

LEGISLATURE OF NEBRASKA
ONE HUNDRED FOURTH LEGISLATURE
SECOND SESSION

LEGISLATIVE BILL 823

Introduced by Larson, 40.

Read first time January 08, 2016

Committee: Government, Military and Veterans Affairs

1 A BILL FOR AN ACT relating to the State Athletic Commissioner; to amend
2 section 81-8,139, Revised Statutes Supplement, 2015; to change the
3 powers of the commissioner; to provide for identification of banned
4 substances and banned substance testing; to provide for suspension
5 and civil penalties as prescribed; to repeal the original section;
6 and to declare an emergency.

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

1 Section 1. Section 81-8,139, Revised Statutes Supplement, 2015, is
2 amended to read:

3 81-8,139 (1) Except as provided in subsection (2) of this section,
4 the ~~The~~ State Athletic Commissioner shall adopt and promulgate such rules
5 and regulations for the administration and enforcement of sections
6 81-8,128 to 81-8,142.01 as he or she may deem necessary. Such rules and
7 regulations shall include, but not be limited to, the establishment of
8 written criteria for the granting and revoking of licenses, the setting
9 of license fees, and the qualification requirements for those to be
10 licensed as referees, physicians, managers, matchmakers, and professional
11 boxing, professional mixed martial arts, or professional sparring match
12 or exhibition judges. He or she shall have the power and may control and
13 limit the number of professional mixed martial arts, amateur mixed
14 martial arts, professional boxing, or professional sparring matches or
15 exhibitions given, or to be held, each year, or within one week, in any
16 city or town, or by any organization. He or she may fine ~~reprimand~~ any
17 licensee, except amateur contestants, an amount not to exceed one
18 thousand dollars and may ~~amateur or professional athlete or any official~~
19 ~~or~~ suspend for a period, not to exceed one year, any licensee's ~~his or~~
20 ~~her~~ right to participate in or conduct any match or exhibition ~~conducted~~
21 ~~by any licensee~~ for unsportsmanlike conduct while engaged in or arising
22 directly from any match or exhibition, failure to compete in good faith,
23 engaging in any sham match or exhibition, or the use of threatening and
24 abusive language toward officials, other contestants, or spectators.

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

30 (3) The State Athletic Commissioner may suspend an amateur or
31 professional contestant from competition for a period not to exceed one

1 year and may fine a professional contestant an amount not to exceed
2 fifteen hundred dollars or forty percent of the prize or purse, whichever
3 is greater, for a first offense of failing a test for a banned substance
4 on the list developed pursuant to subsection (2) of this section or for
5 refusing to submit to such a test. He or she may suspend an amateur or
6 professional contestant from competition for a period not to exceed three
7 years and may fine a professional contestant an amount not to exceed
8 three thousand dollars or seventy percent of the prize or purse,
9 whichever is greater, for any second such offense. He or she may suspend
10 an amateur or professional contestant from competition for life and may
11 fine a professional contestant an amount not to exceed five thousand
12 dollars or one hundred percent of the prize or purse, whichever is
13 greater, for any third or subsequent such offense. For purposes of
14 determining if an offense under this subsection is a first, second,
15 third, or subsequent offense, failing a test for banned substances and
16 refusing to submit to such a test shall be considered the same offense.

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

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

28 Sec. 2. Original section 81-8,139, Revised Statutes Supplement,
29 2015, is repealed.

30 Sec. 3. Since an emergency exists, this act takes effect when
31 passed and approved according to law.