

EHB 1576

1 THE STATE SENATE
2 Tuesday, March 31, 2009

3 ENGROSSED

4 House Bill No. 1576

5 As Amended

6 ENGROSSED HOUSE BILL NO. 1576 - By: Joyner, Luttrell and Sherrer of
7 the House and Aldridge of the Senate.

8 [amusements and sports - Oklahoma State Athletic Commission
9 - definitions - jurisdiction -
10 emergency]

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

12 SECTION 1. AMENDATORY 3A O.S. 2001, Section 602, as
13 amended by Section 2, Chapter 329, O.S.L. 2008 (3A O.S. Supp. 2008,
14 Section 602), is amended to read as follows:

15 Section 602. A. As used in the Oklahoma State Athletic
16 Commission Act:

17 1. "Administrator" means the administrator of the Oklahoma
18 State Athletic Commission;

19 2. "Amateur boxer" means a person who has never received or
20 competed for any purse or other article either for the expenses of
21 training therefor or for participating in any boxing contest or
22 professional exhibition which exceeds in monies or other things of
23 value a sum to be determined by the Oklahoma State Athletic
24 Commission;

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

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

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

18 ~~4.~~ 6. "Booking agent" means independent contractors who act as
19 bookers, agents, agencies and representatives who secure engagements
20 and contracts for ~~boxers~~ combative sports participants;

21 ~~5.~~ 7. "Boxing" means any form of competitive pugilism or
22 unarmed combat in which a blow is usually struck which may
23 reasonably be expected to inflict injury, including, but not limited

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

4 ~~6-~~ 8. "Broadcast" means any audio or visual transmission sent
5 by any means of signal within, into, or from this state, whether
6 live or taped or time delayed, and includes any replays thereof;

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

11 ~~8-~~ 10. "Closed-circuit telecast of professional ~~boxing~~
12 combative sporting events" means telecast rights, including
13 television, cable television, or pay-per-view telecasts, acquired by
14 paying a licensing fee or by paying a contractual price by a
15 business or individual, including, but not limited to, arenas,
16 entertainment or meeting centers, restaurants, bars, taverns,
17 hotels, motels, clubs, and organizations, which offers the viewing
18 of the event to the public or to private residences. Such events
19 shall include local and state professional boxing contests and
20 professional exhibitions as defined in this section. For purposes
21 of ~~Sections 621 and~~ Section 622 of this title, "closed-circuit
22 telecast" means any such telecast of a professional ~~boxing~~ combative
23 sporting event as described herein which is not intended to be

1 available for viewing without the payment of a fee, collected for or
2 based upon each event viewed, for the privilege of viewing the
3 telecast, and includes pay-per-view;

4 ~~9.~~ 11. "Club" means an incorporated or unincorporated
5 association or body of individuals voluntarily united and acting
6 together for some common or special purpose;

7 ~~10.~~ 12. "Combative sports" means any form of competitive
8 pugilism or unarmed combat in which a blow is usually struck which
9 may reasonably be expected to inflict injury, including but not
10 limited to boxing, wrestling, mixed martial arts, and kickboxing,
11 but shall not include the martial arts (singular) as defined by the
12 provisions of this section;

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

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

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

20 ~~13.~~ 16. "Exhibition" means a boxing match in which the
21 participants show or display their skill without necessarily
22 striving to win, such as sparring;

1 ~~14.~~ 17. "Judge" means an individual other than a referee who
2 shall have a vote in determining the winner of any contest;

3 ~~15.~~ 18. "Kickboxing" means any form of competitive pugilistic
4 professional contest in which blows are delivered with the hand and
5 any part of the foot. Such contests take place in a rope-enclosed
6 ring and are fought in timed rounds;

7 ~~16.~~ 19. "License" means a certificate issued by the Commission
8 to participants of sanctioned professional ~~boxing~~ combative sports
9 contests ~~and~~, professional exhibitions, and amateur mixed martial
10 arts contests and is a mandatory requirement for participation in
11 such events;

12 ~~17.~~ 20. "Manager" means an individual who controls or
13 administers the affairs of any professional ~~boxer~~ combative sports
14 participant, including acting as a booking agent. "Manager" shall
15 include the representative of a manager as defined by the
16 Commission;

17 ~~18.~~ 21. "Martial arts" means any form of karate, kung fu, tae
18 kwon-do, or any other form of martial or self-defense art;

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

1 ~~20.~~ 23. "Participant" means ~~a professional~~ an individual who
2 takes part in a professional ~~boxing~~ combative sports contest, an
3 amateur mixed martial arts contest, or professional exhibition;

4 ~~21.~~ 24. "Pay-per-view telecasts of professional boxing events"
5 means telecasts offered by cable television companies to subscribers
6 at a cost in addition to the monthly cable television subscription
7 rate. Such events shall include local and state professional boxing
8 contests and professional exhibitions as defined in this section;

9 ~~22.~~ 25. "Person" means any individual, partnership, limited
10 liability company, club, association, corporation, or trust;

11 ~~23.~~ 26. "Physician" means an individual licensed under the laws
12 of this state to engage in the general practice of medicine or
13 osteopathic medicine;

14 ~~24.~~ 27. "Professional boxer" means an individual eighteen (18)
15 years of age or older who competes for money, prizes, or purses, or
16 who teaches, instructs, or assists in the practice of boxing or
17 sparring as a means of obtaining pecuniary gain;

18 ~~25.~~ 28. "Professional boxing contest, amateur mixed martial
19 arts contest, and professional exhibition" ~~means~~ mean a ~~boxing~~
20 combative sports match conducted within this state in which the
21 participants are persons who must be licensed pursuant to the
22 provisions of the Oklahoma State Athletic Commission Act;

1 ~~26.~~ 29. "Professional mixed martial arts" means any form of
2 competitive pugilistic contest in which the participants are paid a
3 purse and blows are delivered with any part of the hands, feet,
4 elbows, or knees and multiple combative disciplines are used to
5 include grappling. Such contests take place in a rope-enclosed ring
6 or fenced enclosed cage and are fought in timed rounds;

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

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

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

1 ~~29.~~ 33. "Ring official" means any individual who performs an
2 official function during the progress of a professional boxing
3 contest, amateur mixed martial arts contest, or professional
4 exhibition including but not limited to timekeepers, judges,
5 referees, and attending physicians;

6 ~~30.~~ 34. "Sanctioning permit" means a permit issued by the
7 Commission to promoters who make application for official approval
8 of professional boxing contests, amateur mixed martial arts contests
9 and professional exhibitions;

10 ~~31.~~ 35. "Sparring" means to engage in a form of boxing with
11 jabbing or feinting movements, and the exchange of few heavy blows,
12 such as occurs in a practice or exhibition boxing match;

13 ~~32.~~ 36. "Telecast promoter", for purposes of ~~Sections 621 and~~
14 Section 622 of this title, means any promoter who shows or causes to
15 be shown in this state a closed-circuit telecast of any professional
16 boxing event, whether or not the telecast or event originates in
17 this state. "Telecast promoter" shall not include a cable system
18 operator;

19 ~~33.~~ 37. "Trainer" means an individual who assists, coaches, or
20 instructs any professional boxer or amateur mixed martial arts
21 participant with respect to physical conditioning, strategy,
22 techniques, or preparation for competition, professional boxing
23 contests, or professional exhibitions; and

1 ~~34.~~ 38. "Vendor" means any individual, firm, organization,
2 club, or corporation that participates in the conduct of a
3 professional boxing contest, amateur mixed martial arts contest, or
4 professional exhibition by offering for sale food or merchandise,
5 including, but not limited to, wearing apparel, alcoholic and
6 nonalcoholic beverages, souvenirs, and programs.

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

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

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

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

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

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

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

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

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

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

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

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

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

1 Thousand Dollars (\$500,000.00) during any fiscal year shall be
2 deposited to the credit of the General Revenue Fund of the State
3 Treasury. Expenditures from said fund shall be made upon warrants
4 issued by the State Treasurer against claims filed as prescribed by
5 law with the Director of State Finance for approval and payment.

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

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

18 COMMITTEE REPORT BY: COMMITTEE ON APPROPRIATIONS, dated 3-25-09 - DO
19 PASS, As Amended.