

LEGISLATURE OF NEBRASKA
ONE HUNDRED SEVENTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 70

FINAL READING

Introduced by Wayne, 13.

Read first time January 07, 2021

Committee: General Affairs

1 A BILL FOR AN ACT relating to the State Athletic Commissioner; to amend
2 sections 81-8,134 and 81-8,138, Reissue Revised Statutes of
3 Nebraska, and sections 81-8,129, 81-8,130.01, 81-8,132, 81-8,133,
4 81-8,133.01, 81-8,135, and 81-8,139, Revised Statutes Cumulative
5 Supplement, 2020; to authorize the regulation of professional
6 kickboxing and professional bare-knuckle boxing; and to repeal the
7 original sections.
8 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 81-8,129, Revised Statutes Cumulative Supplement,
2 2020, is amended to read:

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

20 Sec. 2. Section 81-8,130.01, Revised Statutes Cumulative Supplement,
21 2020, is amended to read:

22 81-8,130.01 Licenses and permits may be issued to professional mixed
23 martial arts, ~~or~~ professional boxing, professional kickboxing, or
24 professional bare-knuckle boxing promoters, whether persons, clubs, or
25 associations, for the sole purpose of conducting professional matches
26 under such rules and regulations as the State Athletic Commissioner shall
27 adopt. Each application for such license shall be accompanied by a fee
28 set by the commissioner in rule and regulation. Such fee shall be not
29 less than one hundred dollars and not more than three hundred dollars. If
30 the promoter is an individual, the application shall include his or her
31 social security number.

1 Sec. 3. Section 81-8,132, Revised Statutes Cumulative Supplement,
2 2020, is amended to read:

3 81-8,132 No license shall be granted unless the licensee has
4 executed a bond in the sum of not less than one thousand dollars in the
5 case of amateur mixed martial arts, nor less than five thousand dollars
6 in the case of professional mixed martial arts, ~~or professional boxing,~~
7 professional kickboxing, or professional bare-knuckle boxing. The license
8 shall be approved by the State Athletic Commissioner, conditioned on the
9 faithful compliance by the licensee with the provisions of sections
10 81-8,129 to 81-8,142.01, the rules and regulations of the commissioner,
11 and such other laws of the state as may be applicable to anything done by
12 the licensee in pursuance of the license.

13 Sec. 4. Section 81-8,133, Revised Statutes Cumulative Supplement,
14 2020, is amended to read:

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

1 the referee and other licensed officials may be fixed by the commissioner
2 and shall be paid by the licensed organization.

3 Sec. 5. Section 81-8,133.01, Revised Statutes Cumulative Supplement,
4 2020, is amended to read:

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

31 Sec. 6. Section 81-8,134, Reissue Revised Statutes of Nebraska, is

1 amended to read:

2 81-8,134 (1) Any professional boxing match, professional mixed
3 martial arts match, professional kickboxing match, professional bare-
4 knuckle boxing match, or amateur mixed martial arts match conducted in
5 this state which is labeled or promoted as a championship ~~boxing match or~~
6 ~~a championship mixed martial arts match~~ shall have regional or national
7 significance and the approval of a nationally recognized professional
8 boxing, ~~or mixed martial arts,~~ kickboxing, or bare-knuckle boxing
9 association.

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

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

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

29 Sec. 7. Section 81-8,135, Revised Statutes Cumulative Supplement,
30 2020, is amended to read:

31 81-8,135 Every licensee conducting or holding any professional mixed

1 martial arts, amateur mixed martial arts, ~~or~~ professional boxing,
2 professional kickboxing, or professional bare-knuckle boxing match shall
3 furnish to the State Athletic Commissioner a written report showing the
4 articles of agreement between the contestants, the number of tickets sold
5 for each contest, the amount of the gross receipts thereof, the gross
6 receipts from sale of any television rights, and such other matters as
7 the commissioner shall prescribe. Within such time the licensee shall pay
8 to the commissioner a tax of five percent of the total gross receipts of
9 any professional mixed martial arts, ~~or~~ professional boxing, professional
10 kickboxing, or professional bare-knuckle boxing match or exhibition,
11 exclusive of state and federal taxes, except the gross receipts from sale
12 of television rights, and five percent of such rights, and five percent
13 of the total gross receipts of any amateur mixed martial arts match or
14 exhibition, exclusive of state and federal taxes, except that if such
15 match or exhibition is conducted as an incidental feature in any event or
16 entertainment of a different character, such portion of the total
17 receipts shall be paid to the state as the commissioner may determine, or
18 as may be fixed by rule adopted under section 81-8,139.

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

21 81-8,138 No contestant in any match or exhibition shall be paid for
22 services until the same are rendered, and should it be determined by the
23 State Athletic Commissioner that a contestant did not give an honest
24 exhibition of his or her skill, he or she shall not be paid. Any
25 contestant who shall participate in any sham or fake professional boxing,
26 professional mixed martial arts, professional kickboxing, professional
27 bare-knuckle boxing, or amateur mixed martial arts match or exhibition
28 shall be disqualified and shall not thereafter be permitted to contend in
29 any match or exhibition in this state, and any contestant who shall
30 participate in any sham or fake professional boxing, professional mixed
31 martial arts, professional kickboxing, professional bare-knuckle boxing,

1 or amateur mixed martial arts match or exhibition shall be guilty of a
2 violation of sections 81-8,128 to 81-8,142.01.

3 Sec. 9. Section 81-8,139, Revised Statutes Cumulative Supplement,
4 2020, is amended to read:

5 81-8,139 (1) Except as provided in subsection (2) of this section,
6 the State Athletic Commissioner shall adopt and promulgate such rules and
7 regulations for the administration and enforcement of sections 81-8,128
8 to 81-8,142.01 as he or she may deem necessary. Such rules and
9 regulations shall include, but not be limited to, the establishment of
10 written criteria for the granting and revoking of licenses, the setting
11 of license fees, and the qualification requirements for those to be
12 licensed as referees, physicians, managers, matchmakers, and professional
13 boxing, professional mixed martial arts, professional kickboxing,
14 professional bare-knuckle boxing, or professional sparring match or
15 exhibition judges. He or she shall have the power and may control and
16 limit the number of professional mixed martial arts, amateur mixed
17 martial arts, professional boxing, professional kickboxing, professional
18 bare-knuckle boxing, or professional sparring matches or exhibitions
19 given, or to be held, each year, or within one week, in any city or town,
20 or by any organization. He or she may fine any licensee, except amateur
21 contestants, an amount not to exceed one thousand dollars and may suspend
22 for a period, not to exceed one year, any licensee's right to participate
23 in or conduct any match or exhibition for unsportsmanlike conduct while
24 engaged in or arising directly from any match or exhibition, failure to
25 compete in good faith, engaging in any sham match or exhibition, or the
26 use of threatening and abusive language toward officials, other
27 contestants, or spectators.

28 (2) The State Athletic Commissioner may adopt and promulgate rules
29 and regulations to identify a list of substances banned for use by any
30 amateur or professional contestant and may require any contestant to
31 submit to a test for banned substances as a condition for allowing the

1 contestant's participation in a match or exhibition.

2 (3) The State Athletic Commissioner may suspend an amateur or
3 professional contestant from competition for a period not to exceed one
4 year and may fine a professional contestant an amount not to exceed one
5 thousand five hundred dollars or forty percent of the prize or purse,
6 whichever is greater, for a first offense of failing a test for a banned
7 substance on the list developed pursuant to subsection (2) of this
8 section or for refusing to submit to such a test. He or she may suspend
9 an amateur or professional contestant from competition for a period not
10 to exceed three years and may fine a professional contestant an amount
11 not to exceed three thousand dollars or seventy percent of the prize or
12 purse, whichever is greater, for any second such offense. He or she may
13 suspend an amateur or professional contestant from competition for life
14 and may fine a professional contestant an amount not to exceed five
15 thousand dollars or one hundred percent of the prize or purse, whichever
16 is greater, for any third or subsequent such offense. For purposes of
17 determining if an offense under this subsection is a first, second,
18 third, or subsequent offense, failing a test for banned substances and
19 refusing to submit to such a test shall be considered the same offense.

20 (4) Before levying an administrative fine pursuant to this section,
21 the State Athletic Commissioner shall set the matter for hearing.
22 Proceedings to levy an administrative fine shall be contested cases
23 prosecuted and appealable pursuant to the Administrative Procedure Act.
24 At least ten days before the hearing, the State Athletic Commissioner
25 shall serve notice of the time, date, and place of the hearing upon the
26 licensee or other violator by personal or certified mail service.

27 (5) The State Athletic Commissioner shall remit any administrative
28 fines collected under this section to the State Treasurer for
29 distribution in accordance with Article VII, section 5, of the
30 Constitution of Nebraska.

31 Sec. 10. Original sections 81-8,134 and 81-8,138, Reissue Revised

1 Statutes of Nebraska, and sections 81-8,129, 81-8,130.01, 81-8,132,
2 81-8,133, 81-8,133.01, 81-8,135, and 81-8,139, Revised Statutes
3 Cumulative Supplement, 2020, are repealed.