred, the Commissioner shall give written notice to the alleged violator specifying the cause of the determination. Such notice shall require that the violations be corrected and specify the terms of such correction or that the alleged violator appear before the Commissioner at a time and place specified in the notice and answer the charges.

B. The Commissioner shall afford the alleged violator an opportunity for a hearing conducted in conformity with and records made thereof as provided by the provisions of the Oklahoma Administrative Procedures Act, Section 301 et seq. of Title 75 of

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the Oklahoma Statutes. On the basis of the evidence produced at the hearing, the Commissioner shall make findings of fact and conclusions of law and enter an order thereon. The Commissioner shall provide written notice of such order to the alleged violator and to such other persons as shall have appeared at the hearing and made written request for notice of the order.

C. Upon the request of the Commissioner, the Attorney General shall bring an action against any person violating any of the provisions of the Oklahoma Professional Boxing Licensing Act or violating any order or determination of the Commissioner.

SECTION 15. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 514 of Title 3A, unless there is created a duplication in numbering, reads as follows:

A. Any person who violates the provisions of the Oklahoma Professional Boxing Licensing Act, upon conviction, shall be guilty of a misdemeanor and shall be punished by the imposition of a fine of not more than One Thousand Dollars (\$1,000.00) or by incarceration in the county jail for not more than thirty (30) days or by both such fine and incarceration. The Department shall suspend or revoke the license of any person convicted of violating the provisions of the Oklahoma Professional Boxing Licensing Act.

B. In addition to other penalties provided by law, if after a hearing in accordance with the provisions of this act, the Commissioner shall find any person to be in violation of any of the provisions of this act, such person may be subject to an administrative fine of not more than Five Hundred Dollars (\$500.00) for each violation. Each day a person is in violation of this act may constitute a separate violation. The maximum fine shall not exceed One Thousand Dollars (\$1,000.00). All administrative fines collected pursuant to the provisions of this subsection shall be placed to the credit of the Oklahoma Professional Boxing Licensing Revolving Fund created pursuant to this act. Administrative fines imposed pursuant to this subsection shall be enforceable in the district courts of this state.

C. Upon the request of the Commissioner, the Attorney General may make application to the appropriate court for an order enjoining the acts or practices prohibited by this act, and upon a showing that the person has engaged in any of the prohibited acts or practices, an injunction, restraining order, or other order as may be appropriate shall be granted by the court.

SECTION 16. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 515 of Title 3A, unless there is created a duplication in numbering, reads as follows:

A. There is hereby created in the State Treasury a revolving fund for the Department to be designated the "Oklahoma Professional Boxing Licensing Revolving Fund". The fund shall be a continuing fund, not subject to fiscal year limitations, and shall consist of all monies received from fees, administrative fines, reimbursements, bond proceeds, and sale of materials, and shall include grants and gifts, pursuant to the Oklahoma Professional Boxing Licensing Act. All monies accruing to the credit of said fund are hereby appropriated and may be budgeted and expended by the Department for the purpose of implementing the provisions of the Oklahoma Professional Boxing Licensing Act. Provided that any monies accruing to the credit of said fund in excess of Two Hundred Thousand Dollars (\$200,000.00) during any fiscal year shall be deposited to the credit of the General Revenue Fund of the State Treasury. Expenditures from said fund shall be made upon warrants issued by the State Treasurer against claims filed as prescribed by law with the Director of State Finance for approval and payment.

B. During the fiscal year ending June 30, 1995, the Department may use monies which have accrued in this fund to replace appropriated monies expended from the Department's budget for implementing the provisions of this act.

SECTION 17. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 516 of Title 3A, unless there is created a duplication in numbering, reads as follows:

A. Beginning January 1, 1995, in addition to the payment of any other fees and monies due pursuant to the Oklahoma Professional Boxing Licensing Act and the rules promulgated by the Commissioner, an assessment in an amount equal to five percent (5%) of the total gross receipts of any professional boxing contest or professional exhibition, exclusive of any federal tax or tax imposed by any political subdivision of this state, shall be hereby levied and shall be remitted by every promoter to the Oklahoma Tax Commission.

B. For the purpose of this section, total gross receipts of every promoter shall include:

1. The gross price charged by the promoter for the sale, lease or other use of broadcasting, including but not limited to radio, television, including cable television, pay-per-view television and closed circuit television, or motion picture rights of boxing contest, event or exhibition conducted within this state, without any deductions for commissions, brokerage fees, distribution fees, advertising or other expenses or charges;

2. The face value of all tickets sold; and

3. The promoter's proceeds from a vendor, or the promoter's gross price charged for the sale of food, alcoholic and nonalcoholic beverages, or merchandise including but not limited to wearing apparel, souvenirs and programs.

C. Payment of the assessment on gross receipts, excepting for motion picture rights, shall be due within seventy-two (72) hours after the holding of the professional boxing contest or professional exhibition and shall be accompanied by a report in such form as shall be prescribed by the Oklahoma Tax Commission.

D. The payment of the assessment on gross income received from the sale of motion picture rights shall be due at the end of the month after the date of the sale of the motion picture rights and continue every thirty (30) days thereafter, during the presentation of the picture, and shall be accompanied by a gross receipts report in such form as shall be prescribed by the Oklahoma Tax Commission.

E. Gross receipts reports signed under oath shall also include:

1. The name of the promoter;
2. The boxing contest or professional exhibition sanctioning permit number;
3. The promoter's business address and any license or permit number required of such promoter by law;
4. Gross receipts as specified by this section, during the period specified by this section; and
5. Such further information as the Oklahoma Tax Commission may require to enable it to compute correctly and collect the assessment levied pursuant to this section.

F. In addition to the information required on reports, the Oklahoma Tax Commission may request and the promoter shall furnish any information deemed necessary for a correct computation of the assessment levied pursuant to this section.

G. All levies pursuant to this section shall be collected by the Oklahoma Tax Commission and shall be placed to the credit of the Oklahoma Professional Boxing Licensing Revolving Fund.

H. The monies collected from the assessment levied pursuant to the provisions of this section shall be in addition to all other revenues and funds received by the Department of Labor.

I. Such promoter shall compute and pay to the Oklahoma Tax Commission the required assessment due. If the payment of such assessment is not postmarked or delivered to the Oklahoma Tax Commission as specified in subsection C or D of this section, whichever is appropriate, the assessment shall be delinquent from such date.

J. It shall be the duty of every promoter required to make a gross receipts report and pay any assessment pursuant to the provisions of this section to keep and preserve suitable records and documents which may be necessary to determine the amount of assessment due as will substantiate and prove the accuracy of such reports. All such records shall be preserved for a period of three (3) years, unless the Oklahoma Tax Commission, in writing, has authorized their destruction or disposal at an earlier date,

and shall be open to examination at any time by the Oklahoma Tax Commission or by any of its authorized employees.

SECTION 18. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 517 of Title 3A, unless there is created a duplication in numbering, reads as follows:

The Athletic Trainers Advisory Committee of the State Board of Medical Licensure and Supervision shall assist the Committee in developing:

1. Standards for the physical and mental examination of professional boxers, which shall be safeguards to their health;
2. A reasonable fee schedule for such examinations; and
3. A list of physicians who are qualified to examine professional boxers and be in attendance during professional boxing contests and professional exhibitions.

SECTION 19. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 518 of Title 3A, unless there is created a duplication in numbering, reads as follows:

Beginning January 15, 1995, the Commissioner shall file an annual report of boxing activities in Oklahoma with the Governor, the President Pro Tempore of the Senate and the Speaker of the House of Representatives. Said report shall include, but not be limited to, the amount of revenue collected, the number of permits and licenses issued and revoked, the number of violations of the Oklahoma Professional Boxing Licensing Act and the number of professional boxing contests and exhibitions conducted.

SECTION 20. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 519 of Title 3A, unless there is created a duplication in numbering, reads as follows:

Beginning January 1, 1996, professional boxing contests or professional exhibitions may be held in this state only in accordance with the provisions of the Oklahoma Professional Boxing Licensing Act and the rules promulgated by the Commissioner.

SECTION 21. This act shall become effective September 1,
1994.

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