

STATE OF OKLAHOMA

1st Session of the 47th Legislature (1999)

SENATE BILL NO. 712

By: Fair

AS INTRODUCED

An Act relating to boxing; amending Section 16, Chapter 240, O.S.L. 1994, Section 11, Chapter 202, O.S.L. 1995, as amended by Section 5, Chapter 348, O.S.L. 1998 (3A O.S. Supp. 1998, Sections 616 and 622), which relate to Oklahoma Professional Boxing Licensing Revolving Fund and to telecast promoters; deleting provision relating to deposit of certain monies; deleting obsolete language; authorizing assessment of certain penalty; authorizing disclosure of certain financial information under certain circumstances; making failure or refusal to disclose certain information a misdemeanor; stating penalties; clarifying references; standardizing usage and punctuation; providing for codification; and declaring an emergency.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. AMENDATORY Section 16, Chapter 240, O.S.L. 1994 (3A O.S. Supp. 1998, Section 616), is amended to read as follows:

Section 616. ~~A.~~ There is hereby created in the State Treasury a revolving fund for the Department of Labor to be designated the "Oklahoma Professional Boxing Licensing Revolving Fund". The fund shall be a continuing fund, not subject to fiscal year limitations, and shall consist of all monies received from fees, administrative fines, reimbursements, bond proceeds, and sale of materials, and shall include grants and gifts, pursuant to the Oklahoma Professional Boxing Licensing Act. All monies accruing to the credit of said fund are hereby appropriated and may be budgeted and expended by the Department for the purpose of implementing the provisions of the Oklahoma Professional Boxing Licensing Act. ~~Provided that any monies accruing to the credit of said fund in~~

~~excess of Two Hundred Thousand Dollars (\$200,000.00) during any fiscal year shall be deposited to the credit of the General Revenue Fund of the State Treasury.~~ Expenditures from said fund shall be made upon warrants issued by the State Treasurer against claims filed as prescribed by law with the Director of State Finance for approval and payment.

~~B. During the fiscal year ending June 30, 1995, the Department may use monies which have accrued in this fund to replace appropriated monies expended from the Department's budget for implementing the provisions of this act.~~

SECTION 2. AMENDATORY Section 11, Chapter 202, O.S.L. 1995, as amended by Section 5, Chapter 348, O.S.L. 1998 (3A O.S. Supp. 1998, Section 622), is amended to read as follows:

Section 622. A. Where the Oklahoma distribution rights for a closed-circuit telecast to be viewed in this state are in whole owned by, sold to, acquired by, or held by any person who intends to or subsequently sells or, in some other manner, extends such rights in part to another, then such person is deemed to be a telecast promoter and must, prior to the telecast, be licensed as a telecast promoter by the Department of Labor. The Department may provide, by rule, for additional licensed telecast promoters to participate in the distribution rights and share in the liability for assessments to be paid to the Department. Closed-circuit telecasts of a boxing event shall not be telecast from, in, or into this state except under the auspices of a telecast promoter licensed in this state. The telecast promoter shall be responsible for filing the appropriate reports with and paying assessments to the Department.

B. In the case of closed-circuit telecasts other than pay-per-view, the telecast promoter shall notify the Department of the names and addresses of all facilities to or through which the closed-circuit telecast will be shown fourteen (14) days prior to the date

of the closed-circuit event and shall provide daily updates to the Department of any additions and deletions of facilities.

C. Any person or facility owner or operator intending to show the closed-circuit telecast, whether or not an admission fee will be charged, must receive authorization to show the telecast from the telecast promoter prior to the telecast. The showing of a closed-circuit telecast, whether or not an admission fee is charged, without the authorization of the licensed telecast promoter is prohibited. This prohibition includes the delayed showing of a closed-circuit telecast when the showing requires the authorization of the telecast promoter. Information received by the Department of the names of persons showing a closed-circuit telecast in violation of this section shall be furnished to the appropriate district attorney's office for prosecution.

D. 1. In the case of facilities at or through which the closed-circuit telecast is shown other than a cable system operator's pay-per-view facilities, the telecast promoter shall, within eight (8) days after the telecast inclusive of mailing time, file with the Department a written report detailing the name, address, telephone number, contact person's name and the details of the payment arrangement for the right to receive the telecast for each facility to which the broadcast was transmitted.

2. The report shall be accompanied by an assessment payment equal to four percent (4%) of the total amount paid to the telecast promoter for the right to broadcast the telecast.

3. The Department may require the owner or operator of the facility where the telecast is being shown to file a report containing information regarding the amount paid to the telecast promoter for the right to broadcast the telecast, the quality of the audio and video signal, and any other information the Department deems appropriate.

E. 1. In the case of a cable system operator's pay-per-view facilities at or through which a closed-circuit telecast was shown, the telecast promoter shall, except as provided for in subsection A of Section 617 of this title, within thirty (30) days following receipt of the notice of the assessment from the Department, file with the Department an assessment payment equal to four percent (4%) of the total gross receipts excluding any federal, state or local taxes. The Department is hereby authorized to charge promoters making late payments of pay-per-view assessments a penalty of Fifty Dollars (\$50.00) or ten percent (10%) of the amount due, whichever is greater.

2. The Department shall require the cable system operator to file reports containing information regarding the number of orders sold and the price charged for orders and any other information the Department deems appropriate.

3. Cable system operators shall not be liable to the Department for the assessment payment. Nothing in this section shall be deemed to prevent a cable system operator from billing its customer for the assessment payment.

4. The Department shall provide the telecast promoter with a report detailing the number of orders and the assessment payment due.

F. Any promoter who willfully makes a false and fraudulent report under this section is guilty of perjury and, upon conviction, is subject to punishment as provided by law. This penalty shall be in addition to any other penalties imposed in this section.

G. Any telecast promoter who willfully fails, neglects, or refuses to make a report or to pay the assessment as prescribed or who refuses to allow the Department to examine the books, papers, and records of any promotion is guilty of a misdemeanor, punishable as provided by law.

H. By rule, the Department shall establish administrative penalties as specified in this act for the late payment of assessments, noncompliance with this act, and the late filing of reports and shall prescribe conditions, if any, under which a fine may be waived.

I. No cable system operator shall be prohibited from:

1. Broadcasting any boxing event for which it has a contract or other legal obligation to broadcast any event with any promoter or distributor irrespective of whether ~~or not~~ the promoter or distributor is in compliance with the provisions of this act;

2. No cable system operator shall be required to modify, delete or cancel any programming for which it has a contractual or legal obligation to air such programming as a result of any noncompliance with the provisions of this act by any promoter or distributor; and

3. This act shall not apply in any manner to any basic or premium channel programming broadcast on cable television systems within the State of Oklahoma, but shall apply only to "pay-per-view" broadcasts of boxing events for which a separate ~~one-time~~ one-time fee is charged the cable subscriber.

SECTION 3. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 623 of Title 3A, unless there is created a duplication in numbering, reads as follows:

A. Upon written request, the Administrator of Boxing of the Department of Labor shall make financial disclosure information received by the Department pursuant to subsections 4 and 5 of Section 613 of Title 3A of the Oklahoma Statutes available to the chief law enforcement officer of the state in which a match is to be held.

B. Any person who violates provisions of the Oklahoma Professional Boxing Licensing Act by failing or refusing to provide financial information as required by Section 613 of Title 3A of the Oklahoma Statutes shall, upon conviction, be guilty of a misdemeanor

punishable by imprisonment in the county jail for not more than one (1) year or a fine of not more than One Hundred Thousand Dollars (\$100,000.00) or by both such fine and imprisonment; provided, if a person fails or refuses to make such report in connection with a professional boxing match the gross revenues of which exceed Two Million Dollars (\$2,000,000.00), the court may assess such additional fine as the court deems appropriate.

SECTION 4. It being immediately necessary for the preservation of the public peace, health and safety, an emergency is hereby declared to exist, by reason whereof this act shall take effect and be in full force from and after its passage and approval.

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