

05/22/2012 10:38:23 AM

HOUSE OF REPRESENTATIVES  
CONFERENCE COMMITTEE REPORT

Mr. President:  
Mr. Speaker:

The Conference Committee, to which was referred

**HB2746**

By: Kirby of the House and Marlatt of the Senate

Title: Amusements and sports; defining terms; updating terminology to reflect modification of definitions; effective date; emergency.

Together with Engrossed Senate Amendments thereto, beg leave to report that we have had the same under consideration and herewith return the same with the following recommendations:

1. That the Senate recedes from Amendment No. 1.
2. That the attached Conference Committee Substitute be adopted.

Respectfully submitted,

House Action \_\_\_\_\_ Date \_\_\_\_\_ Senate Action \_\_\_\_\_ Date \_\_\_\_\_

**HOUSE CONFEREES**

Dank

David M. Dank

Key

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Kirby

Dan Kirby

McDaniel (Randy)

Randy McDaniel

McNiel

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Morrisette

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Mulready

St. Mulready

Ortega

Ortega

Ownbey

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Pittman

D. Pittman

Shelton

Mike Shelton

HB2746 CCR B

**SENATE CONFEREES**

Childers



Ivester



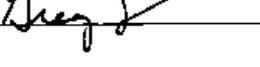
Jolley



Marlatt



Sparks



Treat



House Action \_\_\_\_\_ Date \_\_\_\_\_ Senate Action \_\_\_\_\_ Date \_\_\_\_\_

House Action \_\_\_\_\_ Date \_\_\_\_\_ Senate Action \_\_\_\_\_ Date \_\_\_\_\_

1 STATE OF OKLAHOMA

2 2nd Session of the 53rd Legislature (2012)

3 CONFERENCE COMMITTEE  
4 SUBSTITUTE  
5 FOR ENGROSSED  
6 HOUSE BILL NO. 2746

By: Kirby, Joyner, McNiell and  
Pittman of the House

7 and

8 Marlatt of the Senate

9  
10 CONFERENCE COMMITTEE SUBSTITUTE

11 An Act relating to amusements and sports; amending 3A  
12 O.S. 2011, Sections 602, 604.1, 604.2, 605, 606, 607,  
13 609, 610, 611, 612, 613, 614, 615, 617 and 619, which  
14 relate to the Oklahoma State Athletic Commission;  
15 creating George Clinkscale's Law; defining terms;  
16 updating terminology to reflect modification of  
17 definitions; modifying Commission membership  
18 qualifications; modifying duties of Commission;  
19 expanding scope of certain license considerations;  
20 prohibiting certain acts; modifying authority to make  
21 application for injunctive relief; providing  
22 punishment for repeated offenses; modifying liability  
23 of certain assessments; modifying computation of  
24 total gross receipts; providing for the levying of  
certain assessment on the total gross receipts of a  
telecast promoter; defining gross receipts; providing  
procedures for non-cable operators for the remittance  
of the assessment; authorizing the Oklahoma State  
Athletic Commission to require certain report to be  
filed; providing procedures for cable operators for  
the remittance of the assessment; requiring the cable  
system operator to withhold certain proceeds for  
remittance; requiring the cable system operator to  
file certain reports; specifying penalty for the  
making of a false and fraudulent report; providing

1 for noncodification; providing an effective date; and  
2 declaring an emergency.

3  
4  
5 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

6 SECTION 1. NEW LAW A new section of law not to be  
7 codified in the Oklahoma Statutes reads as follows:

8 This act shall be known and may be cited as "George Clinkscale's  
9 Law".

10 SECTION 2. AMENDATORY 3A O.S. 2011, Section 602, is  
11 amended to read as follows:

12 Section 602. A. As used in the Oklahoma State Athletic  
13 Commission Act:

14 1. "Administrator" means the administrator of the Oklahoma  
15 State Athletic Commission;

16 2. "Amateur combative sports event" means a combative sports  
17 event in which the participants have never been licensed as  
18 professionals in any combative sport;

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

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

8       ~~4.~~ 5. "Amateur mixed martial arts" means any form of  
9 competitive pugilistic contest in which the participants have never  
10 been licensed as professionals in any combative sport and blows are  
11 delivered with any part of the hands, feet, or knees and multiple  
12 combative disciplines are used including grappling. Such contests  
13 take place in a rope-enclosed ring or fenced enclosed cage and are  
14 fought in timed rounds;

15       ~~5.~~ 6. "Applicant" means any individual, club, association,  
16 corporation, partnership or trust which submits to the Oklahoma  
17 State Athletic Commission an application for a license or permit  
18 pursuant to the Oklahoma State Athletic Commission Act;

19       ~~6.~~ 7. "Booking agent" means independent contractors who act as  
20 bookers, agents, agencies and representatives who secure engagements  
21 and contracts for combative sports participants;

22       ~~7.~~ 8. "Boxing" means any form of competitive pugilism or  
23 unarmed combat in which a blow is usually struck which may  
24 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 ~~8.~~ 9. "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 "Broadcast" shall not include any audio or visual transmission sent  
8 by any means of signal of any professional boxing event conducted  
9 outside this state;

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

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

1 telecast" means any such telecast of a professional combative  
2 sporting event as described herein which is not intended to be  
3 available for viewing without the payment of a fee, collected for or  
4 based upon each event viewed, for the privilege of viewing the  
5 telecast, and includes pay-per-view;

6 ~~11.~~ 12. "Club" means an incorporated or unincorporated  
7 association or body of individuals voluntarily united and acting  
8 together for some common or special purpose;

9 ~~12.~~ 13. "Combative sports" means any form of competitive  
10 pugilism or unarmed combat in which a blow is usually struck which  
11 may reasonably be expected to inflict injury, including but not  
12 limited to boxing, wrestling, mixed martial arts, and kickboxing,  
13 but shall not include the martial arts (singular) as defined by the  
14 provisions of this section;

15 ~~13.~~ 14. "Combative sports practitioner" means a person who  
16 competes or spars in a combative sports event and includes boxers,  
17 kickboxers, mixed martial artists and wrestlers;

18 15. "Commission" means the Oklahoma State Athletic Commission;

19 ~~14.~~ 16. "Contest" means a combative sports ~~match~~ event in which  
20 it is reasonable to anticipate that the participants strive  
21 earnestly in good faith to win;

22 ~~15.~~ 17. "Corner person" means, but shall not be limited to, a  
23 trainer, a second, or any other individual who attends the  
24 participant during a match;

1 ~~16.~~ 18. "Event" means a combative sports contest or exhibition  
2 including but not limited to a match, bout, contest, show or  
3 tournament;

4 19. "Exhibition" means a ~~boxing match~~ combative sports event in  
5 which the participants show or display their skill by sparring  
6 without necessarily striving to win, ~~such as sparring;~~

7 ~~17.~~ 20. "Judge" means an individual other than a referee who  
8 shall have a vote in determining the winner of any contest;

9 ~~18.~~ 21. "Kickboxing" means any form of competitive pugilistic  
10 professional contest or exhibition in which blows are delivered with  
11 the hand and any part of the foot. Such contests or exhibitions  
12 take place in a rope-enclosed ring and are fought in timed rounds;

13 ~~19.~~ 22. "License" means a certificate issued by the Commission  
14 to participants of sanctioned professional combative sports  
15 contests, professional exhibitions, and amateur mixed martial arts  
16 contests and is a mandatory requirement for participation in such  
17 events;

18 ~~20.~~ 23. "Manager" means an individual who controls or  
19 administers the affairs of any professional combative sports  
20 participant, including acting as a booking agent. "Manager" shall  
21 include the representative of a manager as defined by the  
22 Commission;

23 ~~21.~~ 24. "Martial arts" means any form of karate, kung fu, tae  
24 kwon-do, or any other form of martial or self-defense art;

1       ~~22.~~ 25. "Matchmaker" means an individual who brings together  
2 professional combative sports participants or arranges professional  
3 combative sports contests or professional exhibitions;

4       ~~23.~~ 26. "Participant" means an individual who takes part in a  
5 ~~professional combative sports contest, an amateur mixed martial arts~~  
6 ~~contest, or professional exhibition~~ event;

7       ~~24.~~ 27. "Pay-per-view telecasts of professional ~~boxing~~  
8 combative sports events" means telecasts offered by cable television  
9 companies to subscribers at a cost in addition to the monthly cable  
10 television subscription rate. Such events shall include local and  
11 state professional ~~boxing~~ combative sports contests and professional  
12 exhibitions as defined in this section;

13       ~~25.~~ 28. "Person" means any individual, partnership, limited  
14 liability company, club, association, corporation, ~~or~~ trust or other  
15 entity;

16       ~~26.~~ 29. "Physician" means an individual licensed under the laws  
17 of this state to engage in the general practice of medicine or  
18 osteopathic medicine;

19       ~~27.~~ 30. "Professional ~~boxer~~ combative sports practitioner"  
20 means an individual eighteen (18) years of age or older who competes  
21 for money, prizes, or purses, or who teaches, instructs, or assists  
22 in the practice of ~~boxing~~ combative sports or sparring as a means of  
23 obtaining pecuniary gain;

1       ~~28.~~ 31. "Professional ~~boxing contest, amateur mixed martial~~  
2 ~~arts contest, and professional exhibition" mean a combative sports~~  
3 ~~match conducted within this state in which the participants are~~  
4 ~~persons who must be licensed pursuant to the provisions of the~~  
5 ~~Oklahoma State Athletic Commission Act~~ combative sports event" means  
6 a combative sports event in which the participants are paid a purse;

7       ~~29.~~ 32. "Professional mixed martial arts" means any form of  
8 competitive pugilistic contest in which the participants are paid a  
9 purse and blows are delivered with any part of the hands, feet,  
10 elbows, or knees and multiple combative disciplines are used to  
11 include grappling. Such contests take place in a rope-enclosed ring  
12 or fenced enclosed cage and are fought in timed rounds;

13       ~~30.~~ 33. "Promote" or "promoting" means producing, staging,  
14 sponsoring, organizing or otherwise holding a combative sports event  
15 whether or not the event is open to the public;

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

23       ~~31.~~ 35. "Pugilism" means combative sports or the skill or  
24 practice of fighting with the fists;

1       ~~32.~~ 36. "Purse" means the financial guarantee or any other  
2 remuneration or thing of value for which a ~~professional boxer~~  
3 combative sports practitioner participates in a professional ~~boxing~~  
4 ~~contest or professional exhibition~~ combative sports event and shall  
5 include the participant's share of any payment received for radio  
6 broadcasting, television, including cable television, pay-per-view  
7 television, and closed-circuit television, and motion picture  
8 rights. "Purse" shall also include gate receipts and any other  
9 prizes;

10       ~~33.~~ 37. "Ring official" means any individual who performs an  
11 official function during the progress of a ~~professional boxing~~  
12 ~~contest,~~ combative sports event or amateur mixed martial arts  
13 ~~contest, or professional exhibition~~ event including but not limited  
14 to timekeepers, judges, referees, and attending physicians;

15       ~~34.~~ 38. "Sanctioning permit" means a permit issued by the  
16 Commission to promoters who make application for official approval  
17 of professional ~~boxing contests,~~ combative sports events and amateur  
18 mixed martial arts ~~contests and professional exhibitions~~ events;

19       ~~35.~~ 39. "Sparring" means to engage in a form of ~~boxing~~  
20 combative sport with jabbing or feinting movements, and the exchange  
21 of few heavy blows, such as occurs in a practice or exhibition  
22 boxing match;

23       ~~36.~~ 40. "Telecast promoter", ~~for purposes of Section 622 of~~  
24 ~~this title,~~ means any promoter who shows or causes to be shown in

1 this state a closed-circuit telecast of any professional ~~boxing~~  
2 combative sports event, ~~whether or not the telecast or event~~  
3 ~~originates~~ conducted in this state. "Telecast promoter" shall not  
4 include a cable system operator;

5 ~~37.~~ 41. "Trainer" means an individual who assists, coaches, or  
6 instructs any professional ~~boxer~~ combative sports practitioner or  
7 amateur mixed martial ~~arts participant~~ artist with respect to  
8 physical conditioning, strategy, techniques, or preparation for  
9 competition, professional ~~boxing~~ combative sports contests, or  
10 professional exhibitions; and

11 ~~38.~~ 42. "Vendor" means any individual, firm, organization,  
12 club, or corporation that participates in the conduct of a  
13 professional ~~boxing contest,~~ combative sports event or amateur mixed  
14 martial arts ~~contest,~~ or professional exhibition event conducted in  
15 this state by offering for sale food or merchandise, including, but  
16 not limited to, wearing apparel, alcoholic and nonalcoholic  
17 beverages, souvenirs, and programs.

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

20 SECTION 3. AMENDATORY 3A O.S. 2011, Section 604.1, is  
21 amended to read as follows:

22 Section 604.1 A. There is hereby re-created, until July 1,  
23 2015, in accordance with the Oklahoma Sunset Law, the Oklahoma State  
24 Athletic Commission, which shall be composed of nine (9) members

1 appointed by the Governor with the advice and consent of the Senate.  
2 The member of the Commission initially appointed pursuant to this  
3 act shall serve a term of three (3) years that shall expire on June  
4 30, 2006. Members appointed to the Commission shall serve for terms  
5 of three (3) years. Terms of office shall expire on June 30. All  
6 vacancies and unexpired terms shall be filled in the same manner as  
7 the original appointment and within sixty (60) days from the date of  
8 the vacancy. Members may be removed by the Governor for  
9 incompetence, willful neglect of duty, corruption in office, or  
10 malfeasance in office.

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

13 1. Two members shall have experience as a professional ~~boxer~~  
14 combative sports practitioner, other than as a professional wrestler  
15 or in professional ~~boxing~~ combative sports promotions;

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

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

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

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

23 C. No member of the Commission or any person related to a  
24 member within the third degree by consanguinity or affinity shall

1 promote, sponsor, or have any financial interest in the promotion or  
2 sponsorship of any professional ~~boxing contest~~ combative sports  
3 event or ~~professional exhibition~~ amateur mixed martial arts event  
4 while a member of the Commission.

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

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

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

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

20 SECTION 4. AMENDATORY 3A O.S. 2011, Section 604.2, is  
21 amended to read as follows:

22 Section 604.2 A. The mission of the Oklahoma State Athletic  
23 Commission shall be to expand and promote existing combative  
24

1 sporting events in Oklahoma and to actively work to bring new  
2 combative sporting events into Oklahoma.

3 B. The Commission shall have the power to:

4 1. Promulgate rules and issue orders necessary to carry out the  
5 purposes of the Oklahoma State Athletic Commission Act, and enforce  
6 the provisions of said act and the rules promulgated pursuant  
7 thereto;

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

16 3. Set license and permit fees pursuant to the requirements of  
17 the Oklahoma State Athletic Commission Act;

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

20 5. Conduct investigations and proceedings for alleged  
21 violations of the Oklahoma State Athletic Commission Act and order  
22 or subpoena the attendance of witnesses, the inspection of records  
23 and premises, and the production of relevant books and papers  
24 necessary to such investigations and 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           C. Any rule promulgated, order made, or action taken prior to  
6 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 State Athletic Commission Act shall be considered valid  
9 and in effect unless amended, repealed, or rescinded by the  
10 Commission.

11           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 State Athletic Commission Act, or rules promulgated  
14 pursuant thereto, shall remain valid and in effect until it expires  
15 pursuant to law or unless suspended or revoked by the Commission.  
16 Any application for a license, permit, certificate, or registration  
17 which is pending on June 30, 1999, is hereby transferred to the  
18 Commission.

19           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~~ combative sports, are hereby  
23 transferred to the Oklahoma State Athletic Commission.

24

1 SECTION 5. AMENDATORY 3A O.S. 2011, Section 605, is  
2 amended to read as follows:

3 Section 605. A. The Oklahoma State Athletic Commission may  
4 employ an administrator to oversee the organization and activities  
5 of the Commission and to ensure compliance with rules promulgated by  
6 the Commission. The administrator shall perform such other duties  
7 as the Commission may prescribe. The salary of the administrator  
8 shall be set by the Commission. The position of administrator shall  
9 be an unclassified position.

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

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

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

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

22 E. The administrator, the assistant, and any other employees of  
23 the Commission or any persons related to said employees within the  
24 third degree by either consanguinity or affinity shall be prohibited

1 from promoting, sponsoring, or having any pecuniary interest in any  
2 professional ~~boxing contest or professional exhibition~~ combative  
3 sports event or amateur mixed martial arts event regulated by the  
4 Commission with the exception of medical personnel.

5 SECTION 6. AMENDATORY 3A O.S. 2011, Section 606, is  
6 amended to read as follows:

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

13 B. 1. No person shall promote, nor shall any person  
14 participate in, a professional combative sports event or an amateur  
15 mixed martial arts event unless the event is sanctioned by the  
16 Commission.

17 2. Except as provided in paragraphs 1 and 2 of subsection C of  
18 this section, no person shall promote an amateur combative sports  
19 event unless the event has been sanctioned by a nationally  
20 recognized amateur sanctioning body that has been approved by the  
21 Commission.

22 3. Any person violating the provisions of this subsection shall  
23 be punishable pursuant to the provisions of Section 615 of this  
24 title.

1        C. Specifically exempt from the provisions of the Oklahoma  
2 State Athletic Commission Act are the amateur combative sports  
3 contests or exhibitions conducted or sponsored by:

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

10       2. Any military installation or branch of the Armed Forces  
11 where the participants are employed by the military installation or  
12 are members of the branch of the Armed Forces sponsoring the contest  
13 or exhibition; and

14       3. Amateur ~~boxing matches~~ combative sports events which are  
15 sanctioned by a Commission-approved and nationally recognized  
16 amateur sanctioning body. ~~To obtain an exemption from the Oklahoma~~  
17 ~~State Athletic Commission Act under this paragraph, a~~ The nationally  
18 recognized amateur sanctioning body must present itself to the  
19 Commission and provide a copy of its rules and bylaws for Commission  
20 review and approval. Upon approval, the Commission, or its  
21 designated representatives, may visit, attend, investigate and  
22 audit, as the Commission deems necessary, any match, event,  
23 sanctioning body office or event office for the purpose of  
24 determining whether the rules and bylaws of the amateur sanctioning

1 body as submitted to the Commission are being followed. The  
2 Commission administrator shall immediately rescind approval of any  
3 nationally recognized amateur sanctioning body, pending a hearing,  
4 if said sanctioning body is found to be negligent or noncommittal in  
5 the enforcement of the rules and bylaws presented to and approved by  
6 the Commission.

7 ~~C.~~ D. The following persons are specifically exempt from the  
8 provisions of the Oklahoma State Athletic Commission Act:

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

11 2. Instructors of amateur ~~boxers~~ combative sports practitioners  
12 if such instructors are not required to be licensed pursuant to  
13 other provisions of the Oklahoma State Athletic Commission Act.

14 SECTION 7. AMENDATORY 3A O.S. 2011, Section 607, is  
15 amended to read as follows:

16 Section 607. A. The Oklahoma State Athletic Commission shall  
17 promulgate rules necessary to implement processes for issuing  
18 sanctioning permits for professional ~~boxing contests and~~  
19 ~~professional exhibitions~~ combative sports events and amateur mixed  
20 martial arts events held or given in this state and for issuing  
21 licenses for participants of sanctioned contests and exhibitions,  
22 except those events and persons specifically exempt by the  
23 provisions of the Oklahoma State Athletic Commission Act.

24

1 B. All persons or entities who participate in any professional  
2 ~~boxing contest or professional exhibition~~ combative sports event or  
3 amateur mixed martial arts event sanctioned by the Commission,  
4 including, but not limited to, professional ~~boxers, trainers,~~  
5 ~~managers~~ combative sports practitioners, corner persons, booking  
6 agents, matchmakers, promoters, referees, judges, timekeepers,  
7 vendors, physicians, announcers, clubs, and corporations associated  
8 with a professional ~~boxing contest or professional exhibition~~  
9 combative sports event or amateur mixed martial arts event  
10 sanctioned by the Commission, shall be required to make application  
11 to the Commission for a license to participate in this state in any  
12 professional ~~boxing contest or professional exhibition~~ combative  
13 sports event or amateur mixed martial arts event sanctioned by the  
14 Commission.

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

18 D. The Commission shall determine reasonable costs and fees  
19 associated with issuing sanctioning permits and licenses. All costs  
20 and fees for sanctioning an event shall be payable by the promoter  
21 making application for a sanctioning permit. Costs and fees for a  
22 license may be paid by the participant making application or by the  
23 promoter of an event sanctioned by the Commission.  
24

1 E. A sanctioning permit shall be in effect upon the date issued  
2 by the Commission and shall expire upon the conclusion of the event,  
3 unless the sanctioning permit is suspended or revoked for just cause  
4 by the Commission. Licenses shall be in effect upon the date issued  
5 by the Commission, and all licenses shall expire June 30 unless the  
6 license is suspended or revoked for just cause by the Commission.

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

19 "Pursuant to the provisions of Section 601 et seq. of Title  
20 3A of the Oklahoma Statutes and the rules of the Oklahoma  
21 State Athletic Commission, THIS EVENT IS SANCTIONED BY THE  
22 OKLAHOMA STATE ATHLETIC COMMISSION. Sanctioning Permit No.  
23 \_\_\_\_\_."

24

1 G. All fees and other monies resulting from sanctioning  
2 professional ~~boxing contests and professional exhibitions~~ combative  
3 sports events and amateur mixed martial arts events and licenses  
4 shall be placed to the credit of the Oklahoma State Athletic  
5 Commission Revolving Fund.

6 SECTION 8. AMENDATORY 3A O.S. 2011, Section 609, is  
7 amended to read as follows:

8 Section 609. A. A sanctioning permit issued by the Oklahoma  
9 State Athletic Commission shall be required in order to conduct,  
10 sponsor, hold, or participate in professional ~~boxing contests or~~  
11 ~~professional exhibitions~~ combative sports events or amateur mixed  
12 martial arts events.

13 B. No sanctioning permit shall be issued for conducting or  
14 holding any professional ~~boxing contest or professional exhibition~~  
15 combative sports event or amateur mixed martial arts event within  
16 any political subdivision of this state where a local ordinance or  
17 resolution prohibits such contests or exhibitions within the limits  
18 of the political subdivision.

19 SECTION 9. AMENDATORY 3A O.S. 2011, Section 610, is  
20 amended to read as follows:

21 Section 610. A. The Oklahoma State Athletic Commission may  
22 issue, withhold, suspend, or revoke any and all licenses and  
23 sanctioning permits required by the provisions of the Oklahoma State  
24 Athletic Commission Act or the rules promulgated by the Commission.

1 The Commission may also censure or reprimand any licensee or  
2 sanctioning permit holder.

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

8 SECTION 10. AMENDATORY 3A O.S. 2011, Section 611, is  
9 amended to read as follows:

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

- 13 1. The preservation of the safety and health of the  
14 participants;
- 15 2. The best interest and welfare of the public; and
- 16 3. The best interest of ~~professional boxing~~ combative sports in  
17 general.

18 SECTION 11. AMENDATORY 3A O.S. 2011, Section 612, is  
19 amended to read as follows:

20 Section 612. A. Before any sanctioning permit is issued to any  
21 promoter to conduct or hold a professional ~~boxing contest or~~  
22 ~~professional exhibition~~ combative sports event or amateur mixed  
23 martial arts event, the applicant shall file with the Oklahoma State  
24 Athletic Commission a security in the form of a bond, cash,

1 certificate of deposit, or other securities acceptable to the  
2 Commission, payable to the State of Oklahoma in an amount determined  
3 by the Commission, executed by the applicant and a surety company or  
4 companies authorized to do business in this state, and conditioned  
5 upon the faithful performance by the promoter, which shall include  
6 but not be limited to the cancellation of a professional ~~boxing~~  
7 ~~contest or professional exhibition~~ combative sports event or amateur  
8 mixed martial arts event without good cause as determined by the  
9 Commission once the ~~professional boxing contest or professional~~  
10 ~~exhibition event~~ has been approved by the Commission.

11 B. The security required under this section shall guarantee the  
12 payment of all taxes, fees, fines and other monies due and payable  
13 pursuant to the provisions of the Oklahoma State Athletic Commission  
14 Act and the rules promulgated by the Commission, including, but not  
15 limited to, the payment of purses to the competitors, any  
16 contributions for required insurance, pensions, disability and  
17 medical examinations, the repayment to ticket holders of purchased  
18 tickets, the payment of fees to ring officials and physicians, and,  
19 in the event of the cancellation of a professional ~~boxing contest or~~  
20 ~~professional exhibition~~ combative sports event or amateur mixed  
21 martial arts event approved by the Commission without good cause, an  
22 amount determined by the Commission.

23 C. After issuance of a sanctioning permit to a promoter, the  
24 Commission may modify the amount of security required to ensure

1 adequate and sufficient coverage for payments of taxes, fees, fines,  
2 purses, and other monies due and payable pursuant to the provisions  
3 of this section. Failure of any promoter to obtain the modified  
4 security required pursuant to this subsection within such period of  
5 time as the Commission may prescribe, shall be grounds for  
6 revocation of the sanctioning permit of such promoter.

7 D. All proceeds of securities collected pursuant to the  
8 provisions of this section shall be placed to the credit of the  
9 Oklahoma State Athletic Commission Revolving Fund.

10 SECTION 12. AMENDATORY 3A O.S. 2011, Section 613, is  
11 amended to read as follows:

12 Section 613. The Oklahoma State Athletic Commission may:

13 1. Subpoena witnesses and compel the production of any and all  
14 books, memoranda, documents, papers, and records showing the  
15 receipts and disbursements of any individual, club, or corporation  
16 licensed under the provisions of the Oklahoma State Athletic  
17 Commission Act;

18 2. Administer oaths or affirmations to witnesses;

19 3. Require, at any time, the suspension for just cause from  
20 involvement in any activity associated with professional ~~boxing~~  
21 combative sports or amateur mixed martial arts of any employee or  
22 official employed by any licensee or permittee pursuant to the  
23 Oklahoma State Athletic Commission Act;

24

1 4. Prescribe the manner that books and financial or other  
2 statements of any licensee or permittee relating to professional  
3 ~~boxing~~ combative sports or amateur mixed martial arts shall be kept;  
4 and

5 5. Visit, investigate, audit, and place accountants and such  
6 other persons as the Commission may deem necessary in the offices or  
7 places of business related to professional ~~boxing~~ combative sports  
8 or amateur mixed martial arts of any licensee or permittee for the  
9 purpose of ensuring that the rules of the Commission are complied  
10 with.

11 SECTION 13. AMENDATORY 3A O.S. 2011, Section 614, is  
12 amended to read as follows:

13 Section 614. A. If upon inspection or investigation, or  
14 whenever the Oklahoma State Athletic Commission determines that a  
15 violation of the Oklahoma State Athletic Commission Act or of any  
16 order, standard, or rule promulgated pursuant to the provisions of  
17 the Oklahoma State Athletic Commission Act has occurred, the  
18 Commission shall give written notice to the alleged violator  
19 specifying the cause of the determination. Such notice shall  
20 require that the violations be corrected and specify the terms of  
21 such correction or require that the alleged violator appear before  
22 the Commission at a time and place specified in the notice and  
23 answer the charges.  
24

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

10 C. Upon the request of the Commission, the Attorney General  
11 shall bring an action against any person violating any of the  
12 provisions of the Oklahoma State Athletic Commission Act or  
13 violating any order or determination of the Commission.

14 SECTION 14. AMENDATORY 3A O.S. 2011, Section 615, is  
15 amended to read as follows:

16 Section 615. A. Any person who violates the provisions of the  
17 Oklahoma State Athletic Commission Act, upon first conviction, shall  
18 be guilty of a misdemeanor and shall be punished by the imposition  
19 of a fine of not more than One Thousand Dollars (\$1,000.00) or by  
20 incarceration in the county jail for not more than thirty (30) days  
21 or by both such fine and incarceration. Any person convicted of a  
22 second or subsequent violation shall be guilty of a felony  
23 punishable by a fine of not more than Five Thousand Dollars  
24 (\$5,000.00) or by incarceration in the county jail for a term of not

1 more than one (1) year or by incarceration in the custody of the  
2 Department of Corrections for a period of not more than two (2)  
3 years or by both such fine and incarceration. The Oklahoma State  
4 Athletic Commission shall suspend or revoke the license of any  
5 person convicted of violating the provisions of the Oklahoma State  
6 Athletic Commission Act.

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

21 C. Upon the request of the Commission, the Attorney General or  
22 the district attorney of the appropriate district court may make  
23 application to the appropriate court for an order enjoining the acts  
24 or practices prohibited by the provisions of Section 601 et seq. of

1 this title, and upon a showing that the person has engaged in any of  
2 the prohibited acts or practices, an injunction, restraining order,  
3 or other order as may be appropriate shall be granted by the court.

4 SECTION 15. AMENDATORY 3A O.S. 2011, Section 617, is  
5 amended to read as follows:

6 Section 617. A. Except as otherwise provided in the Oklahoma  
7 State Athletic Commission Act, in addition to the payment of any  
8 other fees and monies due pursuant to the Oklahoma State Athletic  
9 Commission Act and the rules promulgated by the Oklahoma State  
10 Athletic Commission, an assessment as provided herein in an amount  
11 not to exceed five percent (5%) of the total gross receipts of any  
12 professional ~~boxing contest or professional exhibition~~ combative  
13 sports event or amateur mixed martial arts event conducted in this  
14 state, exclusive of any federal tax or tax imposed by any political  
15 subdivision of this state, shall be hereby levied and shall be  
16 remitted by every promoter and vendor to the Oklahoma State Athletic  
17 Commission; ~~provided, however, if the promotion originates in~~  
18 ~~Oklahoma, the promoter and vendor shall only be liable for~~  
19 ~~assessments on the total gross receipts specified in subsections C,~~  
20 ~~D and E of this section and shall not also be liable for the~~  
21 ~~assessments specified in Section 622 of this title.~~

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

24

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

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

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

9 4. Two percent (2%) for an event for which the total gross  
10 receipts are between Three Hundred Fifty Thousand One Dollars  
11 (\$350,001.00) and Five Hundred Thousand Dollars (\$500,000.00); and

12 5. One and one-half percent (1.5%) for an event for which the  
13 total gross receipts are more than Five Hundred Thousand One Dollars  
14 (\$500,001.00).

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

17 1. ~~The gross price charged by the promoter for the sale, lease,~~  
18 ~~or other use of broadcasting, including, but not limited to, radio,~~  
19 ~~television, including cable television, pay per view television, and~~  
20 ~~closed-circuit television, or motion picture rights of boxing~~  
21 ~~contests, events, or exhibitions conducted within this state,~~  
22 ~~without any deductions for commissions, brokerage fees, distribution~~  
23 ~~fees, advertising, or other expenses or charges;~~

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

1       ~~3.~~ 2. Proceeds from a vendor, or the promoter's gross price  
2 charged for the sale of food, alcoholic and nonalcoholic beverages,  
3 or merchandise, including, but not limited to, wearing apparel,  
4 souvenirs and programs.

5       D. For professional ~~boxing contests or professional exhibitions~~  
6 combative sports events or amateur mixed martial arts events at  
7 which admission tickets are not sold, the promoter shall remit an  
8 assessment equal to five percent (5%) of the revenues received by  
9 the promoter for the event.

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

15       F. Payment of the assessment on gross receipts, ~~excepting for~~  
16 ~~motion picture rights~~ unless otherwise specified, shall be due  
17 within seventy-two (72) hours after the holding of the professional  
18 ~~boxing contest or professional exhibition~~ combative sports event or  
19 amateur mixed martial arts event and shall be accompanied by a  
20 report in such form as shall be prescribed by the Oklahoma State  
21 Athletic Commission.

22       G. The first payment of the assessment on gross income received  
23 from the sale of motion picture rights shall be due at the end of  
24 the month after the date of the sale of the motion picture rights,

1 and further payments shall be due every thirty (30) days thereafter,  
2 during the presentation of the picture, and shall be accompanied by  
3 a gross receipts report in such form as shall be prescribed by the  
4 Oklahoma State Athletic Commission.

5 H. Except as otherwise provided in the Oklahoma State Athletic  
6 Commission Act, in addition to the payment of any other fees and  
7 monies due pursuant to the Oklahoma State Athletic Commission Act  
8 and the rules promulgated by the Oklahoma State Athletic Commission,  
9 an assessment in an amount of five percent (5%) of the total gross  
10 receipts of every telecast promoter shall be levied. Total gross  
11 receipts shall include the gross price charged for the sale, lease,  
12 or other use of broadcasting, including, but not limited to, radio,  
13 television, including cable television, pay-per-view television, and  
14 closed-circuit television, or motion picture rights of combative  
15 sports or amateur mixed martial arts contests, events, or  
16 exhibitions conducted within this state, without any deductions for  
17 commissions, brokerage fees, distribution fees, advertising, or  
18 other expenses or charges.

19 I. 1. In the case of facilities at or through which the  
20 closed-circuit telecast is shown other than a cable system  
21 operator's pay-per-view facilities, the telecast promoter shall,  
22 within eight (8) days after the telecast, inclusive of mailing time,  
23 file with the Commission a written report detailing the name,  
24 address, telephone number, contact person's name, and the details of

1 the payment arrangement for the right to receive the telecast for  
2 each facility to which the broadcast was transmitted.

3 2. The report shall be accompanied by the assessment payment  
4 required under subsection H of this section, excluding any federal,  
5 state or local taxes.

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

12 J. 1. In the case of a cable system operator's pay-per-view  
13 facilities at or through which a closed-circuit telecast was shown  
14 within the state, the telecast promoter shall, within thirty (30)  
15 days following receipt of the notice of the assessment from the  
16 Commission, cause to be filed with the Commission the assessment  
17 required pursuant to subsection H of this section, excluding any  
18 federal, state, or local taxes.

19 2. The cable system operator shall withhold from the proceeds  
20 due to the telecast promoter the assessment payment required  
21 pursuant to subsection H of this section and remit the assessment to  
22 the Commission on behalf of the telecast promoter. The cable system  
23 operator shall not be liable for the remittance of the assessment  
24 fee required pursuant to subsection H of this section from any

1 proceeds due to the cable system operator from its pay-per-view  
2 events.

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

7 4. Cable system operators shall not be liable to the Commission  
8 for the assessment payment required under subsection H of this  
9 section. Nothing in this section shall be deemed to prevent a cable  
10 system operator from billing its customer for the assessment  
11 payment.

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

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

19 L. Gross receipts reports signed under oath shall also include:

20 1. The name of the promoter;

21 2. ~~The boxing contest or professional exhibition~~ professional  
22 combative sports event or amateur mixed martial arts event

23 sanctioning permit number;

24

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

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

5        5. Such further information as the Oklahoma State Athletic  
6 Commission may require to enable it to compute correctly and collect  
7 the assessment levied pursuant to this section.

8        ~~F.~~ M. In addition to the information required on reports, the  
9 Oklahoma State Athletic Commission may request, and the promoter  
10 shall furnish, any information deemed necessary for a correct  
11 computation of the assessment levied pursuant to this section.

12        ~~J.~~ N. All levies pursuant to this section shall be collected by  
13 the Commission and shall be placed to the credit of the Oklahoma  
14 State Athletic Commission Revolving Fund.

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

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

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

11        SECTION 16.        AMENDATORY        3A O.S. 2011, Section 619, is  
12 amended to read as follows:

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

23        SECTION 17. This act shall become effective July 1, 2012.  
24

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

5

6       53-2-10508       CJB       05/15/12

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