

1 **SENATE FLOOR VERSION**

2 April 9, 2012

3 As Amended

4 ENGROSSED HOUSE

5 BILL NO. 2746

6 By: Kirby, Joyner, McNiel and
7 Pittman of the House

8 and

9 Marlatt of the Senate

10 **[amusements and sports - Oklahoma State Athletic
11 Commission - creating George Clinkscale's Law -
12 defining terms - modifying authority -
13 noncodification - effective date -**

14 **emergency]**

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

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

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

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

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

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

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

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

10 ~~3.~~ 4. "Amateur mixed martial artist" means a person eighteen
11 (18) years of age or older who has never received or competed for
12 any purse or other article either for the expenses of training
13 therefor or for participating in any combative sport contest or
14 professional exhibition which exceeds in monies or other things of
15 value a sum to be determined by the Oklahoma State Athletic
16 Commission;

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

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1 ~~5.~~ 6. "Applicant" means any individual, club, association,
2 corporation, partnership or trust which submits to the Oklahoma
3 State Athletic Commission an application for a license or permit
4 pursuant to the Oklahoma State Athletic Commission Act;

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

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

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

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

21 ~~10.~~ 11. "Closed-circuit telecast of professional combative
22 sporting events" means telecast rights, including television, cable
23 television, or pay-per-view telecasts, acquired by paying a
24 licensing fee or by paying a contractual price by a business or

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

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

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

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

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

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

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

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

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

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

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

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

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;

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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. "Promote" or "promoting" means producing, staging,
22 sponsoring, organizing or otherwise holding a combative sports event
23 whether or not the event is open to the public;

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

8 ~~31.~~ 35. "Pugilism" means combative sports or the skill or
9 practice of fighting with the fists;

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

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

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1 ~~34.~~ 38. "Sanctioning permit" means a permit issued by the
2 Commission to promoters who make application for official approval
3 of professional ~~boxing contests,~~ combative sports events and amateur
4 mixed martial arts ~~contests and professional exhibitions~~ events;

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

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

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

21 ~~38.~~ 42. "Vendor" means any individual, firm, organization,
22 club, or corporation that participates in the conduct of a
23 professional ~~boxing contest,~~ combative sports event or amateur mixed
24 martial arts ~~contest, or professional exhibition~~ event by offering

1 for sale food or merchandise, including, but not limited to, wearing
2 apparel, alcoholic and nonalcoholic beverages, souvenirs, and
3 programs.

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

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

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

21 B. Members appointed to the Commission shall reside in this
22 state and shall have the following qualifications:
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1 1. Two members shall have experience as a professional ~~boxer~~
2 combative sports practitioner, other than as a professional wrestler
3 or in professional ~~boxing~~ combative sports promotions;

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

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

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

9 5. Four members shall represent the public at large as lay
10 members.

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

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

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1 E. The Commission shall comply with the provisions of the
2 Oklahoma Open Meeting Act, the Oklahoma Open Records Act, and the
3 Administrative Procedures Act.

4 F. All members of the Commission and such employees as
5 determined by the Commission shall be bonded as required by Sections
6 85.26 through 85.31 of Title 74 of the Oklahoma Statutes.

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

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

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

16 B. The Commission shall have the power to:

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

21 2. Assume jurisdiction over all matters relating to the
22 licensing of professional ~~boxers, trainers, managers~~ combative
23 sports practitioners, amateur mixed martial artists, corner persons,
24 booking agents, matchmakers, promoters, referees, judges,

1 timekeepers, vendors, physicians, announcers, clubs, and
2 corporations associated with a professional ~~boxing contest,~~
3 combative sports event or ~~professional exhibition~~ amateur mixed
4 martial arts event related thereto;

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

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

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

14 6. Develop and administer examinations for applicants for
15 licenses and permits; and

16 7. Make such expenditures as may be necessary in the
17 performance of its duties.

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

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1 D. Any valid license, permit, certificate, or registration
2 issued prior to July 1, 1999, by the Commissioner of Labor pursuant
3 to the Oklahoma State Athletic Commission Act, or rules promulgated
4 pursuant thereto, shall remain valid and in effect until it expires
5 pursuant to law or unless suspended or revoked by the Commission.
6 Any application for a license, permit, certificate, or registration
7 which is pending on June 30, 1999, is hereby transferred to the
8 Commission.

9 E. All personnel, powers, duties, responsibilities, fund
10 balances, encumbrances, obligations, and property, which shall
11 include records, furniture, and equipment of the Department of Labor
12 relating to the regulation of ~~boxing~~ combative sports, are hereby
13 transferred to the Oklahoma State Athletic Commission.

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

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

23 B. The Commission may employ an assistant to keep records of
24 all proceedings relating to professional ~~boxing~~ combative sports and

1 amateur mixed martial arts and to preserve all books, documents, and
2 papers belonging to the Commission. The assistant shall perform
3 such other duties as the Commission may prescribe. The Commission
4 may employ such other personnel as necessary, subject to statutory
5 full-time-equivalent (FTE) limits applicable to the State Department
6 of Health.

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

1 directive from the State Department of Health. All other
2 Commission-directed expenditures shall be processed according to
3 State Department of Health policy.

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

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

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

20 Section 606. A. The Oklahoma State Athletic Commission is
21 hereby vested with jurisdiction to issue sanctioning permits for all
22 professional ~~boxing~~ combative sports contests, and exhibitions and
23 for all amateur mixed martial arts contests, ~~and professional~~

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1 exhibitions held or given within this state and to issue licenses
2 for participants of sanctioned contests and exhibitions.

3 B. 1. No person shall promote, nor shall any person
4 participate in, a professional combative sports event or an amateur
5 mixed martial arts event unless the event is sanctioned by the
6 Commission.

7 2. Except as provided in paragraphs 1 and 2 of subsection C of
8 this section, no person shall promote an amateur combative sports
9 event unless the event has been sanctioned by a nationally
10 recognized amateur sanctioning body that has been approved by the
11 Commission.

12 3. Any person violating the provisions of this subsection shall
13 be punishable pursuant to the provisions of Section 615 of this
14 title.

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

18 1. Any school, college, or university where the participants
19 are students regularly enrolled in such institutions and the
20 instructors, coaches, and trainers are employees of such
21 institutions. The term "school, college, or university" shall not
22 include a school or other institution whose principal purpose is to
23 furnish instruction in ~~boxing~~ combative sports or sparring;

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

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

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

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

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

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

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

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

1 sanctioned by the Commission, shall be required to make application
2 to the Commission for a license to participate in this state in any
3 professional ~~boxing contest or professional exhibition~~ combative
4 sports event or amateur mixed martial arts event sanctioned by the
5 Commission.

6 C. An application for a sanctioning permit or a license shall
7 be on such form and require such information as shall be prescribed
8 by the Commission.

9 D. The Commission shall determine reasonable costs and fees
10 associated with issuing sanctioning permits and licenses. All costs
11 and fees for sanctioning an event shall be payable by the promoter
12 making application for a sanctioning permit. Costs and fees for a
13 license may be paid by the participant making application or by the
14 promoter of an event sanctioned by the Commission.

15 E. A sanctioning permit shall be in effect upon the date issued
16 by the Commission and shall expire upon the conclusion of the event,
17 unless the sanctioning permit is suspended or revoked for just cause
18 by the Commission. Licenses shall be in effect upon the date issued
19 by the Commission, and all licenses shall expire June 30 unless the
20 license is suspended or revoked for just cause by the Commission.

21 F. Only promoters whose professional ~~boxing contests and~~
22 ~~professional exhibitions~~ combative sports events or amateur mixed
23 martial arts events have been sanctioned by the Commission are
24 authorized to place a notice of sanction on printed and promotional

1 materials associated with the sanctioned event, which shall include
2 but not be limited to advertising, tickets, programs, posters,
3 souvenirs, wearing apparel, billboards, marquees and promotional
4 signs inside and outside the venue where the event is to be held,
5 and broadcasting, including, but not limited to, radio, television,
6 including cable television, pay-per-view television, and closed-
7 circuit television and motion pictures of the event. The notice of
8 sanction shall substantially state the following:

9 "Pursuant to the provisions of Section 601 et seq. of Title
10 3A of the Oklahoma Statutes and the rules of the Oklahoma
11 State Athletic Commission, THIS EVENT IS SANCTIONED BY THE
12 OKLAHOMA STATE ATHLETIC COMMISSION. Sanctioning Permit No.
13 _____."

14 G. All fees and other monies resulting from sanctioning
15 professional ~~boxing contests and professional exhibitions~~ combative
16 sports events and amateur mixed martial arts events and licenses
17 shall be placed to the credit of the Oklahoma State Athletic
18 Commission Revolving Fund.

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

21 Section 609. A. A sanctioning permit issued by the Oklahoma
22 State Athletic Commission shall be required in order to conduct,
23 sponsor, hold, or participate in professional ~~boxing contests or~~

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1 ~~professional exhibitions~~ combative sports events or amateur mixed
2 martial arts events.

3 B. No sanctioning permit shall be issued for conducting or
4 holding any professional ~~boxing contest or professional exhibition~~
5 combative sports event or amateur mixed martial arts event within
6 any political subdivision of this state where a local ordinance or
7 resolution prohibits such contests or exhibitions within the limits
8 of the political subdivision.

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

11 Section 610. A. The Oklahoma State Athletic Commission may
12 issue, withhold, suspend, or revoke any and all licenses and
13 sanctioning permits required by the provisions of the Oklahoma State
14 Athletic Commission Act or the rules promulgated by the Commission.
15 The Commission may also censure or reprimand any licensee or
16 sanctioning permit holder.

17 B. The Commission shall fix a uniform scale of reasonable fees
18 for all licenses, sanctioning permits, and examinations. ~~The fees~~
19 ~~shall be set at reasonable cost and shall not exceed the actual~~
20 ~~expense of issuing licenses and sanctioning permits and~~
21 ~~administering examinations.~~

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

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

4 1. The preservation of the safety and health of the
5 participants;

6 2. The best interest and welfare of the public; and

7 3. The best interest of ~~professional boxing~~ combative sports in
8 general.

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

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

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

15 C. After issuance of a sanctioning permit to a promoter, the
16 Commission may modify the amount of security required to ensure
17 adequate and sufficient coverage for payments of taxes, fees, fines,
18 purses, and other monies due and payable pursuant to the provisions
19 of this section. Failure of any promoter to obtain the modified
20 security required pursuant to this subsection within such period of
21 time as the Commission may prescribe, shall be grounds for
22 revocation of the sanctioning permit of such promoter.

23

24

1 D. All proceeds of securities collected pursuant to the
2 provisions of this section shall be placed to the credit of the
3 Oklahoma State Athletic Commission Revolving Fund.

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

6 Section 613. The Oklahoma State Athletic Commission may:

7 1. Subpoena witnesses and compel the production of any and all
8 books, memoranda, documents, papers, and records showing the
9 receipts and disbursements of any individual, club, or corporation
10 licensed under the provisions of the Oklahoma State Athletic
11 Commission Act;

12 2. Administer oaths or affirmations to witnesses;

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

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

22 5. Visit, investigate, audit, and place accountants and such
23 other persons as the Commission may deem necessary in the offices or
24 places of business related to professional ~~boxing~~ combative sports

1 or amateur mixed martial arts of any licensee or permittee for the
2 purpose of ensuring that the rules of the Commission are complied
3 with.

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

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

17 B. The Commission shall afford the alleged violator an
18 opportunity for a hearing conducted in conformity with, and records
19 made thereof as provided by the provisions of, the ~~Oklahoma~~
20 Administrative Procedures Act. On the basis of the evidence
21 produced at the hearing, the Commission shall make findings of fact
22 and conclusions of law and enter an order thereon. The Commission
23 shall provide written notice of such order to the alleged violator
24

1 and to such other persons as shall have appeared at the hearing and
2 made written request for notice of the order.

3 C. Upon the request of the Commission, the Attorney General
4 shall bring an action against any person violating any of the
5 provisions of the Oklahoma State Athletic Commission Act or
6 violating any order or determination of the Commission.

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

9 Section 615. A. Any person who violates the provisions of the
10 Oklahoma State Athletic Commission Act, upon first conviction, shall
11 be guilty of a misdemeanor and shall be punished by the imposition
12 of a fine of not more than One Thousand Dollars (\$1,000.00) or by
13 incarceration in the county jail for not more than thirty (30) days
14 or by both such fine and incarceration. Any person convicted of a
15 second or subsequent violation shall be guilty of a felony
16 punishable by a fine of not more than Five Thousand Dollars
17 (\$5,000.00) or by incarceration in the county jail for a term of not
18 more than one (1) year or by incarceration in the custody of the
19 Department of Corrections for a period of not more than two (2)
20 years or by both such fine and incarceration. The Oklahoma State
21 Athletic Commission shall suspend or revoke the license of any
22 person convicted of violating the provisions of the Oklahoma State
23 Athletic Commission Act.

24

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

15 C. Upon the request of the Commission, the Attorney General or
16 the district attorney of the appropriate district court may make
17 application to the appropriate court for an order enjoining the acts
18 or practices prohibited by the provisions of Section 601 et seq. of
19 this title, and upon a showing that the person has engaged in any of
20 the prohibited acts or practices, an injunction, restraining order,
21 or other order as may be appropriate shall be granted by the court.

22 SECTION 15. AMENDATORY 3A O.S. 2011, Section 617, is
23 amended to read as follows:
24

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

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

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

21 2. Four percent (4%) for an event for which the total gross
22 receipts are between One Hundred Thousand One Dollars (\$100,001.00)
23 and Two Hundred Thousand Dollars (\$200,000.00);
24

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

4 4. Two percent (2%) for an event for which the total gross
5 receipts are between Three Hundred Fifty Thousand One Dollars
6 (\$350,001.00) and Five Hundred Thousand Dollars (\$500,000.00); and

7 5. One and one-half percent (1.5%) for an event for which the
8 total gross receipts are more than Five Hundred Thousand One Dollars
9 (\$500,001.00).

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

12 1. The gross price charged by the promoter for the sale, lease,
13 or other use of broadcasting, including, but not limited to, radio,
14 television, including cable television, pay-per-view television, and
15 closed-circuit television, or motion picture rights of ~~boxing~~
16 combative sports or amateur mixed martial arts contests, events, or
17 exhibitions conducted within this state, without any deductions for
18 commissions, brokerage fees, distribution fees, advertising, or
19 other expenses or charges;

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

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

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

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

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

17 G. The first payment of the assessment on gross income received
18 from the sale of motion picture rights shall be due at the end of
19 the month after the date of the sale of the motion picture rights,
20 and further payments shall be due every thirty (30) days thereafter,
21 during the presentation of the picture, and shall be accompanied by
22 a gross receipts report in such form as shall be prescribed by the
23 Oklahoma State Athletic Commission.

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

1 1. The name of the promoter;

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

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

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

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

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

16 J. All levies pursuant to this section shall be collected by
17 the Commission and shall be placed to the credit of the Oklahoma
18 State Athletic Commission Revolving Fund.

19 K. The monies collected from the assessment levied pursuant to
20 the provisions of this section shall be in addition to all other
21 revenues and funds received by the Oklahoma State Athletic
22 Commission.

23 L. The promoter shall compute and pay to the Oklahoma State
24 Athletic Commission the required assessment due. If the payment of

1 the assessment is not postmarked or delivered to the Oklahoma State
2 Athletic Commission as specified in subsection F or G of this
3 section, whichever is appropriate, the assessment shall be
4 delinquent from such date.

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

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

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

1 ~~contests and exhibitions~~ combative sports events and amateur mixed
2 martial arts events conducted.

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

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

8 COMMITTEE REPORT BY: COMMITTEE ON APPROPRIATIONS, dated 4-4-12 - DO
9 PASS, As Amended.

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