

and

Douglass of the Senate

An Act relating to amusements and sports; amending Section 2, Chapter 240, O.S.L. 1994, as last amended by Section 1, Chapter 210, O.S.L. 1999, Section 3, Chapter 240, O.S.L. 1994, as amended by Section 2, Chapter 210, O.S.L. 1999, and Section 5, Chapter 240, O.S.L. 1994, as last amended by Section 5, Chapter 210, O.S.L. 1999 (3A O.S. Supp. 1999, Sections 602, 603 and 605), which relate to the Oklahoma Professional Boxing Licensing Act; adding definition; adding powers and duties to the Oklahoma Professional Boxing Commission relating to the promulgation of certain rules; specifying such rules; requiring the State Department of Health to provide certain staff support; providing for the State Department of Health to employ the administrator of professional boxing licensing, assistants and other employees; placing professional wrestling under the Oklahoma Professional Boxing Licensing Act; providing such employees serve at the pleasure and direction of the Commission; prohibiting nepotism; and providing an effective date.

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

SECTION 1. AMENDATORY Section 2, Chapter 240, O.S.L. 1994, as last amended by Section 1, Chapter 210, O.S.L. 1999 (3A O.S. Supp. 1999, Section 602), is amended to read as follows:

Section 602. A. As used in the Oklahoma Professional Boxing Licensing Act:

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

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 Oklahoma Professional Boxing Commission;

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

4. "Booking agent" means independent contractors who act as bookers, agents, agencies and representatives who secure engagements and contracts for 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. "Broadcast" means any audio or visual transmission sent by any means of signal within, into, or from this state, whether live or taped or time delayed, and includes any replays thereof;

7. "Cable system operator" means any person who makes available or provides customers a closed-circuit telecast which is pay-per-view, including any person who does so as a direct broadcast satellite provider or other multichannel video service provider;

8. "Closed-circuit telecast of professional boxing events" means telecast rights, including 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, arenas, entertainment or meeting centers, restaurants, bars, taverns, hotels, motels, clubs, and organizations, which offers the viewing of the event to the public or to private residences. Such events shall include local and state professional boxing contests and professional exhibitions as defined in this section. For purposes of Sections 621 and 622 of this title, "closed-circuit telecast" means any such telecast of a

professional boxing event as described herein which is not intended to be available for viewing without the payment of a fee, collected for or based upon each event viewed, for the privilege of viewing the telecast, and includes pay-per-view;

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

10. "Commission" means the Oklahoma Professional Boxing Commission;

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

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

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. Such contests take place in a rope-enclosed ring and are fought in timed rounds;

16. "License" means a certificate issued by the Commission to participants of sanctioned professional boxing contests and professional exhibitions and is a mandatory requirement for participation in such events;

17. "Manager" means an individual who controls or administers the affairs of any professional boxer, including acting as a booking agent. "Manager" shall include the representative of a manager as defined by the Commission;

18. "Martial arts" means any form of karate, kung fu, tae kwon-do, or any other form of martial or self-defense art;

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 events" means telecasts offered by cable television companies to subscribers at a cost in addition to the 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, limited liability company, 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. "Professional wrestling" means noncompetitive unarmed fighting or combat in which two or more participants display their skill by executing blows, throws, or holds to the body of the opponent, and in which it is reasonable to anticipate that the participants strive to entertain spectators rather than to win;

27. "Promoter" means any individual, whether a resident or nonresident of Oklahoma, or club or corporation, whether

domesticated or not domesticated in Oklahoma, that produces or stages professional contests or professional exhibitions conducted within this state and shall include any officer, director, or employees as defined by the Commission;

~~27.~~ 28. "Pugilism" means boxing or the skill or practice of fighting with the fists;

~~28.~~ 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;

~~29.~~ 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;

~~30.~~ 31. "Sanctioning permit" means a permit issued by the Commission to promoters who make application for official approval of professional boxing contests and professional exhibitions;

~~31.~~ 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;

~~32.~~ 33. "Telecast promoter", for purposes of Sections 621 and 622 of this title, means any promoter who shows or causes to be shown in this state a closed-circuit telecast of any professional boxing event, whether or not the telecast or event originates in this state. "Telecast promoter" shall not include a cable system operator;

~~33.~~ 34. "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.~~ 35. "Vendor" means any individual, firm, organization, club, or corporation that 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 Commission may define any term which is not defined in the Oklahoma Professional Boxing Licensing Act.

SECTION 2. AMENDATORY Section 3, Chapter 240, O.S.L. 1994, as amended by Section 2, Chapter 210, O.S.L. 1999 (3A O.S. Supp. 1999, Section 603), is amended to read as follows:

Section 603. A. The Oklahoma Professional Boxing Commission 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, including, but not limited to, defining qualifications, categories, limitations, and fees for licenses, permits, and examinations, and establishing bonding, contract, and insurance requirements.

B. In addition to rules promulgated by the Commission, rules promulgated by the Commissioner of Labor prior to July 1, 1999, shall be the rules of the Commission and shall continue in effect until such rules are amended or repealed by rules promulgated by the Commission.

C. The Oklahoma Professional Boxing Commission shall have the duty and authority to promulgate and enforce rules to provide for licensure of professional wrestling participants and promoters. The rules shall include but not be limited to:

1. Health and safety standards for the protection of participants and spectators that are appropriate to the

noncompetitive entertainment character of professional wrestling;  
and

2. Standards and procedures for issuing sanctioning permits for all professional wrestling matches and exhibitions.

SECTION 3. AMENDATORY Section 5, Chapter 240, O.S.L. 1994, as last amended by Section 5, Chapter 210, O.S.L. 1999 (3A O.S. Supp. 1999, Section 605), is amended to read as follows:

Section 605. A. ~~The Commission may~~ State Department of Health shall employ an administrator of professional boxing licensing to ~~oversee~~ provide staff support for the organization and activities of the Commission and to ensure compliance with rules promulgated by the Commission on matters relating to professional boxing and professional wrestling. The administrator shall perform such other duties as the Commission may prescribe. The salary of the administrator shall be set by law. The position of administrator of professional boxing licensing shall be an unclassified position.

B. ~~The Commission may~~ State Department of Health shall employ an assistant to keep records of all proceedings relating to professional boxing and professional wrestling and to preserve all books, documents, and papers belonging to the Commission. The assistant shall perform such other duties as the Commission may prescribe. ~~The Commission~~ State Department of Health may employ such other personnel as necessary, subject to statutory full-time-equivalent (FTE) limits applicable to the State Department of Health.

C. The State Department of Health shall provide administrative support, including, but not limited to, office space, equipment, and furnishings, for the Commission and shall manage the Commission's funds. Persons employed by ~~the Commission~~ State Department of Health under the Oklahoma Professional Boxing Licensing Act shall serve at the direction and pleasure of the Commission but shall, in

all other matters relating to employment, be unclassified employees of the State Department of Health.

D. The administrator, the assistant, and any other employees of the ~~Commission~~ State Department of Health assigned to support the Commission pursuant to the Oklahoma Professional Boxing Licensing Act or any persons related to said 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 Commission with the exception of medical personnel.

SECTION 4. This act shall become effective November 1, 2000.

Passed the House of Representatives the 15th day of March, 2000.

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Speaker of the House of Representatives

Passed the Senate the \_\_\_\_ day of \_\_\_\_\_, 2000.

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President of the Senate