SB1533 CCR A

OKLAHOMA STATE SENATE
GENERAL CONFERENCE COMMITTEE ON APPROPRIATIONS

Mr. President: Date: 5-16-12

Mr. Speaker:

The Conference Committee, to which was referred

SB 1533

By: Jolley of the Senate and Newell of the House

Title: Oklahoma State Athletic Commission Act; legislative intent. Effective date. Emergency.

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together with Engrossed House Amendments thereto, beg leave to report that we have had the same under consideration and herewith return the same with the following recommendations:

1. That the House recede from all Amendments.
2. That the attached Conference Committee Substitute be adopted.

SENATE CONFEREES:

Ballenger	Marlatt
Branan	Mazzei
Brinkley	McAffrey
Burrage	Newberry
Crain	Nichols
David	Paddack
Ford	Stanislawski
Griffin	Sykes
Halligan	Wilson
Ivester	Wyrick
Jolley	
Justice	

HOUSE CONFEREES:

General Conference Committee on Appropriations

MAY 22 2012

Senate Action ADOPTED & PASSED Date _____ House Action _____ Date _____

HOUSE CONFEREES

Armes	_____	Sears	_____
Billy	_____	Walker	_____
Blackwell	_____		
Brown	_____		
Cox	_____		
Dank	_____		
DeWitt	_____		
Denney	_____		
Dorman	_____		
Hoskin	_____		
Liebmann	_____		
Martin (Scott)	_____		
McPeak	_____		
Nelson	_____		
Peters	_____		

STATE OF OKLAHOMA

2nd Session of the 53rd Legislature (2012)

CONFERENCE COMMITTEE SUBSTITUTE
FOR ENGROSSED
SENATE BILL NO. 1533 By: Jolley of the Senate

and

Newell of the House

CONFERENCE COMMITTEE SUBSTITUTE

An Act relating to amusements and sports; amending 3A O.S. 2011, Section 622, which relates to the Oklahoma State Athletic Commission Act; clarifying the applicability of act to certain events conducted in this state; eliminating certain report and assessment and procedures related thereto; and providing an effective date.

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

SECTION 1. AMENDATORY 3A O.S. 2011, 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 Oklahoma State Athletic 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~~ combative sports or amateur mixed martial arts event conducted in this state shall not be telecast ~~from, in, or into~~ within 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 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.~~ E. By rule, the Commission shall establish administrative penalties as specified in the Oklahoma State Athletic Commission Act for the late payment of assessments, noncompliance with the Oklahoma State Athletic Commission Act, and the late filing of reports and shall prescribe conditions, if any, under which a fine may be waived.

~~I.~~ F. 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 the Oklahoma State Athletic Commission Act, for which it has a contract or other legal obligation to broadcast; and

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~~ G. The Oklahoma State Athletic Commission 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~~ combative sports or amateur mixed martial arts events conducted in this state for which a separate one-time fee is charged the cable subscriber.

SECTION 2. This act shall become effective December 31, 2012.

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