

1 STATE OF OKLAHOMA

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

3 HOUSE BILL 3070

By: Shannon

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5
6 AS INTRODUCED

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

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

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

1 Section 601. This act shall be known and may be cited as the
2 "~~Oklahoma Professional Boxing Licensing~~ Sports Commission Act".

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

5 Section 602. A. As used in the Oklahoma ~~Professional Boxing~~
6 Licensing Sports Commission Act:

7 1. "Administrator" means the administrator of ~~professional~~
8 ~~boxing licensing~~ the Oklahoma Sports Commission;

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

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

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

23 5. "Boxing" means any form of competitive pugilism or unarmed
24 combat in which a blow is usually struck which may reasonably be

1 expected to inflict injury, including, but not limited to, boxing,
2 wrestling, and kickboxing, but shall not include the martial arts as
3 defined by the provisions of this section;

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

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

11 8. "Closed-circuit telecast of professional boxing events"
12 means telecast rights, including television, cable television, or
13 pay-per-view telecasts, acquired by paying a licensing fee or by
14 paying a contractual price by a business or individual, including,
15 but not limited to, arenas, entertainment or meeting centers,
16 restaurants, bars, taverns, hotels, motels, clubs, and
17 organizations, which offers the viewing of the event to the public
18 or to private residences. Such events shall include local and state
19 professional boxing contests and professional exhibitions as defined
20 in this section. For purposes of Sections 621 and 622 of this
21 title, "closed-circuit telecast" means any such telecast of a
22 professional boxing event as described herein which is not intended
23 to be available for viewing without the payment of a fee, collected
24

1 for or based upon each event viewed, for the privilege of viewing
2 the telecast, and includes pay-per-view;

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

6 10. "Commission" means the Oklahoma ~~Professional Boxing~~ Sports
7 Commission;

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

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

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

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

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

23 16. "License" means a certificate issued by the Commission to
24 participants of sanctioned professional boxing contests and

1 professional exhibitions and is a mandatory requirement for
2 participation in such events;

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

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

9 19. "Matchmaker" means an individual who brings together
10 professional boxers or arranges professional boxing contests or
11 professional exhibitions;

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

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

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

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

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

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

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

16 27. "Pugilism" means boxing or the skill or practice of
17 fighting with the fists;

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

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1 and motion picture rights. "Purse" shall also include gate receipts
2 and any other prizes;

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

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

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

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

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

23 34. "Vendor" means any individual, firm, organization, club, or
24 corporation that participates in the conduct of a professional

1 boxing contest or professional exhibition by offering for sale food
2 or merchandise, including, but not limited to, wearing apparel,
3 alcoholic and nonalcoholic beverages, souvenirs, and programs.

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

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

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

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

21 SECTION 4. AMENDATORY 3A O.S. 2001, Section 604.1, as
22 last amended by Section 1, Chapter 26, O.S.L. 2005 (3A O.S. Supp.
23 2007, Section 604.1), is amended to read as follows:

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

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

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

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

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

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

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

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

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

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

15 F. All members of the Commission and such employees as
16 determined by the Commission shall be bonded as required by Sections
17 85.26 through 85.31 of Title 74 of the Oklahoma Statutes.

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

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

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1 Section 604.2 A. The mission of the Oklahoma Sports Commission
2 shall be to expand and promote existing sporting events in Oklahoma
3 and to actively work to bring new sporting events into Oklahoma.

4 B. The Commission shall have the power to:

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

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

15 3. Set license and permit fees pursuant to the requirements of
16 the Oklahoma ~~Professional Boxing Licensing~~ Sports Commission Act;

17 4. Conduct investigations into the qualifications of applicants
18 for licensure and registration;

19 5. Conduct investigations and proceedings for alleged
20 violations of the Oklahoma ~~Professional Boxing Licensing~~ Sports
21 Commission Act and order or subpoena the attendance of witnesses,
22 the inspection of records and premises, and the production of
23 relevant books and papers necessary to such investigations and
24 proceedings;

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

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

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

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

19 ~~D.~~ E. All personnel, powers, duties, responsibilities, fund
20 balances, encumbrances, obligations, and property, which shall
21 include records, furniture, and equipment of the Department of Labor
22 relating to the regulation of boxing, are hereby transferred to the
23 Oklahoma ~~Professional Boxing~~ Sports Commission Commission.
24

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

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

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

20 C. The State Department of Health shall provide administrative
21 support for the Commission, including, but not limited to, office
22 space, equipment, and furnishings, payroll and employee benefit
23 administration and processing, and travel and expense reimbursement,
24 and shall manage the Commission's funds at the direction of the

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

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

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

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

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

15 B. Specifically exempt from the provisions of the Oklahoma
16 ~~Professional Boxing Licensing Sports Commission~~ Act are the contests
17 or exhibitions conducted or sponsored by:

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

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

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

21 C. The following persons are specifically exempt from the
22 provisions of the Oklahoma ~~Professional Boxing Licensing~~ Sports
23 Commission Act:
24

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

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

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

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

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

1 boxing contest or professional exhibition sanctioned by the
2 Commission.

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

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

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

18 F. Only promoters whose professional boxing contests and
19 professional exhibitions have been sanctioned by the Commission are
20 authorized to place a notice of sanction on printed and promotional
21 materials associated with the sanctioned event, which shall include
22 but not be limited to advertising, tickets, programs, posters,
23 souvenirs, wearing apparel, billboards, marquees and promotional
24 signs inside and outside the venue where the event is to be held,

1 and broadcasting, including, but not limited to, radio, television,
2 including cable television, pay-per-view television, and closed-
3 circuit television and motion pictures of the event. The notice of
4 sanction shall substantially state the following:

5 "Pursuant to the provisions of Section 601 et seq. of Title
6 3A of the Oklahoma Statutes and the rules of the Oklahoma
7 ~~Professional Boxing~~ Sports Commission, THIS EVENT IS
8 SANCTIONED BY THE OKLAHOMA ~~PROFESSIONAL BOXING~~ SPORTS
9 COMMISSION. Sanctioning Permit No. _____."

10 G. All fees and other monies resulting from sanctioning
11 professional boxing contests and professional exhibitions and
12 licenses shall be placed to the credit of the Oklahoma ~~Professional~~
13 ~~Boxing Licensing~~ Sports Commission Revolving Fund.

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

16 Section 609. A. A sanctioning permit issued by the Oklahoma
17 ~~Professional Boxing~~ Sports Commission shall be required in order to
18 conduct, sponsor, hold, or participate in professional boxing
19 contests or professional exhibitions.

20 B. No sanctioning permit shall be issued for conducting or
21 holding any professional boxing contest or professional exhibition
22 within any political subdivision of this state where a local
23 ordinance or resolution prohibits such contests or exhibitions
24 within the limits of the political subdivision.

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

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

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

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

16 Section 611. Before issuing any license or sanctioning permit,
17 the Oklahoma ~~Professional Boxing~~ Sports Commission shall consider
18 the following in order of importance:

19 1. The preservation of the safety and health of the
20 participants;

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

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

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

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

15 B. The security required under this section shall guarantee the
16 payment of all taxes, fees, fines and other monies due and payable
17 pursuant to the provisions of the Oklahoma ~~Professional Boxing~~
18 ~~Licensing~~ Sports Commission Act and the rules promulgated by the
19 Commission, including, but not limited to, the payment of purses to
20 the competitors, any contributions for required insurance, pensions,
21 disability and medical examinations, the repayment to ticket holders
22 of purchased tickets, the payment of fees to ring officials and
23 physicians, and, in the event of the cancellation of a professional
24 boxing contest or professional exhibition approved by the

1 Commission without good cause, an amount determined by the
2 Commission.

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

11 D. All proceeds of securities collected pursuant to the
12 provisions of this section shall be placed to the credit of the
13 Oklahoma ~~Professional Boxing Licensing~~ Sports Commission Revolving
14 Fund.

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

17 Section 613. The Oklahoma ~~Professional Boxing~~ Sports Commission
18 may:

19 1. Subpoena witnesses and compel the production of any and all
20 books, memoranda, documents, papers, and records showing the
21 receipts and disbursements of any individual, club, or corporation
22 licensed under the provisions of the Oklahoma ~~Professional Boxing~~
23 Licensing Sports Commission Act;

24 2. Administer oaths or affirmations to witnesses;

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

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

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

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

16 Section 614. A. If upon inspection or investigation, or
17 whenever the Oklahoma ~~Professional Boxing~~ Sports Commission
18 determines that a violation of the Oklahoma ~~Professional Boxing~~
19 ~~Licensing~~ Sports Commission Act or of any order, standard, or rule
20 promulgated pursuant to the provisions of the Oklahoma ~~Professional~~
21 ~~Boxing Licensing~~ Sports Commission Act has occurred, the Commission
22 shall give written notice to the alleged violator specifying the
23 cause of the determination. Such notice shall require that the
24 violations be corrected and specify the terms of such correction or

1 that the alleged violator appear before the Commission at a time and
2 place specified in the notice and answer the charges.

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

12 C. Upon the request of the Commission, the Attorney General
13 shall bring an action against any person violating any of the
14 provisions of the Oklahoma ~~Professional Boxing Licensing~~ Sports
15 Commission Act or violating any order or determination of the
16 Commission.

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

19 Section 615. A. Any person who violates the provisions of the
20 Oklahoma ~~Professional Boxing Licensing~~ Sports Commission Act, upon
21 conviction, shall be guilty of a misdemeanor and shall be punished
22 by the imposition of a fine of not more than One Thousand Dollars
23 (\$1,000.00) or by incarceration in the county jail for not more than
24 thirty (30) days or by both such fine and incarceration. The

1 Oklahoma ~~Professional Boxing~~ Sports Commission shall suspend or
2 revoke the license of any person convicted of violating the
3 provisions of the Oklahoma ~~Professional Boxing Licensing~~ Sports
4 Commission Act.

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

20 C. Upon the request of the Commission, the Attorney General may
21 make application to the appropriate court for an order enjoining the
22 acts or practices prohibited by the provisions of Section 601 et
23 seq. of this title, and upon a showing that the person has engaged
24 in any of the prohibited acts or practices, an injunction,

1 restraining order, or other order as may be appropriate shall be
2 granted by the court.

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

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

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

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

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

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

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

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

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

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

15 4. Two percent (2%) for an event for which the total gross
16 receipts are between Three Hundred Fifty Thousand One Dollars
17 (\$350,001.00) and Five Hundred Thousand Dollars (\$500,000.00); and

18 5. One and one-half percent (1.5%) for an event for which the
19 total gross receipts are more than Five Hundred Thousand One Dollars
20 (\$500,001.00).

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

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

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

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

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

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

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

20 F. Payment of the assessment on gross receipts, excepting for
21 motion picture rights, shall be due within seventy-two (72) hours
22 after the holding of the professional boxing contest or professional
23 exhibition and shall be accompanied by a report in such form as
24

1 shall be prescribed by the Oklahoma ~~Professional Boxing~~ Sports
2 Commission.

3 G. The first payment of the assessment on gross income received
4 from the sale of motion picture rights shall be due at the end of
5 the month after the date of the sale of the motion picture rights,
6 and further payments shall be due every thirty (30) days thereafter,
7 during the presentation of the picture, and shall be accompanied by
8 a gross receipts report in such form as shall be prescribed by the
9 Oklahoma ~~Professional Boxing~~ Sports Commission.

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

11 1. The name of the promoter;

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

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

16 4. Gross receipts as specified by this section, during the
17 period specified by this section; and

18 5. Such further information as the Oklahoma ~~Professional Boxing~~
19 Sports Commission may require to enable it to compute correctly and
20 collect the assessment levied pursuant to this section.

21 I. In addition to the information required on reports, the
22 Oklahoma ~~Professional Boxing~~ Sports Commission may request, and the
23 promoter shall furnish, any information deemed necessary for a
24

1 correct computation of the assessment levied pursuant to this
2 section.

3 J. All levies pursuant to this section shall be collected by
4 the Commission and shall be placed to the credit of the ~~Professional~~
5 ~~Boxing Licensing~~ Oklahoma Sports Commission Revolving Fund.

6 K. The monies collected from the assessment levied pursuant to
7 the provisions of this section shall be in addition to all other
8 revenues and funds received by the Oklahoma ~~Professional Boxing~~
9 Sports Commission.

10 L. The promoter shall compute and pay to the Oklahoma
11 ~~Professional Boxing~~ Sports Commission the required assessment due.
12 If the payment of the assessment is not postmarked or delivered to
13 the Oklahoma ~~Professional Boxing~~ Sports Commission as specified in
14 subsection F or G of this section, whichever is appropriate, the
15 assessment shall be delinquent from such date.

16 M. It shall be the duty of every promoter required to make a
17 gross receipts report and pay any assessment pursuant to the
18 provisions of this section to keep and preserve suitable records and
19 documents which may be necessary to determine the amount of
20 assessment due as will substantiate and prove the accuracy of such
21 reports. All such records shall be preserved for a period of three
22 (3) years, unless the Oklahoma ~~Professional Boxing~~ Sports
23 Commission, in writing, has authorized their destruction or disposal
24 at an earlier date, and shall be open to examination at any time by

1 the Oklahoma ~~Professional Boxing~~ Sports Commission or by any of its
2 authorized employees.

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

5 Section 619. Beginning February 1, 2000, the Oklahoma
6 ~~Professional Boxing~~ Sports Commission shall file an annual report of
7 boxing activities in Oklahoma with the Governor, the President Pro
8 Tempore of the Senate, and the Speaker of the House of
9 Representatives. Said report shall include but not be limited to
10 the amount of revenue collected, the number of permits and licenses
11 issued and revoked, the number of violations of the Oklahoma
12 ~~Professional Boxing Licensing~~ Sports Commission Act, and the number
13 of professional boxing contests and exhibitions conducted.

14 SECTION 19. AMENDATORY 3A O.S. 2001, Section 622, as
15 last amended by Section 3, Chapter 184, O.S.L. 2004 (3A O.S. Supp.
16 2007, Section 622), is amended to read as follows:

17 Section 622. A. Where the Oklahoma distribution rights for a
18 closed-circuit telecast to be viewed in this state are in whole
19 owned by, sold to, acquired by or held by any person who intends to
20 or subsequently sells or, in some other manner, extends such rights
21 in part to another, then such person is deemed to be a telecast
22 promoter. The Commission may provide, by rule, for additional
23 licensed telecast promoters to participate in the distribution
24 rights and share in the liability for assessments to be paid to the

1 Commission. Closed-circuit telecasts of a boxing event shall not be
2 telecast from, in, or into this state except under the auspices of a
3 telecast promoter licensed in this state. The telecast promoter
4 shall be responsible for filing the appropriate reports with and
5 paying assessments to the Commission.

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

12 C. Any person or facility owner or operator intending to show
13 the closed-circuit telecast, whether or not an admission fee will be
14 charged, must receive authorization to show the telecast from the
15 telecast promoter prior to the telecast. The showing of a closed-
16 circuit telecast, whether or not an admission fee is charged,
17 without the authorization of the licensed telecast promoter is
18 prohibited. Delayed showing of a closed-circuit telecast also
19 requires the authorization of the telecast promoter. Information
20 received by the Commission of the names of persons showing a closed-
21 circuit telecast in violation of this section shall be furnished to
22 the appropriate district attorney's office for prosecution.

23 D. 1. In the case of facilities at or through which the
24 closed-circuit telecast is shown other than a cable system

1 operator's pay-per-view facilities, the telecast promoter shall,
2 within eight (8) days after the telecast, inclusive of mailing time,
3 file with the Commission a written report detailing the name,
4 address, telephone number, contact person's name, and the details of
5 the payment arrangement for the right to receive the telecast for
6 each facility to which the broadcast was transmitted.

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

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

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

24

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

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

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

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

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

24

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

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

15 I. No cable system operator shall be:

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

20 2. Required, as a result of any noncompliance with the
21 provisions of this act by any promoter or distributor, to modify,
22 delete, or cancel any programming which it has a contractual or
23 legal obligation to air; and
24

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

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

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

- 12 1. Polygraph Examiners Board as created by Section 1455 of
13 Title 59 of the Oklahoma Statutes;
- 14 2. State Board of Osteopathic Examiners as created by Section
15 624 of Title 59 of the Oklahoma Statutes;
- 16 3. Board of Podiatric Medical Examiners as created by Section
17 137 of Title 59 of the Oklahoma Statutes; and
- 18 4. Oklahoma ~~Professional Boxing~~ Sports Commission as created by
19 Section 604.1 of Title 3A of the Oklahoma Statutes.

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

21 SECTION 22. It being immediately necessary for the preservation
22 of the public peace, health and safety, an emergency is hereby
23
24

1 declared to exist, by reason whereof this act shall take effect and
2 be in full force from and after its passage and approval.

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