

LEGISLATURE OF NEBRASKA
ONE HUNDRED FIFTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 393

Introduced by Larson, 40.

Read first time January 13, 2017

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, 2016; to authorize the regulation of kickboxing; to
6 harmonize provisions; and to repeal the original sections.

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

1 Section 1. Section 81-8,129, Revised Statutes Cumulative Supplement,
2 2016, 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, and professional
6 sparring matches and exhibitions and all amateur mixed martial arts
7 matches and amateur kickboxing matches and exhibitions to be held within
8 the 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, or
12 amateur mixed martial arts contestants or amateur kickboxers who have
13 attained the age of sixteen, shall participate in a match or exhibition
14 for a prize or purse, or at which an admission fee is charged, either
15 directly or indirectly, in the form of dues or otherwise, in this state
16 except by a club, association, organization, or person licensed by the
17 commissioner, as provided in section 81-8,130, and in pursuance of a
18 license granted by the commissioner for such match or exhibition under
19 section 81-8,130.01.

20 Sec. 2. Section 81-8,130.01, Revised Statutes Cumulative Supplement,
21 2016, is amended to read:

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

31 Sec. 3. Section 81-8,132, Revised Statutes Cumulative Supplement,

1 2016, is amended to read:

2 81-8,132 No license shall be granted unless the licensee has
3 executed a bond in the sum of not less than one thousand dollars in the
4 case of amateur mixed martial arts or amateur kickboxing, nor less than
5 five thousand dollars in the case of professional mixed martial arts,
6 professional kickboxing, or professional boxing. The license shall be
7 approved by the State Athletic Commissioner, conditioned on the faithful
8 compliance by the licensee with the provisions of sections 81-8,129 to
9 81-8,142.01, the rules and regulations of the commissioner, and such
10 other laws of the state as may be applicable to anything done by the
11 licensee in pursuance of the license.

12 Sec. 4. Section 81-8,133, Revised Statutes Cumulative Supplement,
13 2016, is amended to read:

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

1 the licensed organization.

2 Sec. 5. Section 81-8,133.01, Revised Statutes Cumulative Supplement,
3 2016, is amended to read:

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

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

30 81-8,134 (1) Any professional boxing match, professional mixed
31 martial arts match, ~~or~~ amateur mixed martial arts match, professional

1 kickboxing match, or amateur kickboxing match conducted in this state
2 which is labeled or promoted as a championship ~~boxing match or a~~
3 ~~championship mixed martial arts~~ match shall have regional or national
4 significance and the approval of a nationally recognized professional
5 boxing, ~~or mixed martial arts,~~ or kickboxing association.

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

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

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

23 Sec. 7. Section 81-8,135, Revised Statutes Cumulative Supplement,
24 2016, is amended to read:

25 81-8,135 Every licensee conducting or holding any professional mixed
26 martial arts, amateur mixed martial arts, professional kickboxing,
27 amateur kickboxing, or professional boxing match shall furnish to the
28 State Athletic Commissioner a written report showing the articles of
29 agreement between the contestants, the number of tickets sold for each
30 contest, the amount of the gross receipts thereof, the gross receipts
31 from sale of any television rights, and such other matters as the

1 commissioner shall prescribe. Within such time the licensee shall pay to
2 the commissioner a tax of five percent of the total gross receipts of any
3 professional mixed martial arts, professional kickboxing, or professional
4 boxing match or exhibition, exclusive of state and federal taxes, except
5 the gross receipts from sale of television rights, and five percent of
6 such rights, and five percent of the total gross receipts of any amateur
7 mixed martial arts or amateur kickboxing match or exhibition, exclusive
8 of state and federal taxes, except that if such match or exhibition is
9 conducted as an incidental feature in any event or entertainment of a
10 different character, such portion of the total receipts shall be paid to
11 the state as the commissioner may determine, or as may be fixed by rule
12 adopted under section 81-8,139.

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

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

28 Sec. 9. Section 81-8,139, Revised Statutes Cumulative Supplement,
29 2016, is amended to read:

30 81-8,139 (1) Except as provided in subsection (2) of this section,
31 the State Athletic Commissioner shall adopt and promulgate such rules and

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

21 (2) The State Athletic Commissioner may adopt and promulgate rules
22 and regulations to identify a list of substances banned for use by any
23 amateur or professional contestant and may require any contestant to
24 submit to a test for banned substances as a condition for allowing the
25 contestant's participation in a match or exhibition.

26 (3) The State Athletic Commissioner may suspend an amateur or
27 professional contestant from competition for a period not to exceed one
28 year and may fine a professional contestant an amount not to exceed one
29 thousand five hundred dollars or forty percent of the prize or purse,
30 whichever is greater, for a first offense of failing a test for a banned
31 substance on the list developed pursuant to subsection (2) of this

1 section or for refusing to submit to such a test. He or she may suspend
2 an amateur or professional contestant from competition for a period not
3 to exceed three years and may fine a professional contestant an amount
4 not to exceed three thousand dollars or seventy percent of the prize or
5 purse, whichever is greater, for any second such offense. He or she may
6 suspend an amateur or professional contestant from competition for life
7 and may fine a professional contestant an amount not to exceed five
8 thousand dollars or one hundred percent of the prize or purse, whichever
9 is greater, for any third or subsequent such offense. For purposes of
10 determining if an offense under this subsection is a first, second,
11 third, or subsequent offense, failing a test for banned substances and
12 refusing to submit to such a test shall be considered the same offense.

13 (4) Before levying an administrative fine pursuant to this section,
14 the State Athletic Commissioner shall set the matter for hearing.
15 Proceedings to levy an administrative fine shall be contested cases
16 prosecuted and appealable pursuant to the Administrative Procedure Act.
17 At least ten days before the hearing, the State Athletic Commissioner
18 shall serve notice of the time, date, and place of the hearing upon the
19 licensee or other violator by personal or certified mail service.

20 (5) The State Athletic Commissioner shall remit any administrative
21 fines collected under this section to the State Treasurer for
22 distribution in accordance with Article VII, section 5, of the
23 Constitution of Nebraska.

24 Sec. 10. For purposes of sections 81-8,128 to 81-8,142.01,
25 kickboxing means an unarmed combat sport in which strikes are delivered
26 with fists, hands, feet, and legs and includes, but is not limited to,
27 the sport of Muay Thai.

28 Sec. 11. Original sections 81-8,134 and 81-8,138, Reissue Revised
29 Statutes of Nebraska, and sections 81-8,129, 81-8,130.01, 81-8,132,
30 81-8,133, 81-8,133.01, 81-8,135, and 81-8,139, Revised Statutes
31 Cumulative Supplement, 2016, are repealed.