

LEGISLATURE OF NEBRASKA

ONE HUNDRED SECOND LEGISLATURE

SECOND SESSION

**LEGISLATIVE BILL 869**

Final Reading

Introduced by Janssen, 15.

Read first time January 06, 2012

Committee: Government, Military and Veterans Affairs

A BILL

1 FOR AN ACT relating to the State Athletic Commissioner; to amend  
2 sections 81-8,129, 81-8,130, 81-8,130.01, 81-8,132,  
3 81-8,133, 81-8,133.01, 81-8,134, 81-8,135, 81-8,138,  
4 81-8,139, and 81-8,139.01, Reissue Revised Statutes of  
5 Nebraska; to change provisions relating to the  
6 jurisdiction of the State Athletic Commissioner; to  
7 change provisions relating to licenses and permits; to  
8 change membership of the Athletic Advisory Committee; to  
9 harmonize provisions; and to repeal the original  
10 sections.

11 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 sole  
4 direction, management, control, and jurisdiction over all  
5 professional mixed martial arts, professional wrestling, and  
6 professional boxing, and professional sparring matches and  
7 exhibitions and all amateur mixed martial arts, ~~boxing, and sparring~~  
8 ~~matches,~~ and exhibitions to be held within the state, except such as  
9 are conducted by universities, colleges, high schools, the military,  
10 and recognized amateur associations for contestants under sixteen  
11 years of age. No professional boxers, professional mixed martial arts  
12 contestants, or professional wrestlers, or amateur boxers or mixed  
13 martial arts contestants who have attained the age of sixteen, shall  
14 participate in a match or exhibition for a prize or purse, or at  
15 which an admission fee is charged, either directly or indirectly, in  
16 the form of dues or otherwise, in this state except by a club,  
17 association, organization, or person licensed by the commissioner, as  
18 provided in section 81-8,130, and in pursuance of a license granted  
19 by the commissioner for such match or exhibition under section  
20 81-8,130.01.

21                   Sec. 2. Section 81-8,130, Reissue Revised Statutes of  
22 Nebraska, is amended to read:

23                   81-8,130 The State Athletic Commissioner may issue an  
24 annual license for conducting amateur ~~events~~ mixed martial arts  
25 matches or exhibitions to any ~~nonprofit~~ club, association, or

1 organization, which has been located and established in this state  
2 for a period of one year before the license is issued. Each  
3 application for a license shall be accompanied by a fee set by the  
4 commissioner in rule and regulation. Such fee shall be not less than  
5 twenty-five dollars and not more than one hundred dollars.

6 Sec. 3. Section 81-8,130.01, Reissue Revised Statutes of  
7 Nebraska, is amended to read:

8 81-8,130.01 Licenses and permits may be issued to  
9 professional mixed martial arts, professional boxing, or professional  
10 wrestling promoters, whether persons, clubs, or associations, for the  
11 sole purpose of conducting professional matches under such rules and  
12 regulations as the State Athletic Commissioner shall adopt. Each  
13 application for such license shall be accompanied by a fee set by the  
14 commissioner in rule and regulation. Such fee shall be not less than  
15 one hundred dollars and not more than three hundred dollars. If the  
16 promoter is an individual, the application shall include his or her  
17 social security number.

18 Sec. 4. Section 81-8,132, Reissue Revised Statutes of  
19 Nebraska, is amended to read:

20 81-8,132 No license shall be granted unless the licensee  
21 has executed a bond in the sum of not less than one thousand dollars  
22 in the case of amateur mixed martial arts, ~~or boxing~~, nor less than  
23 five thousand dollars in the case of professional wrestling,  
24 professional mixed martial arts, or professional boxing. The license  
25 shall be approved by the State Athletic Commissioner, conditioned on

1 the faithful compliance by the licensee with the provisions of  
2 sections 81-8,129 to 81-8,142.01, the rules and regulations of the  
3 commissioner, and such other laws of the state as may be applicable  
4 to anything done by the licensee in pursuance of the license.

5 Sec. 5. Section 81-8,133, Reissue Revised Statutes of  
6 Nebraska, is amended to read:

7 81-8,133 The State Athletic Commissioner is authorized to  
8 grant licenses to competent referees, upon an application and the  
9 payment of a fee set by the commissioner in rule and regulation. Such  
10 fee shall be not less than ten dollars and not more than forty  
11 dollars per annum. The commissioner may revoke any license so granted  
12 for such cause as may be deemed sufficient. At every professional  
13 wrestling, professional boxing, professional mixed martial arts,  
14 amateur mixed martial arts, or professional sparring match or  
15 exhibition, there shall be in attendance a duly licensed referee, who  
16 shall direct and control the match. The referee shall stop the match  
17 whenever he or she deems it advisable, (1) because of the physical  
18 condition of the contestants or one of them, (2) when one of the  
19 contestants is clearly outclassed by his or her opponent, or (3) for  
20 any other sufficient reason. The referee shall, at the termination of  
21 every professional wrestling, professional boxing, professional mixed  
22 martial arts, amateur mixed martial arts, or professional sparring  
23 match or exhibition, indicate a winner. The fees of the referee and  
24 other licensed officials may be fixed by the commissioner and shall  
25 be paid by the licensed organization.

1           Sec. 6. Section 81-8,133.01, Reissue Revised Statutes of  
2 Nebraska, is amended to read:

3           81-8,133.01 The State Athletic Commissioner may grant  
4 licenses to qualified physicians, managers, matchmakers, and  
5 professional mixed martial arts, professional wrestling, professional  
6 boxing, or professional sparring match or exhibition judges upon an  
7 application and payment of an annual fee set by the commissioner in  
8 rule and regulation. Such fee for matchmakers shall be not less than  
9 ten dollars and not more than one hundred dollars. Such fee for  
10 physicians, managers, and professional mixed martial arts,  
11 professional wrestling, professional boxing, or professional sparring  
12 match or exhibition judges shall be not less than ten dollars and not  
13 more than twenty dollars. The commissioner may also grant licenses to  
14 qualified timekeepers, contestants, and seconds upon an application  
15 and payment of an annual fee set by the commissioner in rule and  
16 regulation. Such fee shall be not less than ten dollars and not more  
17 than twenty dollars. The application shall include the applicant's  
18 social security number. No person shall serve as physician, manager,  
19 matchmaker, or judge at any professional mixed martial arts,  
20 professional wrestling, professional boxing, or professional sparring  
21 match or exhibition who is not licensed as such. No person shall  
22 serve as timekeeper or contestant at any professional wrestling,  
23 professional mixed martial arts, or professional boxing match who is  
24 not licensed as such. The commissioner shall have summary authority  
25 to stop any match at which any person is serving in violation of the

1 provisions of this section. Any license granted under the provisions  
2 of this section may be revoked for cause.

3           Sec. 7. Section 81-8,134, Reissue Revised Statutes of  
4 Nebraska, is amended to read:

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

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

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

23           (4) No professional boxing contestant, professional or  
24 ~~mixed martial arts contestant, or amateur mixed martial arts~~  
25 contestant shall be allowed to participate or take part in any

1 contest in this state unless a duly licensed physician shall certify  
2 in writing that such contestant has taken a physical examination the  
3 day of the contest and is physically fit to engage in the proposed  
4 contest.

5           Sec. 8. Section 81-8,135, Reissue Revised Statutes of  
6 Nebraska, is amended to read:

7           81-8,135 Every licensee conducting or holding any  
8 professional mixed martial arts, amateur mixed martial arts,  
9 professional wrestling, or professional boxing match shall furnish to  
10 the State Athletic Commissioner a written report showing the articles  
11 of agreement between the contestants, the number of tickets sold for  
12 each contest, the amount of the gross receipts thereof, the gross  
13 receipts from sale of any television rights, and such other matters  
14 as the commissioner shall prescribe. Within such time the licensee  
15 shall pay to the commissioner a tax of five percent of the total  
16 gross receipts of any professional mixed martial arts, professional  
17 wrestling, or professional boxing match or exhibition, exclusive of  
18 state and federal taxes, except the gross receipts from sale of  
19 television rights, and five percent of such rights, and five percent  
20 of the total gross receipts of any amateur mixed martial arts ~~or~~  
21 ~~boxing~~ match or exhibition, exclusive of state and federal taxes,  
22 except that if such match or exhibition is conducted as an incidental  
23 feature in any event or entertainment of a different character, such  
24 portion of the total receipts shall be paid to the state as the  
25 commissioner may determine, or as may be fixed by rule adopted under

1 section 81-8,139.

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

4           81-8,138 No contestant in any match or exhibition shall  
5 be paid for services until the same are rendered, and should it be  
6 determined by the State Athletic Commissioner that a contestant did  
7 not give an honest exhibition of his or her skill, he or she shall  
8 not be paid. Any contestant who shall participate in any sham or fake  
9 professional boxing, professional mixed martial arts, or amateur ~~or~~  
10 mixed martial arts match or exhibition shall be disqualified and  
11 shall not thereafter be permitted to contend in any match or  
12 exhibition in this state, and any contestant who shall participate in  
13 any sham or fake professional boxing, professional mixed martial  
14 arts, or amateur ~~or~~ mixed martial arts match or exhibition shall be  
15 guilty of a violation of sections 81-8,128 to 81-8,142.01.

16           Sec. 10. Section 81-8,139, Reissue Revised Statutes of  
17 Nebraska, is amended to read:

18           81-8,139 The State Athletic Commissioner shall ~~make~~ adopt  
19 and promulgate such rules and regulations for the administration and  
20 enforcement of sections 81-8,128 to 81-8,142.01 as he or she may deem  
21 necessary. Such rules and regulations shall include, but not be  
22 limited to, the establishment of written criteria for the granting  
23 and revoking of licenses, the setting of license fees, and the  
24 qualification requirements for those to be licensed as referees,  
25 physicians, managers, matchmakers, and professional wrestling,



1 professional boxing, professional mixed martial arts, or professional  
2 sparring match or exhibition judges. He or she shall have the power  
3 and may control and limit the number of professional mixed martial  
4 arts, amateur mixed martial arts, professional wrestling,  
5 professional boxing, or professional sparring matches or exhibitions  
6 given, or to be held, each year, or within one week, in any city or  
7 town, or by any organization. He or she may reprimand any amateur or  
8 professional athlete or any official or suspend for a period, not to  
9 exceed one year, his or her right to participate in any match or  
10 exhibition conducted by any licensee for unsportsmanlike conduct  
11 while engaged in or arising directly from any match or exhibition,  
12 failure to compete in good faith, engaging in any sham match or  
13 exhibition, or the use of threatening and abusive language toward  
14 officials, other contestants, or spectators.

15           Sec. 11. Section 81-8,139.01, Reissue Revised Statutes of  
16 Nebraska, is amended to read:

17           81-8,139.01 (1) An advisory committee is hereby created  
18 which shall be known as the Athletic Advisory Committee. The Governor  
19 shall appoint ~~six~~ five persons to the committee. The members shall be  
20 selected on their experience, training, and interest in mixed martial  
21 arts, professional boxing, and professional wrestling. One member  
22 shall be or shall have been active in ~~amateur~~ boxing, ~~one member~~  
23 ~~shall be or shall have been active in~~ mixed martial arts, one member  
24 shall be or shall have been active in professional wrestling, one  
25 member shall be or shall have been active in professional boxing, one

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

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

21 Sec. 12. Original sections 81-8,129, 81-8,130,  
22 81-8,130.01, 81-8,132, 81-8,133, 81-8,133.01, 81-8,134, 81-8,135,  
23 81-8,138, 81-8,139, and 81-8,139.01, Reissue Revised Statutes of  
24 Nebraska, are repealed.