

1 STATE OF OKLAHOMA

2 2nd Session of the 51st Legislature (2008)

3 COMMITTEE SUBSTITUTE

4 FOR

5 HOUSE BILL NO. 3070

6 By: Shannon

7 COMMITTEE SUBSTITUTE

8 An Act relating to amusements and sports; amending 3A
9 O.S. 2001, Sections 601, 602, 603, 604.1, as last
10 amended by Section 1, Chapter 26, O.S.L. 2005, 604.2,
11 605, as last amended by Section 1, Chapter 178,
12 O.S.L. 2007, 606, as amended by Section 2, Chapter
13 178, O.S.L. 2007, 607, 609, 610, 611, 612, 613, 614,
14 615, 616, as amended by Section 2, Chapter 462,
15 O.S.L. 2005, 617, as last amended by Section 3,
16 Chapter 462, O.S.L. 2005, 619 and 622, as last
17 amended by Section 3, Chapter 184, O.S.L. 2004 (3A
18 O.S. Supp. 2007, Sections 604.1, 605, 606, 616, 617
19 and 622), which relate to the Oklahoma Professional
20 Boxing Licensing Act; renaming the Oklahoma
21 Professional Boxing Licensing Act the Oklahoma State
22 Athletic Commission Act; renaming the Oklahoma
23 Professional Boxing Commission the Oklahoma State
24 Athletic Commission; providing the mission of the
Commission; updating language of act to reflect the
name change; amending 74 O.S. 2001, Section 3906, as
amended by Section 1, Chapter 24, O.S.L. 2005 (74
O.S. Supp. 2007, Section 3906), which relates to
sunset; renaming the Oklahoma Professional Boxing
Commission the Oklahoma State Athletic Commission;
providing an effective date; and declaring an
emergency.

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

1 SECTION 1. AMENDATORY 3A O.S. 2001, Section 601, is
2 amended to read as follows:

3 Section 601. This act shall be known and may be cited as the
4 "~~Oklahoma Professional Boxing Licensing~~ State Athletic Commission
5 Act".

6 SECTION 2. AMENDATORY 3A O.S. 2001, Section 602, is
7 amended to read as follows:

8 Section 602. A. As used in the ~~Oklahoma Professional Boxing~~
9 Licensing State Athletic Commission Act:

10 1. "Administrator" means the administrator of ~~professional~~
11 ~~boxing licensing~~ the Oklahoma State Athletic Commission;

12 2. "Amateur boxer" means a person who has never received or
13 competed for any purse or other article either for the expenses of
14 training therefor or for participating in any boxing contest or
15 professional exhibition which exceeds in monies or other things of
16 value a sum to be determined by the ~~Oklahoma Professional Boxing~~
17 State Athletic Commission;

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

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1 4. "Booking agent" means independent contractors who act as
2 bookers, agents, agencies and representatives who secure engagements
3 and contracts for boxers;

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

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

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

16 8. "Closed-circuit telecast of professional boxing events"
17 means telecast rights, including television, cable television, or
18 pay-per-view telecasts, acquired by paying a licensing fee or by
19 paying a contractual price by a business or individual, including,
20 but not limited to, arenas, entertainment or meeting centers,
21 restaurants, bars, taverns, hotels, motels, clubs, and
22 organizations, which offers the viewing of the event to the public
23 or to private residences. Such events shall include local and state
24 professional boxing contests and professional exhibitions as defined

1 in this section. For purposes of Sections 621 and 622 of this
2 title, "closed-circuit telecast" means any such telecast of a
3 professional boxing event as described herein which is not intended
4 to be available for viewing without the payment of a fee, collected
5 for or based upon each event viewed, for the privilege of viewing
6 the telecast, and includes pay-per-view;

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

10 10. "Commission" means the Oklahoma ~~Professional Boxing~~ State
11 Athletic Commission;

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

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

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

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

23 15. "Kickboxing" means any form of competitive pugilistic
24 professional contest in which blows are delivered with the hand and

1 any part of the foot. Such contests take place in a rope-enclosed
2 ring and are fought in timed rounds;

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

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

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

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

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

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

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

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

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

8 25. "Professional boxing contest and professional exhibition"
9 means a boxing match conducted within this state in which the
10 participants are persons who must be licensed pursuant to the
11 provisions of the Oklahoma ~~Professional Boxing Licensing State~~
12 Athletic Commission Act;

13 26. "Promoter" means any individual, whether a resident or
14 nonresident of Oklahoma, or club or corporation, whether
15 domesticated or not domesticated in Oklahoma, that produces or
16 stages professional contests or professional exhibitions conducted
17 within this state and shall include any officer, director, or
18 employees as defined by the Commission;

19 27. "Pugilism" means boxing or the skill or practice of
20 fighting with the fists;

21 28. "Purse" means the financial guarantee or any other
22 remuneration or thing of value for which a professional boxer
23 participates in a professional boxing contest or professional
24 exhibition and shall include the participant's share of any payment

1 received for radio broadcasting, television, including cable
2 television, pay-per-view television, and closed-circuit television,
3 and motion picture rights. "Purse" shall also include gate receipts
4 and any other prizes;

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

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

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

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

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

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

6 B. The Commission may define any term which is not defined in
7 the Oklahoma ~~Professional Boxing Licensing~~ State Athletic Commission
8 Act.

9 SECTION 3. AMENDATORY 3A O.S. 2001, Section 603, is
10 amended to read as follows:

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

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

1 SECTION 4. AMENDATORY 3A O.S. 2001, Section 604.1, as
2 last amended by Section 1, Chapter 26, O.S.L. 2005 (3A O.S. Supp.
3 2007, Section 604.1), is amended to read as follows:

4 Section 604.1 A. There is hereby created, until July 1, 2011,
5 in accordance with the Oklahoma Sunset Law, the Oklahoma
6 ~~Professional Boxing~~ State Athletic Commission, which shall be
7 composed of nine (9) members appointed by the Governor with the
8 advice and consent of the Senate. The member of the Commission
9 initially appointed pursuant to this act shall serve a term of three
10 (3) years that shall expire on June 30, 2006. Members appointed to
11 the Commission shall serve for terms of three (3) years. Terms of
12 office shall expire on June 30. All vacancies and unexpired terms
13 shall be filled in the same manner as the original appointment and
14 within sixty (60) days from the date of the vacancy. Members may be
15 removed by the Governor for incompetence, willful neglect of duty,
16 corruption in office, or malfeasance in office.

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

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

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

23 3. One member shall have experience in sports medicine;

24

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

3 5. Four members shall represent the public at large as lay
4 members.

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

10 D. The members of the Commission shall elect from their
11 membership a chair and vice-chair to serve for one (1) year terms.
12 A majority of the members shall constitute a quorum for the purpose
13 of conducting the business of the Commission. The Commission shall
14 meet at least quarterly, and special meetings may be called by the
15 chair.

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

19 F. All members of the Commission and such employees as
20 determined by the Commission shall be bonded as required by Sections
21 85.26 through 85.31 of Title 74 of the Oklahoma Statutes.

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

1 SECTION 5. AMENDATORY 3A O.S. 2001, Section 604.2, is
2 amended to read as follows:

3 Section 604.2 A. The mission of the Oklahoma State Athletic
4 Commission shall be to expand and promote existing sporting events
5 in Oklahoma and to actively work to bring new sporting events into
6 Oklahoma.

7 B. The Commission shall have the power to:

8 1. Promulgate rules and issue orders necessary to carry out the
9 purposes of the Oklahoma ~~Professional Boxing Licensing~~ State
10 Athletic Commission Act, and enforce the provisions of said act and
11 the rules promulgated pursuant thereto;

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

18 3. Set license and permit fees pursuant to the requirements of
19 the Oklahoma ~~Professional Boxing Licensing~~ State Athletic Commission
20 Act;

21 4. Conduct investigations into the qualifications of applicants
22 for licensure and registration;

23 5. Conduct investigations and proceedings for alleged
24 violations of the Oklahoma ~~Professional Boxing Licensing~~ State

1 Athletic Commission Act and order or subpoena the attendance of
2 witnesses, the inspection of records and premises, and the
3 production of relevant books and papers necessary to such
4 investigations and proceedings;

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

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

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

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

23 ~~D.~~ E. All personnel, powers, duties, responsibilities, fund
24 balances, encumbrances, obligations, and property, which shall

1 include records, furniture, and equipment of the Department of Labor
2 relating to the regulation of boxing, are hereby transferred to the
3 Oklahoma ~~Professional Boxing~~ State Athletic Commission Commission.

4 SECTION 6. AMENDATORY 3A O.S. 2001, Section 605, as last
5 amended by Section 1, Chapter 178, O.S.L. 2007 (3A O.S. Supp. 2007,
6 Section 605), is amended to read as follows:

7 Section 605. A. The Oklahoma ~~Professional Boxing~~ State
8 Athletic Commission may employ an administrator ~~of professional~~
9 ~~boxing licensing~~ to oversee the organization and activities of the
10 Commission and to ensure compliance with rules promulgated by the
11 Commission ~~on matters relating to professional boxing~~. The
12 administrator shall perform such other duties as the Commission may
13 prescribe. The salary of the administrator shall be set by the
14 Commission. The position of administrator ~~of professional boxing~~
15 ~~licensing~~ shall be an unclassified position.

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

23 C. The State Department of Health shall provide administrative
24 support for the Commission, including, but not limited to, office

1 space, equipment, and furnishings, payroll and employee benefit
2 administration and processing, and travel and expense reimbursement,
3 and shall manage the Commission's funds at the direction of the
4 Commission. The State Department of Health shall be entitled to
5 reimbursement for the actual cost of providing said administrative
6 support to the Commission from the ~~Professional Boxing Licensing~~
7 Oklahoma State Athletic Commission Revolving Fund; provided that
8 said reimbursement shall not exceed in any year ten percent (10%) of
9 the total revenue deposited in the fund in the preceding fiscal year
10 received from fees, administrative fines, reimbursements, bond
11 proceeds and sale of materials, but not including cash bonds held in
12 trust by the Commission. Upon a written directive of expenditure
13 from Commission funds signed by a majority of the Commission members
14 or the Commission administrator, the State Department of Health
15 shall process and make payment for said expenditure from Commission
16 funds within fifteen (15) business days of receipt of the written
17 directive from the State Department of Health. All other
18 Commission-directed expenditures shall be processed according to
19 State Department of Health policy.

20 D. Employees of the Commission shall be considered unclassified
21 employees of the State Department of Health only for the purpose of
22 administrative support provided by the State Department of Health as
23 prescribed in subsection C of this section. Persons employed by the
24 Commission shall serve at the direction and pleasure of the

1 Commission and shall answer directly to the Commission administrator
2 and the Commission.

3 E. The administrator, the assistant, and any other employees of
4 the Commission or any persons related to said employees within the
5 third degree by either consanguinity or affinity shall be prohibited
6 from promoting, sponsoring, or having any pecuniary interest in any
7 professional boxing contest or professional exhibition regulated by
8 the Commission with the exception of medical personnel.

9 SECTION 7. AMENDATORY 3A O.S. 2001, Section 606, as
10 amended by Section 2, Chapter 178, O.S.L. 2007 (3A O.S. Supp. 2007,
11 Section 606), is amended to read as follows:

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

17 B. Specifically exempt from the provisions of the Oklahoma
18 ~~Professional Boxing Licensing~~ State Athletic Commission Act are the
19 contests or exhibitions conducted or sponsored by:

20 1. Any school, college, or university where the participants
21 are students regularly enrolled in such institutions and the
22 instructors, coaches, and trainers are employees of such
23 institutions. The term "school, college, or university" shall not
24

1 include a school or other institution whose principal purpose is to
2 furnish instruction in boxing or sparring;

3 2. Any military installation or branch of the Armed Forces
4 where the participants are employed by the military installation or
5 are members of the branch of the Armed Forces sponsoring the contest
6 or exhibition; and

7 3. Amateur boxing matches which are sanctioned by a Commission-
8 approved and nationally recognized amateur sanctioning body. To
9 obtain an exemption from the Oklahoma ~~Professional Boxing Licensing~~
10 State Athletic Commission Act under this paragraph, a nationally
11 recognized amateur sanctioning body must present itself to the
12 Commission and provide a copy of its rules and bylaws for Commission
13 review and approval. Upon approval, the Commission, or its
14 designated representatives, may visit, attend, investigate and
15 audit, as the Commission deems necessary, any match, event,
16 sanctioning body office or event office for the purpose of
17 determining whether the rules and bylaws of the amateur sanctioning
18 body as submitted to the Commission are being followed. The
19 Commission administrator shall immediately rescind approval of any
20 nationally recognized amateur sanctioning body, pending a hearing,
21 if said sanctioning body is found to be negligent or noncommittal in
22 the enforcement of the rules and bylaws presented to and approved by
23 the Commission.

24

1 C. The following persons are specifically exempt from the
2 provisions of the Oklahoma ~~Professional Boxing Licensing~~ State
3 Athletic Commission Act:

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

6 2. Instructors of amateur boxers if such instructors are not
7 required to be licensed pursuant to other provisions of the Oklahoma
8 ~~Professional Boxing Licensing~~ State Athletic Commission Act.

9 SECTION 8. AMENDATORY 3A O.S. 2001, Section 607, is
10 amended to read as follows:

11 Section 607. A. The Oklahoma ~~Professional Boxing~~ State
12 Athletic Commission shall promulgate rules necessary to implement
13 processes for issuing sanctioning permits for professional boxing
14 contests and professional exhibitions held or given in this state
15 and for issuing licenses for participants of sanctioned contests and
16 exhibitions, except those events and persons specifically exempt by
17 the provisions of the Oklahoma ~~Professional Boxing Licensing~~ State
18 Athletic Commission Act.

19 B. All persons or entities who participate in any professional
20 boxing contest or professional exhibition sanctioned by the
21 Commission, including, but not limited to, professional boxers,
22 trainers, managers, corner persons, booking agents, matchmakers,
23 promoters, referees, judges, timekeepers, vendors, physicians,
24 announcers, clubs, and corporations associated with a professional

1 boxing contest or professional exhibition sanctioned by the
2 Commission, shall be required to make application to the Commission
3 for a license to participate in this state in any professional
4 boxing contest or professional exhibition sanctioned by the
5 Commission.

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

9 D. The Commission shall determine reasonable costs and fees
10 associated with issuing sanctioning permits and licenses. All costs
11 and fees for sanctioning an event shall be payable by the promoter
12 making application for a sanctioning permit. Costs and fees for a
13 license may be paid by the participant making application or by the
14 promoter of an event sanctioned by the Commission.

15 E. A sanctioning permit shall be in effect upon the date issued
16 by the Commission and shall expire upon the conclusion of the event,
17 unless the sanctioning permit is suspended or revoked for just cause
18 by the Commission. Licenses shall be in effect upon the date issued
19 by the Commission, and all licenses shall expire June 30 unless the
20 license is suspended or revoked for just cause by the Commission.

21 F. Only promoters whose professional boxing contests and
22 professional exhibitions have been sanctioned by the Commission are
23 authorized to place a notice of sanction on printed and promotional
24 materials associated with the sanctioned event, which shall include

1 but not be limited to advertising, tickets, programs, posters,
2 souvenirs, wearing apparel, billboards, marquees and promotional
3 signs inside and outside the venue where the event is to be held,
4 and broadcasting, including, but not limited to, radio, television,
5 including cable television, pay-per-view television, and closed-
6 circuit television and motion pictures of the event. The notice of
7 sanction shall substantially state the following:

8 "Pursuant to the provisions of Section 601 et seq. of Title
9 3A of the Oklahoma Statutes and the rules of the Oklahoma
10 ~~Professional Boxing~~ State Athletic Commission, THIS EVENT
11 IS SANCTIONED BY THE OKLAHOMA ~~PROFESSIONAL BOXING~~ STATE
12 ATHLETIC COMMISSION. Sanctioning Permit No. _____."

13 G. All fees and other monies resulting from sanctioning
14 professional boxing contests and professional exhibitions and
15 licenses shall be placed to the credit of the Oklahoma ~~Professional~~
16 ~~Boxing Licensing~~ State Athletic Commission Revolving Fund.

17 SECTION 9. AMENDATORY 3A O.S. 2001, Section 609, is
18 amended to read as follows:

19 Section 609. A. A sanctioning permit issued by the Oklahoma
20 ~~Professional Boxing~~ State Athletic Commission shall be required in
21 order to conduct, sponsor, hold, or participate in professional
22 boxing contests or professional exhibitions.

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

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

4 SECTION 10. AMENDATORY 3A O.S. 2001, Section 610, is
5 amended to read as follows:

6 Section 610. A. The Oklahoma ~~Professional Boxing State~~
7 Athletic Commission may issue, withhold, suspend, or revoke any and
8 all licenses and sanctioning permits required by the provisions of
9 the Oklahoma ~~Professional Boxing Licensing State Athletic Commission~~
10 Act or the rules promulgated by the Commission. The Commission may
11 also censure or reprimand any licensee or sanctioning permit holder.

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

17 SECTION 11. AMENDATORY 3A O.S. 2001, Section 611, is
18 amended to read as follows:

19 Section 611. Before issuing any license or sanctioning permit,
20 the Oklahoma ~~Professional Boxing State Athletic Commission~~ shall
21 consider the following in order of importance:

22 1. The preservation of the safety and health of the
23 participants;

24 2. The best interest and welfare of the public; and

1 3. The best interest of professional boxing in general.

2 SECTION 12. AMENDATORY 3A O.S. 2001, Section 612, is
3 amended to read as follows:

4 Section 612. A. Before any sanctioning permit is issued to any
5 promoter to conduct or hold a professional boxing contest or
6 professional exhibition, the applicant shall file with the Oklahoma
7 ~~Professional Boxing~~ State Athletic Commission a security in the form
8 of a bond, cash, certificate of deposit, or other securities
9 acceptable to the Commission, payable to the State of Oklahoma in an
10 amount determined by the Commission, executed by the applicant and a
11 surety company or companies authorized to do business in this state,
12 and conditioned upon the faithful performance by the promoter, which
13 shall include but not be limited to the cancellation of a
14 professional boxing contest or professional exhibition without good
15 cause as determined by the Commission once the professional boxing
16 contest or professional exhibition has been approved by the
17 Commission.

18 B. The security required under this section shall guarantee the
19 payment of all taxes, fees, fines and other monies due and payable
20 pursuant to the provisions of the Oklahoma ~~Professional Boxing~~
21 Licensing State Athletic Commission Act and the rules promulgated by
22 the Commission, including, but not limited to, the payment of purses
23 to the competitors, any contributions for required insurance,
24 pensions, disability and medical examinations, the repayment to

1 ticket holders of purchased tickets, the payment of fees to ring
2 officials and physicians, and, in the event of the cancellation of a
3 professional boxing contest or professional exhibition approved by
4 the Commission without good cause, an amount determined by the
5 Commission.

6 C. After issuance of a sanctioning permit to a promoter, the
7 Commission may modify the amount of security required to ensure
8 adequate and sufficient coverage for payments of taxes, fees, fines,
9 purses, and other monies due and payable pursuant to the provisions
10 of this section. Failure of any promoter to obtain the modified
11 security required pursuant to this subsection within such period of
12 time as the Commission may prescribe, shall be grounds for
13 revocation of the sanctioning permit of such promoter.

14 D. All proceeds of securities collected pursuant to the
15 provisions of this section shall be placed to the credit of the
16 Oklahoma ~~Professional Boxing Licensing~~ State Athletic Commission
17 Revolving Fund.

18 SECTION 13. AMENDATORY 3A O.S. 2001, Section 613, is
19 amended to read as follows:

20 Section 613. The Oklahoma ~~Professional Boxing~~ State Athletic
21 Commission may:

22 1. Subpoena witnesses and compel the production of any and all
23 books, memoranda, documents, papers, and records showing the
24 receipts and disbursements of any individual, club, or corporation

1 licensed under the provisions of the Oklahoma ~~Professional Boxing~~
2 Licensing State Athletic Commission Act;

3 2. Administer oaths or affirmations to witnesses;

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

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

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

17 SECTION 14. AMENDATORY 3A O.S. 2001, Section 614, is
18 amended to read as follows:

19 Section 614. A. If upon inspection or investigation, or
20 whenever the Oklahoma ~~Professional Boxing~~ State Athletic Commission
21 determines that a violation of the Oklahoma ~~Professional Boxing~~
22 Licensing State Athletic Commission Act or of any order, standard,
23 or rule promulgated pursuant to the provisions of the Oklahoma
24 ~~Professional Boxing Licensing~~ State Athletic Commission Act has

1 occurred, the Commission shall give written notice to the alleged
2 violator specifying the cause of the determination. Such notice
3 shall require that the violations be corrected and specify the terms
4 of such correction or that the alleged violator appear before the
5 Commission at a time and place specified in the notice and answer
6 the charges.

7 B. The Commission shall afford the alleged violator an
8 opportunity for a hearing conducted in conformity with, and records
9 made thereof as provided by the provisions of, the Oklahoma
10 Administrative Procedures Act. On the basis of the evidence
11 produced at the hearing, the Commission shall make findings of fact
12 and conclusions of law and enter an order thereon. The Commission
13 shall provide written notice of such order to the alleged violator
14 and to such other persons as shall have appeared at the hearing and
15 made written request for notice of the order.

16 C. Upon the request of the Commission, the Attorney General
17 shall bring an action against any person violating any of the
18 provisions of the Oklahoma ~~Professional Boxing Licensing~~ State
19 Athletic Commission Act or violating any order or determination of
20 the Commission.

21 SECTION 15. AMENDATORY 3A O.S. 2001, Section 615, is
22 amended to read as follows:

23 Section 615. A. Any person who violates the provisions of the
24 Oklahoma ~~Professional Boxing Licensing~~ State Athletic Commission

1 Act, upon conviction, shall be guilty of a misdemeanor and shall be
2 punished by the imposition of a fine of not more than One Thousand
3 Dollars (\$1,000.00) or by incarceration in the county jail for not
4 more than thirty (30) days or by both such fine and incarceration.
5 The Oklahoma ~~Professional Boxing~~ State Athletic Commission shall
6 suspend or revoke the license of any person convicted of violating
7 the provisions of the Oklahoma ~~Professional Boxing Licensing~~ State
8 Athletic Commission Act.

9 B. In addition to other penalties provided by law, if after a
10 hearing in accordance with the provisions of Section 601 et seq. of
11 this title, the Commission shall find any person to be in violation
12 of any of the provisions, such person may be subject to an
13 administrative fine of not more than Five Hundred Dollars (\$500.00)
14 or not more than one percent (1%) of gross revenues received for
15 each violation. Each day a person is in violation of the provisions
16 of Section 601 et seq. of this title may constitute a separate
17 violation. All administrative fines collected pursuant to the
18 provisions of this subsection shall be placed to the credit of the
19 Oklahoma ~~Professional Boxing Licensing~~ State Athletic Commission
20 Revolving Fund created pursuant to the provisions of Section 601 et
21 seq. of this title. Administrative fines imposed pursuant to this
22 subsection shall be enforceable in the district courts of this
23 state.

24

1 C. Upon the request of the Commission, the Attorney General may
2 make application to the appropriate court for an order enjoining the
3 acts or practices prohibited by the provisions of Section 601 et
4 seq. of this title, and upon a showing that the person has engaged
5 in any of the prohibited acts or practices, an injunction,
6 restraining order, or other order as may be appropriate shall be
7 granted by the court.

8 SECTION 16. AMENDATORY 3A O.S. 2001, Section 616, as
9 amended by Section 2, Chapter 462, O.S.L. 2005 (3A O.S. Supp. 2007,
10 Section 616), is amended to read as follows:

11 Section 616. A. There is hereby created in the State Treasury
12 a revolving fund for the Oklahoma ~~Professional Boxing~~ State Athletic
13 Commission to be designated the "~~Professional Boxing Licensing~~
14 Oklahoma State Athletic Commission Revolving Fund". The fund shall
15 be a continuing fund, not subject to fiscal year limitations, and
16 shall consist of all monies received from fees, administrative
17 fines, reimbursements, bond proceeds, and sale of materials, and
18 shall include grants and gifts, pursuant to the Oklahoma
19 ~~Professional Boxing Licensing~~ State Athletic Commission Act. All
20 monies accruing to the credit of said fund are hereby appropriated
21 and may be budgeted and expended by the State Department of Health
22 as directed by the Commission for the purpose of implementing the
23 provisions of the Oklahoma ~~Professional Boxing Licensing~~ State
24 Athletic Commission Act; provided, revenue in excess of Three

1 Hundred Thousand Dollars (\$300,000.00) during any fiscal year shall
2 be deposited to the credit of the General Revenue Fund of the State
3 Treasury. Expenditures from said fund shall be made upon warrants
4 issued by the State Treasurer against claims filed as prescribed by
5 law with the Director of State Finance for approval and payment.

6 B. The "~~Oklahoma~~ Professional Boxing Licensing Revolving Fund"
7 created for the Department of ~~Labor~~ Health is hereby abolished. On
8 July 1, ~~1999~~ 2008, any unencumbered funds remaining in the ~~Oklahoma~~
9 Professional Boxing Licensing Revolving Fund shall be transferred to
10 the credit of the ~~Professional Boxing Licensing~~ Oklahoma State
11 Athletic Commission Revolving Fund. Any unexpended funds remaining
12 in the ~~Oklahoma~~ Professional Boxing Licensing Revolving Fund after
13 November 1, ~~1999~~ 2008, shall be transferred to the credit of the
14 ~~Professional Boxing Licensing~~ Oklahoma State Athletic Commission
15 Revolving Fund.

16 SECTION 17. AMENDATORY 3A O.S. 2001, Section 617, as
17 last amended by Section 3, Chapter 462, O.S.L. 2005 (3A O.S. Supp.
18 2007, Section 617), is amended to read as follows:

19 Section 617. A. Except as otherwise provided in the Oklahoma
20 ~~Professional Boxing Licensing~~ State Athletic Commission Act, in
21 addition to the payment of any other fees and monies due pursuant to
22 the Oklahoma ~~Professional Boxing Licensing~~ State Athletic Commission
23 Act and the rules promulgated by the Oklahoma ~~Professional Boxing~~
24 State Athletic Commission, an assessment as provided herein in an

1 amount not to exceed five percent (5%) of the total gross receipts
2 of any professional boxing contest or professional exhibition,
3 exclusive of any federal tax or tax imposed by any political
4 subdivision of this state, shall be hereby levied and shall be
5 remitted by every promoter and vendor to the Oklahoma ~~Professional~~
6 ~~Boxing~~ State Athletic Commission; provided, however, if the
7 promotion originates in Oklahoma, the promoter and vendor shall only
8 be liable for assessments on the total gross receipts specified in
9 subsections C, D and E of this section and shall not also be liable
10 for the assessments specified in Section 622 of this title.

11 B. The assessment established in subsection A of this section
12 shall be calculated as follows:

13 1. Five percent (5%) for an event for which the total gross
14 receipts do not exceed One Hundred Thousand Dollars (\$100,000.00);

15 2. Four percent (4%) for an event for which the total gross
16 receipts are between One Hundred Thousand One Dollars (\$100,001.00)
17 and Two Hundred Thousand Dollars (\$200,000.00);

18 3. Three percent (3%) for an event for which the total gross
19 receipts are between Two Hundred Thousand One Dollars (\$200,001.00)
20 and Three Hundred Fifty Thousand Dollars (\$350,000.00);

21 4. Two percent (2%) for an event for which the total gross
22 receipts are between Three Hundred Fifty Thousand One Dollars
23 (\$350,001.00) and Five Hundred Thousand Dollars (\$500,000.00); and
24

1 5. One and one-half percent (1.5%) for an event for which the
2 total gross receipts are more than Five Hundred Thousand One Dollars
3 (\$500,001.00).

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

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

13 2. The face value of all tickets sold; and

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

18 D. For professional boxing contests or professional exhibitions
19 at which admission tickets are not sold, the promoter shall remit an
20 assessment equal to five percent (5%) of the revenues received by
21 the promoter for the event.

22 E. For the purpose of this section, total gross receipts of
23 every vendor shall include the gross price charged for the sale of
24 food, alcoholic and nonalcoholic beverages, and merchandise

1 including, but not limited to, wearing apparel, souvenirs, and
2 programs, excluding that portion paid to any promoter.

3 F. Payment of the assessment on gross receipts, excepting for
4 motion picture rights, shall be due within seventy-two (72) hours
5 after the holding of the professional boxing contest or professional
6 exhibition and shall be accompanied by a report in such form as
7 shall be prescribed by the Oklahoma ~~Professional Boxing~~ State
8 Athletic Commission.

9 G. The first payment of the assessment on gross income received
10 from the sale of motion picture rights shall be due at the end of
11 the month after the date of the sale of the motion picture rights,
12 and further payments shall be due every thirty (30) days thereafter,
13 during the presentation of the picture, and shall be accompanied by
14 a gross receipts report in such form as shall be prescribed by the
15 Oklahoma ~~Professional Boxing~~ State Athletic Commission.

16 H. Gross receipts reports signed under oath shall also include:

17 1. The name of the promoter;

18 2. The boxing contest or professional exhibition sanctioning
19 permit number;

20 3. The promoter's business address and any license or permit
21 number required of such promoter by law;

22 4. Gross receipts as specified by this section, during the
23 period specified by this section; and
24

1 5. Such further information as the Oklahoma ~~Professional Boxing~~
2 State Athletic Commission may require to enable it to compute
3 correctly and collect the assessment levied pursuant to this
4 section.

5 I. In addition to the information required on reports, the
6 Oklahoma ~~Professional Boxing~~ State Athletic Commission may request,
7 and the promoter shall furnish, any information deemed necessary for
8 a correct computation of the assessment levied pursuant to this
9 section.

10 J. All levies pursuant to this section shall be collected by
11 the Commission and shall be placed to the credit of the ~~Professional~~
12 ~~Boxing Licensing~~ Oklahoma State Athletic Commission Revolving Fund.

13 K. The monies collected from the assessment levied pursuant to
14 the provisions of this section shall be in addition to all other
15 revenues and funds received by the Oklahoma ~~Professional Boxing~~
16 State Athletic Commission.

17 L. The promoter shall compute and pay to the Oklahoma
18 ~~Professional Boxing~~ State Athletic Commission the required
19 assessment due. If the payment of the assessment is not postmarked
20 or delivered to the Oklahoma ~~Professional Boxing~~ State Athletic
21 Commission as specified in subsection F or G of this section,
22 whichever is appropriate, the assessment shall be delinquent from
23 such date.

1 M. It shall be the duty of every promoter required to make a
2 gross receipts report and pay any assessment pursuant to the
3 provisions of this section to keep and preserve suitable records and
4 documents which may be necessary to determine the amount of
5 assessment due as will substantiate and prove the accuracy of such
6 reports. All such records shall be preserved for a period of three
7 (3) years, unless the Oklahoma ~~Professional Boxing~~ State Athletic
8 Commission, in writing, has authorized their destruction or disposal
9 at an earlier date, and shall be open to examination at any time by
10 the Oklahoma ~~Professional Boxing~~ State Athletic Commission or by any
11 of its authorized employees.

12 SECTION 18. AMENDATORY 3A O.S. 2001, Section 619, is
13 amended to read as follows:

14 Section 619. Beginning February 1, 2000, the Oklahoma
15 ~~Professional Boxing~~ State Athletic Commission shall file an annual
16 report of boxing activities in Oklahoma with the Governor, the
17 President Pro Tempore of the Senate, and the Speaker of the House of
18 Representatives. Said report shall include but not be limited to
19 the amount of revenue collected, the number of permits and licenses
20 issued and revoked, the number of violations of the Oklahoma
21 ~~Professional Boxing Licensing~~ State Athletic Commission Act, and the
22 number of professional boxing contests and exhibitions conducted.

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1 SECTION 19. AMENDATORY 3A O.S. 2001, Section 622, as
2 last amended by Section 3, Chapter 184, O.S.L. 2004 (3A O.S. Supp.
3 2007, Section 622), is amended to read as follows:

4 Section 622. A. Where the Oklahoma distribution rights for a
5 closed-circuit telecast to be viewed in this state are in whole
6 owned by, sold to, acquired by or held by any person who intends to
7 or subsequently sells or, in some other manner, extends such rights
8 in part to another, then such person is deemed to be a telecast
9 promoter. The Commission may provide, by rule, for additional
10 licensed telecast promoters to participate in the distribution
11 rights and share in the liability for assessments to be paid to the
12 Commission. Closed-circuit telecasts of a boxing event shall not be
13 telecast from, in, or into this state except under the auspices of a
14 telecast promoter licensed in this state. The telecast promoter
15 shall be responsible for filing the appropriate reports with and
16 paying assessments to the Commission.

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

23 C. Any person or facility owner or operator intending to show
24 the closed-circuit telecast, whether or not an admission fee will be

1 charged, must receive authorization to show the telecast from the
2 telecast promoter prior to the telecast. The showing of a closed-
3 circuit telecast, whether or not an admission fee is charged,
4 without the authorization of the licensed telecast promoter is
5 prohibited. Delayed showing of a closed-circuit telecast also
6 requires the authorization of the telecast promoter. Information
7 received by the Commission of the names of persons showing a closed-
8 circuit telecast in violation of this section shall be furnished to
9 the appropriate district attorney's office for prosecution.

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

18 2. The report shall be accompanied by an assessment payment
19 equal to four percent (4%) of the total gross receipts from the
20 broadcast, excluding any federal, state or local taxes.

21 3. The Commission may require the owner or operator of the
22 facility where the telecast is being shown to file a report
23 containing information regarding the amount paid to the telecast
24 promoter for the right to broadcast the telecast, the quality of the

1 audio and video signal, and any other information the Commission
2 deems appropriate.

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

11 2. The cable system operator shall withhold from the proceeds
12 due to the telecast promoter the four-percent assessment payment
13 required pursuant to paragraph 1 of this subsection and remit the
14 assessment to the Commission on behalf of the telecast promoter.
15 The cable system operator shall not be liable for the remittance of
16 the assessment fee required in paragraph 1 of this subsection from
17 any proceeds due to the cable system operator from their pay-per-
18 view events.

19 3. The Commission shall require the cable system operator to
20 file reports containing information regarding the number of orders
21 sold and the price charged for orders and any other information the
22 Commission deems appropriate.

23 4. Cable system operators shall not be liable to the Commission
24 for the assessment payment. Nothing in this section shall be deemed

1 to prevent a cable system operator from billing its customer for the
2 assessment payment.

3 5. The Commission shall, upon request, provide the telecast
4 promoter with a report detailing the number of orders and the
5 assessment payment due.

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

10 G. Any telecast promoter who willfully fails, neglects, or
11 refuses to make a report or cause to be paid the assessment as
12 prescribed, or who refuses to allow the Commission to examine the
13 books, papers, and records of any promotion is guilty of a
14 misdemeanor, punishable as provided by law. Any remitter who
15 willfully fails, neglects, or refuses to remit the assessment as
16 prescribed, is guilty of a misdemeanor, punishable as provided by
17 law.

18 H. By rule, the Commission shall establish administrative
19 penalties as specified in the Oklahoma ~~Professional Boxing Licensing~~
20 State Athletic Commission Act for the late payment of assessments,
21 noncompliance with the Oklahoma ~~Professional Boxing Licensing~~ State
22 Athletic Commission Act, and the late filing of reports and shall
23 prescribe conditions, if any, under which a fine may be waived.

24 I. No cable system operator shall be:

1 1. Prohibited from broadcasting any boxing event, whether or
2 not the promoter or distributor is in compliance with the provisions
3 of the Oklahoma ~~Professional Boxing Licensing~~ State Athletic
4 Commission Act, for which it has a contract or other legal
5 obligation to broadcast;

6 2. Required, as a result of any noncompliance with the
7 provisions of this act by any promoter or distributor, to modify,
8 delete, or cancel any programming which it has a contractual or
9 legal obligation to air; and

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

15 SECTION 20. AMENDATORY 74 O.S. 2001, Section 3906, as
16 amended by Section 1, Chapter 24, O.S.L. 2005 (74 O.S. Supp. 2007,
17 Section 3906), is amended to read as follows:

18 Section 3906. The following statutory entities and their
19 successors shall be terminated on July 1, 2011, and all powers,
20 duties and functions shall be abolished one (1) year thereafter:

21 1. Polygraph Examiners Board as created by Section 1455 of
22 Title 59 of the Oklahoma Statutes;

23 2. State Board of Osteopathic Examiners as created by Section
24 624 of Title 59 of the Oklahoma Statutes;

1 3. Board of Podiatric Medical Examiners as created by Section
2 137 of Title 59 of the Oklahoma Statutes; and

3 4. Oklahoma ~~Professional Boxing~~ State Athletic Commission as
4 created by Section 604.1 of Title 3A of the Oklahoma Statutes.

5 SECTION 21. This act shall become effective July 1, 2008.

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

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