

1 STATE OF OKLAHOMA

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

3 COMMITTEE SUBSTITUTE

4 FOR

HOUSE BILL NO. 2746

By: Kirby

5
6
7 COMMITTEE SUBSTITUTE

8 An Act relating to amusements and sports; amending 3A
9 O.S. 2011, Sections 602, 604.1, 604.2, 605, 606, 607,
10 609, 610, 611, 612, 613, 614, 615, 617 and 619, which
11 relate to the Oklahoma State Athletic Commission;
12 defining terms; updating terminology to reflect
13 modification of definitions; modifying Commission
14 membership qualifications; requiring sanctioning of
15 certain events; requiring certain notice; expanding
16 scope of certain license considerations; removing
17 ability to request certain action of Attorney
18 General; providing punishment for repeated offenses;
19 providing an effective date; and declaring an
20 emergency.

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

22 SECTION 1. AMENDATORY 3A O.S. 2011, Section 602, is
23 amended to read as follows:

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

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

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

7 3. "Amateur combative sports event" means a combative sports
8 event in which the participants have never been licensed as
9 professionals in any combative sport;

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

16 ~~4.~~ 5. "Amateur mixed martial arts" means any form of
17 competitive pugilistic contest in which the participants have never
18 been licensed as professionals in any combative sport and blows are
19 delivered with any part of the hands, feet, or knees and multiple
20 combative disciplines are used including grappling. Such contests
21 take place in a rope-enclosed ring or fenced enclosed cage and are
22 fought in timed rounds;

23 ~~5.~~ 6. "Applicant" means any individual, club, association,
24 corporation, partnership or trust which submits to the Oklahoma

1 State Athletic Commission an application for a license or permit
2 pursuant to the Oklahoma State Athletic Commission Act;

3 ~~6.~~ 7. "Booking agent" means independent contractors who act as
4 bookers, agents, agencies and representatives who secure engagements
5 and contracts for combative sports participants;

6 ~~7.~~ 8. "Boxing" means any form of competitive pugilism or
7 unarmed combat in which a blow is usually struck which may
8 reasonably be expected to inflict injury, including, but not limited
9 to, boxing, wrestling, mixed martial arts, and kickboxing, but shall
10 not include the martial arts as defined by the provisions of this
11 section;

12 ~~8.~~ 9. "Broadcast" means any audio or visual transmission sent
13 by any means of signal within, into, or from this state, whether
14 live or taped or time delayed, and includes any replays thereof;

15 ~~9.~~ 10. "Cable system operator" means any person who makes
16 available or provides customers a closed-circuit telecast which is
17 pay-per-view, including any person who does so as a direct broadcast
18 satellite provider or other multichannel video service provider;

19 ~~10.~~ 11. "Closed-circuit telecast of professional combative
20 sporting events" means telecast rights, including television, cable
21 television, or pay-per-view telecasts, acquired by paying a
22 licensing fee or by paying a contractual price by a business or
23 individual, including, but not limited to, arenas, entertainment or
24 meeting centers, restaurants, bars, taverns, hotels, motels, clubs,

1 and organizations, which offers the viewing of the event to the
2 public or to private residences. Such events shall include local
3 and state professional ~~boxing~~ combative sports contests and
4 professional exhibitions as defined in this section. For purposes
5 of Section 622 of this title, "closed-circuit telecast" means any
6 such telecast of a professional combative sporting event as
7 described herein which is not intended to be available for viewing
8 without the payment of a fee, collected for or based upon each event
9 viewed, for the privilege of viewing the telecast, and includes pay-
10 per-view;

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

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

20 ~~13.~~ 14. "Combative sports practitioner" means a person who
21 competes or spars in a combative sports event and includes boxers,
22 kickboxers, mixed martial artists and wrestlers;

23 15. "Commission" means the Oklahoma State Athletic Commission;
24

1 ~~14.~~ 16. "Contest" means a combative sports ~~match~~ event in which
2 it is reasonable to anticipate that the participants strive
3 earnestly in good faith to win;

4 ~~15.~~ 17. "Corner person" means, but shall not be limited to, a
5 trainer, a second, or any other individual who attends the
6 participant during a match;

7 ~~16.~~ 18. "Event" means a combative sports contest or exhibition
8 including but not limited to a match, bout, contest, show or
9 tournament;

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

13 ~~17.~~ 20. "Judge" means an individual other than a referee who
14 shall have a vote in determining the winner of any contest;

15 ~~18.~~ 21. "Kickboxing" means any form of competitive pugilistic
16 professional contest or exhibition in which blows are delivered with
17 the hand and any part of the foot. Such contests or exhibitions
18 take place in a rope-enclosed ring and are fought in timed rounds;

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

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1 ~~20.~~ 23. "Manager" means an individual who controls or
2 administers the affairs of any professional combative sports
3 participant, including acting as a booking agent. "Manager" shall
4 include the representative of a manager as defined by the
5 Commission;

6 ~~21.~~ 24. "Martial arts" means any form of karate, kung fu, tae
7 kwon-do, or any other form of martial or self-defense art;

8 ~~22.~~ 25. "Matchmaker" means an individual who brings together
9 professional combative sports participants or arranges professional
10 combative sports contests or professional exhibitions;

11 ~~23.~~ 26. "Participant" means an individual who takes part in a
12 ~~professional combative sports contest, an amateur mixed martial arts~~
13 ~~contest, or professional exhibition~~ event;

14 ~~24.~~ 27. "Pay-per-view telecasts of professional ~~boxing~~
15 combative sports events" means telecasts offered by cable television
16 companies to subscribers at a cost in addition to the monthly cable
17 television subscription rate. Such events shall include local and
18 state professional ~~boxing~~ combative sports contests and professional
19 exhibitions as defined in this section;

20 ~~25.~~ 28. "Person" means any individual, partnership, limited
21 liability company, club, association, corporation, ~~or~~ trust or other
22 entity;

1 ~~26.~~ 29. "Physician" means an individual licensed under the laws
2 of this state to engage in the general practice of medicine or
3 osteopathic medicine;

4 ~~27.~~ 30. "Professional ~~boxer~~ combative sports practitioner"
5 means an individual eighteen (18) years of age or older who competes
6 for money, prizes, or purses, or who teaches, instructs, or assists
7 in the practice of ~~boxing~~ combative sports or sparring as a means of
8 obtaining pecuniary gain;

9 ~~28.~~ 31. "Professional ~~boxing contest, amateur mixed martial~~
10 ~~arts contest, and professional exhibition~~" ~~mean a combative sports~~
11 ~~match conducted within this state in which the participants are~~
12 ~~persons who must be licensed pursuant to the provisions of the~~
13 ~~Oklahoma State Athletic Commission Act~~ combative sports event" means
14 a combative sports event in which the participants are paid a purse;

15 ~~29.~~ 32. "Professional mixed martial arts" means any form of
16 competitive pugilistic contest in which the participants are paid a
17 purse and blows are delivered with any part of the hands, feet,
18 elbows, or knees and multiple combative disciplines are used to
19 include grappling. Such contests take place in a rope-enclosed ring
20 or fenced enclosed cage and are fought in timed rounds;

21 ~~30.~~ 33. "Promoter" means any individual, whether a resident or
22 nonresident of Oklahoma, or club or corporation, whether
23 domesticated or not domesticated in Oklahoma, that produces or
24 stages professional contests, amateur mixed martial arts contests,

1 or professional exhibitions conducted within this state and shall
2 include any officer, director, or employees as defined by the
3 Commission;

4 ~~31.~~ 34. "Promoting" a combative sports event means producing,
5 staging, sponsoring, organizing or otherwise holding an event
6 whether or not the event is open to the public;

7 35. "Pugilism" means combative sports or the skill or practice
8 of fighting with the fists;

9 ~~32.~~ 36. "Purse" means the financial guarantee or any other
10 remuneration or thing of value for which a ~~professional boxer~~
11 combative sports practitioner participates in a professional ~~boxing~~
12 ~~contest or professional exhibition~~ combative sports events and shall
13 include the participant's share of any payment received for radio
14 broadcasting, television, including cable television, pay-per-view
15 television, and closed-circuit television, and motion picture
16 rights. "Purse" shall also include gate receipts and any other
17 prizes;

18 ~~33.~~ 37. "Ring official" means any individual who performs an
19 official function during the progress of a ~~professional boxing~~
20 ~~contest,~~ combative sports event or amateur mixed martial arts
21 ~~contest, or professional exhibition~~ event including but not limited
22 to timekeepers, judges, referees, and attending physicians;

23 ~~34.~~ 38. "Sanctioning permit" means a permit issued by the
24 Commission to promoters who make application for official approval

1 of professional ~~boxing contests,~~ combative sports events and amateur
2 mixed martial arts ~~contests and professional exhibitions~~ events;

3 ~~35.~~ 39. "Sparring" means to engage in a form of ~~boxing~~
4 combative sport with jabbing or feinting movements, and the exchange
5 of few heavy blows, such as occurs in a practice or exhibition
6 boxing match;

7 ~~36.~~ 40. "Telecast promoter", for purposes of Section 622 of
8 this title, means any promoter who shows or causes to be shown in
9 this state a closed-circuit telecast of any professional ~~boxing~~
10 combative sports event, whether or not the telecast or event
11 originates in this state. "Telecast promoter" shall not include a
12 cable system operator;

13 ~~37.~~ 41. "Trainer" means an individual who assists, coaches, or
14 instructs any professional ~~boxer~~ combative sports practitioner or
15 amateur mixed martial arts ~~participant~~ artist with respect to
16 physical conditioning, strategy, techniques, or preparation for
17 competition, professional ~~boxing~~ combative sports contests, or
18 professional exhibitions; and

19 ~~38.~~ 42. "Vendor" means any individual, firm, organization,
20 club, or corporation that participates in the conduct of a
21 professional ~~boxing contest,~~ combative sports event or amateur mixed
22 martial arts ~~contest,~~ or ~~professional exhibition~~ event by offering
23 for sale food or merchandise, including, but not limited to, wearing
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1 apparel, alcoholic and nonalcoholic beverages, souvenirs, and
2 programs.

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

5 SECTION 2. AMENDATORY 3A O.S. 2011, Section 604.1, is
6 amended to read as follows:

7 Section 604.1 A. There is hereby re-created, until July 1,
8 2015, in accordance with the Oklahoma Sunset Law, the Oklahoma State
9 Athletic Commission, which shall be composed of nine (9) members
10 appointed by the Governor with the advice and consent of the Senate.
11 The member of the Commission initially appointed pursuant to this
12 act shall serve a term of three (3) years that shall expire on June
13 30, 2006. Members appointed to the Commission shall serve for terms
14 of three (3) years. Terms of office shall expire on June 30. All
15 vacancies and unexpired terms shall be filled in the same manner as
16 the original appointment and within sixty (60) days from the date of
17 the vacancy. Members may be removed by the Governor for
18 incompetence, willful neglect of duty, corruption in office, or
19 malfeasance in office.

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

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

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

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

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

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

8 C. No member of the Commission or any person related to a
9 member within the third degree by consanguinity or affinity shall
10 promote, sponsor, or have any financial interest in the promotion or
11 sponsorship of any professional ~~boxing contest~~ combative sports
12 event or ~~professional exhibition~~ amateur mixed martial arts event
13 while a member of the Commission.

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

20 E. The Commission shall comply with the provisions of the
21 Oklahoma Open Meeting Act, the Oklahoma Open Records Act, and the
22 Administrative Procedures Act.

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1 F. All members of the Commission and such employees as
2 determined by the Commission shall be bonded as required by Sections
3 85.26 through 85.31 of Title 74 of the Oklahoma Statutes.

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

7 SECTION 3. AMENDATORY 3A O.S. 2011, Section 604.2, is
8 amended to read as follows:

9 Section 604.2 A. The mission of the Oklahoma State Athletic
10 Commission shall be to expand and promote existing combative
11 sporting events in Oklahoma and to actively work to bring new
12 combative sporting events into Oklahoma.

13 B. The Commission shall have the power to:

14 1. Promulgate rules and issue orders necessary to carry out the
15 purposes of the Oklahoma State Athletic Commission Act, and enforce
16 the provisions of said act and the rules promulgated pursuant
17 thereto;

18 2. Assume jurisdiction over all matters relating to the
19 licensing of professional ~~boxers, trainers, managers~~ combative
20 sports practitioners, corner persons, booking agents, matchmakers,
21 promoters, referees, judges, timekeepers, vendors, physicians,
22 announcers, clubs, and corporations associated with a professional
23 ~~boxing contest,~~ combative sports event or ~~professional exhibition~~
24 amateur mixed martial arts event related thereto;

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

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

5 5. Conduct investigations and proceedings for alleged
6 violations of the Oklahoma State Athletic Commission Act and order
7 or subpoena the attendance of witnesses, the inspection of records
8 and premises, and the production of relevant books and papers
9 necessary to such investigations and proceedings;

10 6. Develop and administer examinations for applicants for
11 licenses and permits; and

12 7. Make such expenditures as may be necessary in the
13 performance of its duties.

14 C. Any rule promulgated, order made, or action taken prior to
15 July 1, 1999, by the Commissioner of Labor or the Department of
16 Labor pursuant to the provisions of, or rules issued pursuant to,
17 the Oklahoma State Athletic Commission Act shall be considered valid
18 and in effect unless amended, repealed, or rescinded by the
19 Commission.

20 D. Any valid license, permit, certificate, or registration
21 issued prior to July 1, 1999, by the Commissioner of Labor pursuant
22 to the Oklahoma State Athletic Commission Act, or rules promulgated
23 pursuant thereto, shall remain valid and in effect until it expires
24 pursuant to law or unless suspended or revoked by the Commission.

1 Any application for a license, permit, certificate, or registration
2 which is pending on June 30, 1999, is hereby transferred to the
3 Commission.

4 E. All personnel, powers, duties, responsibilities, fund
5 balances, encumbrances, obligations, and property, which shall
6 include records, furniture, and equipment of the Department of Labor
7 relating to the regulation of ~~boxing~~ combative sports, are hereby
8 transferred to the Oklahoma State Athletic Commission.

9 SECTION 4. AMENDATORY 3A O.S. 2011, Section 605, is
10 amended to read as follows:

11 Section 605. A. The Oklahoma State Athletic Commission may
12 employ an administrator to oversee the organization and activities
13 of the Commission and to ensure compliance with rules promulgated by
14 the Commission. The administrator shall perform such other duties
15 as the Commission may prescribe. The salary of the administrator
16 shall be set by the Commission. The position of administrator shall
17 be an unclassified position.

18 B. The Commission may employ an assistant to keep records of
19 all proceedings relating to professional ~~boxing~~ combative sports and
20 amateur mixed martial arts and to preserve all books, documents, and
21 papers belonging to the Commission. The assistant shall perform
22 such other duties as the Commission may prescribe. The Commission
23 may employ such other personnel as necessary, subject to statutory
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1 full-time-equivalent (FTE) limits applicable to the State Department
2 of Health.

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

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

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

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

17 Section 606. A. The Oklahoma State Athletic Commission is
18 hereby vested with jurisdiction to issue sanctioning permits for all
19 professional ~~boxing~~ combative sports contests, and exhibitions and
20 for all amateur mixed martial arts contests, ~~and professional~~
21 ~~exhibitions~~ and exhibitions held or given within this state and to
22 issue licenses for participants of sanctioned contests and
23 exhibitions.
24

1 B. ~~Specifically exempt from the provisions of the Oklahoma~~
2 ~~State Athletic Commission Act are the contests or exhibitions~~
3 ~~conducted or sponsored by:~~

4 1. ~~Any school, college, or university~~ No person shall promote,
5 nor shall any person participate in, a professional combative sports
6 contest or exhibition unless the event is sanctioned by the
7 Commission.

8 C. No person shall promote, nor shall any person participate
9 in, an amateur combative sports contest or exhibition in Oklahoma,
10 except for the following:

11 1. Persons promoting, and persons participating in, an amateur
12 mixed martial arts event sanctioned by the Commission;

13 2. Schools, colleges or universities where the participants are
14 students regularly enrolled in such institutions and the
15 instructors, coaches, and trainers are employees of such
16 institutions. The term "school, college, or university" shall not
17 include a school or other institution whose principal purpose is to
18 furnish instruction in ~~boxing~~ combative sports or sparring;

19 2. ~~Any military installation or branch~~ 3. Military
20 installations or branches of the Armed Forces where the participants
21 are employed by the military installation or are members of the
22 branch of the Armed Forces sponsoring the contest or exhibition; and

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

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

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

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

1 SECTION 6. AMENDATORY 3A O.S. 2011, Section 607, is
2 amended to read as follows:

3 Section 607. A. The Oklahoma State Athletic Commission shall
4 promulgate rules necessary to implement processes for issuing
5 sanctioning permits for professional ~~boxing contests and~~
6 ~~professional exhibitions~~ combative sports events and amateur mixed
7 martial arts events held or given in this state and for issuing
8 licenses for participants of sanctioned contests and exhibitions,
9 except those events and persons specifically exempt by the
10 provisions of the Oklahoma State Athletic Commission Act.

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

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

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

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

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

1 including cable television, pay-per-view television, and closed-
2 circuit television and motion pictures of the event. The notice of
3 sanction shall substantially state the following:

4 "Pursuant to the provisions of Section 601 et seq. of Title
5 3A of the Oklahoma Statutes and the rules of the Oklahoma
6 State Athletic Commission, THIS EVENT IS SANCTIONED BY THE
7 OKLAHOMA STATE ATHLETIC COMMISSION. Sanctioning Permit No.
8 _____."

9 G. All fees and other monies resulting from sanctioning
10 professional ~~boxing contests and professional exhibitions~~ combative
11 sports events and amateur mixed martial arts events and licenses
12 shall be placed to the credit of the Oklahoma State Athletic
13 Commission Revolving Fund.

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

16 Section 609. A. A sanctioning permit issued by the Oklahoma
17 State Athletic Commission shall be required in order to conduct,
18 sponsor, hold, or participate in professional ~~boxing contests or~~
19 ~~professional exhibitions~~ combative sports events or amateur mixed
20 martial arts events.

21 B. No sanctioning permit shall be issued for conducting or
22 holding any professional ~~boxing contest or professional exhibition~~
23 combative sports event or amateur mixed martial arts event within
24 any political subdivision of this state where a local ordinance or

1 resolution prohibits such contests or exhibitions within the limits
2 of the political subdivision.

3 SECTION 8. AMENDATORY 3A O.S. 2011, Section 610, is
4 amended to read as follows:

5 Section 610. A. The Oklahoma State Athletic Commission may
6 issue, withhold, suspend, or revoke any and all licenses and
7 sanctioning permits required by the provisions of the Oklahoma State
8 Athletic Commission Act or the rules promulgated by the Commission.
9 The Commission may also censure or reprimand any licensee or
10 sanctioning permit holder.

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

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

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

21 1. The preservation of the safety and health of the
22 participants;

23 2. The best interest and welfare of the public; and
24

1 3. The best interest of ~~professional boxing~~ combative sports in
2 general.

3 SECTION 10. AMENDATORY 3A O.S. 2011, Section 612, is
4 amended to read as follows:

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

20 B. The security required under this section shall guarantee the
21 payment of all taxes, fees, fines and other monies due and payable
22 pursuant to the provisions of the Oklahoma State Athletic Commission
23 Act and the rules promulgated by the Commission, including, but not
24 limited to, the payment of purses to the competitors, any

1 contributions for required insurance, pensions, disability and
2 medical examinations, the repayment to ticket holders of purchased
3 tickets, the payment of fees to ring officials and physicians, and,
4 in the event of the cancellation of a professional ~~boxing contest or~~
5 ~~professional exhibition~~ combative sports event or amateur mixed
6 martial arts event approved by the Commission without good cause, an
7 amount determined by the Commission.

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

16 D. All proceeds of securities collected pursuant to the
17 provisions of this section shall be placed to the credit of the
18 Oklahoma State Athletic Commission Revolving Fund.

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

21 Section 613. The Oklahoma State Athletic Commission may:

22 1. Subpoena witnesses and compel the production of any and all
23 books, memoranda, documents, papers, and records showing the
24 receipts and disbursements of any individual, club, or corporation

1 licensed under the provisions of the Oklahoma State Athletic
2 Commission Act;

3 2. Administer oaths or affirmations to witnesses;

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

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

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

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

21 Section 614. A. If upon inspection or investigation, or
22 whenever the Oklahoma State Athletic Commission determines that a
23 violation of the Oklahoma State Athletic Commission Act or of any
24 order, standard, or rule promulgated pursuant to the provisions of

1 the Oklahoma State Athletic Commission Act has occurred, the
2 Commission shall give written notice to the alleged violator
3 specifying the cause of the determination. Such notice shall
4 require that the violations be corrected and specify the terms of
5 such correction or require that the alleged violator appear before
6 the Commission at a time and place specified in the notice and
7 answer the charges.

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

17 C. Upon the request of the Commission, the Attorney General
18 shall bring an action against any person violating any of the
19 provisions of the Oklahoma State Athletic Commission Act or
20 violating any order or determination of the Commission.

21 SECTION 13. AMENDATORY 3A O.S. 2011, Section 615, is
22 amended to read as follows:

23 Section 615. A. Any person who violates the provisions of the
24 Oklahoma State Athletic Commission Act, upon first conviction, shall

1 be guilty of a misdemeanor and shall be punished by the imposition
2 of a fine of not more than One Thousand Dollars (\$1,000.00) or by
3 incarceration in the county jail for not more than thirty (30) days
4 or by both such fine and incarceration. Any person convicted of a
5 second or subsequent violation shall be guilty of a felony
6 punishable by a fine of not more than Five Thousand Dollars
7 (\$5,000.00) or by incarceration in the county jail for a term of not
8 more than one (1) year or by incarceration in the custody of the
9 Department of Corrections for a period of not more than two (2)
10 years or by both such fine and incarceration. The Oklahoma State
11 Athletic Commission shall suspend or revoke the license of any
12 person convicted of violating the provisions of the Oklahoma State
13 Athletic Commission Act.

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

1 created pursuant to the provisions of Section 601 et seq. of this
2 title. Administrative fines imposed pursuant to this subsection
3 shall be enforceable in the district courts of this state.

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

11 SECTION 14. AMENDATORY 3A O.S. 2011, Section 617, is
12 amended to read as follows:

13 Section 617. A. Except as otherwise provided in the Oklahoma
14 State Athletic Commission Act, in addition to the payment of any
15 other fees and monies due pursuant to the Oklahoma State Athletic
16 Commission Act and the rules promulgated by the Oklahoma State
17 Athletic Commission, an assessment as provided herein in an amount
18 not to exceed five percent (5%) of the total gross receipts of any
19 professional ~~boxing contest or professional exhibition~~ combative
20 sports event or amateur mixed martial arts event, exclusive of any
21 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 State Athletic Commission;
24 provided, however, if the promotion originates in Oklahoma, the

1 promoter and vendor shall only be liable for assessments on the
2 total gross receipts specified in subsections C, D and E of this
3 section and shall not also be liable for the assessments specified
4 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 combative sports or amateur mixed martial arts contests, events, or
4 exhibitions conducted within this state, without any deductions for
5 commissions, brokerage fees, distribution fees, advertising, or
6 other expenses or charges;

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

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

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

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

22 F. Payment of the assessment on gross receipts, excepting for
23 motion picture rights, shall be due within seventy-two (72) hours
24 after the holding of the professional ~~boxing contest or professional~~

1 ~~exhibition~~ combative sports event or amateur mixed martial arts
2 event and shall be accompanied by a report in such form as shall be
3 prescribed by the Oklahoma State Athletic Commission.

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

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

12 1. The name of the promoter;

13 2. The ~~boxing contest or professional exhibition~~ professional
14 combative sports event or amateur mixed martial arts event
15 sanctioning permit number;

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

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

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

23 I. In addition to the information required on reports, the
24 Oklahoma State Athletic Commission may request, and the promoter

1 shall furnish, any information deemed necessary for a correct
2 computation of the assessment levied pursuant to this 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 Oklahoma
5 State Athletic 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 State Athletic
9 Commission.

10 L. The promoter shall compute and pay to the Oklahoma State
11 Athletic Commission the required assessment due. If the payment of
12 the assessment is not postmarked or delivered to the Oklahoma State
13 Athletic Commission as specified in subsection F or G of this
14 section, whichever is appropriate, the assessment shall be
15 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 State Athletic Commission, in
23 writing, has authorized their destruction or disposal at an earlier
24

1 date, and shall be open to examination at any time by the Oklahoma
2 State Athletic Commission or by any of its authorized employees.

3 SECTION 15. AMENDATORY 3A O.S. 2011, Section 619, is
4 amended to read as follows:

5 Section 619. Beginning February 1, 2000, the Oklahoma State
6 Athletic Commission shall file an annual report of ~~boxing~~ combative
7 sports 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 State
12 Athletic Commission Act, and the number of professional ~~boxing~~
13 ~~contests and exhibitions~~ combative sports events and amateur mixed
14 martial arts events conducted.

15 SECTION 16. This act shall become effective July 1, 2012.

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

20

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