

THE HOUSE OF REPRESENTATIVES
Thursday, February 28, 2008

Committee Substitute for
House Bill No. 3070

COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 3070 - By: SHANNON, JOYNER
AND LUTTRELL of the House.

An Act relating to amusements and sports; amending 3A O.S. 2001, Sections 601, 602, 603, 604.1, as last amended by Section 1, Chapter 26, O.S.L. 2005, 604.2, 605, as last amended by Section 1, Chapter 178, O.S.L. 2007, 606, as amended by Section 2, Chapter 178, O.S.L. 2007, 607, 609, 610, 611, 612, 613, 614, 615, 616, as amended by Section 2, Chapter 462, O.S.L. 2005, 617, as last amended by Section 3, Chapter 462, O.S.L. 2005, 619 and 622, as last amended by Section 3, Chapter 184, O.S.L. 2004 (3A O.S. Supp. 2007, Sections 604.1, 605, 606, 616, 617 and 622), which relate to the Oklahoma Professional Boxing Licensing Act; renaming the Oklahoma Professional Boxing Licensing Act the Oklahoma State Athletic Commission Act; renaming the Oklahoma Professional Boxing Commission the Oklahoma State 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 amended to read as
- 2 follows:
- 3 Section 601. This act shall be known and may be cited as the "Oklahoma
- 4 ~~Professional Boxing Licensing~~ State Athletic Commission Act".

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

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

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

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

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

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

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

UNDERLINED language denotes Amendments to present Statutes.
BOLD FACE CAPITALIZED language denotes Committee Amendments.
~~Strike thru~~ language denotes deletion from present Statutes.

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

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

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

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

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

- 1 11. "Contest" means a boxing match in which it is reasonable to anticipate that the
2 participants strive earnestly in good faith to win;
- 3 12. "Corner person" means, but shall not be limited to, a trainer, a second, or any
4 other individual who attends the participant during a match;
- 5 13. "Exhibition" means a boxing match in which the participants show or display
6 their skill without necessarily striving to win, such as sparring;
- 7 14. "Judge" means an individual other than a referee who shall have a vote in
8 determining the winner of any contest;
- 9 15. "Kickboxing" means any form of competitive pugilistic professional contest in
10 which blows are delivered with the hand and any part of the foot. Such contests take
11 place in a rope-enclosed ring and are fought in timed rounds;
- 12 16. "License" means a certificate issued by the Commission to participants of
13 sanctioned professional boxing contests and professional exhibitions and is a mandatory
14 requirement for participation in such events;
- 15 17. "Manager" means an individual who controls or administers the affairs of any
16 professional boxer, including acting as a booking agent. "Manager" shall include the
17 representative of a manager as defined by the Commission;
- 18 18. "Martial arts" means any form of karate, kung fu, tae kwon-do, or any other
19 form of martial or self-defense art;
- 20 19. "Matchmaker" means an individual who brings together professional boxers or
21 arranges professional boxing contests or professional exhibitions;

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

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

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

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

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

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

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

- 1 27. "Pugilism" means boxing or the skill or practice of fighting with the fists;
- 2 28. "Purse" means the financial guarantee or any other remuneration or thing of
3 value for which a professional boxer participates in a professional boxing contest or
4 professional exhibition and shall include the participant's share of any payment received
5 for radio broadcasting, television, including cable television, pay-per-view television, and
6 closed-circuit television, and motion picture rights. "Purse" shall also include gate
7 receipts and any other prizes;
- 8 29. "Ring official" means any individual who performs an official function during
9 the progress of a professional boxing contest or professional exhibition including but not
10 limited to timekeepers, judges, referees, and attending physicians;
- 11 30. "Sanctioning permit" means a permit issued by the Commission to promoters
12 who make application for official approval of professional boxing contests and
13 professional exhibitions;
- 14 31. "Sparring" means to engage in a form of boxing with jabbing or feinting
15 movements, and the exchange of few heavy blows, such as occurs in a practice or
16 exhibition boxing match;
- 17 32. "Telecast promoter", for purposes of Sections 621 and 622 of this title, means
18 any promoter who shows or causes to be shown in this state a closed-circuit telecast of
19 any professional boxing event, whether or not the telecast or event originates in this
20 state. "Telecast promoter" shall not include a cable system operator;

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

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

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

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

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

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

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

4 Section 604.1 A. There is hereby created, until July 1, 2011, in accordance with the
5 Oklahoma Sunset Law, the Oklahoma ~~Professional Boxing~~ State Athletic Commission,
6 which shall be composed of nine (9) members appointed by the Governor with the advice
7 and consent of the Senate. The member of the Commission initially appointed pursuant
8 to this act shall serve a term of three (3) years that shall expire on June 30, 2006.

9 Members appointed to the Commission shall serve for terms of three (3) years. Terms of
10 office shall expire on June 30. All vacancies and unexpired terms shall be filled in the
11 same manner as the original appointment and within sixty (60) days from the date of the
12 vacancy. Members may be removed by the Governor for incompetence, willful neglect of
13 duty, corruption in office, or malfeasance in office.

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

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

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

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

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

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

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

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

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

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

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

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

19 Section 604.2 A. The mission of the Oklahoma State Athletic Commission shall be
20 to expand and promote existing sporting events in Oklahoma and to actively work to
21 bring new sporting events into Oklahoma.

22 B. The Commission shall have the power to:

- 1 1. Promulgate rules and issue orders necessary to carry out the purposes of the
2 Oklahoma ~~Professional Boxing Licensing~~ State Athletic Commission Act, and enforce the
3 provisions of said act and the rules promulgated pursuant thereto;
- 4 2. Assume jurisdiction over all matters relating to the licensing of professional
5 boxers, trainers, managers, corner persons, booking agents, matchmakers, promoters,
6 referees, judges, timekeepers, vendors, physicians, announcers, clubs, and corporations
7 associated with a professional boxing contest, or professional exhibition related thereto;
- 8 3. Set license and permit fees pursuant to the requirements of the Oklahoma
9 ~~Professional Boxing Licensing~~ State Athletic Commission Act;
- 10 4. Conduct investigations into the qualifications of applicants for licensure and
11 registration;
- 12 5. Conduct investigations and proceedings for alleged violations of the Oklahoma
13 ~~Professional Boxing Licensing~~ State Athletic Commission Act and order or subpoena the
14 attendance of witnesses, the inspection of records and premises, and the production of
15 relevant books and papers necessary to such investigations and proceedings;
- 16 6. Develop and administer examinations for applicants for licenses and permits;
17 and
- 18 7. Make such expenditures as may be necessary in the performance of its duties.
- 19 ~~B. C.~~ Any rule promulgated, order made, or action taken prior to July 1, 1999, by
20 the Commissioner of Labor or the Department of Labor pursuant to the provisions of, or
21 rules issued pursuant to, the Oklahoma ~~Professional Boxing Licensing~~ State Athletic

1 Commission Act shall be considered valid and in effect unless amended, repealed, or
2 rescinded by the Commission.

3 ~~C. D.~~ Any valid license, permit, certificate, or registration issued prior to July 1,
4 1999, by the Commissioner of Labor pursuant to the Oklahoma ~~Professional Boxing~~
5 Licensing State Athletic Commission Act, or rules promulgated pursuant thereto, shall
6 remain valid and in effect until it expires pursuant to law or unless suspended or revoked
7 by the Commission. Any application for a license, permit, certificate, or registration
8 which is pending on June 30, 1999, is hereby transferred to the Commission.

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

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

16 Section 605. A. The Oklahoma ~~Professional Boxing~~ State Athletic Commission may
17 employ an administrator of ~~professional boxing licensing~~ to oversee the organization and
18 activities of the Commission and to ensure compliance with rules promulgated by the
19 Commission ~~on matters relating to professional boxing~~. The administrator shall perform
20 such other duties as the Commission may prescribe. The salary of the administrator
21 shall be set by the Commission. The position of administrator of ~~professional boxing~~
22 licensing shall be an unclassified position.

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

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

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BOLD FACE CAPITALIZED language denotes Committee Amendments.
~~Strike thru~~ language denotes deletion from present Statutes.

1 Commission-directed expenditures shall be processed according to State Department of
2 Health policy.

3 D. Employees of the Commission shall be considered unclassified employees of the
4 State Department of Health only for the purpose of administrative support provided by
5 the State Department of Health as prescribed in subsection C of this section. Persons
6 employed by the Commission shall serve at the direction and pleasure of the Commission
7 and shall answer directly to the Commission administrator and the Commission.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

8 E. A sanctioning permit shall be in effect upon the date issued by the Commission
9 and shall expire upon the conclusion of the event, unless the sanctioning permit is
10 suspended or revoked for just cause by the Commission. Licenses shall be in effect upon
11 the date issued by the Commission, and all licenses shall expire June 30 unless the
12 license is suspended or revoked for just cause by the Commission.

13 F. Only promoters whose professional boxing contests and professional exhibitions
14 have been sanctioned by the Commission are authorized to place a notice of sanction on
15 printed and promotional materials associated with the sanctioned event, which shall
16 include but not be limited to advertising, tickets, programs, posters, souvenirs, wearing
17 apparel, billboards, marquees and promotional signs inside and outside the venue where
18 the event is to be held, and broadcasting, including, but not limited to, radio, television,
19 including cable television, pay-per-view television, and closed-circuit television and
20 motion pictures of the event. The notice of sanction shall substantially state the
21 following:

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

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

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

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

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

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

20 Section 610. A. The Oklahoma ~~Professional Boxing~~ State Athletic Commission may
21 issue, withhold, suspend, or revoke any and all licenses and sanctioning permits required
22 by the provisions of the Oklahoma ~~Professional Boxing Licensing~~ State Athletic

1 Commission Act or the rules promulgated by the Commission. The Commission may also
2 censure or reprimand any licensee or sanctioning permit holder.

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

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

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

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

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

17 Section 612. A. Before any sanctioning permit is issued to any promoter to conduct
18 or hold a professional boxing contest or professional exhibition, the applicant shall file
19 with the Oklahoma ~~Professional Boxing~~ State Athletic Commission a security in the form
20 of a bond, cash, certificate of deposit, or other securities acceptable to the Commission,
21 payable to the State of Oklahoma in an amount determined by the Commission, executed
22 by the applicant and a surety company or companies authorized to do business in this

1 state, and conditioned upon the faithful performance by the promoter, which shall
2 include but not be limited to the cancellation of a professional boxing contest or
3 professional exhibition without good cause as determined by the Commission once the
4 professional boxing contest or professional exhibition has been approved by the
5 Commission.

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

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

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~~Strike thru~~ language denotes deletion from present Statutes.

1 D. All proceeds of securities collected pursuant to the provisions of this section
2 shall be placed to the credit of the Oklahoma ~~Professional Boxing Licensing State~~
3 Athletic Commission Revolving Fund.

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

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

7 1. Subpoena witnesses and compel the production of any and all books,
8 memoranda, documents, papers, and records showing the receipts and disbursements of
9 any individual, club, or corporation licensed under the provisions of the Oklahoma
10 ~~Professional Boxing Licensing State Athletic Commission~~ Act;

11 2. Administer oaths or affirmations to witnesses;

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

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

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

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

3 Section 614. A. If upon inspection or investigation, or whenever the Oklahoma
4 ~~Professional Boxing~~ State Athletic Commission determines that a violation of the
5 Oklahoma ~~Professional Boxing Licensing~~ State Athletic Commission Act or of any order,
6 standard, or rule promulgated pursuant to the provisions of the Oklahoma ~~Professional~~
7 ~~Boxing Licensing~~ State Athletic Commission Act has occurred, the Commission shall give
8 written notice to the alleged violator specifying the cause of the determination. Such
9 notice shall require that the violations be corrected and specify the terms of such
10 correction or that the alleged violator appear before the Commission at a time and place
11 specified in the notice and answer the charges.

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

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

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

3 Section 615. A. Any person who violates the provisions of the Oklahoma
4 ~~Professional Boxing Licensing~~ State Athletic Commission Act, upon conviction, shall be
5 guilty of a misdemeanor and shall be punished by the imposition of a fine of not more
6 than One Thousand Dollars (\$1,000.00) or by incarceration in the county jail for not more
7 than thirty (30) days or by both such fine and incarceration. The Oklahoma ~~Professional~~
8 ~~Boxing~~ State Athletic Commission shall suspend or revoke the license of any person
9 convicted of violating the provisions of the Oklahoma ~~Professional Boxing Licensing~~
10 State Athletic Commission Act.

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

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

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

9 Section 616. A. There is hereby created in the State Treasury a revolving fund for
10 the Oklahoma ~~Professional Boxing~~ State Athletic Commission to be designated the
11 "~~Professional Boxing Licensing~~ Oklahoma State Athletic Commission Revolving Fund".
12 The fund shall be a continuing fund, not subject to fiscal year limitations, and shall
13 consist of all monies received from fees, administrative fines, reimbursements, bond
14 proceeds, and sale of materials, and shall include grants and gifts, pursuant to the
15 Oklahoma ~~Professional Boxing Licensing~~ State Athletic Commission Act. All monies
16 accruing to the credit of said fund are hereby appropriated and may be budgeted and
17 expended by the State Department of Health as directed by the Commission for the
18 purpose of implementing the provisions of the Oklahoma ~~Professional Boxing Licensing~~
19 State Athletic Commission Act; provided, revenue in excess of Three Hundred Thousand
20 Dollars (\$300,000.00) during any fiscal year shall be deposited to the credit of the
21 General Revenue Fund of the State Treasury. Expenditures from said fund shall be

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1 made upon warrants issued by the State Treasurer against claims filed as prescribed by
2 law with the Director of State Finance for approval and payment.

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

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

14 Section 617. A. Except as otherwise provided in the Oklahoma ~~Professional Boxing~~
15 Licensing State Athletic Commission Act, in addition to the payment of any other fees
16 and monies due pursuant to the Oklahoma ~~Professional Boxing Licensing~~ State Athletic
17 Commission Act and the rules promulgated by the Oklahoma ~~Professional Boxing~~ State
18 Athletic Commission, an assessment as provided herein in an amount not to exceed five
19 percent (5%) of the total gross receipts of any professional boxing contest or professional
20 exhibition, exclusive of any federal tax or tax imposed by any political subdivision of this
21 state, shall be hereby levied and shall be remitted by every promoter and vendor to the
22 Oklahoma ~~Professional Boxing~~ State Athletic Commission; provided, however, if the

1 promotion originates in Oklahoma, the promoter and vendor shall only be liable for
2 assessments on the total gross receipts specified in subsections C, D and E of this section
3 and shall not also be liable for the assessments specified in Section 622 of this title.

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

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

8 2. Four percent (4%) for an event for which the total gross receipts are between One
9 Hundred Thousand One Dollars (\$100,001.00) and Two Hundred Thousand Dollars
10 (\$200,000.00);

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

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

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

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

21 1. The gross price charged by the promoter for the sale, lease, or other use of
22 broadcasting, including, but not limited to, radio, television, including cable television,

1 pay-per-view television, and closed-circuit television, or motion picture rights of boxing
2 contests, events, or exhibitions conducted within this state, without any deductions for
3 commissions, brokerage fees, distribution fees, advertising, or other expenses or charges;

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

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

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

11 E. For the purpose of this section, total gross receipts of every vendor shall include
12 the gross price charged for the sale of food, alcoholic and nonalcoholic beverages, and
13 merchandise including, but not limited to, wearing apparel, souvenirs, and programs,
14 excluding that portion paid to any promoter.

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

19 G. The first payment of the assessment on gross income received from the sale of
20 motion picture rights shall be due at the end of the month after the date of the sale of the
21 motion picture rights, and further payments shall be due every thirty (30) days
22 thereafter, during the presentation of the picture, and shall be accompanied by a gross

1 receipts report in such form as shall be prescribed by the Oklahoma ~~Professional Boxing~~
2 State Athletic Commission.

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

4 1. The name of the promoter;

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

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

8 4. Gross receipts as specified by this section, during the period specified by this
9 section; and

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

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

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

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

1 L. The promoter shall compute and pay to the Oklahoma ~~Professional Boxing State~~
2 Athletic Commission the required assessment due. If the payment of the assessment is
3 not postmarked or delivered to the Oklahoma ~~Professional Boxing State Athletic~~
4 Commission as specified in subsection F or G of this section, whichever is appropriate,
5 the assessment shall be delinquent from such date.

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

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

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

1 violations of the Oklahoma ~~Professional Boxing Licensing~~ State Athletic Commission
2 Act, and the number of professional boxing contests and exhibitions conducted.

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

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

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

21 C. Any person or facility owner or operator intending to show the closed-circuit
22 telecast, whether or not an admission fee will be charged, must receive authorization to

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

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

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

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

21 E. 1. In the case of a cable system operator's pay-per-view facilities at or through
22 which a closed-circuit telecast was shown, the telecast promoter shall, except as provided

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1 for in subsection A of Section 617 of this title, within thirty (30) days following receipt of
2 the notice of the assessment from the Commission, cause to be filed with the Commission
3 an assessment payment equal to four percent (4%) of the total gross receipts excluding
4 any federal, state, or local taxes.

5 2. The cable system operator shall withhold from the proceeds due to the telecast
6 promoter the four-percent assessment payment required pursuant to paragraph 1 of this
7 subsection and remit the assessment to the Commission on behalf of the telecast
8 promoter. The cable system operator shall not be liable for the remittance of the
9 assessment fee required in paragraph 1 of this subsection from any proceeds due to the
10 cable system operator from their pay-per-view events.

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

14 4. Cable system operators shall not be liable to the Commission for the assessment
15 payment. Nothing in this section shall be deemed to prevent a cable system operator
16 from billing its customer for the assessment payment.

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

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

1 G. Any telecast promoter who willfully fails, neglects, or refuses to make a report or
2 cause to be paid the assessment as prescribed, or who refuses to allow the Commission to
3 examine the books, papers, and records of any promotion is guilty of a misdemeanor,
4 punishable as provided by law. Any remitter who willfully fails, neglects, or refuses to
5 remit the assessment as prescribed, is guilty of a misdemeanor, punishable as provided
6 by law.

7 H. By rule, the Commission shall establish administrative penalties as specified in
8 the Oklahoma ~~Professional Boxing Licensing~~ State Athletic Commission Act for the late
9 payment of assessments, noncompliance with the Oklahoma ~~Professional Boxing~~
10 ~~Licensing~~ State Athletic Commission Act, and the late filing of reports and shall
11 prescribe conditions, if any, under which a fine may be waived.

12 I. No cable system operator shall be:

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

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

20 3. This act shall not apply in any manner to any basic or premium channel
21 programming broadcast on cable television systems within this state, but shall apply

1 only to “pay-per-view” broadcasts of boxing events for which a separate one-time fee is
2 charged the cable subscriber.

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

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

- 9 1. Polygraph Examiners Board as created by Section 1455 of Title 59 of the
10 Oklahoma Statutes;
- 11 2. State Board of Osteopathic Examiners as created by Section 624 of Title 59 of the
12 Oklahoma Statutes;
- 13 3. Board of Podiatric Medical Examiners as created by Section 137 of Title 59 of the
14 Oklahoma Statutes; and
- 15 4. Oklahoma ~~Professional Boxing~~ State Athletic Commission as created by Section
16 604.1 of Title 3A of the Oklahoma Statutes.

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

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

1 COMMITTEE REPORT BY: COMMITTEE ON ECONOMIC DEVELOPMENT AND
2 FINANCIAL SERVICES, dated 02-27-08 - DO PASS, As Amended and Coauthored.