

THE HOUSE OF REPRESENTATIVES
Thursday, February 19, 2009

House Bill No. 1576

HOUSE BILL NO. 1576 - By: JOYNER, LUTTRELL AND SHERRER of the House and ALDRIDGE of the Senate.

An Act relating to amusements and sports; amending 3A O.S. 2001, Sections 602, as amended by Section 2, Chapter 329, O.S.L. 2008, 606, as last amended by Section 7, Chapter 329, O.S.L. 2008 and 616, as last amended by Section 16, Chapter 329, O.S.L. 2008 (3A O.S. Supp. 2008, Sections 602, 606 and 616), which relate to the Oklahoma State Athletic Commission; modifying and adding definitions; expanding jurisdiction to include certain mixed martial arts contests; increasing limit on certain fund; and declaring an emergency.

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

- 1 SECTION 1. AMENDATORY 3A O.S. 2001, Section 602, as amended by
2 Section 2, Chapter 329, O.S.L. 2008 (3A O.S. Supp. 2008, Section 602), is amended to
3 read as follows:
- 4 Section 602. A. As used in the Oklahoma State Athletic Commission Act:
- 5 1. "Administrator" means the administrator of the Oklahoma State Athletic
6 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 State Athletic Commission;

1 3. “Amateur mixed martial artist” means a person eighteen (18) years of age or
2 older who has never received or competed for any purse or other article either for the
3 expenses of training therefor or for participating in any combative sport contest or
4 professional exhibition which exceeds in monies or other things of value a sum to be
5 determined by the Oklahoma State Athletic Commission;

6 4. “Amateur mixed martial arts” means any form of competitive pugilistic contest
7 in which the participants have never been licensed as professionals in any combative
8 sport and blows are delivered with any part of the hands, feet, or knees and multiple
9 combative disciplines are used including grappling. Such contests take place in a rope-
10 enclosed ring or fenced enclosed cage and are fought in timed rounds;

11 5. "Applicant" means any individual, club, association, corporation, partnership or
12 trust which submits to the Oklahoma State Athletic Commission an application for a
13 license or permit pursuant to the Oklahoma State Athletic Commission Act;

14 ~~4.~~ 6. "Booking agent" means independent contractors who act as bookers, agents,
15 agencies and representatives who secure engagements and contracts for ~~boxers~~
16 combative sports participants;

17 ~~5.~~ 7. "Boxing" means any form of competitive pugilism or unarmed combat in which
18 a blow is usually struck which may reasonably be expected to inflict injury, including,
19 but not limited to, boxing, wrestling, mixed martial arts, and kickboxing, but shall not
20 include the martial arts as defined by the provisions of this section;

1 ~~6.~~ 8. "Broadcast" means any audio or visual transmission sent by any means of
2 signal within, into, or from this state, whether live or taped or time delayed, and includes
3 any replays thereof;

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

19 ~~9.~~ 11. "Club" means an incorporated or unincorporated association or body of
20 individuals voluntarily united and acting together for some common or special purpose;

21 ~~10.~~ 12. "Combative sports" means any form of competitive pugilism or unarmed
22 combat in which a blow is usually struck which may reasonably be expected to inflict

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

4 13. "Commission" means the Oklahoma State Athletic Commission;

5 ~~11.~~ 14. "Contest" means a ~~boxing~~ combative sports match in which it is reasonable
6 to anticipate that the participants strive earnestly in good faith to win;

7 ~~12.~~ 15. "Corner person" means, but shall not be limited to, a trainer, a second, or
8 any other individual who attends the participant during a match;

9 ~~13.~~ 16. "Exhibition" means a boxing match in which the participants show or
10 display their skill without necessarily striving to win, such as sparring;

11 ~~14.~~ 17. "Judge" means an individual other than a referee who shall have a vote in
12 determining the winner of any contest;

13 ~~15.~~ 18. "Kickboxing" means any form of competitive pugilistic professional contest
14 in which blows are delivered with the hand and any part of the foot. Such contests take
15 place in a rope-enclosed ring and are fought in timed rounds;

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

20 ~~17.~~ 20. "Manager" means an individual who controls or administers the affairs of
21 any professional ~~boxer~~ combative sports participant, including acting as a booking agent.

22 "Manager" shall include the representative of a manager as defined by the Commission;

1 ~~18.~~ 21. "Martial arts" means any form of karate, kung fu, tae kwon-do, or any other
2 form of martial or self-defense art;

3 ~~19.~~ 22. "Matchmaker" means an individual who brings together professional ~~boxers~~
4 combative sports participants or arranges professional ~~boxing~~ combative sports contests
5 or professional exhibitions;

6 ~~20.~~ 23. "Participant" means ~~a professional~~ an individual who takes part in a
7 professional ~~boxing~~ combative sports contest, an amateur mixed martial arts contest, or
8 professional exhibition;

9 ~~21.~~ 24. "Pay-per-view telecasts of professional boxing events" means telecasts
10 offered by cable television companies to subscribers at a cost in addition to the monthly
11 cable television subscription rate. Such events shall include local and state professional
12 boxing contests and professional exhibitions as defined in this section;

13 ~~22.~~ 25. "Person" means any individual, partnership, limited liability company, club,
14 association, corporation, or trust;

15 ~~23.~~ 26. "Physician" means an individual licensed under the laws of this state to
16 engage in the general practice of medicine or osteopathic medicine;

17 ~~24.~~ 27. "Professional boxer" means an individual eighteen (18) years of age or older
18 who competes for money, prizes, or purses, or who teaches, instructs, or assists in the
19 practice of boxing or sparring as a means of obtaining pecuniary gain;

20 ~~25.~~ 28. "Professional boxing contest, amateur mixed martial arts contest, and
21 professional exhibition" ~~means~~ mean a ~~boxing~~ combative sports match conducted within

1 this state in which the participants are persons who must be licensed pursuant to the
2 provisions of the Oklahoma State Athletic Commission Act;

3 ~~26.~~ 29. "Professional mixed martial arts" means any form of competitive pugilistic
4 contest in which the participants are paid a purse and blows are delivered with any part
5 of the hands, feet, elbows, or knees and multiple combative disciplines are used to
6 include grappling. Such contests take place in a rope-enclosed ring or fenced enclosed
7 cage and are fought in timed rounds;

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

13 ~~27.~~ 31. "Pugilism" means ~~boxing~~ combative sports or the skill or practice of fighting
14 with the fists;

15 ~~28.~~ 32. "Purse" means the financial guarantee or any other remuneration or thing
16 of value for which a professional boxer participates in a professional boxing contest or
17 professional exhibition and shall include the participant's share of any payment received
18 for radio broadcasting, television, including cable television, pay-per-view television, and
19 closed-circuit television, and motion picture rights. "Purse" shall also include gate
20 receipts and any other prizes;

21 ~~29.~~ 33. "Ring official" means any individual who performs an official function
22 during the progress of a professional boxing contest, amateur mixed martial arts contest,

1 or professional exhibition including but not limited to timekeepers, judges, referees, and
2 attending physicians;

3 ~~30.~~ 34. "Sanctioning permit" means a permit issued by the Commission to
4 promoters who make application for official approval of professional boxing contests,
5 amateur mixed martial arts contests and professional exhibitions;

6 ~~31.~~ 35. "Sparring" means to engage in a form of boxing with jabbing or feinting
7 movements, and the exchange of few heavy blows, such as occurs in a practice or
8 exhibition boxing match;

9 ~~32.~~ 36. "Telecast promoter", for purposes of ~~Sections 621 and~~ Section 622 of this
10 title, means any promoter who shows or causes to be shown in this state a closed-circuit
11 telecast of any professional boxing event, whether or not the telecast or event originates
12 in this state. "Telecast promoter" shall not include a cable system operator;

13 ~~33.~~ 37. "Trainer" means an individual who assists, coaches, or instructs any
14 professional boxer or amateur mixed martial arts participant with respect to physical
15 conditioning, strategy, techniques, or preparation for competition, professional boxing
16 contests, or professional exhibitions; and

17 ~~34.~~ 38. "Vendor" means any individual, firm, organization, club, or corporation that
18 participates in the conduct of a professional boxing contest, amateur mixed martial arts
19 contest, or professional exhibition by offering for sale food or merchandise, including, but
20 not limited to, wearing apparel, alcoholic and nonalcoholic beverages, souvenirs, and
21 programs.

1 B. The Commission may define any term which is not defined in the Oklahoma
2 State Athletic Commission Act.

3 SECTION 2. AMENDATORY 3A O.S. 2001, Section 606, as last amended by
4 Section 7, Chapter 329, O.S.L. 2008 (3A O.S. Supp. 2008, Section 606), is amended to
5 read as follows:

6 Section 606. A. The Oklahoma State Athletic Commission is hereby vested with
7 jurisdiction to issue sanctioning permits for all professional boxing contests, amateur
8 mixed martial arts contests, and professional exhibitions held or given within this state
9 and licenses for participants of sanctioned contests and exhibitions.

10 B. Specifically exempt from the provisions of the Oklahoma State Athletic
11 Commission Act are the contests or exhibitions conducted or sponsored by:

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

16 2. Any military installation or branch of the Armed Forces where the participants
17 are employed by the military installation or are members of the branch of the Armed
18 Forces sponsoring the contest or exhibition; and

19 3. Amateur boxing matches which are sanctioned by a Commission-approved and
20 nationally recognized amateur sanctioning body. To obtain an exemption from the
21 Oklahoma State Athletic Commission Act under this paragraph, a nationally recognized
22 amateur sanctioning body must present itself to the Commission and provide a copy of its

1 rules and bylaws for Commission review and approval. Upon approval, the Commission,
2 or its designated representatives, may visit, attend, investigate and audit, as the
3 Commission deems necessary, any match, event, sanctioning body office or event office
4 for the purpose of determining whether the rules and bylaws of the amateur sanctioning
5 body as submitted to the Commission are being followed. The Commission administrator
6 shall immediately rescind approval of any nationally recognized amateur sanctioning
7 body, pending a hearing, if said sanctioning body is found to be negligent or
8 noncommittal in the enforcement of the rules and bylaws presented to and approved by
9 the Commission.

10 C. The following persons are specifically exempt from the provisions of the
11 Oklahoma State Athletic Commission Act:

- 12 1. Practitioners and instructors of the martial arts as defined in Section 602 of this
13 title; and
- 14 2. Instructors of amateur boxers if such instructors are not required to be licensed
15 pursuant to other provisions of the Oklahoma State Athletic Commission Act.

16 SECTION 3. AMENDATORY 3A O.S. 2001, Section 616, as last amended by
17 Section 16, Chapter 329, O.S.L. 2008 (3A O.S. Supp. 2008, Section 616), is amended to
18 read as follows:

19 Section 616. A. There is hereby created in the State Treasury a revolving fund for
20 the Oklahoma State Athletic Commission to be designated the "Oklahoma State Athletic
21 Commission Revolving Fund". The fund shall be a continuing fund, not subject to fiscal
22 year limitations, and shall consist of all monies received from fees, administrative fines,

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

1 reimbursements, bond proceeds, and sale of materials, and shall include grants and gifts,
2 pursuant to the Oklahoma State Athletic Commission Act. All monies accruing to the
3 credit of said fund are hereby appropriated and may be budgeted and expended by the
4 State Department of Health as directed by the Commission for the purpose of
5 implementing the provisions of the Oklahoma State Athletic Commission Act; provided,
6 revenue in excess of ~~Three Hundred Thousand Dollars (\$300,000.00)~~ Seven Hundred
7 Thousand Dollars (\$700,000.00) during any fiscal year shall be deposited to the credit of
8 the General Revenue Fund of the State Treasury. Expenditures from said fund shall be
9 made upon warrants issued by the State Treasurer against claims filed as prescribed by
10 law with the Director of State Finance for approval and payment.

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

18 SECTION 4. It being immediately necessary for the preservation of the public
19 peace, health and safety, an emergency is hereby declared to exist, by reason whereof
20 this act shall take effect and be in full force from and after its passage and approval.

21 COMMITTEE REPORT BY: COMMITTEE ON ECONOMIC DEVELOPMENT AND
22 FINANCIAL SERVICES, dated 02-18-09 - DO PASS, As Coauthored.