

LEGISLATIVE BILL 70

Approved by the Governor April 16, 2021

Introduced by Wayne, 13.

A BILL FOR AN ACT relating to the State Athletic Commissioner; to amend sections 81-8,134 and 81-8,138, Reissue Revised Statutes of Nebraska, and sections 81-8,129, 81-8,130.01, 81-8,132, 81-8,133, 81-8,133.01, 81-8,135, and 81-8,139, Revised Statutes Cumulative Supplement, 2020; to authorize the regulation of professional kickboxing and professional bare-knuckle boxing; and to repeal the original sections.

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

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

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

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

81-8,130.01 Licenses and permits may be issued to professional mixed martial arts, ~~or professional boxing, professional kickboxing, 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. Each application for such license shall be accompanied by a fee set by the commissioner in rule and regulation. Such fee shall be not less than one hundred dollars and not more than three hundred dollars. If the promoter is an individual, the application shall include his or her social security number.

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

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

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

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

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

81-8,133.01 The State Athletic Commissioner may grant licenses to qualified physicians, managers, matchmakers, and professional mixed martial arts, professional boxing, professional kickboxing, professional bare-knuckle

boxing, or professional sparring match or exhibition judges upon an application and payment of an annual fee set by the commissioner in rule and regulation. Such fee for matchmakers shall be not less than ten dollars and not more than one hundred dollars. Such fee for physicians, managers, and professional mixed martial arts, professional boxing, professional kickboxing, professional bare-knuckle boxing, or professional sparring match or exhibition judges shall be not less than ten dollars and not more than twenty dollars. The commissioner may also grant licenses to qualified timekeepers, contestants, and seconds upon an application and payment of an annual fee set by the commissioner in rule and regulation. Such fee shall be not less than ten dollars and not more than twenty dollars. The application shall include the applicant's social security number. No person shall serve as physician, manager, matchmaker, or judge at any professional mixed martial arts, professional boxing, professional kickboxing, professional bare-knuckle boxing, or professional sparring match or exhibition who is not licensed as such. No person shall serve as timekeeper or contestant at any professional mixed martial arts, or professional boxing, professional kickboxing, or professional bare-knuckle boxing match who is not licensed as such. The commissioner shall have summary authority to stop any match at which any person is serving in violation of the provisions of this section. Any license granted under the provisions of this section may be revoked for cause.

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

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

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

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

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

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

81-8,135 Every licensee conducting or holding any professional mixed martial arts, amateur mixed martial arts, ~~or professional boxing,~~ professional kickboxing, or professional bare-knuckle boxing match shall furnish to the State Athletic Commissioner a written report showing the articles of agreement between the contestants, the number of tickets sold for each contest, the amount of the gross receipts thereof, the gross receipts from sale of any television rights, and such other matters as the commissioner shall prescribe. Within such time the licensee shall pay to the commissioner a tax of five percent of the total gross receipts of any professional mixed martial arts, ~~or professional boxing, professional kickboxing, or professional bare-knuckle boxing~~ match or exhibition, exclusive of state and federal taxes, except the gross receipts from sale of television rights, and five percent of such rights, and five percent of the total gross receipts of any amateur mixed martial arts match or exhibition, exclusive of state and federal taxes, except that if such match or exhibition is conducted as an incidental feature in any event or entertainment of a different character, such portion of the total receipts shall be paid to the state as the commissioner may determine, or as may be fixed by rule adopted under section 81-8,139.

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

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

Sec. 9. Section 81-8,139, Revised Statutes Cumulative Supplement, 2020, is

amended to read:

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

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

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

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

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

Sec. 10. Original sections 81-8,134 and 81-8,138, Reissue Revised Statutes of Nebraska, and sections 81-8,129, 81-8,130.01, 81-8,132, 81-8,133, 81-8,133.01, 81-8,135, and 81-8,139, Revised Statutes Cumulative Supplement, 2020, are repealed.