

ENGROSSED HOUSE AMENDMENTS

TO

ENGROSSED SENATE BILL NO. 1095

By: Cain of the Senate

and

Leist of the House

(amusements and sports - Oklahoma Professional

Boxing Licensing Act - correcting -

emergency)

AUTHOR: Remove Leist as principal House author and substitute Case as principal House author

AMENDMENT NO. 1. Page 1, lines 7 through 9, restore the stricken title

AMENDMENT NO. 2. Page 5, line 29 1/2 add a new Section 3 to read

"SECTION 3. AMENDATORY 3A O.S. 2001, Section 622, as amended by Section 3, Chapter 331, O.S.L. 2003 (3A O.S. Supp. 2003, 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. The Commission 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 Commission. 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 Commission.

B. In the case of closed-circuit telecasts other than pay-per-view, the telecast promoter shall notify the Commission 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 Commission 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. Delayed showing of a closed-circuit telecast also requires the authorization of the telecast promoter. Information received by the Commission 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 Commission 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~~ gross receipts from the broadcast, excluding any federal, state or local taxes.

3. The Commission 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 Commission 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 Commission, cause to be filed with the Commission an assessment payment equal to four percent (4%) of the total gross receipts excluding any federal, state, or local taxes.

2. The cable system operator shall withhold from the proceeds due to the telecast promoter the four-percent assessment payment required pursuant to paragraph 1 of this subsection and remit the assessment to the Commission on behalf of the telecast promoter. The cable system operator shall not be liable for the remittance of the assessment fee required in paragraph 1 of this subsection from any proceeds due to the cable system operator from their pay-per-view events.

3. The Commission 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 Commission deems appropriate.

4. Cable system operators shall not be liable to the Commission 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.

5. The Commission shall, upon request, 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 cause to be paid the assessment as prescribed, or who refuses to allow the Commission to examine the books, papers, and records of any promotion is guilty of a misdemeanor, punishable as provided by law. Any remitter who willfully fails, neglects, or refuses to remit the assessment as prescribed, is guilty of a misdemeanor, punishable as provided by law.

H. By rule, the Commission shall establish administrative penalties as specified in ~~Section 601 et seq. of this title~~ the Oklahoma Professional Boxing Licensing Act for the late payment of assessments, noncompliance with ~~Section 601 et seq. of this title~~ the Oklahoma Professional Boxing Licensing 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:

1. Prohibited from broadcasting any boxing event, whether or not the promoter or distributor is in compliance with the provisions of ~~Section 601 et seq. of this title~~ the Oklahoma Professional Boxing Licensing Act, for which it has a contract or other legal obligation to broadcast;

2. Required, as a result of any noncompliance with the provisions of this act by any promoter or distributor, to modify, delete, or cancel any programming which it has a contractual or legal obligation to air; and

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

and renumber subsequent section

and when stricken title is restored amend to conform

Passed the House of Representatives the 13th day of April, 2004.

Presiding Officer of the House of
Representatives

Passed the Senate the ____ day of _____, 2004.

Presiding Officer of the Senate