



AN ACT RETAINING THE REGULATION OF PROFESSIONAL BOXING AND ELIMINATING ALL OTHER LAWS REGULATING PROFESSIONAL AND SEMI-PROFESSIONAL COMBATIVE EVENTS; AMENDING SECTIONS 23-3-301, 23-3-402, 23-3-404, 23-3-405, 23-3-501, 23-3-502, 23-3-601, 23-3-602, AND 23-3-603, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 23-3-301, MCA, is amended to read:

"23-3-301. Definitions. Unless the context requires otherwise, in this chapter, the following definitions apply:

(1) ~~"Combative events" means a match, exhibition, contest, show, or tournament involving contestants in boxing, wrestling, mud wrestling, martial arts, or any other combative practice as defined by the department by rule.~~

(2)(1) ~~"Contestant" means a professional or semi-professional practitioner of boxing, wrestling, mud wrestling, martial arts, or any other combative practice as defined by the department by rule.~~

(3)(2) ~~"Department" means the department of labor and industry provided for in Title 2, chapter 15, part 17.~~

(3) "Professional boxing" means a match, exhibition, contest, show, or tournament involving the sport of professional boxing as defined by the department by rule, consistent with federal law governing boxing safety.

(4) "Program" means a set of operations governed by the statutes in this chapter and the rules adopted by the department under this chapter."

Section 2. Section 23-3-402, MCA, is amended to read:

"23-3-402. Enforcement of rules. (1) The department may designate in writing a representative to act specifically on behalf of the department but only within the scope of the written authority.

(2) The representative shall attend and supervise a ~~combative~~ professional boxing event and has the

authority from the department to enforce rules adopted under this chapter."

Section 3. Section 23-3-404, MCA, is amended to read:

"23-3-404. Jurisdiction -- license required -- contestant participation. (1) The department has sole management, control, and jurisdiction over each professional ~~or semiprofessional combative~~ boxing event involving recognition, a prize, or a purse and at which an admission fee is charged, either directly or indirectly, in the form of dues or otherwise, to be held within the state, ~~except a combative event conducted:~~

- ~~_____ (a) by a university, college, or high school; or~~
- ~~_____ (b) by the military.~~

(2) An organization or individual may not conduct a ~~combative~~ professional boxing event within the department's jurisdiction unless the organization or individual is the holder of an appropriate license granted by the department.

(3) A referee, manager, or judge may not participate in a ~~combative~~ professional boxing event within the department's jurisdiction unless:

- (a) the individual is licensed by the department; and
- (b) the ~~combative~~ professional boxing event is conducted by an organization or individual licensed by the department.

(4) A contestant may not participate in a ~~combative~~ professional boxing event within the department's jurisdiction unless:

- (a) the contestant is licensed by the department;
- (b) the ~~combative~~ professional boxing event is conducted by an organization or individual licensed by the department; and
- (c) the department has not suspended the right of the contestant to participate under 23-3-603."

Section 4. Section 23-3-405, MCA, is amended to read:

"23-3-405. Rules. (1) The department may adopt rules for the administration and enforcement of this chapter.

(2) (a) The rules must include the granting, suspension, and revocation of licenses and the qualification requirements for those to be licensed to conduct ~~combative~~ professional boxing events or to be licensed as

referees, managers, or judges. License qualifications must include appropriate knowledge, experience, and integrity.

(b) The rules may include but are not limited to the following:

- (i) the labeling of a match as a championship match;
- (ii) the number and length of rounds and the weight of gloves;
- (iii) the extent and timing of the physical examination of contestants;
- (iv) the attendance of a referee and the referee's powers and duties; and
- (v) review of decisions made by officials.

(3) The rules must:

(a) meet or exceed the safety codes required by recognized professional boxing, ~~wrestling, and other~~ organizations conducting combative professional boxing events;

(b) provide reasonable measures for the fair conduct of the combative professional boxing events and for the protection of the health and safety of the contestants;

(c) require a physical examination of each contestant prior to each combative professional boxing event;

(d) provide for the qualifications of judges, referees, and seconds and for their payment by the promoter; and

(e) provide for the attendance at ringside of one or more of the following and require the promoter to pay for that person's attendance:

- (i) a licensed physician as defined in 37-3-102;
- (ii) a licensed physician assistant as defined in 37-20-401; or
- (iii) a licensed advanced practice registered nurse as defined in 37-8-102."

Section 5. Section 23-3-501, MCA, is amended to read:

"23-3-501. Licenses -- fees. (1) The department may issue a license to a professional ~~or semiprofessional~~ promoter of combative professional boxing events, whether an individual or organization, for the sole purpose of conducting professional ~~or semiprofessional~~ combative boxing events.

(2) The department may issue licenses to qualified referees, managers, contestants, seconds, trainers, and judges.

(3) A license issued in accordance with subsections (1) and (2) expires on the date set by department

rule.

(4) Each application for a license under this section must be accompanied by a fee, as provided in 37-1-134, set by the department."

Section 6. Section 23-3-502, MCA, is amended to read:

"23-3-502. Bond -- conditions. (1) A license to conduct professional ~~or semiprofessional combative~~ boxing events may not be issued unless the licensee has executed a bond in the sum of not less than \$5,000.

(2) The bond must be conditioned on faithful compliance by the licensee with the provisions of this chapter and the rules of the department."

Section 7. Section 23-3-601, MCA, is amended to read:

"23-3-601. Report of ticket sales -- tax on gross receipts -- disposition of money received. (1) An individual or organization licensed to conduct a ~~combative~~ professional boxing event shall, within 24 hours after the completion of each ~~combative~~ event, furnish to the department a written report, verified by one of its officers or owners, showing the number of tickets sold for the ~~combative~~ event, the amount of gross proceeds, and other matters that the department prescribes and shall also within 24 hours pay to the department a tax of 5% of its total gross receipts after deducting the federal admission tax, if any, from the sale of tickets.

(2) All taxes and fees collected by the department under this chapter must be deposited in the state special revenue fund for the use of the program, subject to 37-1-101(6)."

Section 8. Section 23-3-602, MCA, is amended to read:

"23-3-602. Examination of books and records on failure to make report or on unsatisfactory report -- penalty for failure to pay tax. (1) If an individual or organization fails to make a report of a ~~combative~~ professional boxing event at the time prescribed by 23-3-601 or if the report is unsatisfactory to the department, the department may examine the books and records of the individual or organization and subpoena and examine witnesses under oath for the purpose of determining the total amount of its gross receipts for a ~~combative~~ professional boxing event and the amount of tax due under this chapter.

(2) If the individual or organization remains in default in the payment of tax ascertained to be due for a period of 20 days after notice to the individual or organization of the amount due, the delinquent individual or

organization forfeits its license and is disqualified from receiving a new license."

Section 9. Section 23-3-603, MCA, is amended to read:

"23-3-603. Discipline. (1) A license issued under the provisions of this chapter may, after notice and opportunity for hearing, be revoked or suspended by the department for a violation of the provisions of this chapter or any rule of the department.

(2) The department may, after notice and opportunity for hearing, reprimand any contestant or suspend, for a period not to exceed 1 year, the contestant's right to participate in any ~~combative~~ professional boxing event conducted by any licensee for:

- (a) conduct unbecoming a contestant while engaged in or arising directly from any ~~combative~~ professional boxing event;
- (b) failure to compete in good faith or engaging in any sham ~~combative~~ professional boxing event; or
- (c) the use of threatening or abusive language toward officials or spectators."

Section 10. Effective date. [This act] is effective on passage and approval.

- END -

I hereby certify that the within bill,
HB 0171, originated in the House.

Chief Clerk of the House

Speaker of the House

Signed this _____ day
of _____, 2009.

President of the Senate

Signed this _____ day
of _____, 2009.

HOUSE BILL NO. 171
INTRODUCED BY S. AUGARE
BY REQUEST OF THE DEPARTMENT OF LABOR AND INDUSTRY

AN ACT RETAINING THE REGULATION OF PROFESSIONAL BOXING AND ELIMINATING ALL OTHER LAWS REGULATING PROFESSIONAL AND SEMIPROFESSIONAL COMBATIVE EVENTS; AMENDING SECTIONS 23-3-301, 23-3-402, 23-3-404, 23-3-405, 23-3-501, 23-3-502, 23-3-601, 23-3-602, AND 23-3-603, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.