

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 2nd Session of the 53rd Legislature (2012)

4 COMMITTEE SUBSTITUTE
5 FOR
6 HOUSE BILL NO. 2746

By: Kirby, Joyner and Mc Niel of
the House

and

Marlatt of the Senate

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10 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 defining terms; updating terminology to reflect
16 modification of definitions; modifying Commission
17 membership qualifications; requiring sanctioning of
18 certain events; requiring certain notice; expanding
19 scope of certain license considerations; removing
20 ability to request certain action of Attorney
21 General; providing punishment for repeated offenses;
22 providing an effective date; and declaring an
23 emergency.

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

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

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

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

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

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

11 3. "Amateur combative sports event" means a combative sports
12 event in which the participants have never been licensed as
13 professionals in any combative sport;

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

20 4. 5. "Amateur mixed martial arts" means any form of
21 competitive pugilistic contest in which the participants have never
22 been licensed as professionals in any combative sport and blows are
23 delivered with any part of the hands, feet, or knees and multiple

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1 combative disciplines are used including grappling. Such contests
2 take place in a rope-enclosed ring or fenced enclosed cage and are
3 fought in timed rounds;

4 ~~5.~~ 6. "Applicant" means any individual, club, association,
5 corporation, partnership or trust which submits to the Oklahoma
6 State Athletic Commission an application for a license or permit
7 pursuant to the Oklahoma State Athletic Commission Act;

8 ~~6.~~ 7. "Booking agent" means independent contractors who act as
9 bookers, agents, agencies and representatives who secure engagements
10 and contracts for combative sports participants;

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

17 ~~8.~~ 9. "Broadcast" means any audio or visual transmission sent
18 by any means of signal within, into, or from this state, whether
19 live or taped or time delayed, and includes any replays thereof;

20 ~~9.~~ 10. "Cable system operator" means any person who makes
21 available or provides customers a closed-circuit telecast which is
22 pay-per-view, including any person who does so as a direct broadcast
23 satellite provider or other multichannel video service provider;

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1 ~~10.~~ 11. "Closed-circuit telecast of professional combative
2 sporting events" means telecast rights, including television, cable
3 television, or pay-per-view telecasts, acquired by paying a
4 licensing fee or by paying a contractual price by a business or
5 individual, including, but not limited to, arenas, entertainment or
6 meeting centers, restaurants, bars, taverns, hotels, motels, clubs,
7 and organizations, which offers the viewing of the event to the
8 public or to private residences. Such events shall include local
9 and state professional ~~boxing~~ combative sports contests and
10 professional exhibitions as defined in this section. For purposes
11 of Section 622 of this title, "closed-circuit telecast" means any
12 such telecast of a professional combative sporting event as
13 described herein which is not intended to be available for viewing
14 without the payment of a fee, collected for or based upon each event
15 viewed, for the privilege of viewing the telecast, and includes pay-
16 per-view;

17 ~~11.~~ 12. "Club" means an incorporated or unincorporated
18 association or body of individuals voluntarily united and acting
19 together for some common or special purpose;

20 ~~12.~~ 13. "Combative sports" means any form of competitive
21 pugilism or unarmed combat in which a blow is usually struck which
22 may reasonably be expected to inflict injury, including but not
23 limited to boxing, wrestling, mixed martial arts, and kickboxing,

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1 but shall not include the martial arts (singular) as defined by the
2 provisions of this section;

3 ~~13.~~ 14. "Combative sports practitioner" means a person who
4 competes or spars in a combative sports event and includes boxers,
5 kickboxers, mixed martial artists and wrestlers;

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

7 ~~14.~~ 16. "Contest" means a combative sports ~~match~~ event in which
8 it is reasonable to anticipate that the participants strive
9 earnestly in good faith to win;

10 ~~15.~~ 17. "Corner person" means, but shall not be limited to, a
11 trainer, a second, or any other individual who attends the
12 participant during a match;

13 ~~16.~~ 18. "Event" means a combative sports contest or exhibition
14 including but not limited to a match, bout, contest, show or
15 tournament;

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

19 ~~17.~~ 20. "Judge" means an individual other than a referee who
20 shall have a vote in determining the winner of any contest;

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

3 ~~19.~~ 22. "License" means a certificate issued by the Commission
4 to participants of sanctioned professional combative sports
5 contests, professional exhibitions, and amateur mixed martial arts
6 contests and is a mandatory requirement for participation in such
7 events;

8 ~~20.~~ 23. "Manager" means an individual who controls or
9 administers the affairs of any professional combative sports
10 participant, including acting as a booking agent. "Manager" shall
11 include the representative of a manager as defined by the
12 Commission;

13 ~~21.~~ 24. "Martial arts" means any form of karate, kung fu, tae
14 kwon-do, or any other form of martial or self-defense art;

15 ~~22.~~ 25. "Matchmaker" means an individual who brings together
16 professional combative sports participants or arranges professional
17 combative sports contests or professional exhibitions;

18 ~~23.~~ 26. "Participant" means an individual who takes part in a
19 ~~professional combative sports contest, an amateur mixed martial arts~~
20 ~~contest, or professional exhibition~~ event;

21 ~~24.~~ 27. "Pay-per-view telecasts of professional ~~boxing~~
22 combative sports events" means telecasts offered by cable television
23 companies to subscribers at a cost in addition to the monthly cable

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1 television subscription rate. Such events shall include local and
2 state professional ~~boxing~~ combative sports contests and professional
3 exhibitions as defined in this section;

4 ~~25.~~ 28. "Person" means any individual, partnership, limited
5 liability company, club, association, corporation, ~~or~~ trust or other
6 entity;

7 ~~26.~~ 29. "Physician" means an individual licensed under the laws
8 of this state to engage in the general practice of medicine or
9 osteopathic medicine;

10 ~~27.~~ 30. "Professional ~~boxer~~ combative sports practitioner"
11 means an individual eighteen (18) years of age or older who competes
12 for money, prizes, or purses, or who teaches, instructs, or assists
13 in the practice of ~~boxing~~ combative sports or sparring as a means of
14 obtaining pecuniary gain;

15 ~~28.~~ 31. "Professional ~~boxing contest, amateur mixed martial~~
16 ~~arts contest, and professional exhibition~~" ~~mean a combative sports~~
17 ~~match conducted within this state in which the participants are~~
18 ~~persons who must be licensed pursuant to the provisions of the~~
19 ~~Oklahoma State Athletic Commission Act~~ combative sports event" means
20 a combative sports event in which the participants are paid a purse;

21 ~~29.~~ 32. "Professional mixed martial arts" means any form of
22 competitive pugilistic contest in which the participants are paid a
23 purse and blows are delivered with any part of the hands, feet,
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1 elbows, or knees and multiple combative disciplines are used to
2 include grappling. Such contests take place in a rope-enclosed ring
3 or fenced enclosed cage and are fought in timed rounds;

4 ~~30.~~ 33. "Promoter" means any individual, whether a resident or
5 nonresident of Oklahoma, or club or corporation, whether
6 domesticated or not domesticated in Oklahoma, that produces or
7 stages professional contests, amateur mixed martial arts contests,
8 or professional exhibitions conducted within this state and shall
9 include any officer, director, or employees as defined by the
10 Commission;

11 ~~31.~~ 34. "Promoting" a combative sports event means producing,
12 staging, sponsoring, organizing or otherwise holding an event
13 whether or not the event is open to the public;

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

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

3 ~~33.~~ 37. "Ring official" means any individual who performs an
4 official function during the progress of a ~~professional boxing~~
5 ~~contest,~~ combative sports event or amateur mixed martial arts
6 ~~contest, or professional exhibition event~~ including but not limited
7 to timekeepers, judges, referees, and attending physicians;

8 ~~34.~~ 38. "Sanctioning permit" means a permit issued by the
9 Commission to promoters who make application for official approval
10 of professional ~~boxing contests,~~ combative sports events and amateur
11 mixed martial arts ~~contests and professional exhibitions~~ events;

12 ~~35.~~ 39. "Sparring" means to engage in a form of ~~boxing~~
13 combative sport with jabbing or feinting movements, and the exchange
14 of few heavy blows, such as occurs in a practice or exhibition
15 boxing match;

16 ~~36.~~ 40. "Telecast promoter", for purposes of Section 622 of
17 this title, means any promoter who shows or causes to be shown in
18 this state a closed-circuit telecast of any professional ~~boxing~~
19 combative sports event, whether or not the telecast or event
20 originates in this state. "Telecast promoter" shall not include a
21 cable system operator;

22 ~~37.~~ 41. "Trainer" means an individual who assists, coaches, or
23 instructs any professional ~~boxer~~ combative sports practitioner or
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1 amateur mixed martial ~~arts participant~~ artist with respect to
2 physical conditioning, strategy, techniques, or preparation for
3 competition, professional ~~boxing~~ combative sports contests, or
4 professional exhibitions; and

5 ~~38.~~ 42. "Vendor" means any individual, firm, organization,
6 club, or corporation that participates in the conduct of a
7 professional ~~boxing contest,~~ combative sports event or amateur mixed
8 martial arts ~~contest, or professional exhibition~~ event by offering
9 for sale food or merchandise, including, but not limited to, wearing
10 apparel, alcoholic and nonalcoholic beverages, souvenirs, and
11 programs.

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

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

16 Section 604.1 A. There is hereby re-created, until July 1,
17 2015, in accordance with the Oklahoma Sunset Law, the Oklahoma State
18 Athletic Commission, which shall be composed of nine (9) members
19 appointed by the Governor with the advice and consent of the Senate.
20 The member of the Commission initially appointed pursuant to this
21 act shall serve a term of three (3) years that shall expire on June
22 30, 2006. Members appointed to the Commission shall serve for terms
23 of three (3) years. Terms of office shall expire on June 30. All

1 vacancies and unexpired terms shall be filled in the same manner as
2 the original appointment and within sixty (60) days from the date of
3 the vacancy. Members may be removed by the Governor for
4 incompetence, willful neglect of duty, corruption in office, or
5 malfeasance in office.

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

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

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

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

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

16 5. Four members shall represent the public at large as lay
17 members.

18 C. No member of the Commission or any person related to a
19 member within the third degree by consanguinity or affinity shall
20 promote, sponsor, or have any financial interest in the promotion or
21 sponsorship of any professional ~~boxing contest~~ combative sports
22 event or ~~professional exhibition~~ amateur mixed martial arts event
23 while a member of the Commission.

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

7 E. The Commission shall comply with the provisions of the
8 Oklahoma Open Meeting Act, the Oklahoma Open Records Act, and the
9 Administrative Procedures Act.

10 F. All members of the Commission and such employees as
11 determined by the Commission shall be bonded as required by Sections
12 85.26 through 85.31 of Title 74 of the Oklahoma Statutes.

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

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

18 Section 604.2 A. The mission of the Oklahoma State Athletic
19 Commission shall be to expand and promote existing combative
20 sporting events in Oklahoma and to actively work to bring new
21 combative sporting events into Oklahoma.

22 B. The Commission shall have the power to:
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1 1. Promulgate rules and issue orders necessary to carry out the
2 purposes of the Oklahoma State Athletic Commission Act, and enforce
3 the provisions of said act and the rules promulgated pursuant
4 thereto;

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

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

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

16 5. Conduct investigations and proceedings for alleged
17 violations of the Oklahoma State Athletic Commission Act and order
18 or subpoena the attendance of witnesses, the inspection of records
19 and premises, and the production of relevant books and papers
20 necessary to such investigations and proceedings;

21 6. Develop and administer examinations for applicants for
22 licenses and permits; and
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1 7. Make such expenditures as may be necessary in the
2 performance of its duties.

3 C. Any rule promulgated, order made, or action taken prior to
4 July 1, 1999, by the Commissioner of Labor or the Department of
5 Labor pursuant to the provisions of, or rules issued pursuant to,
6 the Oklahoma State Athletic Commission Act shall be considered valid
7 and in effect unless amended, repealed, or rescinded by the
8 Commission.

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

17 E. All personnel, powers, duties, responsibilities, fund
18 balances, encumbrances, obligations, and property, which shall
19 include records, furniture, and equipment of the Department of Labor
20 relating to the regulation of ~~boxing~~ combative sports, are hereby
21 transferred to the Oklahoma State Athletic Commission.

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

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

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

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

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

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

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

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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 5. 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~~ and exhibitions held or given within this state and to
12 issue licenses for participants of sanctioned contests and
13 exhibitions.

14 B. ~~Specifically exempt from the provisions of the Oklahoma~~
15 ~~State Athletic Commission Act are the contests or exhibitions~~
16 ~~conducted or sponsored by:~~

17 1. ~~Any school, college, or university~~ No person shall promote,
18 nor shall any person participate in, a professional combative sports
19 contest or exhibition unless the event is sanctioned by the
20 Commission.

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

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

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

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

9 ~~2. Any military installation or branch~~ 3. Military
10 installations or branches of the Armed Forces where the participants
11 are employed by the military installation or are members of the
12 branch of the Armed Forces sponsoring the contest or exhibition; and

13 ~~3. Amateur boxing matches which are~~

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

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

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

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

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

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

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

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

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

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

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

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

21 "Pursuant to the provisions of Section 601 et seq. of Title
22 3A of the Oklahoma Statutes and the rules of the Oklahoma
23 State Athletic Commission, THIS EVENT IS SANCTIONED BY THE

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

1 OKLAHOMA STATE ATHLETIC COMMISSION. Sanctioning Permit No.
2 _____."

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

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

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

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

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

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

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

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

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

- 17 1. The preservation of the safety and health of the
18 participants;
- 19 2. The best interest and welfare of the public; and
- 20 3. The best interest of ~~professional boxing~~ combative sports in
21 general.

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

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

16 B. The security required under this section shall guarantee the
17 payment of all taxes, fees, fines and other monies due and payable
18 pursuant to the provisions of the Oklahoma State Athletic Commission
19 Act and the rules promulgated by the Commission, including, but not
20 limited to, the payment of purses to the competitors, any
21 contributions for required insurance, pensions, disability and
22 medical examinations, the repayment to ticket holders of purchased
23 tickets, the payment of fees to ring officials and physicians, and,

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1 in the event of the cancellation of a professional ~~boxing contest or~~
2 ~~professional exhibition~~ combative sports event or amateur mixed
3 martial arts event approved by the Commission without good cause, an
4 amount determined by the Commission.

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

13 D. All proceeds of securities collected pursuant to the
14 provisions of this section shall be placed to the credit of the
15 Oklahoma State Athletic Commission Revolving Fund.

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

18 Section 613. The Oklahoma State Athletic Commission may:

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

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1 2. Administer oaths or affirmations to witnesses;

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

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

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

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

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

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

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

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

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

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

1 credit of the Oklahoma State Athletic Commission Revolving Fund
2 created pursuant to the provisions of Section 601 et seq. of this
3 title. Administrative fines imposed pursuant to this subsection
4 shall be enforceable in the district courts of this state.

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

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

14 Section 617. A. Except as otherwise provided in the Oklahoma
15 State Athletic Commission Act, in addition to the payment of any
16 other fees and monies due pursuant to the Oklahoma State Athletic
17 Commission Act and the rules promulgated by the Oklahoma State
18 Athletic Commission, an assessment as provided herein in an amount
19 not to exceed five percent (5%) of the total gross receipts of any
20 professional ~~boxing contest or professional exhibition~~ combative
21 sports event or amateur mixed martial arts event, exclusive of any
22 federal tax or tax imposed by any political subdivision of this
23 state, shall be hereby levied and shall be remitted by every

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1 promoter and vendor to the Oklahoma State Athletic Commission;
2 provided, however, if the promotion originates in Oklahoma, the
3 promoter and vendor shall only be liable for assessments on the
4 total gross receipts specified in subsections C, D and E of this
5 section and shall not also be liable for the assessments specified
6 in Section 622 of this title.

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

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

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

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

17 4. Two percent (2%) for an event for which the total gross
18 receipts are between Three Hundred Fifty Thousand One Dollars
19 (\$350,001.00) and Five Hundred Thousand Dollars (\$500,000.00); and

20 5. One and one-half percent (1.5%) for an event for which the
21 total gross receipts are more than Five Hundred Thousand One Dollars
22 (\$500,001.00).

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

3 1. The gross price charged by the promoter for the sale, lease,
4 or other use of broadcasting, including, but not limited to, radio,
5 television, including cable television, pay-per-view television, and
6 closed-circuit television, or motion picture rights of ~~boxing~~
7 combative sports or amateur mixed martial arts contests, events, or
8 exhibitions conducted within this state, without any deductions for
9 commissions, brokerage fees, distribution fees, advertising, or
10 other expenses or charges;

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

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

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

21 E. For the purpose of this section, total gross receipts of
22 every vendor shall include the gross price charged for the sale of
23 food, alcoholic and nonalcoholic beverages, and merchandise

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1 including, but not limited to, wearing apparel, souvenirs, and
2 programs, excluding that portion paid to any promoter.

3 F. Payment of the assessment on gross receipts, excepting for
4 motion picture rights, shall be due within seventy-two (72) hours
5 after the holding of the professional ~~boxing contest or professional~~
6 ~~exhibition~~ combative sports event or amateur mixed martial arts
7 event and shall be accompanied by a report in such form as shall be
8 prescribed by the Oklahoma State Athletic Commission.

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

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

17 1. The name of the promoter;

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

20 sanctioning permit number;

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

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

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

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

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

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

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

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

1 SECTION 17. 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.

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6 COMMITTEE REPORT BY: COMMITTEE ON ECONOMIC DEVELOPMENT, TOURISM AND
7 FINANCIAL SERVICES, dated 02/09/2012 - DO PASS, As Amended and
8 Coauthored.
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