

EHB 2708

THE STATE SENATE
Monday, April 3, 2000

ENGROSSED

House Bill No. 2708

ENGROSSED HOUSE BILL NO. 2708 - By: PHILLIPS of the House 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;

1 2. "Amateur boxer" means a person who has never received or
2 competed for any purse or other article either for the expenses of
3 training therefor or for participating in any boxing contest or
4 professional exhibition which exceeds in monies or other things of
5 value a sum to be determined by the Oklahoma Professional Boxing
6 Commission;

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

11 4. "Booking agent" means independent contractors who act as
12 bookers, agents, agencies and representatives who secure engagements
13 and contracts for boxers;

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

19 6. "Broadcast" means any audio or visual transmission sent by
20 any means of signal within, into, or from this state, whether live
21 or taped or time delayed, and includes any replays thereof;

22 7. "Cable system operator" means any person who makes available
23 or provides customers a closed-circuit telecast which is pay-per-

1 view, including any person who does so as a direct broadcast
2 satellite provider or other multichannel video service provider;
3 8. "Closed-circuit telecast of professional boxing events"
4 means telecast rights, including television, cable television, or
5 pay-per-view telecasts, acquired by paying a licensing fee or by
6 paying a contractual price by a business or individual, including,
7 but not limited to, arenas, entertainment or meeting centers,
8 restaurants, bars, taverns, hotels, motels, clubs, and
9 organizations, which offers the viewing of the event to the public
10 or to private residences. Such events shall include local and state
11 professional boxing contests and professional exhibitions as defined
12 in this section. For purposes of Sections 621 and 622 of this
13 title, "closed-circuit telecast" means any such telecast of a
14 professional boxing event as described herein which is not intended
15 to be available for viewing without the payment of a fee, collected
16 for or based upon each event viewed, for the privilege of viewing
17 the telecast, and includes pay-per-view;

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

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

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

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

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

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

12 15. "Kickboxing" means any form of competitive pugilistic
13 professional contest in which blows are delivered with the hand and
14 any part of the foot. Such contests take place in a rope-enclosed
15 ring and are fought in timed rounds;

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

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

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

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

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

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

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

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

18 24. "Professional boxer" means an individual eighteen (18)
19 years of age or older who competes for money, prizes, or purses, or
20 who teaches, instructs, or assists in the practice of boxing or
21 sparring as a means of obtaining pecuniary gain;

22 25. "Professional boxing contest and professional exhibition"
23 means a boxing match conducted within this state in which the

1 participants are persons who must be licensed pursuant to the
2 provisions of the Oklahoma Professional Boxing Licensing Act;

3 26. "Professional wrestling" means noncompetitive unarmed
4 fighting or combat in which two or more participants display their
5 skill by executing blows, throws, or holds to the body of the
6 opponent, and in which it is reasonable to anticipate that the
7 participants strive to entertain spectators rather than to win;

8 27. "Promoter" means any individual, whether a resident or
9 nonresident of Oklahoma, or club or corporation, whether
10 domesticated or not domesticated in Oklahoma, that produces or
11 stages professional contests or professional exhibitions conducted
12 within this state and shall include any officer, director, or
13 employees as defined by the Commission;

14 ~~27.~~ 28. "Pugilism" means boxing or the skill or practice of
15 fighting with the fists;

16 ~~28.~~ 29. "Purse" means the financial guarantee or any other
17 remuneration or thing of value for which a professional boxer
18 participates in a professional boxing contest or professional
19 exhibition and shall include the participant's share of any payment
20 received for radio broadcasting, television, including cable
21 television, pay-per-view television, and closed-circuit television,
22 and motion picture rights. "Purse" shall also include gate receipts
23 and any other prizes;

1 ~~29.~~ 30. "Ring official" means any individual who performs an
2 official function during the progress of a professional boxing
3 contest or professional exhibition including but not limited to
4 timekeepers, judges, referees, and attending physicians;

5 ~~30.~~ 31. "Sanctioning permit" means a permit issued by the
6 Commission to promoters who make application for official approval
7 of professional boxing contests and professional exhibitions;

8 ~~31.~~ 32. "Sparring" means to engage in a form of boxing with
9 jabbing or feinting movements, and the exchange of few heavy blows,
10 such as occurs in a practice or exhibition boxing match;

11 ~~32.~~ 33. "Telecast promoter", for purposes of Sections 621 and
12 622 of this title, means any promoter who shows or causes to be
13 shown in this state a closed-circuit telecast of any professional
14 boxing event, whether or not the telecast or event originates in
15 this state. "Telecast promoter" shall not include a cable system
16 operator;

17 ~~33.~~ 34. "Trainer" means an individual who assists, coaches, or
18 instructs any professional boxer with respect to physical
19 conditioning, strategy, techniques, or preparation for competition,
20 professional boxing contests, or professional exhibitions; and

21 ~~34.~~ 35. "Vendor" means any individual, firm, organization,
22 club, or corporation that participates in the conduct of a
23 professional boxing contest or professional exhibition by offering

1 for sale food or merchandise, including, but not limited to, wearing
2 apparel, alcoholic and nonalcoholic beverages, souvenirs, and
3 programs.

4 B. The Commission may define any term which is not defined in
5 the Oklahoma Professional Boxing Licensing Act.

6 SECTION 2. AMENDATORY Section 3, Chapter 240, O.S.L.
7 1994, as amended by Section 2, Chapter 210, O.S.L. 1999 (3A O.S.
8 Supp. 1999, Section 603), is amended to read as follows:

9 Section 603. A. The Oklahoma Professional Boxing Commission
10 shall have the power and duty to promulgate, prescribe, amend, and
11 repeal rules necessary to implement the provisions of the Oklahoma
12 Professional Boxing Licensing Act, according to the Administrative
13 Procedures Act, including, but not limited to, defining
14 qualifications, categories, limitations, and fees for licenses,
15 permits, and examinations, and establishing bonding, contract, and
16 insurance requirements.

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

22 C. The Oklahoma Professional Boxing Commission shall have the
23 duty and authority to promulgate and enforce rules to provide for

1 licensure of professional wrestling participants and promoters. The
2 rules shall include but not be limited to:

3 1. Health and safety standards for the protection of
4 participants and spectators that are appropriate to the
5 noncompetitive entertainment character of professional wrestling;
6 and

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

9 SECTION 3. AMENDATORY Section 5, Chapter 240, O.S.L.
10 1994, as last amended by Section 5, Chapter 210, O.S.L. 1999 (3A
11 O.S. Supp. 1999, Section 605), is amended to read as follows:

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

21 B. The ~~Commission~~ may State Department of Health shall employ
22 an assistant to keep records of all proceedings relating to
23 professional boxing and professional wrestling and to preserve all

1 books, documents, and papers belonging to the Commission. The
2 assistant shall perform such other duties as the Commission may
3 prescribe. The ~~Commission~~ State Department of Health may employ
4 such other personnel as necessary, subject to statutory full-time-
5 equivalent (FTE) limits applicable to the State Department of
6 Health.

7 C. The State Department of Health shall provide administrative
8 support, including, but not limited to, office space, equipment, and
9 furnishings, for the Commission and shall manage the Commission's
10 funds. Persons employed by the ~~Commission~~ State Department of
11 Health under the Oklahoma Professional Boxing Licensing Act shall
12 serve at the direction and pleasure of the Commission but shall, in
13 all other matters relating to employment, be unclassified employees
14 of the State Department of Health.

15 D. The administrator, the assistant, and any other employees of
16 the ~~Commission~~ State Department of Health assigned to support the
17 Commission pursuant to the Oklahoma Professional Boxing Licensing
18 Act or any persons related to said employees within the third degree
19 by either consanguinity or affinity shall be prohibited from
20 promoting, sponsoring, or having any pecuniary interest in any
21 professional boxing contest or professional exhibition regulated by
22 the Commission with the exception of medical personnel.

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

1 COMMITTEE REPORT BY: COMMITTEE ON BUSINESS & LABOR, dated 3-27-00 -
2 DO PASS.