ENROLLED SENATE
BILL NO. 600

By: Douglass of the Senate

and

Hastings, Beutler,
Braddock, Kinnamon, Seikel
and Toure of the House

An Act relating to boxing and wrestling; amending Section 2, Chapter 240, O.S.L. 1994, as last amended by Section 1, Chapter 348, O.S.L. 1998, Section 3, Chapter 240, O.S.L. 1994, Section 5, Chapter 240, O.S.L. 1994, as last amended by Section 1, Chapter 362, O.S.L. 1996, Section 6, Chapter 240, O.S.L. 1994, as amended by Section 4, Chapter 202, O.S.L. 1995, Section 7, Chapter 240, O.S.L. 1994, as last amended by Section 3, Chapter 348, O.S.L. 1998, Section 9, Chapter 240, O.S.L. 1994, as amended by Section 6, Chapter 202, O.S.L. 1995, Section 10, Chapter 240, O.S.L. 1994, as amended by Section 7, Chapter 202, O.S.L. 1995, Section 11, Chapter 240, O.S.L. 1994, Section 12, Chapter 240, O.S.L. 1994, Section 13, Chapter 240, O.S.L. 1994, Section 14, Chapter 240, O.S.L. 1994, Section 15, Chapter 240, O.S.L. 1994, as amended by Section 8, Chapter 202, O.S.L. 1995, Section 16, Chapter 240, O.S.L. 1994, Section 17, Chapter 240, O.S.L. 1994, as last amended by Section 4, Chapter 348, O.S.L. 1998, Section 19, Chapter 240, O.S.L. 1994, Section 10, Chapter 202, O.S.L. 1995, and Section 11, Chapter 202, O.S.L. 1995, as amended by Section 5, Chapter 348, O.S.L. 1998 (3A O.S. Supp. 1998, Sections 602, 603, 605, 606, 607, 609, 610, 611, 612, 613, 614, 615, 616, 617, 619, 621, and 622), which relate to the Oklahoma Professional Boxing Licensing Act; modifying definitions; creating, pursuant to the Oklahoma Sunset Law, the Oklahoma Professional Boxing Commission; providing for number of members, terms of office, election of officers, and quorum requirements; providing for appointments and qualifications; providing for removal of members; prohibiting certain actions by members; requiring compliance with Oklahoma Open Meeting Act, Oklahoma Open Records Act, and Administrative Procedures Act; denying compensation but authorizing travel reimbursement; stating powers; providing for recognition of certain documents, rules, orders, and actions; providing for transfer of certain applications; providing for transfer of certain personnel, powers, duties, responsibilities, fund

balances, encumbrances, obligations, and property; authorizing certain hiring of employees pursuant to certain limitations; stating duties; authorizing salaries or wages; requiring State Department of Health to provide administrative support, including office space, equipment, furnishings, and funds management for the Commission; making certain persons unclassified employees of the State Department of Health; modifying certain references; deleting certain references; creating certain revolving fund; abolishing certain revolving fund; transferring certain revolving fund monies; deleting obsolete language; regularizing punctuation; providing for codification; repealing Section 4, Chapter 240, O.S.L. 1994, as last amended by Section 2, Chapter 348, O.S.L. 1998 (3A O.S. Supp. 1998, Section 604), which relates to Oklahoma Professional Boxing Advisory Committee; providing effective dates; and declaring an emergency.

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 348, O.S.L. 1998 (3A O.S. Supp. 1998, 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 ~~within the Department of Labor~~;

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~~ Oklahoma Professional Boxing ~~Advisory Committee. After July 1, 1997, any modification in such determination shall be made by the Commissioner of Labor~~ Commission;

3. "Applicant" means any individual, club, association, corporation, partnership or trust which submits to the ~~Commissioner of Labor~~ 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 ~~its~~ customers a closed-circuit telecast which is pay-per-view ~~or~~, 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. ~~"Committee"~~ "Commission" means the Oklahoma Professional Boxing ~~Advisory Committee~~ Commission;

11. ~~"Commissioner" means the Commissioner of Labor;~~

~~12.~~ "Contest" means a boxing match in which it is reasonable to anticipate that the participants strive earnestly in good faith to win;

~~13.~~ 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;

~~14. "Department" means the Department of Labor;~~

~~15.~~ 13. "Exhibition" means a boxing match in which the participants show or display their skill without necessarily striving to win, such as sparring;

~~16.~~ 14. "Judge" means an individual other than a referee who shall have a vote in determining the winner of any contest;

~~17.~~ 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;

~~18.~~ 16. "License" means a certificate issued by the ~~Department~~ Commission to participants of sanctioned professional boxing contests and professional exhibitions and is a mandatory requirement for participation in such events;

~~19.~~ 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 ~~Department~~ Commission;

~~20.~~ 18. "Martial arts" means any form of karate, kung fu, tae kwon-do, or any other ~~forms~~ form of martial ~~arts~~ or self-defense art;

~~21.~~ 19. "Matchmaker" means an individual who brings together professional boxers or arranges professional boxing contests or professional exhibitions;

~~22.~~ 20. "Participant" means a professional who takes part in a professional boxing contest or professional exhibition;

~~23.~~ 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;

~~24.~~ 22. "Person" means any individual, partnership, limited liability company, club, association, corporation, or trust;

~~25~~. 23. "Physician" means an individual licensed under the laws of this state to engage in the general practice of medicine or osteopathic medicine;

~~26~~. 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;

~~27.~~ 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;

~~28.~~ 26. "Promoter" means any individual, whether a resident or nonresident of Oklahoma, or club or corporation, ~~which is~~ whether domesticated or not domesticated in Oklahoma, ~~who~~ 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 ~~Department~~ Commission;

~~29.~~ 27. "Pugilism" means boxing or the skill or practice of fighting with the fists;

~~30.~~ 28. "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;

~~31.~~ 29. "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;

~~32.~~ 30. "Sanctioning permit" means a permit issued by the ~~Department~~ Commission to promoters who make application for official approval of professional boxing contests and professional exhibitions;

~~33.~~ 31. "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;

~~34.~~ 32. "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;

~~35.~~ 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

~~36.~~ 34. "Vendor" means any individual, firm, organization, club, or corporation ~~who~~ 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 ~~Department~~ 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 (3A O.S. Supp. 1998, Section 603), is amended to read as follows:

Section 603. ~~The Commissioner~~ 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, ~~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.

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.

SECTION 3. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 604.1 of Title 3A, unless there is created a duplication in numbering, reads as follows:

A. There is hereby created, until July 1, 2005, in accordance with the Oklahoma Sunset Law, the Oklahoma Professional Boxing Commission, which shall be composed of seven (7) members appointed by the Governor with the advice and consent of the Senate. Members initially appointed to the Commission shall be appointed by July 1, 1999, and shall serve for a term of office as follows: two members shall serve a term of one (1) year, two members shall serve a term of two (2) years, and three members shall serve a term of three (3) years, as designated by the Governor. Thereafter, members appointed to the Commission shall serve for terms of three (3) years. Terms of office shall expire on June 30. All vacancies and unexpired terms shall be filled in the same manner as the original appointment and within sixty (60) days from the date of the vacancy. Members may be removed by the Governor for incompetence, willful neglect of duty, corruption in office, or malfeasance in office.

B. Members appointed to the Commission shall reside in this state and shall have the following qualifications:

1. Two members shall have experience as a professional boxer or in professional boxing promotions;

2. One member shall have experience as a professional wrestler or in professional wrestling promotions;

3. One member shall have experience in sports medicine;

4. One member shall have experience in the cable television business; and

5. Two members shall represent the public at large as lay members.

C. No member of the Commission 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 Commission.

D. The members of the Commission shall elect from their membership a chair and vice-chair to serve for one (1) year terms. A majority of the members shall constitute a quorum for the purpose of conducting the business of the Commission. The Commission shall

meet at least quarterly, and special meetings may be called by the chair.

E. The Commission shall comply with the provisions of the Oklahoma Open Meeting Act, the Oklahoma Open Records Act, and the Administrative Procedures Act.

F. All members of the Commission and such employees as determined by the Commission shall be bonded as required by Sections 85.26 through 85.31 of Title 74 of the Oklahoma Statutes.

G. Members of the Commission shall serve without compensation but shall be reimbursed for expenses incurred in the performance of their duties as provided in the State Travel Reimbursement Act.

SECTION 4. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 604.2 of Title 3A, unless there is created a duplication in numbering, reads as follows:

A. The Commission shall have the power to:

1. Promulgate rules and issue orders necessary to carry out the purposes of the Oklahoma Professional Boxing Licensing Act, and enforce the provisions of said act and the rules promulgated pursuant thereto;

2. Assume jurisdiction over all matters relating to the licensing of professional boxers, trainers, managers, corner persons, booking agents, matchmakers, promoters, referees, judges, timekeepers, vendors, physicians, announcers, clubs, and corporations associated with a professional boxing contest, or professional exhibition related thereto;

3. Set 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;

5. Conduct investigations and proceedings for alleged violations of the Oklahoma Professional Boxing Licensing Act and order or subpoena the attendance of witnesses, the inspection of records and premises, and the production of relevant books and papers necessary to such investigations and proceedings;

6. Develop and administer examinations for applicants for licenses and permits; and

7. Make such expenditures as may be necessary in the performance of its duties.

B. Any rule promulgated, order made, or action taken prior to July 1, 1999, by the Commissioner of Labor or the Department of Labor pursuant to the provisions of, or rules issued pursuant to, the Oklahoma Professional Boxing Licensing Act shall be considered valid and in effect unless amended, repealed, or rescinded by the Commission.

C. Any valid license, permit, certificate, or registration issued prior to July 1, 1999, by the Commissioner of Labor pursuant to the Oklahoma Professional Boxing Licensing Act, or rules promulgated pursuant thereto, shall remain valid and in effect until it expires pursuant to law or unless suspended or revoked by the Commission. Any application for a license, permit, certificate, or registration which is pending on June 30, 1999, is hereby transferred to the Commission.

D. All personnel, powers, duties, responsibilities, fund balances, encumbrances, obligations, and property, which shall include records, furniture, and equipment of the Department of Labor relating to the regulation of boxing, are hereby transferred to the Oklahoma Professional Boxing Commission.

SECTION 5. AMENDATORY Section 5, Chapter 240, O.S.L. 1994, as last amended by Section 1, Chapter 362, O.S.L. 1996 (3A O.S. Supp. 1998, Section 605), is amended to read as follows:

Section 605. A. The ~~Commissioner~~ Commission 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~~ Commission and to ensure compliance with rules promulgated by the ~~Commissioner~~ Commission on matters relating to professional boxing. The administrator shall perform such other duties as the ~~Commissioner~~ 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 ~~Commissioner~~ Commission may ~~hire~~ employ an assistant 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~~ Commission. The assistant shall perform such other duties as the ~~Commissioner~~ Commission may prescribe. The Commission may employ such other personnel as necessary, subject to statutory full-time-equivalent (FTE) limits applicable to the State Department of Health.

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~~ 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 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 ~~Department employed or assigned by the Commissioner to carry out the provisions of the Oklahoma Professional Boxing Licensing Act~~ Commission 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~~ Commission with the exception of medical personnel.

SECTION 6. AMENDATORY Section 6, Chapter 240, O.S.L. 1994, as amended by Section 4, Chapter 202, O.S.L. 1995 (3A O.S. Supp. 1998, Section 606), is amended to read as follows:

Section 606. A. The ~~Department~~ Oklahoma Professional Boxing Commission is hereby vested with jurisdiction to issue sanctioning permits for all professional boxing contests and professional exhibitions held or given within this state and licenses for participants of sanctioned contests and exhibitions.

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;

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; and

3. Amateur boxing matches which are sanctioned by a nationally recognized amateur sanctioning body approved by the ~~Department of Labor~~ Commission.

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

1. Practitioners and instructors of the martial arts as defined in Section 602 of this title; and

2. Instructors of amateur boxers if such instructors are not required to be licensed pursuant to other provisions of the Oklahoma Professional Boxing Licensing Act.

SECTION 7. AMENDATORY Section 7, Chapter 240, O.S.L. 1994, as last amended by Section 3, Chapter 348, O.S.L. 1998 (3A O.S. Supp. 1998, Section 607), is amended to read as follows:

Section 607. A. The ~~Commissioner of Labor~~ Oklahoma Professional Boxing Commission shall promulgate rules necessary to implement ~~a process~~ processes for issuing sanctioning permits for professional boxing contests and professional exhibitions held or given in this state and for issuing licenses for participants of sanctioned contests and exhibitions, except those events and persons specifically exempt by the provisions of the Oklahoma Professional Boxing Licensing Act.

B. All persons or entities who participate in any professional boxing contest or professional exhibition sanctioned by the ~~Department~~ Commission, including, but not limited to, professional boxers, trainers, managers, corner persons, booking agents, matchmakers, promoters, referees, judges, timekeepers, vendors, physicians, announcers, clubs, and corporations associated with a professional boxing contest or professional exhibition sanctioned by the ~~Department~~ Commission, shall be required to make application to the ~~Department~~ Commission for a license to participate in this state in any professional boxing contest or professional exhibition sanctioned by the ~~Department~~ Commission.

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

D. The ~~Department~~ Commission shall determine reasonable ~~cost~~ costs and fees associated with issuing sanctioning permits and licenses. All costs and fees for sanctioning an event shall be payable by the promoter making application for a sanctioning permit. ~~Cost~~ Costs and fees for a license may be paid by the participant making application or by the promoter of an event sanctioned by the ~~Department~~ Commission.

E. A sanctioning permit shall be in effect upon the date issued by the ~~Department~~ Commission and shall expire upon the conclusion of the event, unless the sanctioning permit is suspended or revoked for just cause by the ~~Department~~ Commission. Licenses shall be in effect upon the date issued by the ~~Department~~ Commission, and all licenses shall expire June 30~~,~~ unless the license is suspended or revoked for just cause by the ~~Department~~ Commission. ~~Any license issued pursuant to the Oklahoma Professional Boxing Licensing Act prior to June 30, 1995, shall not expire until June 30, 1996.~~

F. Only promoters whose professional boxing contests and professional exhibitions have been sanctioned by the ~~Department~~ Commission 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 the event. The notice of sanction shall substantially state the following:

> "Pursuant to the provisions of Section 601 et seq. of Title 3A of the Oklahoma Statutes and the rules of the ~~Department of Labor~~ Oklahoma Professional Boxing Commission, THIS EVENT IS SANCTIONED BY THE ~~DEPARTMENT OF LABOR~~ OKLAHOMA PROFESSIONAL BOXING COMMISSION. Sanctioning Permit No. _____."

G. All fees and other monies resulting from sanctioning professional boxing contests and professional exhibitions and

licenses shall be placed to the credit of the Oklahoma Professional Boxing Licensing Revolving Fund.

SECTION 8. AMENDATORY Section 9, Chapter 240, O.S.L. 1994, as amended by Section 6, Chapter 202, O.S.L. 1995 (3A O.S. Supp. 1998, Section 609), is amended to read as follows:

Section 609. A. A sanctioning permit issued by the ~~Department of Labor~~ Oklahoma Professional Boxing Commission 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 9. AMENDATORY Section 10, Chapter 240, O.S.L. 1994, as amended by Section 7, Chapter 202, O.S.L. 1995 (3A O.S. Supp. 1998, Section 610), is amended to read as follows:

Section 610. A. The ~~Department of Labor~~ Oklahoma Professional Boxing Commission 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 of Labor~~ Commission. The ~~Department~~ Commission may also censure or reprimand any licensee or sanctioning permit holder.

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

SECTION 10. AMENDATORY Section 11, Chapter 240, O.S.L. 1994 (3A O.S. Supp. 1998, Section 611), is amended to read as follows:

Section 611. Before issuing any license or sanctioning permit, the ~~Department~~ Oklahoma Professional Boxing Commission 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 11. AMENDATORY Section 12, Chapter 240, O.S.L. 1994 (3A O.S. Supp. 1998, Section 612), is amended to read as follows:

Section 612. 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~~ Oklahoma Professional Boxing Commission a bond payable to the State of Oklahoma in an amount determined by the ~~Commissioner~~ Commission, 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~~ Commission once the professional boxing contest or professional exhibition has been approved by the ~~Department~~ Commission.

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~~ Commission, 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~~ Commission without good cause, an amount determined by the ~~Commissioner~~ Commission.

C. After issuance of a sanctioning permit to a promoter, the ~~Commissioner~~ Commission 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~~ Commission 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 12. AMENDATORY Section 13, Chapter 240, O.S.L. 1994 (3A O.S. Supp. 1998, Section 613), is amended to read as follows:

Section 613. The ~~Commissioner~~ Oklahoma Professional Boxing Commission 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; and

5. Visit, investigate, audit, and place accountants and such other persons as the ~~Commissioner~~ Commission 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~~ Commission are complied with~~; and~~

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

SECTION 13. AMENDATORY Section 14, Chapter 240, O.S.L. 1994 (3A O.S. Supp. 1998, Section 614), is amended to read as follows:

Section 614. A. If upon inspection or investigation, or whenever the ~~Commissioner~~ Oklahoma Professional Boxing Commission 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~~ Commission 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~~ Commission at a time and place specified in the notice and answer the charges.

B. The ~~Commissioner~~ Commission 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 the Oklahoma Statutes~~. On the basis of the evidence produced at the hearing, the ~~Commissioner~~ Commission shall make findings of fact and conclusions of law and enter an order thereon. The ~~Commissioner~~ Commission 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~~ Commission, 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~~ Commission.

SECTION 14. AMENDATORY Section 15, Chapter 240, O.S.L. 1994, as amended by Section 8, Chapter 202, O.S.L. 1995 (3A O.S. Supp. 1998, Section 615), is amended to read as follows:

Section 615. 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~~ Oklahoma Professional Boxing Commission 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~~ Section 601 et seq. of this title, the ~~Commissioner~~ Commission 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) or not more than one percent (1%) of gross revenues received ~~pursuant to this act,~~ for each violation. Each day a person is in violation of ~~this act~~ the provisions of Section 601 et seq. of this title may constitute a separate violation. 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~~ the provisions of Section 601 et seq. of this title. Administrative fines imposed pursuant to this subsection shall be enforceable in the district courts of this state.

C. Upon the request of the ~~Commissioner~~ Commission, the Attorney General may make application to the appropriate court for an order enjoining the acts or practices prohibited by ~~this act~~ the provisions of Section 601 et seq. of this title, 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 15. AMENDATORY Section 16, Chapter 240, O.S.L. 1994 (3A O.S. Supp. 1998, Section 616), is amended to read as follows:

Section 616. A. There is hereby created in the State Treasury a revolving fund for the ~~Department~~ Oklahoma Professional Boxing Commission 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 State Department of Health as directed by the Commission for the purpose of implementing the provisions of the Oklahoma Professional Boxing Licensing Act~~. Provided that~~; provided, 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~~ The "Oklahoma Professional Boxing Licensing Revolving Fund" created for the Department of Labor is hereby abolished. On July 1, 1999, any unencumbered funds remaining in the Oklahoma Professional Boxing Licensing Revolving Fund shall be transferred to the credit of the Professional Boxing Licensing Revolving Fund. Any unexpended funds remaining in the Oklahoma Professional Boxing Revolving Fund after November 1, 1999, shall be transferred to the credit of the Professional Boxing Licensing Revolving Fund.

SECTION 16. AMENDATORY Section 17, Chapter 240, O.S.L. 1994, as last amended by Section 4, Chapter 348, O.S.L. 1998 (3A O.S. Supp. 1998, Section 617), is amended to read as follows:

Section 617. A. 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 of Labor~~ Oklahoma Professional Boxing Commission, 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 and vendor to the Oklahoma Tax Commission~~. Provided~~; provided, however, if the promotion originates in Oklahoma, the promoter and vendor shall only be liable for assessments on the total gross receipts specified in subsections B and C of this section and shall not also be liable for the assessments specified in Section 622 of this title.

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~~ contests, ~~event~~ events, or ~~exhibition~~ exhibitions 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. 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. For the purpose of this section, total gross receipts of every vendor shall include the gross price charged for the sale of food, alcoholic and nonalcoholic beverages, and merchandise including, but not limited to, wearing apparel, souvenirs, and programs, excluding that portion paid to any promoter.

D. 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.

E. The first 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~~ further payments shall be due 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.

F. 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.

G. 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.

H. 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.

I. 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~~ Oklahoma Professional Boxing Commission.

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

K. 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 17. AMENDATORY Section 19, Chapter 240, O.S.L. 1994 (3A O.S. Supp. 1998, Section 619), is amended to read as follows:

Section 619. Beginning ~~January 15, 1995~~ February 1, 2000, the ~~Commissioner~~ Oklahoma Professional Boxing Commission 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 18. AMENDATORY Section 10, Chapter 202, O.S.L. 1995 (3A O.S. Supp. 1998, Section 621), is amended to read as follows:

Section 621. A. Prior to showing a closed-circuit telecast of a professional boxing event in this state, a telecast promoter must first apply for a permit to be issued upon the approval of the ~~Department of Labor~~ Oklahoma Professional Boxing Commission. The application for a permit shall be on forms provided by the ~~Department~~ Commission and shall contain:

1. The date of the broadcast;

2. The origination address of the broadcast;

3. A statement that the applicant acknowledges responsibility for the payment of an assessment to the ~~Department~~ Commission;

4. The time frame by which the postevent assessment reports must be filed;

5. The portion of the closed-circuit rights for which the applicant is acknowledging responsibility; and

6. Such other information as the ~~Department~~ Commission may deem necessary to carry out the provisions of ~~this act~~ Section 601 et seq. of this title.

B. 1. There shall be no fee for a permit issued for a closed-circuit telecast.

2. The permit must be filed a minimum of thirty (30) days prior to the date of the broadcast.

SECTION 19. AMENDATORY Section 11, Chapter 202, O.S.L. 1995, as amended by Section 5, Chapter 348, O.S.L. 1998 (3A O.S. Supp. 1998, Section 622), is amended to read as follows:

Section 622. A. Where the Oklahoma distribution rights for a closed-circuit telecast to be viewed in this state are in whole

owned by, sold to, acquired by or held by any person who intends to or subsequently sells or, in some other manner, extends such rights in part to another, then such person is deemed to be a telecast promoter and must, prior to the telecast, be licensed as a telecast promoter by the ~~Department of Labor~~ Oklahoma Professional Boxing Commission. The ~~Department~~ Commission may provide, by rule, for additional licensed telecast promoters to participate in the distribution rights and share in the liability for assessments to be paid to the ~~Department~~ Commission. Closed-circuit telecasts of a boxing event shall not be telecast from, in, or into this state except under the auspices of a telecast promoter licensed in this state. The telecast promoter shall be responsible for filing the appropriate reports with and paying assessments to the ~~Department~~ Commission.

B. In the case of closed-circuit telecasts other than pay-per-view, the telecast promoter shall notify the ~~Department~~ Commission of the names and addresses of all facilities to or through which the closed-circuit telecast will be shown fourteen (14) days prior to the date of the closed-circuit event and shall provide daily updates to the ~~Department~~ Commission of any additions and deletions of facilities.

C. Any person or facility owner or operator intending to show the closed-circuit telecast, whether or not an admission fee will be charged, must receive authorization to show the telecast from the telecast promoter prior to the telecast. The showing of a closed-circuit telecast, whether or not an admission fee is charged, without the authorization of the licensed telecast promoter is prohibited. ~~This includes the delayed~~ Delayed showing of a closed-circuit telecast ~~when the showing~~ also requires the authorization of the telecast promoter. Information received by the ~~Department~~ Commission of the names of persons showing a closed-circuit telecast in violation of this section shall be furnished to the appropriate district attorney's office for prosecution.

D. 1. In the case of facilities at or through which the closed-circuit telecast is shown other than a cable system operator's pay-per-view facilities, the telecast promoter shall, within eight (8) days after the telecast, inclusive of mailing time, file with the ~~Department~~ Commission a written report detailing the name, address, telephone number, contact person's name, and the details of the payment arrangement for the right to receive the telecast for each facility to which the broadcast was transmitted.

2. The report shall be accompanied by an assessment payment equal to four percent (4%) of the total amount paid to the telecast promoter for the right to broadcast the telecast.

3. The ~~Department~~ Commission may require the owner or operator of the facility where the telecast is being shown to file a report containing information regarding the amount paid to the telecast promoter for the right to broadcast the telecast, the quality of the audio and video signal, and any other information the ~~Department~~ Commission deems appropriate.

E. 1. In the case of a cable system operator's pay-per-view facilities at or through which a closed-circuit telecast was shown, the telecast promoter shall, except as provided for in subsection A of Section 617 of this title, within thirty (30) days following receipt of the notice of the assessment from the ~~Department~~ Commission, file with the ~~Department~~ Commission an assessment payment equal to four percent (4%) of the total gross receipts excluding any federal, state, or local taxes.

2. The ~~Department~~ Commission shall require the cable system operator to file reports containing information regarding the number of orders sold and the price charged for orders and any other information the ~~Department~~ Commission deems appropriate.

3. Cable system operators shall not be liable to the ~~Department~~ Commission for the assessment payment. Nothing in this section shall be deemed to prevent a cable system operator from billing its customer for the assessment payment.

4. The ~~Department~~ Commission shall provide the telecast promoter with a report detailing the number of orders and the assessment payment due.

F. Any promoter who willfully makes a false and fraudulent report under this section is guilty of perjury and, upon conviction, is subject to punishment as provided by law. This penalty shall be in addition to any other penalties imposed in this section.

G. Any telecast promoter who willfully fails, neglects, or refuses to make a report or to pay the assessment as prescribed, or who refuses to allow the ~~Department~~ Commission to examine the books, papers, and records of any promotion is guilty of a misdemeanor, punishable as provided by law.

H. By rule, the ~~Department~~ Commission shall establish administrative penalties as specified in ~~this act~~ Section 601 et seq. of this title for the late payment of assessments, noncompliance with ~~this act~~ Section 601 et seq. of this title, and the late filing of reports and shall prescribe conditions, if any, under which a fine may be waived.

I. No cable system operator shall be ~~prohibited from~~:

1. ~~Broadcasting~~ Prohibited from broadcasting any boxing event, whether or not the promoter or distributor is in compliance with the provisions of Section 601 et seq. of this title, for which it has a contract or other legal obligation to broadcast ~~any event with any promoter or distributor irrespective of whether or not the promoter or distributor is in compliance with the provisions of this act~~;

2. ~~No cable system operator shall be required~~ Required, as a result of any noncompliance with the provisions of this act by any promoter or distributor, to modify, delete, or cancel any programming ~~for~~ which it has a contractual or legal obligation to air ~~such programming as a result of any noncompliance with the provisions of this act by any promoter or distributor~~; and

3. This act shall not apply in any manner to any basic or premium channel programming broadcast on cable television systems within ~~the State of Oklahoma~~ this state, but shall apply only to "pay-per-view" broadcasts of boxing events for which a separate ~~one time~~ one-time fee is charged the cable subscriber.

SECTION 20. REPEALER Section 4, Chapter 240, O.S.L. 1994, as last amended by Section 2, Chapter 348, O.S.L. 1998 (3A O.S. Supp. 1998, Section 604), is hereby repealed.

SECTION 21. Sections 1, 2 and 4 through 19 of this act shall become effective July 1, 1999.

SECTION 22. It being immediately necessary for the preservation of the public peace, health and safety, an emergency is hereby declared to exist, by reason whereof this act shall take effect and be in full force from and after its passage and approval.

Passed the Senate the 11th day of May, 1999.

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President of the Senate

Passed the House of Representatives the 18th day of May, 1999.

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Speaker of the House of Representatives