

Enrolled Senate Bill 76

Printed pursuant to Senate Interim Rule 213.28 by order of the President of the Senate in conformance with pre-session filing rules, indicating neither advocacy nor opposition on the part of the President (at the request of Governor Kate Brown for Oregon State Police)

CHAPTER

AN ACT

Relating to unarmed combat sports; creating new provisions; amending ORS 166.715, 463.015, 463.018, 463.025, 463.035, 463.037, 463.047, 463.113, 463.125, 463.145, 463.149, 463.155, 463.165, 463.175, 463.185, 463.210, 463.320, 463.322, 463.330 and 463.340; repealing ORS 463.310 and 463.500; and prescribing an effective date.

Be It Enacted by the People of the State of Oregon:

SECTION 1. ORS 463.015 is amended to read:
463.015. As used in this chapter:

(1) **“Amateur athletic organization” means an entity organized and operated exclusively to foster state, national and international amateur unarmed combat sports competition.**

[(1) *“Boxing” means a contest between contestants who fight with their fists protected by gloves or mittens fashioned of leather or similar material, the duration of which is limited to a stated number of rounds separated by rest periods of equal duration. “Boxing” includes kickboxing, a form of boxing in which blows are delivered with any part of the arm below the shoulder, including the hand, and any part of the leg below the hip, including the foot.*]

(2) **“Entertainment wrestling” means a noncompetitive performance in which the participants deliver blows or apply holds with no intent to punish or immobilize an opponent. Entertainment wrestling is distinguished from [boxing, mixed martial arts or other wrestling] unarmed combat sports by the fact that the outcome of the performance is predetermined.**

(3) **“Event” means [a boxing, mixed martial arts or entertainment wrestling match, contest, exhibition or performance] an unarmed combat sports or entertainment wrestling match, bout, contest, exhibition or performance.**

(4) **“Exhibition” means a demonstration of [boxing or mixed martial arts] unarmed combat sports skills, the results of which are not counted toward the official record of the competitors.**

(5) **“Gross receipts” means the consideration, including money, credits, rights or other items of value, received from the sale of tickets or other admissions indicia or rights, without any deduction from the total value of the consideration.**

[(5)] (6) **“Judge” means a person licensed by the Superintendent of State Police who is at cageside or ringside during [a boxing or mixed martial arts] an unarmed combat sports event and who has the responsibility of scoring the [performance] bout of the [participants] competitors in the event.**

[(6)] (7) **“Manager” means a person licensed by the superintendent who does any of the following:**

(a) By contract or agreement undertakes to represent the interests of [any] a professional [boxer or mixed martial arts] **unarmed combat sports** competitor in procuring or arranging the conduct of [any boxing or mixed martial arts] **an unarmed combat sports** event in which the professional [boxer or mixed martial arts] **unarmed combat sports** competitor is a participant.

(b) Receives or is entitled to receive more than 10 percent of the contracted portion of the gross purse of [any] a professional [boxer or mixed martial arts] **unarmed combat sports** competitor for [any] services related to the [boxer's or mixed martial arts] **unarmed combat sports** competitor's participation in [a boxing or mixed martial arts] **an unarmed combat sports** event.

(c) Is an officer, director or stockholder of [any] a corporation [which] **that** receives or is entitled to receive more than 10 percent of the contracted portion of the gross purse of [any] a professional [boxer or mixed martial arts] **unarmed combat sports** competitor for [any] services relating to the [boxer's or mixed martial arts] **unarmed combat sports** competitor's participation in [a boxing or mixed martial arts] **an unarmed combat sports** event.

(d) Directs or controls the professional activities of [any] a professional [boxer or mixed martial arts] **unarmed combat sports** competitor.

(e) Attends to the professional [boxer or mixed martial arts] **unarmed combat sports** competitor at **cageside or** ringside or purports to be the manager of a professional [boxer or mixed martial arts] **unarmed combat sports** competitor.

[(7)] (8) "Matchmaker" means a person licensed by the superintendent [of State Police] who is employed by or associated with a promoter in the capacity of booking and arranging [boxing or mixed martial arts] **unarmed combat sports** events between [opponents] **unarmed combat sports competitors** and for whose activities in this regard the promoter is legally responsible.

(9) "**Medical personnel**" means a **physician licensed under ORS chapter 677 or a physician assistant licensed under ORS 677.505 to 677.525.**

[(8)] "*Mixed martial arts*" means a combative sporting contest, the rules of which allow two mixed martial arts competitors to attempt to achieve dominance over one another by utilizing a variety of techniques including, but not limited to, striking, grappling and the application of submission holds. "*Mixed martial arts*" does not include martial arts such as tae kwon do, karate, kempo karate, kempo karate, judo, sumo, jujitsu, Brazilian jujitsu, submission wrestling and kung fu.]

[(9)] (10) "Official" means an individual authorized by the [Oregon State Athletic Commission] **superintendent or an authorized representative of the superintendent** to perform duties as assigned by [the commission] **the superintendent or an authorized representative of the superintendent.** "Official" includes, but is not limited to, a referee, judge, timekeeper[,] or inspector [or ringside physician or other assigned medical personnel].

[(10)] (11) "Person" includes an individual, association, **organization,** partnership or corporation.

[(11)] (12) "Professional [boxer or mixed martial arts] **unarmed combat sports** competitor" means an individual licensed by the superintendent who competes for or has competed for a money prize, purse or compensation in [a boxing event or has competed in a professional or amateur mixed martial arts] **an unarmed combat sports** event.

[(12)] (13) "Promoter" means a [corporation, partnership, association, individual or other organization] **person** licensed by the superintendent who arranges, gives, holds or conducts [a boxing, mixed martial arts or] **an entertainment wrestling or unarmed combat sports** event in this state and who is legally responsible for the lawful conduct of the [boxing, mixed martial arts or entertainment wrestling] event.

(14) "**Striking**" means a **physical attack in which an individual uses a part of the individual's body with the intent to inflict damage on an opponent.**

(15) "**Submission**" means an act by an individual who yields to the individual's opponent and that results in the individual's immediate defeat.

(16) "**Unarmed combat sports**" means a form of competition where the intent is to win by striking, knockout, technical knockout or submission. "**Unarmed combat sports**" does not include tae kwon do, karate, kempo karate, judo, sumo, jujitsu, Brazilian jujitsu, submission

wrestling, kung fu, submission grappling or other martial art where the intent is for the competitor to win by points only and where that martial art is exhibited independently.

(17) **“Unarmed combat sports competitor” means an individual licensed by the superintendent who competes in an unarmed combat sports event.**

SECTION 2. ORS 463.018 is amended to read:

463.018. The Legislative Assembly finds that the [*boxing, mixed martial arts*] **unarmed combat sports** and entertainment wrestling industries in this state should be regulated in order to protect the best interests of [*both contestants*] **entertainment wrestlers, unarmed combat sports competitors** and the public.

SECTION 3. ORS 463.025 is amended to read:

463.025. (1) A person may not act as [*a professional boxer or mixed martial arts competitor, manager of a professional boxer or mixed martial arts*] **an unarmed combat sports competitor**, [*referee,*] **official, manager**, [*judge,*] **second for a professional unarmed combat sports competitor**, [*timekeeper*] or matchmaker [*until*] **unless** the person [*has been*] **is** licensed pursuant to this chapter.

(2) Application for a license [*shall*] **must** be made upon a form [*furnished*] **provided** by the Superintendent of State Police and [*shall*] **must** be accompanied by an annual license fee established by the superintendent by rule.

(3) Each person licensed under this section shall present the license upon request to promoters and representatives of the superintendent, including members of the Oregon State Athletic Commission, as evidence of eligibility to act or perform in the person’s licensed capacities in connection with [*boxing or mixed martial arts*] **unarmed combat sports** events.

(4) A person under 18 years of age may not be issued a license to act as [*a mixed martial arts*] **an unarmed combat sports competitor, manager, official, second or matchmaker.**

(5) **This section does not apply to an unarmed combat sports competitor, official, manager, second for a professional unarmed combat sports competitor or matchmaker competing or participating in an unarmed combat sports event supervised by an amateur athletic organization.**

SECTION 4. (1) A person may not act as an amateur athletic organization unless the Superintendent of State Police has approved the person under this section.

(2) An applicant for approval shall apply to the superintendent on a form provided by the superintendent and shall accompany the application with a fee established by the superintendent by rule.

(3) An applicant shall provide to the superintendent an affidavit stating that the health and safety of the unarmed combat sports competitors in unarmed combat sports events supervised by the applicant is the responsibility of the applicant.

(4) The applicant shall meet all requirements for approval as an amateur athletic organization as established by the superintendent by rule.

(5) The superintendent may deny, revoke or suspend approval of an amateur athletic organization if the amateur athletic organization:

(a) Fails to provide information requested by the superintendent or the authorized representative of the superintendent; or

(b) In the discretion of the superintendent, should not be approved to act as an amateur athletic organization.

(6) **If an amateur athletic organization fails or refuses to file an application for approval under this section, or the approval of an amateur athletic organization is denied, revoked or suspended, the amateur athletic organization may not participate in an amateur unarmed combat sports event.**

SECTION 5. ORS 463.035 is amended to read:

463.035. (1)(a) A person may not act as a promoter of [*boxing, mixed martial arts*] **unarmed combat sports** or entertainment wrestling until the person has been licensed pursuant to this chapter.

(b) A person who intends to act as a promoter for entertainment wrestling events and for unarmed combat sports events shall apply for separate licensure for each type of event.

(2) Application for a promoter's license *[shall]* **must** be made upon a form *[furnished]* **provided** by the Superintendent of State Police *[and must be accompanied by payment of the application fee established by the superintendent by rule]*. **The form must specify whether the application is for a license as a promoter of entertainment wrestling events or for a license as a promoter of unarmed combat sports events.**

(3) Before a license is issued to any promoter of *[boxing, mixed martial arts]* **unarmed combat sports** or entertainment wrestling, the applicant for licensure must:

(a) Pay the annual license fee established by the superintendent by rule; and

(b) File with the superintendent a corporate surety bond issued by a company authorized to do business in this state drawn in an amount acceptable to the superintendent and the release of which is conditioned upon:

(A) Timely payment of all taxes and civil penalties due the state or its political subdivisions;

(B) Payment to the state or a political subdivision *[thereof which]* **of the state that** establishes liability against a promoter for damages, penalties or expenses arising from promotional activity;

(C) Payment of the purses of the **entertainment wrestlers or unarmed combat sports** competitors;

(D) Payment of reimbursement to the superintendent of the cost of approval of an event canceled by the promoter without good cause; and

(E) Payment of compensation to inspectors, referees, timekeepers, judges and event medical personnel.

(4) In addition to the requirements specified in subsection (3) of this section, prior to being issued a license to promote entertainment wrestling, an applicant must provide an affidavit to the superintendent stating that the health and safety of the participants is the responsibility of the promoter.

(5) If the circumstances of an event to be promoted so require, the superintendent may increase the required amount of the corporate surety bond previously filed with the superintendent in compliance with this section.

(6) The superintendent may accept a cash deposit or the assignment of a savings account in lieu of the corporate surety bond required by this section.

(7) A person under 18 years of age may not be issued a license to act as a promoter.

SECTION 6. ORS 463.037 is amended to read:

463.037. (1) *[A boxing match or mixed martial arts]* **An unarmed combat sports** event may not take place in this state unless the following Oregon State Athletic Commission representatives are in attendance:

[(1)] (a) *[One representative of the commission]* **The Superintendent of State Police or an authorized representative of the superintendent** to oversee conduct of the *[match]* **event;**

[(2)] (b) Officials assigned by *[the commission or by a designee of the commission]* **the superintendent or an authorized representative of the superintendent;** and

[(3)] (c) Medical personnel assigned *[or approved by the commission or by a designee of the commission]* **by the superintendent or authorized representative of the superintendent.**

(2) This section does not apply to an event supervised by an approved amateur athletic organization.

SECTION 7. ORS 463.047 is amended to read:

463.047. (1) *[The Oregon State Athletic Commission or a designee of the commission]* **The Superintendent of State Police or an authorized representative of the superintendent** shall assign or approve medical personnel to each *[boxing or mixed martial arts]* **unarmed combat sports** event held in this state.

(2) Medical personnel who are not employed by the Department of State Police and who are assigned to serve at an unarmed combat sports event must be paid by the promoter at a rate established by the superintendent by rule. The promoter shall reimburse the mileage

and lodging expenses incurred by medical personnel described in this subsection at a rate established by the superintendent by rule.

(3) The promoter of an unarmed combat sports event shall reimburse the Oregon State Athletic Commission for medical supplies used at the unarmed combat sports event at rates determined by the superintendent by rule.

[2] (4) Prior to the commencement of [*any boxing or mixed martial arts*] **an unarmed combat sports event** held in this state, the medical personnel assigned to the event shall [*certify that*] **medically qualify** each [*contestant is medically qualified*] **unarmed combat sports competitor** to [*participate*] **compete** in the event in accordance with rules recommended by the commission and adopted by the superintendent [*of State Police*]. In determining whether to issue or withhold the required [*certification*] **medical qualification**, the assigned medical personnel shall consider:

(a) The results of a prefight medical examination conducted by [*physicians or other*] medical personnel approved by the commission; and

(b) The recent [*ring*] record of the [*contestant*] **unarmed combat sports competitor** seeking [*certification*] **medical qualification**.

[3] (5) When [*certification*] **medical qualification** under this section is withheld from [*a contestant, the commission or a designee of the commission*] **an unarmed combat sports competitor, the superintendent or authorized representative of the superintendent** shall immediately notify the promoter or a representative of the promoter and any event involving the [*medically unqualified contestant shall*] **unarmed combat sports competitor must** be canceled.

(6) **This section does not apply to medical personnel supervised by approved amateur athletic organizations.**

SECTION 8. ORS 463.113 is amended to read:

463.113. (1) There is created in the Department of State Police the Oregon State Athletic Commission, which shall regulate the promotion of [*all professional boxing, mixed martial arts*] **unarmed combat sports** and entertainment wrestling events in this state. The commission shall adopt rules [*for conducting professional boxing and mixed martial arts*] **to conduct** events that promote the safety and best interest of the [*contestants*] **entertainment wrestlers, unarmed combat sports competitors** and [*of the*] public.

(2) The Superintendent of State Police shall:

(a) Adopt and enforce rules for conducting [*professional boxing and mixed martial arts*] **unarmed combat sports** events that promote the safety and best interest of the [*contestants*] **unarmed combat sports competitors** and of the public.

(b) License and regulate [*participants*] **unarmed combat sports competitors, promoters, managers, seconds, matchmakers** and officials for [*all professional boxing and professional and amateur mixed martial arts events in this state*] **unarmed combat sports events regulated by the commission**.

(c) Establish and utilize the most efficient methods available for compiling [*boxing and mixed martial arts*] **unarmed combat sports** event results and record keeping and for communication of results and records.

(d) Make available upon request the records of every [*participant*] **unarmed combat sports competitor** in and the results of every [*boxing and mixed martial arts*] **unarmed combat sports** event subject to regulation under this chapter.

[*e*] (3) The provisions of [*this*] subsection (2) **of this section** do not apply to entertainment wrestling.

[3] (4) If, in the judgment of the superintendent **or authorized representative of the superintendent**, it is necessary to protect the public interest or the health or safety of [*boxing, mixed martial arts*] **unarmed combat sports competitors** or entertainment [*wrestling participants*] **wrestlers**, the superintendent **or authorized representative of the superintendent** may temporarily suspend, without prior notice or hearing, any license issued pursuant to this chapter until a final determination is made by the superintendent. If no hearing is held prior to the suspension, the suspended licensee may apply to the superintendent for a hearing to determine if the suspension

should be modified, set aside or continued. The application for a hearing *[shall]* **must** be in writing and must be received by the superintendent within 30 days of the date of suspension. The superintendent shall set the matter for hearing within 30 days of receipt of the written request of the suspended licensee.

[(4)] (5) [Whenever any] If a promoter fails to make a report of any event within the period prescribed by this chapter, or [whenever] if a required report is unsatisfactory, the superintendent or [a designee] authorized representative of the superintendent may examine, or cause to be examined, the books and records of the promoter and [any] other persons [or organizations], and subpoena and examine those persons under oath [such persons] for the purpose of determining the total amount of the gross receipts for any event and the amount of tax due pursuant to this chapter. The superintendent may fix and determine the tax as a result of the examination described in this subsection.

[(5)] (6) The superintendent or authorized representative of the superintendent may delegate to the Oregon State Athletic Commission [any of] the powers described in subsection (2) of this section.

SECTION 9. ORS 463.125 is amended to read:

463.125. (1)(a) The Oregon State Athletic Commission *[shall consist]* **consists** of five members appointed by the Superintendent of State Police for terms of four years. A member may not serve more than two terms, **except that a member serves until the member's successor is appointed.**

(b) Membership *[shall]* **must** represent distinct geographic areas. The Portland metropolitan area, central Willamette Valley and two other areas *[shall]* **must** be represented.

(c) Vacancies *[occurring shall]* **must** be filled by appointment in the same manner for the balance of the unexpired term.

(d) A member of the commission may be removed from office by the superintendent for cause.

(e) Each member of the commission, before *[entering upon]* **assuming** the duties of office, shall take and subscribe to an oath to perform the duties of this office faithfully, impartially and justly to the best of the member's ability.

(2) The chairperson and vice chairperson *[shall]* **must** be elected from among the members at the first meeting of each calendar year or when a vacancy exists.

(3) *[An administrator shall be appointed by]* The superintendent **shall appoint an administrator** using the State Personnel Relations Law to establish suitable qualifications and compensation. The administrator *[shall be required to]* **must** demonstrate adequate knowledge and experience related to *[boxing and mixed martial arts]* **unarmed combat sports.**

(4) The superintendent may employ other personnel as necessary.

(5) The commission may meet once a month at a time and place agreed upon. Special additional meetings may be called by the administrator or at the request of one or more members of the commission.

(6) Three members of the commission *[shall constitute]* **constitutes** a quorum.

(7) Three votes *[shall constitute]* **constitutes** a majority.

(8) Members of the commission and representatives of the commission *[shall]* **must** be paid per diem and travel expenses as designated under ORS 292.495 when conducting the business of the commission.

SECTION 10. ORS 463.145 is amended to read:

463.145. (1) A member of the Oregon State Athletic Commission may not have *[any]* a financial interest or investment in *[any professional boxer, mixed martial arts]* **an unarmed combat sports competitor or entertainment wrestler.**

(2) A member of the commission may not have *[any]* a financial interest or investment in any *[boxing, mixed martial arts]* **unarmed combat sports** or entertainment wrestling event or promotion or *[any]* a person or promoter involved in *[a boxing, mixed martial arts]* **an unarmed combat sports** or entertainment wrestling event or promotion.

(3) An official, [*judge, referee, inspector, timekeeper or other employee*] **medical personnel, authorized representative of the Superintendent of State Police assigned to the commission** or representative of the commission may not:

(a) Have [*any*] a financial interest or investment in [*a professional boxer or mixed martial arts*]:

(A) An unarmed combat sports competitor or an entertainment wrestler[, nor];

(B) [*in any*] A person or promoter involved in promotion of [*a boxing, mixed martial arts*] an unarmed combat sports or entertainment wrestling event[, nor in]; or

(C) Any individual promotion of an event.

(b) Be an officer in a national or international sanctioning organization.

(4) An officer, board member or employee of an approved amateur athletic organization or other person who has ownership interest in an approved amateur athletic organization may not have a financial interest or investment in:

(a) An unarmed combat sports competitor who is licensed in this state; or

(b) An unarmed combat sports event, promotion, person or promoter involved in an unarmed combat sports event or promotion in this state.

[(4)] **(5) The superintendent [*of State Police*] may not have [*any*] a financial interest or investment in:**

(a) [*Any professional boxer, mixed martial arts*] **An unarmed combat sports competitor or entertainment wrestler.**

(b) [*Any boxing, mixed martial arts*] **An unarmed combat sports or entertainment wrestling event or promotion or [*any*] a person or promoter involved in [*a boxing, mixed martial arts*] an unarmed combat sports or entertainment wrestling event or promotion.**

[(5)] **(6) Notwithstanding subsection (3) of this section and ORS 244.040, [*an official may be compensated by*] a promoter shall compensate an official for services performed in relation to an event authorized under this chapter and shall reimburse an official for mileage and lodging expenses incurred by the official at a rate established by rule by the superintendent.**

(7) Subsection (6) of this section does not apply to an official assigned to an event supervised by an approved amateur athletic organization.

SECTION 11. ORS 463.149 is amended to read:

463.149. (1) There is established an Oregon State Athletic Commission Medical Advisory Committee consisting of five members appointed by the Superintendent of State Police. Members of the committee shall be [*physicians licensed under ORS chapter 677*] **medical personnel.**

(2) The term of office of each committee member is four years, but committee members serve at the pleasure of the superintendent. A committee member may not serve more than two consecutive terms, except that a committee member serves until a successor is appointed [*and qualified*]. If there is a vacancy [*for any cause*], the superintendent shall make an appointment to become immediately effective for the unexpired term.

(3) A committee member is entitled to the same compensation and expenses provided for members of the Oregon State Athletic Commission under ORS 463.125 **when acting in the member's official role as a member of the committee.**

(4) A majority of the members of the committee constitutes a quorum for the transaction of business.

(5) The committee shall gather, assess and update, when necessary, medical data for the purpose of recommending to the commission:

(a) Fitness criteria for [*contestants*] **unarmed combat sports competitors** to be applied in prefight medical examinations;

(b) Medical procedures and substances allowed for use by seconds in [*a contestant's*] **an unarmed combat sports competitor's** corner;

(c) Emergency procedures for [*ring*] injuries;

(d) Post-fight examination and treatment procedures; and

(e) Safety equipment required to promote the best interests of the [*contestants*] **unarmed combat sports competitors.**

(6) The committee shall periodically present to the commission the proposed safety and medical procedures developed under subsection (5) of this section for discussion and consideration for adoption.

(7) The committee shall identify and nominate for approval by the commission a sufficient number of *[qualified licensed physicians to serve as ringside physicians]* **medical personnel** for *[boxing and mixed martial arts]* **unarmed combat sports** events held throughout this state.

(8) A member of the committee who has been nominated by the committee and approved by the commission may serve as *[a ringside physician]* **medical personnel**.

SECTION 12. ORS 463.155 is amended to read:

463.155. (1) *[The Oregon State Athletic Commission shall appoint a sufficient number of inspectors, who shall be paid as determined by the commission. The appointed inspectors shall serve as tax assessors for the commission for the boxing, mixed martial arts or entertainment wrestling events that the inspectors are assigned to and shall:]* **The Superintendent of State Police or the authorized representatives of the superintendent shall:**

(a) **Conduct compliance audits for unarmed combat sports or entertainment wrestling events;**

[(a)] (b) **Oversee ticket sales to the [event] events; and**

[(b)] **Count and report the total ticket sales and the gross receipts from the total ticket sales to the commission within 72 hours after the conclusion of the event.]**

(c) **Verify compliance with ticketing, tax on gross receipts and other requirements of this chapter.**

(2) *[The inspector for a boxing, mixed martial arts]* **The authorized representative of the superintendent for an unarmed combat sports** or entertainment wrestling event shall verify the accuracy of the promoter's account and the amount of the taxed gross receipts for *[any]* **the event** *[to which the inspector is assigned by the commission].*

(3) *[An appointed inspector may be designated by the commission to act as a representative of the commission in overseeing the conduct of a boxing or mixed martial arts event.]* **The superintendent shall establish by rule limitations on complimentary tickets for unarmed combat sports and entertainment wrestling events.**

SECTION 13. ORS 463.165 is amended to read:

463.165. (1) The Superintendent of State Police shall license referees, judges, **inspectors** and timekeepers *[who shall be assigned]* **and shall assign the licensed referees, judges, inspectors and timekeepers** to officiate at *[boxing and mixed martial arts]* **unarmed combat sports** events *[held in this state. Licensed referees, judges and timekeepers shall be paid by the superintendent at rates the superintendent considers reasonable]* **regulated by the Oregon State Athletic Commission.**

(2) **A promoter of an unarmed combat sports event shall pay a licensed referee, judge, inspector or timekeeper who is assigned to the unarmed combat sports event regulated by the commission at a rate established by the superintendent by rule. The promoter shall reimburse the licensed referee, judge, inspector or timekeeper for mileage and lodging costs incurred by the referee, judge, inspector or timekeeper at rates established by the superintendent by rule.**

[(2)] (3) The *[Oregon State Athletic]* commission shall recommend, and the superintendent shall adopt *[without change]*, reasonable qualifications for licensure as a promoter, manager, matchmaker, *[professional boxer, professional or amateur mixed martial arts]* **unarmed combat sports** competitor, **inspector**, judge, referee, second or timekeeper.

[(3)] (4) The superintendent may deny an application for a license *[when]* **if** the applicant *[has failed]* **fails** to meet the established qualifications or has violated any provisions of this chapter or any rule adopted pursuant to this chapter.

(5) **This section does not apply to unarmed combat sports competitors, inspectors, judges, referees or timekeepers for unarmed combat sports events supervised by an approved amateur athletic organization.**

SECTION 14. ORS 463.175 is amended to read:

463.175. Nothing in this chapter prevents *[any]* a county or city from objecting to the holding of, or participating in, *[any boxing, mixed martial arts]* **an unarmed combat sports** or entertainment wrestling event. *[Any objection]* **Objections** must be filed in writing with the Oregon State Athletic Commission.

SECTION 15. ORS 463.185 is amended to read:

463.185. (1) The Superintendent of State Police *[shall have]* **has** the sole jurisdiction and authority to enforce the provisions of this chapter. The superintendent or the *[designee]* **authorized representative** of the superintendent may investigate *[any]* allegations of activity that may violate the provisions of this chapter.

(2) The superintendent or the *[designee]* **authorized representative** of the superintendent is authorized to enter at reasonable times and without advance notice, *[any]* a place of business or establishment where activity alleged to be in violation of this chapter may occur.

(3) The superintendent may **deny**, revoke or suspend the license of *[any judge, professional boxer or mixed martial arts]* **an official or an unarmed combat sports** competitor, manager, *[referee, timekeeper,]* second, matchmaker or promoter for:

(a) Violating this chapter or *[any]* a rule adopted under this chapter.

(b) Engaging in an activity regulated under this chapter in connection with *[a boxing or mixed martial arts]* **an unarmed combat sports** event that is not approved by the superintendent **or authorized representative of the superintendent**.

(c) Participating as *[a contestant]* **an unarmed combat sports competitor** in *[a boxing or mixed martial arts]* **unarmed combat sports** event if another *[contestant]* **an unarmed combat sports competitor** is either unlicensed by the superintendent or *[has been determined to be]* **is not** medically *[unqualified]* **qualified** as provided in ORS 463.047. **This paragraph does not apply to unarmed combat sports competitors participating in events supervised by an approved amateur athletic organization.**

(d) Participating as an official in *[a boxing or mixed martial arts]* **an unarmed combat sports** event if *[a contestant]* **an unarmed combat sports competitor** is either unlicensed by the superintendent or *[has been determined to be]* **is not** medically *[unqualified]* **qualified** as provided in ORS 463.047. **This paragraph does not apply to officials participating in events supervised by an approved amateur athletic organization.**

(e) Failing to comply with a valid order of the superintendent **or authorized representative of the superintendent**.

(f) Aiding and abetting violations of this chapter or rules adopted under this chapter.

(g) Being convicted of a crime that bears upon the exercise of the privileges granted to the holder of the license.

(4) The authorized representative of the superintendent may temporarily deny, revoke or suspend the license of an unarmed combat sports competitor, manager, matchmaker, official, promoter or second for a reason listed in subsection (3) of this section.

[(4)] **(5)** The superintendent shall deny, **and the authorized representative of the superintendent shall temporarily deny**, an application for a license when the applicant does not possess the requisite qualifications.

[(5)] **(6)** The superintendent **or the authorized representative of the superintendent** may hold a hearing regarding allegations that *[any]* a person has violated or failed to comply with this chapter.

[(6)] **(7)** In addition to the denial, revocation or suspension of a license, the superintendent **or the authorized representative of the superintendent** may order the forfeiture of the payment of the purse or any portion of the purse of *[any professional boxer or mixed martial arts]* **an unarmed combat sports** competitor or manager for the violation of any provision of this chapter or any rule adopted pursuant to this chapter.

[(7)(a)] **(8)(a)** The superintendent **or authorized representative of the superintendent** may impose a civil penalty, in an amount not to exceed \$100,000, to be paid by *[any]* a promoter,

matchmaker, [*professional boxer or mixed martial arts*] **unarmed combat sports** competitor, manager or any other participant licensed by the superintendent, for the violation of this chapter or any rule adopted pursuant to this chapter. The penalty [*shall*] **must** be deposited in the subaccount of the State Police Account established under ORS 181A.020.

(b) The Oregon State Athletic Commission shall recommend, and the superintendent shall adopt [*without change*], rules that establish a method for determining the amount of a civil penalty assessed under this subsection. The rules must include, but need not be limited to, consideration of the gross receipts from the sale of tickets if the violation is related to an event, the severity of the violation for which the penalty is to be imposed and the number of previous violations committed by the person on whom the penalty is to be imposed.

[~~(8)~~] **(9)** When conducting a contested case hearing under ORS chapter 183 held pursuant to this chapter, the superintendent or [*designee*] **authorized representative** of the superintendent may administer oaths to witnesses, receive evidence and issue subpoenas to compel the attendance of witnesses and the production of papers and documents related to matters under investigation.

[~~(9)~~] **(10)** The commission shall recommend, and the superintendent shall adopt [*without change*], rules requiring contracts between professional [*boxers or mixed martial arts*] **unarmed combat sports** competitors and managers or promoters to conform to standards determined by the commission to protect the best interests of [*contestants*] **unarmed combat sports competitors** and the public. The rules must include, but need not be limited to, a requirement that each [*contestant*] **unarmed combat sports competitor** shall receive at least 66-2/3 percent of that [*contestant's*] **unarmed combat sports competitor's** contracted portion of the gross purse for each event in which the professional [*boxer or mixed martial arts*] **unarmed combat sports** competitor participates. A professional [*boxing or professional mixed martial arts*] **unarmed combat sports** event may not take place in this state unless the superintendent **or authorized representative of the superintendent** determines that the contractual arrangements for the event conform to the rules adopted under this subsection.

[~~(10)~~] **(11)** The provisions of this section do not apply to a promoter of or a participant in entertainment wrestling.

SECTION 16. ORS 463.210 is amended to read:

463.210. (1) The promoting, conducting or maintaining of [*a boxing or mixed martial arts*] **an unarmed combat sports** event when conducted by educational institutions, Oregon National Guard units[, *United States Amateur Boxing, Inc.*,] or any [*other*] amateur athletic organizations [*duly recognized by the Oregon State Athletic Commission*] **approved by the Superintendent of State Police** is exempt from the licensing and bonding provisions of this chapter if none of the [*participants*] **unarmed combat sports competitors** in the event receives a monetary remuneration, purse or prize for performance or services.

(2) The licensing and bonding provisions of this chapter do not apply to:

(a) [*Any nonprofit amateur athletic associations organized under the laws of this state, including their affiliated membership clubs throughout the state that have been recognized by the commission.*] **An amateur athletic organization, and its affiliated membership clubs, that has been approved by the superintendent.**

(b) [*Any events*] **An event** between students of educational institutions that are conducted by a college, school or university as part of the institution's athletic program.

(c) Events between members of any troop, battery, company or units of the Oregon National Guard.

SECTION 17. ORS 463.320 is amended to read:

463.320. (1) For the privilege of engaging in [*professional boxing, mixed martial arts*] **unarmed combat sports** or entertainment wrestling, a tax is imposed upon the gross receipts from the sale of tickets or other fees charged for admission to [*a professional boxing, mixed martial arts*] **an unarmed combat sports** or entertainment wrestling event held in this state. The amount of the tax is six percent of the total gross receipts [*from the sale of the tickets or other fees for admission to the event*], **not to exceed \$50,000 per event.**

(2) [Any] A person licensed **or approved** under this chapter, and who holds [or], conducts [a boxing, mixed martial arts] **or supervises an unarmed combat sports** or entertainment wrestling event shall:

(a) Prior to the [holding of any boxing, mixed martial arts] **unarmed combat sports** or entertainment wrestling event, [furnish] **provide** to the Superintendent of State Police **or to an authorized representative of the superintendent** a statement containing the name of each [contestant and the names of the managers] **entertainment wrestler or unarmed combat sports competitor**.

(b) No later than [72 hours] **five business days** after the conclusion of the [boxing, mixed martial arts] **unarmed combat sports** or entertainment wrestling event, file with the superintendent **or an authorized representative of the superintendent** a written report, duly verified in accordance with rules recommended by the Oregon State Athletic Commission and adopted by the superintendent, stating the number and price of tickets or other admissions indicia or rights to admission sold, the total gross receipts from the sales and any other information required under rules recommended by the commission and adopted by the superintendent. The superintendent shall adopt rules recommended by the commission under this subsection.

(c) Pay to the Department of State Police, at the time of filing the report required under paragraph (b) of this subsection, a tax [equal to six percent of the total gross receipts from the sale of the tickets or other admissions indicia to the event] **as imposed under subsection (1) of this section**.

(3) This section does not apply to:

(a) A nonprofit amateur athletic organization approved by the superintendent.

(b) An event between students of educational institutions that is conducted by a college, school or university as part of the institution's athletic program.

(c) Events between members of any troop, battery, company or units of the Oregon National Guard.

SECTION 18. ORS 463.322 is amended to read:

463.322. Nothing in ORS 463.015, 463.035, 463.113, [463.310,] 463.320 and 463.322 is intended to tax subscribers to pay-per-view telecasts or cable system operators in this state.

SECTION 19. ORS 463.330 is amended to read:

463.330. When an admission fee is charged by [any person conducting or sponsoring an amateur boxing, mixed martial arts] **a licensed promoter conducting an unarmed combat sports** or entertainment wrestling event, the tax imposed by ORS 463.320 [shall apply] **applies** to the gross receipts from the admissions and the statement filed and tax paid by the conducting or sponsoring person.

SECTION 20. ORS 463.340 is amended to read:

463.340. (1) If [any] a licensee required to file a report under ORS 463.320 [and 463.330 shall fail] **fails** to make that report within the time prescribed, or if the report is unsatisfactory to the Superintendent of State Police **or an authorized representative of the superintendent**, the superintendent **or the authorized representative of the superintendent** shall examine or cause to be examined the books and records of the licensee. The superintendent may subpoena and examine under oath the licensee or [any] other person [or persons as] the superintendent considers necessary to determine the amount of the total gross receipts from the [boxing, wrestling] **unarmed combat sports** or entertainment wrestling event and the amount of the tax [thereon] **on the unarmed combat sports or entertainment wrestling event**. If, upon completion of the examination, it is determined that an additional tax is due, [notice thereof shall be served] **the superintendent or authorized representative of the superintendent shall serve notice of the additional tax due** upon the licensee, and if the licensee fails to pay the additional tax within 20 days after service of the notice, **the superintendent shall revoke** the license of the licensee [shall be revoked] under ORS 463.185. In addition, the licensee and the members [thereof shall] **of the licensee will** be subject to a civil penalty imposed as provided under ORS 463.185 [(7)] **(8)**.

(2) [No] A licensee or person shall [fail to] pay the tax imposed by ORS 463.320 or 463.330 [or to] **and** make, sign or verify [any] a report or [to] supply any information required by the super-

intendent **or authorized representative of the superintendent** in connection with the taxes imposed under ORS 463.320 [and 463.330].

SECTION 21. ORS 166.715 is amended to read:

166.715. As used in ORS 166.715 to 166.735, unless the context requires otherwise:

(1) "Documentary material" means any book, paper, document, writing, drawing, graph, chart, photograph, phonograph record, magnetic tape, computer printout, other data compilation from which information can be obtained or from which information can be translated into usable form, or other tangible item.

(2) "Enterprise" includes any individual, sole proprietorship, partnership, corporation, business trust or other profit or nonprofit legal entity, and includes any union, association or group of individuals associated in fact although not a legal entity, and both illicit and licit enterprises and governmental and nongovernmental entities.

(3) "Investigative agency" means the Department of Justice or any district attorney.

(4) "Pattern of racketeering activity" means engaging in at least two incidents of racketeering activity that have the same or similar intents, results, accomplices, victims or methods of commission or otherwise are interrelated by distinguishing characteristics, including a nexus to the same enterprise, and are not isolated incidents, provided at least one of such incidents occurred after November 1, 1981, and that the last of such incidents occurred within five years after a prior incident of racketeering activity. Notwithstanding ORS 131.505 to 131.525 or 419A.190 or any other provision of law providing that a previous prosecution is a bar to a subsequent prosecution, conduct that constitutes an incident of racketeering activity may be used to establish a pattern of racketeering activity without regard to whether the conduct previously has been the subject of a criminal prosecution or conviction or a juvenile court adjudication, unless the prosecution resulted in an acquittal or the adjudication resulted in entry of an order finding the youth not to be within the jurisdiction of the juvenile court.

(5) "Person" means any individual or entity capable of holding a legal or beneficial interest in real or personal property.

(6) "Racketeering activity" includes conduct of a person committed both before and after the person attains the age of 18 years, and means to commit, to attempt to commit, to conspire to commit, or to solicit, coerce or intimidate another person to commit:

(a) Any conduct that constitutes a crime, as defined in ORS 161.515, under any of the following provisions of the Oregon Revised Statutes:

(A) ORS 59.005 to 59.451, 59.710 to 59.830, 59.991 and 59.995, relating to securities;

(B) ORS 162.015, 162.025 and 162.065 to 162.085, relating to bribery and perjury;

(C) ORS 162.235, 162.265 to 162.305, 162.325, 162.335, 162.355 and 162.365, relating to obstructing governmental administration;

(D) ORS 162.405 to 162.425, relating to abuse of public office;

(E) ORS 162.455, relating to interference with legislative operation;

(F) ORS 163.095 to 163.115, 163.118, 163.125 and 163.145, relating to criminal homicide;

(G) ORS 163.160 to 163.205, relating to assault and related offenses;

(H) ORS 163.225 and 163.235, relating to kidnapping;

(I) ORS 163.275, relating to coercion;

(J) ORS 163.665 to 163.693, relating to sexual conduct of children;

(K) ORS 164.015, 164.043, 164.045, 164.055, 164.057, 164.075 to 164.095, 164.098, 164.125, 164.135, 164.140, 164.215, 164.225 and 164.245 to 164.270, relating to theft, burglary, criminal trespass and related offenses;

(L) ORS 164.315 to 164.335, relating to arson and related offenses;

(M) ORS 164.345 to 164.365, relating to criminal mischief;

(N) ORS 164.395 to 164.415, relating to robbery;

(O) ORS 164.865, 164.875 and 164.868 to 164.872, relating to unlawful recording or labeling of a recording;

(P) ORS 165.007 to 165.022, 165.032 to 165.042 and 165.055 to 165.070, relating to forgery and related offenses;

(Q) ORS 165.080 to 165.109, relating to business and commercial offenses;

(R) ORS 165.540 and 165.555, relating to communication crimes;

(S) ORS 166.180, 166.190, 166.220, 166.250, 166.270, 166.275, 166.410, 166.450 and 166.470, relating to firearms and other weapons;

(T) ORS 164.377 (2) to (4), as punishable under ORS 164.377 (5)(b), 167.007 to 167.017, 167.057, 167.062 to 167.080, 167.090, 167.122 to 167.137, 167.147, 167.164, 167.167, 167.212, 167.355, 167.365, 167.370, 167.428, 167.431 and 167.439, relating to prostitution, obscenity, sexual conduct, gambling, computer crimes involving the Oregon State Lottery, animal fighting, forcible recovery of a fighting bird and related offenses;

(U) ORS 171.990, relating to legislative witnesses;

(V) ORS 260.575 and 260.665, relating to election offenses;

(W) ORS 314.075, relating to income tax;

(X) ORS 180.440 (2) and 180.486 (2) and ORS chapter 323, relating to cigarette and tobacco products taxes and the directories developed under ORS 180.425 and 180.477;

(Y) ORS 411.630, 411.675, 411.690 and 411.840, relating to public assistance payments or medical assistance benefits, and ORS 411.990 (2) and (3);

(Z) ORS 462.140, 462.415 and 462.420 to 462.520, relating to racing;

(AA) ORS 463.995, relating to [*boxing, mixed martial arts and*] entertainment wrestling **and unarmed combat sports**, as defined in ORS 463.015;

(BB) ORS 471.305, 471.360, 471.392 to 471.400, 471.403, 471.404, 471.405, 471.425, 471.442, 471.445, 471.446, 471.485, 471.490 and 471.675, relating to alcoholic liquor, and any of the provisions of ORS chapter 471 relating to licenses issued under the Liquor Control Act;

(CC) ORS 475.005 to 475.285 and 475.752 to 475.980, relating to controlled substances;

(DD) ORS 480.070, 480.210, 480.215, 480.235 and 480.265, relating to explosives;

(EE) ORS 819.010, 819.040, 822.100, 822.135 and 822.150, relating to motor vehicles;

(FF) ORS 658.452 or 658.991 (2) to (4), relating to labor contractors;

(GG) ORS chapter 706, relating to banking law administration;

(HH) ORS chapter 714, relating to branch banking;

(II) ORS chapter 716, relating to mutual savings banks;

(JJ) ORS chapter 723, relating to credit unions;

(KK) ORS chapter 726, relating to pawnbrokers;

(LL) ORS 166.382 and 166.384, relating to destructive devices;

(MM) ORS 165.074;

(NN) ORS 86A.095 to 86A.198, relating to mortgage bankers and mortgage brokers;

(OO) ORS chapter 496, 497 or 498, relating to wildlife;

(PP) ORS 163.355 to 163.427, relating to sexual offenses;

(QQ) ORS 166.015, relating to riot;

(RR) ORS 166.155 and 166.165, relating to intimidation;

(SS) ORS chapter 696, relating to real estate and escrow;

(TT) ORS chapter 704, relating to outfitters and guides;

(UU) ORS 165.692, relating to making a false claim for health care payment;

(VV) ORS 162.117, relating to public investment fraud;

(WW) ORS 164.170 or 164.172;

(XX) ORS 647.140, 647.145 or 647.150, relating to trademark counterfeiting;

(YY) ORS 164.886;

(ZZ) ORS 167.312 and 167.388;

(AAA) ORS 164.889;

(BBB) ORS 165.800; or

(CCC) ORS 163.263, 163.264 or 163.266.

(b) Any conduct defined as “racketeering activity” under 18 U.S.C. 1961 (1)(B), (C), (D) and (E).

(7) "Unlawful debt" means any money or other thing of value constituting principal or interest of a debt that is legally unenforceable in the state in whole or in part because the debt was incurred or contracted:

(a) In violation of any one of the following:

- (A) ORS chapter 462, relating to racing;
- (B) ORS 167.108 to 167.164, relating to gambling; or
- (C) ORS 82.010 to 82.170, relating to interest and usury.

(b) In gambling activity in violation of federal law or in the business of lending money at a rate usurious under federal or state law.

(8) Notwithstanding contrary provisions in ORS 174.060, when this section references a statute in the Oregon Revised Statutes that is substantially different in the nature of its essential provisions from what the statute was when this section was enacted, the reference shall extend to and include amendments to the statute.

SECTION 22. ORS 463.310 and 463.500 are repealed.

SECTION 23. (1) Section 4 of this 2017 Act, the amendments to statutes by sections 1 to 3 and 5 to 21 of this 2017 Act and the repeal of ORS 463.310 and 463.500 by section 22 of this 2017 Act become operative on January 1, 2018.

(2) The Oregon State Athletic Commission and the Superintendent of State Police may take any action before the operative date specified in subsection (1) of this section that is necessary to enable the commission or the superintendent to exercise, on or after the operative date specified in subsection (1) of this section, all of the duties, functions and powers conferred on the commission and the superintendent by section 4 of this 2017 Act, the amendments to statutes by sections 1 to 3 and 5 to 21 of this 2017 Act and the repeal of ORS 463.310 and 463.500 by section 22 of this 2017 Act.

SECTION 24. This 2017 Act takes effect on the 91st day after the date on which the 2017 regular session of the Seventy-ninth Legislative Assembly adjourns sine die.

Passed by Senate February 28, 2017

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Lori L. Brocker, Secretary of Senate

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Peter Courtney, President of Senate

Passed by House May 24, 2017

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Tina Kotek, Speaker of House

Received by Governor:

.....M.,....., 2017

Approved:

.....M.,....., 2017

.....
Kate Brown, Governor

Filed in Office of Secretary of State:

.....M.,....., 2017

.....
Dennis Richardson, Secretary of State