

General Affairs Committee

Nebraska Legislature

One Hundred Seventh Legislature,
First Session

LR177: Interim study to examine the State Athletic Commissioner and review occupational licenses and regulations for professional boxers and boxing promoters.

Occupational License Report: Boxing Promoters

Report as required pursuant to the Occupational Board Reform Act (OBRA)

Committee Members:

Senator Tom Briese, Chairperson

Senator John Lowe, Vice Chair

Senator John Arch

Senator Tom Brandt

Senator Tom Brewer

Senator John Cavanaugh

Senator Mike Groene

Senator Justin Wayne

Committee Staff:

Laurie Holman, Committee Research Analyst

Alexander DeGarmo, Committee Clerk

Table of Contents:

I. Memo from Senator Tom Briese, Chairperson, General Affairs Committee

A. Committee Action on Occupational Licensing

II. Boxer Occupational License

A. Background and Legislative History

B. Committee Findings

C. OBRA Policy Analysis

D. Conclusion and Recommendations

III. Appendix I

A. State Athletic Commissions: Boxer license survey

Memorandum

To: Clerk of the Legislature

From: Senator Tom Briese, Chairperson of General Affairs Committee

Date: December 15, 2021

Subject: Occupational Licensing Report as required by Neb. Rev. Stat. §84-948

Occupational Licensing Update: Committee Action

Nebraska Revised Statute §84-948 requires each committee to annually review and analyze approximately twenty percent of the occupational regulations within the jurisdiction of the committee and submit an annual report of its findings. Each committee shall complete this process for all regulations within its jurisdiction within five years and every five years after.

The General Affairs Committee completed reviews of the following occupational licenses within its jurisdiction in 2021: Boxing and Boxing Promoter licenses. This report is compiled in accordance with Neb. Rev. Stat. §84-948 by committee staff and personnel through research into each occupational license, surveys completed by the occupational board, related committee hearings, and meetings. No formal hearings were held on the specific occupational licenses reviewed this year.

The following report details the background and legislative history behind each studied occupational license, relevant information about the license and its occupational board, and the current recommendation by the committee regarding the license at this time.

Sincerely,

Senator Tom Briese, District 41
Chairperson, General Affairs Committee

Background and Legislative History

The Nebraska Athletic Commission was created in 1957 by LB 237. Senator Charles Tvrdik sponsored the bill that created the State Athletic Commissioner. The purpose of the Commission was to regulate the sport of boxing, and to ensure competitive and fair fights. The commission has also implemented a number of safeguards designed to minimize the risk of injury to the competing athletes. Prior to 2013, the State Athletic Advisory Committee existed to oversee the rules and regulations drawn up by the Commissioner and give advice regarding any proposed rule or regulation. The Advisory Committee also served as an appeals board to hear and determine all cases of parties who contested any of the State Athletic Commissioner's decisions, in accordance with the Administrative Procedure Act. The Athletic Advisory Committee was dissolved in 2013 with the passage of LB78, a bill which eliminated several boards, commissions, and task forces. Since that time, the purpose of the Commission has expanded to include regulating Mixed Martial Arts (LB471, 2007), Professional Bare-Knuckle Boxing (LB70, 2021), and Professional Kick-Boxing (LB70, 2021).

About the Board/License

Professional Boxing Promoters are licensed and regulated by the State Athletic Commissioner of the Nebraska Athletic Commission. The State Athletic Commission has sole discretion, management, control, and jurisdiction over all Professional Boxing and Professional Boxing Promoters within the state. The State Athletic Commissioner is appointed by the Governor for a two year term as specified in Neb. Rev. Stat. §81-8,128. The Commission employs a Deputy State Athletic Commissioner and four inspectors who are paid on a per event basis.

Neb. Rev. Stat. §81-8,130.01 authorizes Professional Boxing Promoter licenses to be issued for the sole purpose of conducting professional matches under the rules and regulations adopted by the State Athletic Commissioner. Professional Boxing Promoter Licenses are further regulated by Title 38, Chapter 2 of the Nebraska Administrative Code. This chapter establishes the license fee for Professional Boxing Promoters, and currently it is set at \$200.00 dollars annually. This chapter also lays out the general requirements and responsibilities of professional boxing promoters, requirements for submissions of bonds, applications, medical information, schedule of contestants, signed contracts and addendums, insurance providers, and attending physicians' information.¹

¹ Neb. Admin. Code Title 38, Chapter 2, Sections 001 and 004.

Committee Findings

Pursuant to Neb. Rev. Stat. §84-948, each report issued by a standing committee of the Legislature must contain the following information:

1. The title of the regulated occupation and the name of the occupational board responsible for the enforcement of the occupational regulations.

Regulated Occupation: Professional Boxing Promoter

Occupational Board: The Nebraska State Athletic Commission

2. The statutory citation or other authorization for the creation of the occupational regulations and occupational board.

Neb. Rev. Stat. §81-8,128 through 81-8,142.01

3. The number of members of the occupational board and how the members are appointed.

The State Athletic Commissioner is appointed by the Governor, per Neb. Rev. Stat. §81-8,128. The Athletic Advisory Committee contained 6 members, but was dissolved in 2013 by LB 78 (Avery).

4. The qualifications for membership on the occupational board.

No qualifications for the State Athletic Commissioner are listed in statute.

5. The number of times the occupational board is required to meet during the year and the number of times it actually met.

Not applicable.

6. Annual budget information for the occupational board for the five most recently completed fiscal years.

Not submitted by agency. The State Athletic Commission is housed within the Department of Revenue, Charitable Gaming Department for budgetary and accounting purposes.

7. For the immediately preceding five calendar years, or for the period of time less than five years for which the information is practically available, the following information: the number of government certifications, occupational licenses, and registrations the occupational board has issued, revoked, denied, or assessed penalties against listed anonymously and separately per type of credential, and the reasons for such revocations, denials, and other penalties.

Not submitted by agency.

8. A review of the basic assumptions underlying the creation of the occupational regulations.

The State Athletic Commissioner is given sole direction, management, control, and jurisdiction over all professional boxing, professional kick-boxing, or professional bare-knuckle boxing 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. ² The main purpose of this authority is to regulate the activities of the Promoters, as they are responsible for organizing, arranging, and conducting all bouts held at an event, and therefore must meet all of the deadlines required for event permit applications and other requirements. This is necessary to protect the health and safety of the contestants, and to give the Commissioner the ability to invoke disciplinary action against any promoter for the violation of any applicable law, rule, or regulation.

² Neb. Rev. Stat. §81-8,130.01

9. A statement from the occupational board on the effectiveness of the occupational regulations.

No statement was submitted.

10. A comparison of whether and how other states regulate the occupation.

The federal government mandates that in order for states to allow professional boxing matches, they must have a state Boxing Commission and/or Boxing Office or use a neighboring state's Boxing Commission and/or Boxing Office. In most states, to acquire a license, you must pass a physical examination and submit an application. Medical tests, such as an EKG, various neurological tests, and blood work are often required as well, along with testing for steroids and illegal drug usage.

OBRA Analysis

Each report issued by a standing committee of the Legislature must analyze whether the occupational regulations meet the policy goals established under OBRA, and consider the following recommended courses of action for meeting such policy goals.

1. If the need is to protect consumers against fraud, the likely recommendation will be to strengthen powers under the Uniform Deceptive Trade Practices Act or require disclosures that will reduce misleading attributes of the specific goods or services.

Not applicable.

2. If the need is to protect consumers against unclean facilities or to promote general health and safety, the likely recommendation will be to require periodic inspections of such facilities.

Not applicable.

3. If the need is to protect consumers against potential damages from failure by providers to complete a contract fully or up to standards, the likely recommendation will be to require that providers be bonded.

Not applicable.

4. If the need is to protect a person who is not party to a contract between the provider and consumer, the likely recommendation will be to require that the provider have insurance.

Not applicable.

5. If the need is to protect consumers against shortfall or imbalance of knowledge about the goods or services relative to the provider's knowledge, the likely recommendation will be to enact government certification.

Not applicable.

6. If the need is to address a systematic information shortfall such that a reasonable consumer is unable to distinguish between the quality of providers, there is an absence of institutions that provide adequate guidance to the consumer, and the consumer's inability to distinguish between providers and the lack of adequate guidance for undue risk of present, significant and substantiated harms, the likely recommendation will be to enact an occupational license.

Not applicable.

Committee Conclusion and Recommendation

The Committee recommends that Professional Boxing Promoters continue to be licensed and regulated in the State of Nebraska. The Committee does not recommend any changes to the current occupational license and regulatory scheme of Professional Boxing Promoters at this time.

Appendix I: Committee Surveys

No survey was submitted by the State Athletic Commission.