

LEGISLATURE OF NEBRASKA
ONE HUNDREDTH LEGISLATURE
FIRST SESSION
LEGISLATIVE BILL 471

FINAL READING

Introduced by Chambers, 11; Mines, 18

Read first time January 17, 2007

Committee: Government, Military and Veterans Affairs

A BILL

1 FOR AN ACT relating to the State Athletic Commissioner; to
2 amend sections 81-8,129, 81-8,130.01, 81-8,132, 81-8,133,
3 81-8,133.01, 81-8,134, 81-8,135, 81-8,138, and 81-8,139,
4 Reissue Revised Statutes of Nebraska, and section
5 81-8,139.01, Revised Statutes Cumulative Supplement,
6 2006; to authorize the regulation of mixed martial arts;
7 to change membership of the Athletic Advisory Committee;
8 to define a term; to harmonize provisions; to repeal the
9 original sections; and to declare an emergency.

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

19 Sec. 2. Section 81-8,130.01, Reissue Revised Statutes of
20 Nebraska, is amended to read:

21 81-8,130.01 Licenses and permits may be issued to
22 professional mixed martial arts, boxing, or wrestling promoters,
23 whether persons, clubs, or associations, for the sole purpose of
24 conducting professional matches under such rules and regulations as
25 the State Athletic Commissioner shall adopt. Each application for

1 such license shall be accompanied by a fee set by the commissioner
2 in rule and regulation. Such fee shall be not less than one hundred
3 dollars and not more than three hundred dollars. If the promoter
4 is an individual, the application shall include his or her social
5 security number.

6 Sec. 3. Section 81-8,132, Reissue Revised Statutes of
7 Nebraska, is amended to read:

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

18 Sec. 4. Section 81-8,133, Reissue Revised Statutes of
19 Nebraska, is amended to read:

20 81-8,133 The State Athletic Commissioner is authorized
21 to grant licenses to competent referees, upon an application
22 and the payment of a fee set by the commissioner in rule and
23 regulation. Such fee shall be not less than ten dollars and not
24 more than forty dollars per annum. The commissioner may revoke any
25 license so granted for such cause as may be deemed sufficient. At

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

12 Sec. 5. Section 81-8,133.01, Reissue Revised Statutes of
13 Nebraska, is amended to read:

14 81-8,133.01 The State Athletic Commissioner may grant
15 licenses to qualified physicians, managers, matchmakers, and
16 professional mixed martial arts, wrestling, boxing, or sparring
17 match or exhibition judges upon an application and payment of an
18 annual fee set by the commissioner in rule and regulation. Such
19 fee for matchmakers shall be not less than ten dollars and not
20 more than one hundred dollars. Such fee for physicians, managers,
21 and professional mixed martial arts, wrestling, boxing, or sparring
22 match or exhibition judges shall be not less than ten dollars
23 and not more than twenty dollars. The commissioner may also grant
24 licenses to qualified timekeepers, contestants, and seconds upon an
25 application and payment of an annual fee set by the commissioner in

1 rule and regulation. Such fee shall be not less than ten dollars
2 and not more than twenty dollars. The application shall include
3 the applicant's social security number. No person shall serve as
4 physician, manager, matchmaker, or judge at any professional mixed
5 martial arts, wrestling, boxing, or sparring match or exhibition
6 who is not licensed as such. No person shall serve as timekeeper or
7 contestant at any professional wrestling, mixed martial arts, or
8 boxing match who is not licensed as such. The commissioner shall
9 have summary authority to stop any match at which any person is
10 serving in violation of the provisions of this section. Any license
11 granted under the provisions of this section may be revoked for
12 cause.

13 Sec. 6. Section 81-8,134, Reissue Revised Statutes of
14 Nebraska, is amended to read:

15 81-8,134 (1) Any boxing match or mixed martial arts
16 match conducted in this state which is labeled or promoted as
17 a championship boxing match or a championship mixed martial arts
18 match shall have regional or national significance and the approval
19 of a nationally recognized professional boxing or mixed martial
20 arts association.

21 (2) Professional boxing or sparring matches or
22 exhibitions shall not exceed ten rounds in length, except in a
23 championship match, which shall not exceed fifteen rounds. No round
24 shall be longer than three minutes. At least one minute shall
25 intervene between rounds. The contestants shall wear during the

1 contest gloves weighing at least eight ounces each.

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

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

13 Sec. 7. Section 81-8,135, Reissue Revised Statutes of
14 Nebraska, is amended to read:

15 81-8,135 Every licensee conducting or holding any mixed
16 martial arts, wrestling, or boxing match shall furnish to the
17 State Athletic Commissioner a written report showing the articles
18 of agreement between the contestants, the number of tickets sold
19 for each contest, the amount of the gross receipts thereof, the
20 gross receipts from sale of any television rights, and such other
21 matters as the commissioner shall prescribe. Within such time the
22 licensee shall pay to the commissioner a tax of five percent of
23 the total gross receipts of any professional mixed martial arts,
24 wrestling, or boxing match or exhibition, exclusive of state and
25 federal taxes, except the gross receipts from sale of television

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

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

11 81-8,138 No contestant in any match or exhibition shall
12 be paid for services until the same are rendered, and should it
13 be determined by the State Athletic Commissioner that a contestant
14 did not give an honest exhibition of his or her skill, he or she
15 shall not be paid. Any contestant who shall participate in any sham
16 or fake boxing or mixed martial arts match or exhibition, shall
17 be disqualified, and shall not thereafter be permitted to contend
18 in any match or exhibition in this state, ~~÷~~ and any contestant
19 who shall participate in any sham or fake boxing or mixed martial
20 arts match or exhibition shall be guilty of a violation of sections
21 81-8,128 to 81-8,142.01.

22 Sec. 9. Section 81-8,139, Reissue Revised Statutes of
23 Nebraska, is amended to read:

24 81-8,139 The State Athletic Commissioner shall make such
25 rules and regulations for the administration and enforcement of

1 sections 81-8,128 to 81-8,142.01 as he or she may deem necessary.
2 Such rules and regulations shall include, but not be limited to,
3 the establishment of written criteria for the granting and revoking
4 of licenses, the setting of license fees, and the qualification
5 requirements for those to be licensed as referees, physicians,
6 managers, matchmakers, and professional wrestling, boxing, mixed
7 martial arts, or sparring match or exhibition judges. He or she
8 shall have the power and may control and limit the number of mixed
9 martial arts, wrestling, boxing, or sparring matches or exhibitions
10 given, or to be held, each year, or within one week, in any city or
11 town, or by any organization. He or she may reprimand any amateur
12 or professional athlete or any official or suspend for a period,
13 not to exceed one year, his or her right to participate in any
14 match or exhibition conducted by any licensee for unsportsmanlike
15 conduct while engaged in or arising directly from any match or
16 exhibition, failure to compete in good faith, engaging in any sham
17 match or exhibition, or the use of threatening and abusive language
18 toward officials, other contestants, or spectators.

19 Sec. 10. Section 81-8,139.01, Revised Statutes Cumulative
20 Supplement, 2006, is amended to read:

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

1 shall be or shall have been active in amateur boxing, one member
2 shall be or shall have been active in mixed martial arts, one
3 member shall be or shall have been active in professional
4 wrestling, one member shall be or shall have been active in
5 professional boxing, one member shall be a medical doctor with
6 ringside experience, and one member shall be an at-large member.
7 The members shall serve at the pleasure of the Governor, and the
8 commissioner may recommend individuals to serve on the advisory
9 committee. The members shall receive no salaries but shall receive
10 reimbursement for their expenses as provided in sections 81-1174
11 to 81-1177. The committee shall meet and be located within the
12 Charitable Gaming Division of the Department of Revenue. The
13 committee may exercise and perform its powers and duties at any
14 location in the state. The committee shall review the rules and
15 regulations drawn up by the commissioner pursuant to section
16 81-8,139 and shall make recommendations and give advice regarding
17 any proposed or adopted rules and regulations.

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

1 Act.

2 Sec. 11. For purposes of sections 81-8,128 to
3 81-8,142.01, mixed martial arts, commonly referred to as MMA,
4 means an unarmed combat sport in which two competitors seek to
5 achieve dominance over each other by utilizing a combination of
6 permitted martial arts techniques from disciplines of martial arts,
7 including, but not limited to, grappling, kicking, and striking.
8 Martial arts means any one of the disciplines set forth in rules
9 and regulations adopted and promulgated by the State Athletic
10 Commissioner.

11 Sec. 12. Original sections 81-8,129, 81-8,130.01,
12 81-8,132, 81-8,133, 81-8,133.01, 81-8,134, 81-8,135, 81-8,138,
13 and 81-8,139, Reissue Revised Statutes of Nebraska, and section
14 81-8,139.01, Revised Statutes Cumulative Supplement, 2006, are
15 repealed.

16 Sec. 13. Since an emergency exists, this act takes effect
17 when passed and approved according to law.