

LEGISLATIVE BILL 869

Approved by the Governor April 10, 2012

Introduced by Janssen, 15.

FOR AN ACT relating to the State Athletic Commissioner; to amend sections 81-8,129, 81-8,130, 81-8,130.01, 81-8,132, 81-8,133, 81-8,133.01, 81-8,134, 81-8,135, 81-8,138, 81-8,139, and 81-8,139.01, Reissue Revised Statutes of Nebraska; to change provisions relating to the jurisdiction of the State Athletic Commissioner; to change provisions relating to licenses and permits; to change membership of the Athletic Advisory Committee; to harmonize provisions; and to repeal the original sections.

Be it enacted by the people of the State of Nebraska,

Section 1. Section 81-8,129, Reissue Revised Statutes of Nebraska, is amended to read:

81-8,129 The State Athletic Commissioner shall have sole direction, management, control, and jurisdiction over all professional mixed martial arts, professional wrestling, and professional boxing, and professional sparring matches and exhibitions and all amateur mixed martial arts, ~~boxing, and sparring matches,~~ and exhibitions to be held within the state, except such as are conducted by universities, colleges, high schools, the military, and recognized amateur associations for contestants under sixteen years of age. No professional boxers, professional mixed martial arts contestants, or professional wrestlers, or amateur ~~boxers or~~ mixed martial arts contestants who have attained the age of sixteen, shall participate in a match or exhibition for a prize or purse, or at which an admission fee is charged, either directly or indirectly, in the form of dues or otherwise, in this state except by a club, association, organization, or person licensed by the commissioner, as provided in section 81-8,130, and in pursuance of a license granted by the commissioner for such match or exhibition under section 81-8,130.01.

Sec. 2. Section 81-8,130, Reissue Revised Statutes of Nebraska, is amended to read:

81-8,130 The State Athletic Commissioner may issue an annual license for conducting amateur events mixed martial arts matches or exhibitions to any ~~nonprofit~~ club, association, or organization, ~~which has been located and established in this state for a period of one year before the license is issued.~~ Each application for a license shall be accompanied by a fee set by the commissioner in rule and regulation. Such fee shall be not less than twenty-five dollars and not more than one hundred dollars.

Sec. 3. Section 81-8,130.01, Reissue Revised Statutes of Nebraska, is amended to read:

81-8,130.01 Licenses and permits may be issued to professional mixed martial arts, professional boxing, or professional wrestling promoters, whether persons, clubs, or associations, for the sole purpose of conducting professional matches under such rules and regulations as the State Athletic Commissioner shall adopt. Each application for such license shall be accompanied by a fee set by the commissioner in rule and regulation. Such fee shall be not less than one hundred dollars and not more than three hundred dollars. If the promoter is an individual, the application shall include his or her social security number.

Sec. 4. Section 81-8,132, Reissue Revised Statutes of Nebraska, is amended to read:

81-8,132 No license shall be granted unless the licensee has executed a bond in the sum of not less than one thousand dollars in the case of amateur mixed martial arts, ~~or boxing,~~ nor less than five thousand dollars in the case of professional wrestling, professional mixed martial arts, or professional boxing. The license shall be approved by the State Athletic Commissioner, conditioned on the faithful compliance by the licensee with the provisions of sections 81-8,129 to 81-8,142.01, the rules and regulations of the commissioner, and such other laws of the state as may be applicable to anything done by the licensee in pursuance of the license.

Sec. 5. Section 81-8,133, Reissue Revised Statutes of Nebraska, is amended to read:

81-8,133 The State Athletic Commissioner is authorized to grant licenses to competent referees, upon an application and the payment of a fee set by the commissioner in rule and regulation. Such fee shall be not less than ten dollars and not more than forty dollars per annum. The commissioner may revoke any license so granted for such cause as may be deemed

sufficient. At every professional wrestling, professional boxing, professional mixed martial arts, amateur mixed martial arts, or professional sparring match or exhibition, there shall be in attendance a duly licensed referee, who shall direct and control the match. The referee shall stop the match whenever he or she deems it advisable, (1) because of the physical condition of the contestants or one of them, (2) when one of the contestants is clearly outclassed by his or her opponent, or (3) for any other sufficient reason. The referee shall, at the termination of every professional wrestling, professional boxing, professional mixed martial arts, amateur mixed martial arts, or professional sparring match or exhibition, indicate a winner. The fees of the referee and other licensed officials may be fixed by the commissioner and shall be paid by the licensed organization.

Sec. 6. Section 81-8,133.01, Reissue Revised Statutes of Nebraska, is amended to read:

81-8,133.01 The State Athletic Commissioner may grant licenses to qualified physicians, managers, matchmakers, and professional mixed martial arts, professional wrestling, professional boxing, or professional sparring match or exhibition judges upon an application and payment of an annual fee set by the commissioner in rule and regulation. Such fee for matchmakers shall be not less than ten dollars and not more than one hundred dollars. Such fee for physicians, managers, and professional mixed martial arts, professional wrestling, professional boxing, or professional sparring match or exhibition judges shall be not less than ten dollars and not more than twenty dollars. The commissioner may also grant licenses to qualified timekeepers, contestants, and seconds upon an application and payment of an annual fee set by the commissioner in rule and regulation. Such fee shall be not less than ten dollars and not more than twenty dollars. The application shall include the applicant's social security number. No person shall serve as physician, manager, matchmaker, or judge at any professional mixed martial arts, professional wrestling, professional boxing, or professional sparring match or exhibition who is not licensed as such. No person shall serve as timekeeper or contestant at any professional wrestling, professional mixed martial arts, or professional boxing match who is not licensed as such. The commissioner shall have summary authority to stop any match at which any person is serving in violation of the provisions of this section. Any license granted under the provisions of this section may be revoked for cause.

Sec. 7. Section 81-8,134, Reissue Revised Statutes of Nebraska, is amended to read:

81-8,134 (1) Any professional boxing match, professional ~~or~~ mixed martial arts match, or amateur mixed martial arts match conducted in this state which is labeled or promoted as a championship boxing match or a championship mixed martial arts match shall have regional or national significance and the approval of a nationally recognized professional boxing or mixed martial arts association.

(2) Professional boxing or professional sparring matches or exhibitions shall not exceed ten rounds in length, except in a championship match, which shall not exceed fifteen rounds. No round shall be longer than three minutes. At least one minute shall intervene between rounds. The contestants shall wear during the contest gloves weighing at least eight ounces each.

(3) Professional mixed martial arts matches or exhibitions shall not exceed three rounds in length, except in a championship match, which shall not exceed five rounds in length. No round shall be longer than five minutes. At least one minute shall intervene between rounds.

(4) No professional boxing contestant, professional ~~or~~ mixed martial arts contestant, or amateur mixed martial arts contestant shall be allowed to participate or take part in any contest in this state unless a duly licensed physician shall certify in writing that such contestant has taken a physical examination the day of the contest and is physically fit to engage in the proposed contest.

Sec. 8. Section 81-8,135, Reissue Revised Statutes of Nebraska, is amended to read:

81-8,135 Every licensee conducting or holding any professional mixed martial arts, amateur mixed martial arts, professional wrestling, or professional boxing match shall furnish to the State Athletic Commissioner a written report showing the articles of agreement between the contestants, the number of tickets sold for each contest, the amount of the gross receipts thereof, the gross receipts from sale of any television rights, and such other matters as the commissioner shall prescribe. Within such time the licensee shall pay to the commissioner a tax of five percent of the total gross receipts of any professional mixed martial arts, professional wrestling, or professional boxing match or exhibition, exclusive of state and federal taxes,

except the gross receipts from sale of television rights, and five percent of such rights, and five percent of the total gross receipts of any amateur mixed martial arts ~~or boxing~~ match or exhibition, exclusive of state and federal taxes, except that if such match or exhibition is conducted as an incidental feature in any event or entertainment of a different character, such portion of the total receipts shall be paid to the state as the commissioner may determine, or as may be fixed by rule adopted under section 81-8,139.

Sec. 9. Section 81-8,138, Reissue Revised Statutes of Nebraska, is amended to read:

81-8,138 No contestant in any match or exhibition shall be paid for services until the same are rendered, and should it be determined by the State Athletic Commissioner that a contestant did not give an honest exhibition of his or her skill, he or she shall not be paid. Any contestant who shall participate in any sham or fake professional boxing, professional mixed martial arts, or amateur ~~or mixed martial arts~~ match or exhibition shall be disqualified and shall not thereafter be permitted to contend in any match or exhibition in this state, and any contestant who shall participate in any sham or fake professional boxing, professional mixed martial arts, or amateur ~~or mixed martial arts~~ match or exhibition shall be guilty of a violation of sections 81-8,128 to 81-8,142.01.

Sec. 10. Section 81-8,139, Reissue Revised Statutes of Nebraska, is amended to read:

81-8,139 The State Athletic Commissioner shall ~~make~~ adopt and promulgate such rules and regulations for the administration and enforcement of sections 81-8,128 to 81-8,142.01 as he or she may deem necessary. Such rules and regulations shall include, but not be limited to, the establishment of written criteria for the granting and revoking of licenses, the setting of license fees, and the qualification requirements for those to be licensed as referees, physicians, managers, matchmakers, and professional wrestling, professional boxing, professional mixed martial arts, or professional sparring match or exhibition judges. He or she shall have the power and may control and limit the number of professional mixed martial arts, amateur mixed martial arts, professional wrestling, professional boxing, or professional sparring matches or exhibitions given, or to be held, each year, or within one week, in any city or town, or by any organization. He or she may reprimand any amateur or professional athlete or any official or suspend for a period, not to exceed one year, his or her right to participate in any match or exhibition conducted by any licensee for unsportsmanlike conduct while engaged in or arising directly from any match or exhibition, failure to compete in good faith, engaging in any sham match or exhibition, or the use of threatening and abusive language toward officials, other contestants, or spectators.

Sec. 11. Section 81-8,139.01, Reissue Revised Statutes of Nebraska, is amended to read:

81-8,139.01 (1) An advisory committee is hereby created which shall be known as the Athletic Advisory Committee. The Governor shall appoint ~~six~~ five persons to the committee. The members shall be selected on their experience, training, and interest in mixed martial arts, professional boxing, and professional wrestling. One member shall be or shall have been active in ~~amateur boxing,~~ ~~one member shall be or shall have been active in~~ mixed martial arts, one member shall be or shall have been active in professional wrestling, one member shall be or shall have been active in professional boxing, one member shall be a medical doctor with ringside experience, and one member shall be an at-large member. The members shall serve at the pleasure of the Governor, and the commissioner may recommend individuals to serve on the advisory committee. The members shall receive no salaries but shall receive reimbursement for their expenses as provided in sections 81-1174 to 81-1177. The committee shall meet and be located within the Charitable Gaming Division of the Department of Revenue. The committee may exercise and perform its powers and duties at any location in the state. The committee shall review the rules and regulations drawn up by the commissioner pursuant to section 81-8,139 and shall make recommendations and give advice regarding any proposed or adopted rules and regulations.

(2) The Athletic Advisory Committee shall serve as an appeals board which shall hear and determine all cases of parties who contest any of the State Athletic Commissioner's decisions. The procedure for such appeal shall be designated in the commissioner's rules and regulations, and the decision of the committee shall be by a majority vote of the committee. Any party who wishes to appeal from the committee's decision may appeal the decision, and the appeal shall be in accordance with the Administrative Procedure Act.

Sec. 12. Original sections 81-8,129, 81-8,130, 81-8,130.01, 81-8,132, 81-8,133, 81-8,133.01, 81-8,134, 81-8,135, 81-8,138, 81-8,139, and 81-8,139.01, Reissue Revised Statutes of Nebraska, are repealed.