

SENATE BILL NO. 401

INTRODUCED BY M. CAFERRO

A BILL FOR AN ACT ENTITLED: "AN ACT REVISING BOXING LAWS; CLARIFYING THE USE OF DEPARTMENT REPRESENTATIVES AT PROFESSIONAL BOXING EVENTS; ~~ALLOWING THE GOVERNING BODIES FOR BOXING OF OTHER STATES OR TRIBES TO SANCTION PROFESSIONAL BOXING EVENTS IF THE DEPARTMENT OF LABOR AND INDUSTRY SUSPENDS THE BOXING PROGRAM;~~ ESTABLISHING GUIDELINES FOR MEDICAL EXAMINATIONS PRIOR TO EVENTS AND FOR LICENSURE; ALLOWING VENUE OWNERS AND PROMOTERS TO DETERMINE THE NEED FOR SECURITY PERSONNEL; ESTABLISHING LICENSE FEES; ~~INCREASING THE GATE TAX; ELIMINATING THE REQUIREMENT FOR A BOND PRIOR TO PROFESSIONAL BOXING EVENTS AND ALLOWING THE DEPARTMENT TO REQUIRE A SECURITY DEPOSIT;~~ AMENDING SECTIONS 23-3-402, 23-3-404, 23-3-405, AND 23-3-501, AND 23-3-601, MCA; ~~AND REPEALING SECTION SECTIONS 23-3-502, 23-3-601, AND 23-3-602, MCA;~~ AND PROVIDING AN EFFECTIVE DATE."

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

Section 1. Section 23-3-402, MCA, is amended to read:

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

(2) The representative shall attend and supervise a professional boxing event and has the authority from the department to enforce rules adopted under this chapter.

(3) The representative may be a volunteer with extensive experience in boxing and may perform duties of the department under this chapter and administrative rule including but not limited to:

(a) accepting documentation;

(b) vetting contestants;

(c) issuing licenses at events;

(d) supervising weigh-ins and ringside physicals; and

(e) inspecting gloves and handwrapping."

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2 **Section 2.** Section 23-3-404, MCA, is amended to read:

3 **"23-3-404. Jurisdiction -- license required -- contestant participation.** (1) ~~The (a) Except as provided~~
4 ~~in subsection (1)(b), the~~ THE department has sole management, control, and jurisdiction over each professional
5 boxing event involving recognition, a prize, or a purse and at which an admission fee is charged, either directly
6 or indirectly, in the form of dues or otherwise, to be held within the state. THE DEPARTMENT MAY ACCEPT PRIVATE
7 DONATIONS FOR THE COSTS OF ADMINISTERING THE BOXING PROGRAM. DONATIONS RECEIVED BY THE DEPARTMENT FOR
8 THIS PURPOSE MUST BE DEPOSITED IN THE STATE SPECIAL REVENUE FUND FOR THE USE OF THE BOXING PROGRAM.

9 ~~(b) If the department finds it necessary for financial reasons to suspend its administration of the boxing~~
10 ~~program, the governing body for boxing of another state or tribal government may sanction professional boxing~~
11 ~~events within the state, and subsections (2) through (4) do not apply.~~

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

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

16 (a) the individual is licensed by the department; and

17 (b) the professional boxing event is conducted by an organization or individual licensed by the
18 department.

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

21 (a) the contestant is licensed by the department;

22 (b) the professional boxing event is conducted by an organization or individual licensed by the
23 department; and

24 (c) the department has not suspended the right of the contestant to participate under 23-3-603; and

25 (d) the contestant submits laboratory documentation of negative HIV, hepatitis B, and hepatitis C tests
26 administered within 1 year prior to the event. The department may not require blood tests to be administered less
27 than 1 year prior to the event and may not require eye dilation as part of the prefight physical."

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

30 **"23-3-405. Rules.** (1) The department may adopt rules for the administration and enforcement of this

chapter in consultation with the boxing community. ~~Rules adopted by the department must allow the department to administer this chapter in a cost-effective manner utilizing available revenue. The department shall partner with the boxing community to utilize qualified volunteers as representatives, pursuant to 23-3-402, for the enforcement of rules under 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 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. The rules may not require new gloves for a match unless the referee or inspector determines that new gloves are required for the safety of the contestants;

(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 organizations conducting professional boxing events;

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

(c) ~~require~~ provide for the protection of the health and safety of contestants by requiring a physical examination of each contestant prior to each professional boxing event; This physical examination may be conducted by the medical professional in attendance pursuant to subsection (2)(e).

(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; and

(f) allow venue owners and promoters to determine the necessity for security personnel or volunteers."

Section 4. Section 23-3-501, MCA, is amended to read:

"23-3-501. Licenses -- fees. (1) The department may issue a promoter's license to an individual for the sole purpose of conducting professional boxing events.

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

(3) The department may issue licenses to qualified contestants. The qualifications for contestants may not require:

(a) blood testing to be documented sooner than 1 year prior to the license application; or

(b) eye dilation.

~~(3)(4)~~ A license issued in accordance with subsections (1) ~~and (2)~~ through (3) expires on the date set by department rule.

~~(4)(5)~~ Each application for a license under this section must be accompanied by a fee, ~~as provided in 37-1-134, set by the department~~ as follows:

~~—— (a) promoters, \$500;~~

~~—— (b) contestants, managers, trainers, seconds, referees, and judges, \$60.~~ AS PROVIDED IN 37-1-134, SET BY THE DEPARTMENT."

~~**Section 5.** 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 professional boxing event shall, within 24 hours after the completion of each event, furnish to the department a written report, verified by one of its officers or owners, showing the number of tickets sold for the 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% 7% 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).~~

~~—— (3) The department may require the promoter of a professional boxing event to place a security deposit, not to exceed \$1,500, with the department. If the department receives revenue from the professional boxing event in an amount less than the department's reasonable costs in administering the event, the department may retain~~

~~the difference from the security deposit and shall deposit this amount in the state special revenue fund for the use of the boxing program. Any remaining deposit must be returned to the promoter."~~

NEW SECTION. SECTION 5. EVENT LICENSE REQUIRED -- FEE -- RULEMAKING. (1) A PROFESSIONAL BOXING EVENT MAY NOT BE CONDUCTED WITHOUT A LICENSE ISSUED PURSUANT TO THIS SECTION.

(2) ONLY A LICENSED PROMOTER MAY APPLY FOR AN EVENT LICENSE. AN EVENT MAY CONSIST OF ONE OR MORE BOUTS OR MATCHES BETWEEN CONTESTANTS CONDUCTED WITHIN A 24-HOUR PERIOD.

(3) THE DEPARTMENT SHALL ESTABLISH THE FEE FOR AN EVENT LICENSE BY RULE.

(A) THE LICENSE FEE MUST BE ADEQUATE TO FUND THE EXPENSES AND EXPENDITURES OF THE DEPARTMENT THAT ARE REASONABLY ATTRIBUTABLE TO THE LICENSING AND REGULATION OF THE EVENT THAT IS LICENSED.

(B) THE RULE MAY SPECIFY THAT THE FEE CHARGED MAY VARY FROM EVENT TO EVENT, BASED UPON THE LOCATION AND NATURE OF THE EVENT BEING LICENSED, AND THE RELATIVE LEVEL OF EXPENSE INVOLVED WITH ADEQUATELY REGULATING THE SPECIFIC EVENT.

(C) THE DEPARTMENT MAY, BY RULE, ALLOW THE PROMOTER TO DECREASE THE AMOUNT OF THE LICENSE FEE PAYABLE TO THE DEPARTMENT BY DIRECTLY CONTRACTING FOR, OR OTHERWISE OBTAINING, CERTAIN SERVICES INCIDENT TO THE PROPER REGULATION OF THE EVENT.

(4) THE DEPARTMENT MAY, BY RULE, SPECIFY THE TIMING OF THE PAYMENT OF THE EVENT LICENSE FEE, AND MAY REQUIRE THAT SOME OR ALL OF THE LICENSE FEE BE PAID IN ADVANCE OF THE EVENT. THE DEPARTMENT SHALL OBTAIN REASONABLE SURETIES OR SECURITY TO GUARANTEE THE PAYMENT OF THE FULL AMOUNT OF THE EVENT LICENSE FEE BY THE PROMOTER.

NEW SECTION. Section 6. Repealer. The following ~~section~~ SECTIONS of the Montana Code Annotated ~~is~~ ARE repealed:

23-3-502. Bond -- conditions.

23-3-601. REPORT OF TICKET SALES -- TAX ON GROSS RECEIPTS -- DISPOSITION OF MONEY RECEIVED.

23-3-602. EXAMINATION OF BOOKS AND RECORDS ON FAILURE TO MAKE REPORT OR ON UNSATISFACTORY REPORT -- PENALTY FOR FAILURE TO PAY TAX.

NEW SECTION. SECTION 7. CODIFICATION INSTRUCTION. [SECTION 5] IS INTENDED TO BE CODIFIED AS AN INTEGRAL PART OF TITLE 23, CHAPTER 3, AND THE PROVISIONS OF TITLE 23, CHAPTER 3, APPLY TO [SECTION 5].

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