

**Enrolled**  
**Senate Bill 492**

Sponsored by Senators BATES, PROZANSKI; Senator WALKER

CHAPTER .....

AN ACT

Relating to athletic activities regulated by the Superintendent of State Police; creating new provisions; amending ORS 166.715, 463.015, 463.018, 463.025, 463.035, 463.037, 463.113, 463.125, 463.145, 463.155, 463.165, 463.175, 463.185, 463.195, 463.200, 463.210, 463.310, 463.320, 463.330, 463.360, 463.370 and 463.500; repealing ORS 463.023 and 463.135; and declaring an emergency.

**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) "Boxing" means a contest [*other than as described in subsection (7) of this section*] 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[, and]. "**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) "*Cable system operator*" means a person or group of persons who:]

[(a) Provides cable service over a cable system and directly or through one or more affiliates owns a significant interest in the cable system; or]

[(b) Controls or is responsible for, through an arrangement, the management and operation of the cable system.]

[(3) "*Commission*" means the Oregon State Boxing and Wrestling Commission.]

[(4) "*Department*" means the Department of State Police.]

[(5)] (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, [*extreme fighting and*] **mixed martial arts or other** wrestling 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.**

[(6)] (4) "Exhibition" means a demonstration of boxing or [*wrestling skills*] **mixed martial arts skills, the results of which are not counted towards the official record of the competitors.**

[(7) "*Extreme fighting*" means a no-holds-barred match, competition or exhibition that combines elements of boxing, wrestling or martial arts without a system of rules approved by the Oregon State Boxing and Wrestling Commission.]

[(8)] (5) "Judge" means a person licensed by the Superintendent of State Police who is at ringside during a boxing or [*wrestling*] **mixed martial arts [match] event** and who has the responsibility of scoring the performance of the participants in the [*match*] **event.**

[(9)] (6) “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 professional boxer or [wrestler] **mixed martial arts competitor** in procuring or arranging the conduct of any [professional] boxing or [wrestling match] **mixed martial arts event** in which the **professional** boxer or [wrestler] **mixed martial arts competitor** is a participant [as a contestant].

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

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

(d) Directs or controls the professional [boxing] activities of any professional boxer or [wrestler] **mixed martial arts competitor**.

(e) Attends the professional boxer or [wrestler] **mixed martial arts competitor** at ringside or purports to be the [professional boxer’s or wrestler’s manager] **manager of a professional boxer or mixed martial arts competitor**.

[(10)] (7) “Matchmaker” means a person licensed [or issued a permit] by the Superintendent of **State Police** who is employed by or associated with a promoter in the capacity of booking and arranging boxing or [wrestling matches] **mixed martial arts events** between opponents and for whose activities in this regard the promoter is legally responsible.

[(11) “Pay-per-view” means a closed-circuit telecast, regardless of the delivery system used, that is not intended to be available for viewing without the payment of a fee, whether collected or based on each event viewed, for the privilege of viewing the telecast.]

(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, kenpo karate, judo, sumo, jujitsu, Brazilian jujitsu, submission wrestling and kung fu.

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

[(12)] (10) “Person” includes an individual, association, partnership or corporation.

[(13)] (11) “Professional boxer or [wrestler] **mixed martial arts competitor**” means [a person] **an individual** licensed by the superintendent who competes for **or has competed for** a money prize, purse or compensation in a boxing **event** or [wrestling contest, exhibition or match held within this state.] **has competed in a professional or amateur mixed martial arts event**.

[(14)] (12) “Promoter” means a corporation, partnership, association, individual or other organization licensed by the superintendent who arranges, gives, holds or conducts a boxing [or wrestling contest, match or exhibition], **mixed martial arts** or [an] entertainment wrestling [performance] **event** in this state and who is legally responsible for the lawful conduct of [such] **the** boxing [or wrestling contest, match or exhibition], **mixed martial arts** or entertainment wrestling [performance] **event**. [“Promoter” includes:]

[(a) A person who holds distribution rights to a closed-circuit telecast of a boxing or wrestling event that occurs within or outside this state and who sells the rights to a cable system operator in this state.]

*[(b) A person who holds the distribution rights to a pay-per-view telecast of a boxing or wrestling event that occurs within or outside this state and who sells the ability to receive the telecast to a person who charges an admission for the right to view the telecast in this state.]*

*[(c) A person who holds distribution rights to a closed-circuit telecast of a boxing or wrestling event that occurs within this state and who sells the rights to another for broadcast within or outside this state. "Promoter" does not include a cable system operator.]*

*[(15) "Superintendent" means the Superintendent of State Police.]*

*[(16) "Wrestling" includes any form of fighting other than as described in subsections (1), (5) and (7) of this section, between contestants in which the contestants deliver blows to an opponent's body or apply holds to the opponent's body with the intent to punish, immobilize or throw the opponent, with the possible effect of rendering the opponent unable to continue the contest.]*

**SECTION 2.** ORS 463.018 is amended to read:

463.018. *[(1)]* The Legislative Assembly finds that the boxing *[and wrestling industry]*, **mixed martial arts and entertainment wrestling industries** in this state should be regulated in order to protect the best interests of both contestants and the public.

*[(2) The Legislative Assembly further finds that:]*

*[(a) The entertainment spectacle commonly known as extreme fighting is a violent exhibition that is excessively and unacceptably dangerous to the participants and is promoted and advertised to that end;]*

*[(b) Extreme fighting lacks appropriate restrictions on dangerous blows or life-threatening maneuvers, and the matching of participants with incompatible styles of fighting makes it impossible for the state to regulate extreme fighting in a way that can reasonably protect the safety of the participants; and]*

*[(c) It is therefore an appropriate exercise of the authority of the State of Oregon to prohibit extreme fighting and similarly named combative sports.]*

**SECTION 3.** ORS 463.025 is amended to read:

463.025. (1) *[No]* **A** person *[shall]* **may not** act as a professional boxer or *[wrestler]* **mixed martial arts competitor**, manager of a professional boxer or *[wrestler]* **mixed martial arts competitor**, referee, judge, second, timekeeper~~], matchmaker, ticket taker, security officer or box office employee]~~ **or matchmaker** until the person has been licensed pursuant to this chapter.

*[(2) The person employing a matchmaker, ticket taker, security officer or box office employee may apply for a permit covering all such employees in lieu of their obtaining individual licenses. However, the same standards apply to such employees operating under a permit as would apply if the employees were licensed.]*

*[(3) (2) [The]* Application for a license *[or permit]* shall be made upon a form furnished by the Superintendent of State Police and shall be accompanied by an annual license *[or permit]* fee *[as determined]* **established** by the superintendent **by rule**.

*[(4) (3) Each person licensed [or issued a permit] under this section [shall keep the license or copy of the permit in the person's personal possession and] shall present the license [or copy of the permit] upon request to promoters and representatives of the superintendent, including members of the Oregon State [Boxing and Wrestling] Athletic Commission, as evidence of eligibility to act or perform in the person's licensed [or permitted] capacities in connection with boxing or [wrestling contests, matches or exhibitions] mixed martial arts events.*

**(4) A person under 18 years of age may not be issued a license to act as a mixed martial arts competitor.**

**SECTION 4.** ORS 463.035 is amended to read:

463.035. (1) *[No]* **A** person *[shall]* **may not** act as a promoter of boxing, *[wrestling]* **mixed martial arts** or entertainment wrestling until the person has been licensed pursuant to this chapter.

(2) *[The]* Application for a promoter's license shall be made upon a form furnished by the Superintendent of State Police and *[shall]* **must** be accompanied by *[an annual license fee in an amount to be determined]* **payment of the application fee established** by the superintendent **by rule**.

(3) Before a license is issued to any promoter of boxing, [wrestling] **mixed martial arts** or entertainment wrestling, the applicant for [such license] **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 [the occurrence of the following]:

[(a)] **(A)** Timely payment of all taxes and civil penalties due the state or its political subdivisions[.];

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

[(c)] **(C)** Payment of the purses of the competitors[.];

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

[(e)] **(E)** Payment of compensation to inspectors, referees, timekeepers, judges and event [physicians] **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.**

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

[(5)] (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.

[(6) *The following persons must possess a promoter's license issued pursuant to this chapter:*]

[(a) *A person who holds distribution rights to a closed-circuit telecast of a boxing or wrestling event that occurs within or outside this state and who sells the rights to a cable system operator in this state.*]

[(b) *A person who holds the distribution rights to a pay-per-view telecast of a boxing or wrestling event that occurs within or outside this state and who sells the ability to receive the telecast to a person who charges an admission for the right to view the telecast in this state.*]

[(c) *A person who holds distribution rights to a closed-circuit telecast of a boxing or wrestling event that occurs within this state and who sells the rights to another for broadcast within or outside this state.*]

**SECTION 5.** ORS 463.037 is amended to read:

463.037. [No] **A** boxing match [shall] **may not** take place in this state unless the following Oregon State [Boxing and Wrestling] **Athletic** Commission representatives are in attendance:

(1) One commissioner or designated representative to oversee conduct of the match;

(2) [Licensed judges and referees;] **Officials assigned by the commission; and**

(3) [A licensed physician designated] **Medical personnel assigned** by the commission. [; and]

[(4) *An inspector appointed by the commission.*]

**SECTION 6.** ORS 463.113 is amended to read:

463.113. (1) There is created in the Department of State Police the Oregon State [Boxing and Wrestling] **Athletic** Commission, which shall regulate the promotion of all professional boxing [and wrestling], **mixed martial arts** [matches and exhibitions] and entertainment wrestling [performances within the boundaries of the State of Oregon] **events in this state**. The commission shall [recommend, and the Superintendent of State Police shall adopt without change,] **adopt** rules for [the conduct of] **conducting** professional boxing and [wrestling] **mixed martial arts events** that promote the safety and best interest of the contestants and of the public.

(2) The Superintendent [has the following powers] **of State Police shall:**

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

(b) [To] License and regulate participants and officials for all professional boxing and [wrestling matches and exhibitions] **professional and amateur mixed martial arts events** in this state.

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

(d) **Make available** upon request[, to make] **the records of every participant in and the** results of every boxing and [wrestling event within its jurisdiction, and records of any contestant who participates in events within its jurisdiction, available to state agencies of another state charged with regulatory authority over boxing and wrestling events in that state, to record keeping organizations and to other interested persons and to receive and give effect to the regulatory orders of any agency of another state charged with regulatory authority over boxing and wrestling events in that state] **mixed martial arts event subject to regulation under this chapter.**

(e) The provisions of this subsection do not apply to entertainment wrestling.

(3)[(a)] **If, in the judgment of the superintendent, it is necessary to protect the public interest or the health or safety of boxing, mixed martial arts or entertainment wrestling participants,** 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, in the judgment of the superintendent, the action is necessary to protect the public interest or the health or safety of boxing and wrestling participants]. 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 be in writing and must be received by the superintendent within 30 days [after] **of** the date of suspension. The superintendent shall set the matter for hearing within 30 days [after] **of** receipt of the written request of the suspended licensee.

[*(b) Notwithstanding the grounds for suspension of a license under paragraph (a) of this subsection, the license of a promoter of an entertainment wrestling performance may be suspended only if the licensee fails to provide to the superintendent, at least 10 days prior to the performance, an affidavit that certifies that all participants who are going to participate in the entertainment wrestling performance are free from blood borne pathogens.*]

(4) Whenever any promoter fails to make a report of any [contest or] event within the period prescribed by this chapter, or whenever [such] **a required** report is unsatisfactory, the superintendent or a designee 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 under oath such persons for the purpose of determining the total amount of the gross receipts for any [contest or] 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) The superintendent may delegate to the Oregon State [Boxing and Wrestling] **Athletic Commission** any of the powers described in subsection (2) of this section.

**SECTION 7.** ORS 463.125 is amended to read:

463.125. (1) The Oregon State [Boxing and Wrestling] **Athletic Commission** shall consist of five members appointed by the Superintendent of State Police for terms of four years. [*Except as described in subsection (10) of this section, no member shall be eligible to*] **A member may not** serve more than two terms. Membership shall represent distinct geographic areas. The Portland metropolitan area, central Willamette Valley and two other areas shall be represented. Vacancies occurring shall be filled by appointment in the same manner for the balance of the unexpired term. [*Each*] **A member** of the commission may be removed from office by the superintendent for cause. Each member of the commission, before entering upon 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 be elected from among the members at the first meeting of each calendar year or when a vacancy exists.

(3) [A *full-time or part-time*] **An** administrator shall be appointed by the superintendent using the State Personnel Relations Law to establish suitable qualifications and compensation. The administrator shall be required to demonstrate adequate knowledge and experience related to boxing and [*wrestling*] **mixed martial arts**.

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

[*(5) One of the appointed commissioners shall be a physician, duly licensed to practice in this state.*]

[*(6)*] **(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.

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

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

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

[*(10) Notwithstanding subsection (1) of this section, with the approval of the superintendent, a physician member of the commission may serve more than two consecutive terms as a commission member.*]

**SECTION 8.** Sections 9 and 11 of this 2007 Act are added to and made a part of ORS chapter 463.

**SECTION 9.** (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.

(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.

(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 to be applied in prefight medical examinations;

(b) Medical procedures and substances allowed for use by seconds in a contestant'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.

(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 for boxing and mixed martial arts 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.

**SECTION 10.** Notwithstanding the term of office specified under section 9 of this 2007 Act, of the members first appointed to the Oregon State Athletic Commission Medical Advisory Committee:

- (1) One shall serve for a term ending July 1, 2009.
- (2) Two shall serve for a term ending July 1, 2010.
- (3) Two shall serve for a term ending July 1, 2011.

**SECTION 11.** (1) The Oregon State Athletic Commission shall assign medical personnel to each boxing or mixed martial arts event held in this state.

(2) Prior to the commencement of any boxing or mixed martial arts event held in this state, the medical personnel assigned to the event shall certify that each contestant is medically qualified to participate in the event. In determining whether to issue or withhold the required certification, the assigned medical personnel shall consider:

- (a) The results of a prefight medical examination conducted by physicians approved by the commission; and
  - (b) The recent ring record of the contestant seeking certification.
- (3) When certification under this section is withheld from a contestant, the commission shall immediately notify the promoter or a representative of the promoter and any event involving the medically unqualified contestant shall be canceled.

**SECTION 12.** ORS 463.145 is amended to read:

463.145. (1) [No] A member of the Oregon State [Boxing and Wrestling] Athletic Commission [shall] **may not** have any financial interest or investment in any professional boxer [or wrestler], **mixed martial arts competitor** or entertainment wrestler.

(2) [No] A member of the commission [shall] **may not** have any financial interest or investment in any boxing, [wrestling] **mixed martial arts** or entertainment wrestling **event or** promotion or any person or promoter involved in a boxing, [wrestling] **mixed martial arts** or entertainment wrestling **event or** promotion.

(3) [No] An official, judge, referee, inspector, timekeeper or other employee or representative of the commission [shall] **may not**:

(a) Have any financial interest or investment in [any] a professional boxer [or wrestler] **or mixed martial arts competitor** or an entertainment wrestler, nor in any person or promoter involved in promotion of a boxing, [wrestling] **mixed martial arts** or entertainment wrestling [cards] **event**, nor in any individual promotion of [said cards] **an event**.

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

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

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

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

(5) Notwithstanding subsection (3) of this section and ORS 244.040, an official may be compensated by a promoter for services performed in relation to an event authorized under this chapter.

**SECTION 13.** ORS 463.155 is amended to read:

463.155. (1) The Oregon State [Boxing and Wrestling] Athletic Commission shall appoint a sufficient number of inspectors, who shall be paid as **determined by** the commission [designates]. The appointed inspectors shall serve as tax assessors for the commission[, overseeing ticket sales and count, and reporting the totals of each boxing and wrestling match or exhibition and each entertainment wrestling performance to the commission within 72 hours.] **for the boxing, mixed martial arts or entertainment wrestling events that the inspectors are assigned to and shall:**

(a) **Oversee ticket sales to the event; 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.**

(2) The [designated] inspector for a boxing [or wrestling match or an], **mixed martial arts or entertainment wrestling [performance] event** shall verify the accuracy of the promoter's account and the amount of the taxed gross receipts for any [match, exhibition or performance] **event** to which [said] **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 [the] overseeing [of] the conduct of a boxing or [wrestling match] **mixed martial arts event**.

**SECTION 14.** ORS 463.165 is amended to read:

463.165. (1) The Superintendent of State Police shall license referees, judges and timekeepers who shall be assigned to officiate at boxing [matches] **and mixed martial arts events held** in this state. Licensed referees, judges and timekeepers shall be paid by the superintendent at rates the superintendent considers reasonable.

(2) The Oregon State [Boxing and Wrestling] **Athletic** Commission shall recommend, and the superintendent shall adopt without change, reasonable qualifications for [applicants seeking licenses] **licensure** as a promoter, manager, matchmaker, professional boxer [or wrestler], **professional or amateur mixed martial arts competitor**, judge, referee, second or timekeeper.

(3) [After investigation and hearing,] The superintendent [shall] **may** deny an application for a license when the applicant has failed to meet the established qualifications or has violated any provisions of this chapter or any rule adopted pursuant to this chapter.

**SECTION 15.** ORS 463.175 is amended to read:

463.175. Nothing in this chapter prevents any county or city from objecting to the holding of, or participating in, any [contest, match or exhibition] **boxing, mixed martial arts or entertainment wrestling event**. Any objection must be filed in writing with the Oregon State [Boxing and Wrestling] **Athletic** Commission.

**SECTION 16.** ORS 463.185 is amended to read:

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

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

(3) The superintendent[, upon recommendation of the Oregon State Boxing and Wrestling Commission,] may revoke or suspend the license [or permit] of any judge, **professional** boxer[, wrestler] **or mixed martial arts competitor**, manager, referee, timekeeper, second, matchmaker or promoter for:

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

(b) Engaging in **an** activity [in this state covered by the license or permit,] **regulated under this chapter** in connection with a boxing or [wrestling contest, match or exhibition,] **mixed martial arts event** that is not approved by the superintendent.

(c) Participating as a contestant in a boxing or [wrestling contest, match or exhibition in which] **mixed martial arts event if** another contestant is either unlicensed by the superintendent or [is] **has been determined to be** medically unqualified as provided in [ORS 463.135 (4), (5) and (6)] **section 11 of this 2007 Act**.

(d) Participating as an official in a boxing or [wrestling contest, match or exhibition in which] **mixed martial arts event if** a contestant is either unlicensed by the superintendent or [is] **has been determined to be** medically unqualified as provided in [ORS 463.135 (4), (5) and (6)] **section 11 of this 2007 Act**.

(e) Failing to comply with a valid order 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** *[or permit privilege]*.

(4) The superintendent shall deny an application for a license when the applicant does not possess the requisite qualifications.

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

(6) In addition to the denial, revocation or suspension of a license, the superintendent, *upon recommendation of the commission,* may order the forfeiture of the payment of the purse or any portion *[thereof]* **of the purse** of any **professional boxer**, *wrestler* **or mixed martial arts competitor** or manager for the violation of **any provision** of this chapter or any rule adopted pursuant to this chapter.

(7)(a) The superintendent may impose a civil penalty in an amount not to exceed *[\$2,500]* **\$100,000**, to be paid by any promoter, matchmaker, **professional boxer**, *wrestler* **or mixed martial arts 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 be deposited in the subaccount of the State Police Account established under ORS 181.175.

(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) *[In the conduct of any]* **When conducting a** contested case hearing under ORS chapter 183 held pursuant to this chapter, the superintendent or designee 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) The commission shall recommend, and the superintendent shall adopt without change, rules *[that require that]* **requiring** contracts between *[promoters and professional boxers and between professional boxers and managers conform to standards calculated by the commission to enhance the best interests of contestants and the public, including but not limited to the requirement that no professional boxer shall receive less than 66-2/3 percent of the gross purse for any contest in which the boxer participates. No boxing contest shall]* **professional boxers or mixed martial arts competitors and managers or promoters to conform to standards determined by the commission to protect the best interests of contestants and the public. The rules must include, but need not be limited to, a requirement that each contestant shall receive at least 66-2/3 percent of that contestant's contracted portion of the gross purse for each event in which the professional boxer or mixed martial arts competitor participates. A professional boxing or professional mixed martial arts event may not take place in this state unless the superintendent [approves] determines that the contractual arrangements [therefor] for the event [in light of the standards contained in the rules so adopted] conform to the rules adopted under this subsection.**

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

**SECTION 17.** ORS 463.195 is amended to read:

463.195. (1) The Oregon State *[Boxing and Wrestling]* **Athletic** Commission is subject to the provisions of ORS 291.201 to 291.222, including but not limited to the provisions of those sections relating to changes and revisions by the Governor in budget estimates and requests.

(2) The commission and its officers and employees are subject to the provisions of ORS 291.230 to 291.260 and 291.990.

**SECTION 18.** ORS 463.200 is amended to read:

463.200. For purposes of ORS 181.511 to 181.575, the Oregon State *[Boxing and Wrestling]* **Athletic** Commission shall be considered a criminal justice agency.

**SECTION 19.** ORS 463.210 is amended to read:

463.210. (1) The promoting, conducting or maintaining of [*boxing and wrestling matches, contests or exhibitions*] a **boxing or mixed martial arts event** when conducted by educational institutions, Oregon National Guard Units, United States Amateur Boxing [*Federation*], **Inc.**, or any other amateur athletic organizations duly recognized by the Oregon State [*Boxing and Wrestling*] **Athletic Commission** [*shall be*] **is** exempt from the licensing and bonding provisions of this chapter if none of the participants in the [*contests or exhibitions*] **event** receives a monetary remuneration, purse or prize for performance or services [*therein*].

(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 [*which*] **that** have been recognized by the commission.

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

(c) [*Contests, matches or exhibitions*] **Events** between members of any troop, battery, company or units of the Oregon National Guard.

**SECTION 20.** ORS 463.310 is amended to read:

463.310. As used in ORS 463.113, **463.155**, 463.320, [*and*] 463.330, **463.340 and 463.370**:

[1] "*Event*" includes any match, contest, exhibition or performance.]

[2] (1) "Gross receipts" means the consideration, whether money, credits, rights or other property, received from the sale of tickets or other admissions indicia or the right to admission, without any [*deductions whatsoever*] **deduction**.

[3] (2) "Gross receipts" does not include gross receipts from admissions to:

(a) Events conducted or sponsored by any nonprofit amateur athletic association organized under the laws of this state, including their affiliated membership clubs throughout the state that have been recognized by the Oregon State [*Boxing and Wrestling*] **Athletic Commission**.

(b) Events between students of educational institutions conducted or sponsored by a college, school or university as part of their athletic program.

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

**SECTION 21.** ORS 463.320 is amended to read:

463.320. (1) For the privilege of engaging in [*the activity of*] professional boxing [*or wrestling*], **mixed martial arts** 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 [*or wrestling event*], **mixed martial arts** or [*an*] entertainment wrestling event held [*within*] **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.

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

(a) [*No later than three days*] Prior to the holding of any boxing, [*wrestling*] **mixed martial arts** or entertainment wrestling event, furnish to the Superintendent of State Police a statement containing the name of each contestant [*or participant*] and the names of the [*manager or*] managers.

(b) No later than 72 hours after [*termination*] **the conclusion** of the boxing, [*wrestling*] **mixed martial arts** or entertainment wrestling event, file with the superintendent a written report, duly verified in accordance with rules recommended by the Oregon State [*Boxing and Wrestling*] **Athletic Commission** and adopted by the superintendent, stating the number **and price** of tickets or other admissions indicia or rights to admission sold, [*the price or prices for which 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 *[statement]* **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.

**SECTION 22.** ORS 463.330 is amended to read:

463.330. *[(1)]* When an admission fee is charged by any person conducting or sponsoring an amateur boxing, *[wrestling]* **mixed martial arts** or entertainment wrestling event, the tax imposed by ORS 463.320 *[(1) and (2)]* shall apply to the gross receipts from the admissions and the statement filed and tax paid by the conducting or sponsoring person.

*[(2) The Oregon State Boxing and Wrestling Commission shall designate what percentage of the proceeds of the gross receipts from the conduct of an amateur boxing, wrestling or entertainment wrestling event shall be donated to participating amateur boxing associations and shall cause that percentage to be distributed to those associations.]*

**SECTION 23.** ORS 463.360 is amended to read:

463.360. The salaries *[or]* **and** expenses*[, or both,]* of the members and employees*[,]* and the operating expenses of the Oregon State *[Boxing and Wrestling]* **Athletic** Commission shall be paid out of the subaccount of the State Police Account established under ORS 181.175 from moneys received under this chapter.

**SECTION 24.** ORS 463.370 is amended to read:

463.370. After deduction of administrative costs of the Oregon State *[Boxing and Wrestling]* **Athletic** Commission established under ORS 463.113, 75 percent of the remaining gross receipts tax, as described in ORS 463.320 and deposited in the subaccount of the State Police Account established under ORS 181.175, shall be credited to and deposited in the subaccount established pursuant to section 36 (2), chapter 1084, Oregon Laws 1999, or a successor subaccount, account or fund.

**SECTION 25.** ORS 463.500 is amended to read:

463.500. (1) In addition to any other fees or taxes required under this chapter, a promoter shall pay to the Oregon State *[Boxing and Wrestling]* **Athletic** Commission a fee of \$1 for each ticket sold for admission to a live professional boxing *[contest, match or exhibition]* **event** held in this state.

(2) Subsection (1) of this section does not apply to a live professional boxing *[contest, match or exhibition]* **event** held on land controlled by an Oregon Indian tribe. However, an Oregon Indian tribe may make a contribution to the commission for the purposes of subsection (3) of this section.

(3) All moneys collected from the fee imposed under subsection (1) of this section shall be deposited into the subaccount established in the State Police Account under ORS 181.175 (2). *[Such]* **The moneys deposited in the subaccount** are continuously appropriated to the Oregon State *[Boxing and Wrestling]* **Athletic Commission in the Department of State Police** to be used by the commission to award grants to amateur boxing organizations in this state.

(4) The commission shall adopt by rule the manner in which:

(a) The fees required under subsection (1) of this section must be paid; and

(b) Applications for grants may be submitted to the commission and the standards to be used to award the grants to amateur boxing organizations in this state.

(5) The commission shall monitor the amateur boxing organizations that receive grants under this section to determine the success of the grant program.

(6) As used in this section, “amateur boxing organization” means a locally operated boxing club that is registered with the Oregon Association of United States Amateur Boxing, Inc.

**SECTION 26.** 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 indi-

viduals 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, 59.660 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 163.670 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, 164.125, 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 165.485 to 165.515, 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, 167.062 to 167.080, 167.087, 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, 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 ORS chapter 323, relating to cigarette and tobacco products taxes and the directory developed under ORS 180.425;  
(Y) ORS 411.630, 411.675, 411.690 and 411.840, relating to public assistance payments, 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 [*and wrestling*], **mixed martial arts and entertainment wrestling**, 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 475.840 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 farm 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 59.840 to 59.980, 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 164.877;  
(ZZ) ORS 167.312 and 167.388;  
(AAA) ORS 164.889; or  
(BBB) ORS 165.800.

(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 27.** Ordinances adopted by a city or county before February 1, 2007, that regulate boxing or mixed martial arts that are subject to sections 9 and 11 of this 2007 Act and the amendments to statutes by sections 3, 4, 5, 13, 14, 16 and 26 of this 2007 Act may not be enforced after the Superintendent of State Police adopts rules as required by the amendments to ORS 463.113 by section 6 of this 2007 Act.

**SECTION 28.** ORS 463.023 and 463.135 are repealed.

**SECTION 29.** This 2007 Act being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this 2007 Act takes effect on its passage.

Passed by Senate April 25, 2007

Received by Governor:

Repassed by Senate June 13, 2007

.....M.,....., 2007

Approved:

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Secretary of Senate

.....M.,....., 2007

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President of Senate

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Governor

Passed by House June 8, 2007

Filed in Office of Secretary of State:

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Speaker of House

.....M.,....., 2007

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Secretary of State