

LEGISLATURE OF NEBRASKA
 ONE HUNDRED SECOND LEGISLATURE
 SECOND SESSION
LEGISLATIVE BILL 869

Final Reading

Introduced by Janssen, 15.

Read first time January 06, 2012

Committee: Government, Military and Veterans Affairs

A BILL

1 FOR AN ACT relating to the State Athletic Commissioner; to amend
 2 sections 81-8,129, 81-8,130, 81-8,130.01, 81-8,132,
 3 81-8,133, 81-8,133.01, 81-8,134, 81-8,135, 81-8,138,
 4 81-8,139, and 81-8,139.01, Reissue Revised Statutes of
 5 Nebraska; to change provisions relating to the
 6 jurisdiction of the State Athletic Commissioner; to
 7 change provisions relating to licenses and permits; to
 8 change membership of the Athletic Advisory Committee; to
 9 harmonize provisions; and to repeal the original
 10 sections.

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

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

3 81-8,129 The State Athletic Commissioner shall have sole
4 direction, management, control, and jurisdiction over all
5 professional mixed martial arts, professional wrestling, and
6 professional boxing, and professional sparring matches and
7 exhibitions and all amateur mixed martial arts, ~~boxing, and sparring~~
8 matches, and exhibitions to be held within the state, except such as
9 are conducted by universities, colleges, high schools, the military,
10 and recognized amateur associations for contestants under sixteen
11 years of age. No professional boxers, professional mixed martial arts
12 contestants, or professional wrestlers, or amateur boxers or mixed
13 martial arts contestants who have attained the age of sixteen, shall
14 participate in a match or exhibition for a prize or purse, or at
15 which an admission fee is charged, either directly or indirectly, in
16 the form of dues or otherwise, in this state except by a club,
17 association, organization, or person licensed by the commissioner, as
18 provided in section 81-8,130, and in pursuance of a license granted
19 by the commissioner for such match or exhibition under section
20 81-8,130.01.

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

23 81-8,130 The State Athletic Commissioner may issue an
24 annual license for conducting amateur ~~events~~ mixed martial arts
25 matches or exhibitions to any ~~nonprofit~~ club, association, or

1 organization, which has been located and established in this state
2 for a period of one year before the license is issued. Each
3 application for a license shall be accompanied by a fee set by the
4 commissioner in rule and regulation. Such fee shall be not less than
5 twenty-five dollars and not more than one hundred dollars.

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

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

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

20 81-8,132 No license shall be granted unless the licensee
21 has executed a bond in the sum of not less than one thousand dollars
22 in the case of amateur mixed martial arts, ~~or boxing,~~ nor less than
23 five thousand dollars in the case of professional wrestling,
24 professional mixed martial arts, or professional boxing. The license
25 shall be approved by the State Athletic Commissioner, conditioned on

1 the faithful compliance by the licensee with the provisions of
2 sections 81-8,129 to 81-8,142.01, the rules and regulations of the
3 commissioner, and such other laws of the state as may be applicable
4 to anything done by the licensee in pursuance of the license.

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

7 81-8,133 The State Athletic Commissioner is authorized to
8 grant licenses to competent referees, upon an application and the
9 payment of a fee set by the commissioner in rule and regulation. Such
10 fee shall be not less than ten dollars and not more than forty
11 dollars per annum. The commissioner may revoke any license so granted
12 for such cause as may be deemed sufficient. At every professional
13 wrestling, professional boxing, professional mixed martial arts,
14 amateur mixed martial arts, or professional sparring match or
15 exhibition, there shall be in attendance a duly licensed referee, who
16 shall direct and control the match. The referee shall stop the match
17 whenever he or she deems it advisable, (1) because of the physical
18 condition of the contestants or one of them, (2) when one of the
19 contestants is clearly outclassed by his or her opponent, or (3) for
20 any other sufficient reason. The referee shall, at the termination of
21 every professional wrestling, professional boxing, professional mixed
22 martial arts, amateur mixed martial arts, or professional sparring
23 match or exhibition, indicate a winner. The fees of the referee and
24 other licensed officials may be fixed by the commissioner and shall
25 be paid by the licensed organization.

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

3 81-8,133.01 The State Athletic Commissioner may grant
4 licenses to qualified physicians, managers, matchmakers, and
5 professional mixed martial arts, professional wrestling, professional
6 boxing, or professional sparring match or exhibition judges upon an
7 application and payment of an annual fee set by the commissioner in
8 rule and regulation. Such fee for matchmakers shall be not less than
9 ten dollars and not more than one hundred dollars. Such fee for
10 physicians, managers, and professional mixed martial arts,
11 professional wrestling, professional boxing, or professional sparring
12 match or exhibition judges shall be not less than ten dollars and not
13 more than twenty dollars. The commissioner may also grant licenses to
14 qualified timekeepers, contestants, and seconds upon an application
15 and payment of an annual fee set by the commissioner in rule and
16 regulation. Such fee shall be not less than ten dollars and not more
17 than twenty dollars. The application shall include the applicant's
18 social security number. No person shall serve as physician, manager,
19 matchmaker, or judge at any professional mixed martial arts,
20 professional wrestling, professional boxing, or professional sparring
21 match or exhibition who is not licensed as such. No person shall
22 serve as timekeeper or contestant at any professional wrestling,
23 professional mixed martial arts, or professional boxing match who is
24 not licensed as such. The commissioner shall have summary authority
25 to stop any match at which any person is serving in violation of the

1 provisions of this section. Any license granted under the provisions
2 of this section may be revoked for cause.

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

5 81-8,134 (1) Any professional boxing match, professional
6 ~~or mixed martial arts match, or amateur mixed martial arts match~~
7 conducted in this state which is labeled or promoted as a
8 championship boxing match or a championship mixed martial arts match
9 shall have regional or national significance and the approval of a
10 nationally recognized professional boxing or mixed martial arts
11 association.

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

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

23 (4) No professional boxing contestant, professional or
24 ~~mixed martial arts contestant, or amateur mixed martial arts~~
25 contestant shall be allowed to participate or take part in any

1 contest in this state unless a duly licensed physician shall certify
2 in writing that such contestant has taken a physical examination the
3 day of the contest and is physically fit to engage in the proposed
4 contest.

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

7 81-8,135 Every licensee conducting or holding any
8 professional mixed martial arts, amateur mixed martial arts,
9 professional wrestling, or professional boxing match shall furnish to
10 the State Athletic Commissioner a written report showing the articles
11 of agreement between the contestants, the number of tickets sold for
12 each contest, the amount of the gross receipts thereof, the gross
13 receipts from sale of any television rights, and such other matters
14 as the commissioner shall prescribe. Within such time the licensee
15 shall pay to the commissioner a tax of five percent of the total
16 gross receipts of any professional mixed martial arts, professional
17 wrestling, or professional boxing match or exhibition, exclusive of
18 state and federal taxes, except the gross receipts from sale of
19 television rights, and five percent of such rights, and five percent
20 of the total gross receipts of any amateur mixed martial arts ~~or~~
21 ~~boxing~~ match or exhibition, exclusive of state and federal taxes,
22 except that if such match or exhibition is conducted as an incidental
23 feature in any event or entertainment of a different character, such
24 portion of the total receipts shall be paid to the state as the
25 commissioner may determine, or as may be fixed by rule adopted under

1 section 81-8,139.

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

4 81-8,138 No contestant in any match or exhibition shall
5 be paid for services until the same are rendered, and should it be
6 determined by the State Athletic Commissioner that a contestant did
7 not give an honest exhibition of his or her skill, he or she shall
8 not be paid. Any contestant who shall participate in any sham or fake
9 professional boxing, professional mixed martial arts, or amateur ~~or~~
10 mixed martial arts match or exhibition shall be disqualified and
11 shall not thereafter be permitted to contend in any match or
12 exhibition in this state, and any contestant who shall participate in
13 any sham or fake professional boxing, professional mixed martial
14 arts, or amateur ~~or~~ mixed martial arts match or exhibition shall be
15 guilty of a violation of sections 81-8,128 to 81-8,142.01.

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

18 81-8,139 The State Athletic Commissioner shall ~~make~~ adopt
19 and promulgate such rules and regulations for the administration and
20 enforcement of sections 81-8,128 to 81-8,142.01 as he or she may deem
21 necessary. Such rules and regulations shall include, but not be
22 limited to, the establishment of written criteria for the granting
23 and revoking of licenses, the setting of license fees, and the
24 qualification requirements for those to be licensed as referees,
25 physicians, managers, matchmakers, and professional wrestling,

1 professional boxing, professional mixed martial arts, or professional
2 sparring match or exhibition judges. He or she shall have the power
3 and may control and limit the number of professional mixed martial
4 arts, amateur mixed martial arts, professional wrestling,
5 professional boxing, or professional sparring matches or exhibitions
6 given, or to be held, each year, or within one week, in any city or
7 town, or by any organization. He or she may reprimand any amateur or
8 professional athlete or any official or suspend for a period, not to
9 exceed one year, his or her right to participate in any match or
10 exhibition conducted by any licensee for unsportsmanlike conduct
11 while engaged in or arising directly from any match or exhibition,
12 failure to compete in good faith, engaging in any sham match or
13 exhibition, or the use of threatening and abusive language toward
14 officials, other contestants, or spectators.

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

17 81-8,139.01 (1) An advisory committee is hereby created
18 which shall be known as the Athletic Advisory Committee. The Governor
19 shall appoint ~~six~~ five persons to the committee. The members shall be
20 selected on their experience, training, and interest in mixed martial
21 arts, professional boxing, and professional wrestling. One member
22 shall be or shall have been active in ~~amateur~~ boxing, ~~one member~~
23 ~~shall be or shall have been active in~~ mixed martial arts, one member
24 shall be or shall have been active in professional wrestling, one
25 member shall be or shall have been active in professional boxing, one

1 member shall be a medical doctor with ringside experience, and one
2 member shall be an at-large member. The members shall serve at the
3 pleasure of the Governor, and the commissioner may recommend
4 individuals to serve on the advisory committee. The members shall
5 receive no salaries but shall receive reimbursement for their
6 expenses as provided in sections 81-1174 to 81-1177. The committee
7 shall meet and be located within the Charitable Gaming Division of
8 the Department of Revenue. The committee may exercise and perform its
9 powers and duties at any location in the state. The committee shall
10 review the rules and regulations drawn up by the commissioner
11 pursuant to section 81-8,139 and shall make recommendations and give
12 advice regarding any proposed or adopted rules and regulations.

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

21 Sec. 12. Original sections 81-8,129, 81-8,130,
22 81-8,130.01, 81-8,132, 81-8,133, 81-8,133.01, 81-8,134, 81-8,135,
23 81-8,138, 81-8,139, and 81-8,139.01, Reissue Revised Statutes of
24 Nebraska, are repealed.