

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 245

BY STATE AFFAIRS COMMITTEE

AN ACT

1 RELATING TO THE STATE ATHLETIC COMMISSION; AMENDING SECTION 54-406, IDAHO  
2 CODE, TO REVISE PROVISIONS RELATING TO DUTIES OF THE ATHLETIC COMMIS-  
3 SION AND TO PROVIDE FOR THE RECOVERY OF CERTAIN COSTS AND FEES; AMENDING  
4 SECTION 54-411, IDAHO CODE, TO REVISE PROVISIONS RELATING TO THE PAY-  
5 MENT OF AN INITIAL EVENT TAX, TO REVISE PROVISIONS RELATING TO AN ADDI-  
6 TIONAL EVENT TAX, TO ESTABLISH PROVISIONS RELATING TO THE ISSUANCE OF  
7 TICKETS AND TO ESTABLISH PROVISIONS RELATING TO THE SUSPENSION OF OPER-  
8 ATIONS; AND DECLARING AN EMERGENCY.  
9

10 Be It Enacted by the Legislature of the State of Idaho:

11 SECTION 1. That Section 54-406, Idaho Code, be, and the same is hereby  
12 amended to read as follows:

13 54-406. DUTIES OF COMMISSION -- SANCTIONING PERMITS -- LICENSING --  
14 EXEMPTIONS -- MEDICAL CERTIFICATION. (1) The commission shall have power,  
15 and it shall be its duty, to direct, supervise and control all amateur and  
16 professional contests and exhibitions within the state and no such contest  
17 or exhibition shall be held or given within this state except in accordance  
18 with the provisions of this chapter. The commission has authority to adopt  
19 rules to implement the provisions of this chapter and to implement each of  
20 the duties and responsibilities conferred upon the commission including,  
21 but not limited to:

22 (a) Development of an ethical code of conduct for commissioners, com-  
23 mission staff and commission officials;

24 (b) Facility and safety requirements relating to the ring, floor  
25 plan and apron seating, emergency medical equipment and services, and  
26 other equipment and services necessary for the conduct of a program of  
27 matches;

28 (c) Requirements regarding a participant's apparel, bandages, hand-  
29 wraps, gloves, mouthpiece and appearance during a match;

30 (d) Requirements relating to a manager's participation, presence and  
31 conduct during a match;

32 (e) Duties and responsibilities of all licensees under this chapter;

33 (f) Procedures for hearings and resolution of disputes, including the  
34 commission's recovery of its costs and fees incurred from an unsuccess-  
35 ful challenger of a contest decision as well as a deposit in an amount  
36 determined by the commission;

37 (g) Qualifications for appointment of referees and judges;

38 (h) Designation and duties of a knockdown timekeeper;

39 (i) Setting fee and reimbursement schedules for referees and other of-  
40 ficials appointed by the commission or the representative of the com-  
41 mission;

1 (j) Establishment of criteria for approval, disapproval, suspension  
2 of approval and revocation of approval of amateur sanctioning or-  
3 ganizations for amateur contests and exhibitions held in this state  
4 including, but not limited to, the health and safety standards the  
5 organizations use before, during and after the matches to ensure the  
6 health, safety and well-being of the amateur combatants participat-  
7 ing in the matches, including the qualifications and numbers of health  
8 care personnel required to be present, the qualifications required for  
9 referees, and other requirements relating to the health, safety and  
10 well-being of the amateur combatants participating in the matches. The  
11 commission may adopt by rule, or incorporate by reference into rule, the  
12 health and safety standards of United States amateur boxing, inc., as  
13 the minimum health and safety standards for an amateur boxing sanction-  
14 ing organization, and the health and safety standards of the interna-  
15 tional amateur kickboxing sport association as the minimum health and  
16 safety standards for an amateur kickboxing sanctioning organization;  
17 and

18 (k) Establish fees to be paid by an amateur athletic sanctioning organ-  
19 ization that is approved pursuant to subsection (3) (b) (ii) of this sec-  
20 tion, which fees shall include:

21 (i) Initial and annual application processing fees of not less  
22 than two hundred fifty dollars (\$250) and not more than one thou-  
23 sand dollars (\$1,000); and

24 (ii) Initial and annual approval fees of not less than two hun-  
25 dred fifty dollars (\$250) and not more than one thousand dollars  
26 (\$1,000).

27 (2) The commission may, in its discretion, issue or refuse to issue and  
28 for cause immediately revoke any sanctioning permit whether or not an admis-  
29 sion fee is charged by any person, organization, association or fraternal  
30 society. The commission may also, in its discretion, issue or refuse to is-  
31 sue and for cause immediately revoke, suspend or otherwise discipline li-  
32 censes for participants of sanctioned contests and exhibitions. The commis-  
33 sion may recover the costs and fees incurred in the investigation and prose-  
34 cution of a licensee or permit holder who is found in violation of the provi-  
35 sions of this chapter or the commission's rules.

36 (3) Specifically exempt from the provisions of this chapter are all  
37 contests or exhibitions that:

38 (a) Are contests or exhibitions conducted by any secondary school,  
39 college or university, whether public or private, where all the partic-  
40 ipating contestants are bona fide students enrolled in any secondary  
41 school, college or university, within or without this state;

42 (b) Are entirely contests or exhibitions in which all combatants are  
43 amateurs and which have been sanctioned as amateur athletic contests or  
44 exhibitions by any of the following associations:

45 (i) United States amateur boxing, inc., also known as USA boxing,  
46 inc., the amateur athletic union of the United States, inc., also  
47 known as the national amateur athletic union, the amateur athletic  
48 union and the AAU or any similar nationally recognized entity ap-  
49 proved by the commission; or

1 (ii) Any other entity that the commission approves to be an ama-  
 2 teur athletic sanctioning organization, which approval shall be  
 3 subject to annual review for purposes of renewal. Notwithstanding  
 4 any other provision of this chapter, the promoter of any contest  
 5 or exhibition sanctioned by an organization approved pursuant  
 6 to this subparagraph shall comply with sections 54-408, 54-411,  
 7 54-413, 54-417, 54-419, 54-421 and 54-422, Idaho Code, and the  
 8 promoter and each participant in such contest or exhibition are  
 9 subject to sections 54-416, 54-418 and 54-420, Idaho Code, unless  
 10 specifically exempted by commission rule;

11 (c) Are contests or exhibitions held under the auspices or sanction of  
 12 an established nonprofit secondary school activities organization or  
 13 of its public or nonprofit accredited secondary school members, or held  
 14 under the auspices or sanction of an established college or university  
 15 activities organization or its public or not-for-profit accredited  
 16 college or university members; or

17 (d) Are contests or exhibitions conducted by any military installa-  
 18 tion or branch of the United States armed forces, or the state national  
 19 guard, where the participants are employed by the military instal-  
 20 lation, are members of the branch of the armed forces, or the state  
 21 national guard unit conducting the contest or exhibition.

22 (4) Provided further that every combatant in any contest or exhibi-  
 23 tion exempt under the provisions of this chapter, prior to engaging in and  
 24 conducting such contest or exhibition, shall be examined by a licensed  
 25 physician at least once in each calendar year, or where such contest is  
 26 conducted by a secondary school, college or university or organization as  
 27 further described in this section, once in each academic year in which in-  
 28 stance the physician shall also designate the maximum and minimum weights at  
 29 which the combatant shall be medically certified to participate. Provided  
 30 further that no combatant shall be permitted to participate in any such con-  
 31 test or exhibition in any weight classification other than that or those for  
 32 which he is certificated. Provided further that the exempted organizations  
 33 shall be governed by the provisions of section 54-414, Idaho Code, as that  
 34 section applies to contests or exhibitions conducted by persons exempted  
 35 in this section from the general provisions of this chapter. No contest or  
 36 exhibition shall be conducted within this state except pursuant to a license  
 37 issued in accordance with the provisions of this chapter and the rules of the  
 38 commission except as hereinabove provided.

39 SECTION 2. That Section 54-411, Idaho Code, be, and the same is hereby  
 40 amended to read as follows:

41 54-411. STATEMENT AND REPORT OF EVENT -- TAX ON GROSS RECEIPTS. (1)  
 42 Any promoter as herein provided shall, at least seven (7) days prior to the  
 43 holding of any contest or exhibition, file with the commission a statement  
 44 setting forth the name of each combatant, his manager or managers, the total  
 45 number of tickets available for the contest or exhibition and such other in-  
 46 formation as the commission may require. The promoter shall ~~simultaneously~~  
 47 pay to the commission at the time of the sanctioning permit application an  
 48 initial event tax of ~~four hundred~~ one thousand dollars (\$~~400~~1,000). Within  
 49 seventy-two (72) hours after the termination of any contest or exhibition

1 the promoter shall file with the commission representative a gross receipts  
2 report, duly verified as the commission may require showing the number of  
3 tickets sold for such contest or exhibition, the price charged for such  
4 tickets and the gross receipts thereof without any deduction whatsoever, and  
5 such other and further information as the commission may require. If the  
6 initial event tax previously paid is less than five nine percent (59%) of the  
7 gross receipts for the event, then the promoter shall pay to the commission  
8 at the time of filing the above report an additional event tax equal to five  
9 nine percent (59%) of the gross receipts, minus the initial event tax previ-  
10 ously paid, for deposit by the commission.

11 (2) All tickets for any contest or exhibition shall be issued, sold and  
12 distributed by an independent ticket distributor or broker not associated  
13 with the promoter and not associated with the venue unless approved by the  
14 commission. The number of complimentary tickets shall be limited to two per-  
15 cent (2%) of the total tickets sold per event location. All complimentary  
16 tickets exceeding this set amount shall be subject to taxation. The pro-  
17 moter shall limit the number of persons admitted to the event to the number  
18 of available tickets that are actually sold, given away or otherwise issued  
19 for the event.

20 (3) Gross receipts reports signed under oath shall also include:

21 (a) The name of the promoter;

22 (b) The contest or exhibition sanctioning permit number;

23 (c) The promoter's business address and any license or sanctioning per-  
24 mit number required of such promoter by law;

25 (d) Gross receipts as specified by this section, during the period  
26 specified by this section; and

27 (e) Such further information as the commission may require to enable it  
28 to compute correctly and collect the assessment levied pursuant to this  
29 section.

30 (4) In addition to the information required on gross receipts reports,  
31 the commission may request, and the promoter shall furnish, any information  
32 deemed necessary for a correct computation of the assessment levied pursuant  
33 to this section.

34 (5) All levies pursuant to this section shall be collected by the com-  
35 mission and shall be deposited in the state treasury to the credit of the oc-  
36 cupational licenses fund.

37 (6) The moneys collected from the assessment levied pursuant to the  
38 provisions of this section shall be in addition to all other revenues and  
39 funds received by the commission.

40 (7) The promoter shall compute and pay to the commission the required  
41 assessment due. If the payment of the assessment is not postmarked or deliv-  
42 ered to the commission as specified in subsection (1) of this section, the  
43 assessment shall be delinquent from such date. In addition, if the promoter  
44 has not paid the initial event tax as provided in subsection (1) of this sec-  
45 tion, the promoter shall not hold the event.

46 (8) Of the moneys collected by the commission pursuant to the tax au-  
47 thorized in subsection (1) of this section, up to five percent (5%) of said  
48 tax may be used by the commission for the promotion and support of amateur  
49 contests and exhibitions in this state. All parties interested in receiving  
50 a distribution must submit an application to the commission which shall in-

1 clude the name of the person or entity applying and a detailed description of  
2 what the applicant intends to do with the distribution if granted. The com-  
3 mission shall consider all applications and assign distributions, if any,  
4 at the end of each fiscal year to those applicants the commission deems most  
5 qualified. The commission may make such distributions only if the commis-  
6 sion has a positive balance within the occupational licenses fund and suffi-  
7 cient revenue to cover its projected expenses for the upcoming year.

8 (9) It shall be the duty of every promoter required to make a gross re-  
9 ceipts report and pay any assessment pursuant to the provisions of this sec-  
10 tion to keep and preserve suitable records and documents which may be neces-  
11 sary to determine the amount of assessment due as will substantiate and prove  
12 the accuracy of such reports. All such records shall be preserved for a pe-  
13 riod of three (3) years, unless the commission, in writing, has authorized  
14 their destruction or disposal at an earlier date, and shall be open to exami-  
15 nation at any time by the commission or by its authorized agents.

16 (10) In the event the state athletic commission's debt owed to the  
17 bureau of occupational licenses exceeds two hundred thousand dollars  
18 (\$200,000), the commission's operations will be suspended, including is-  
19 suance of licenses and permits. In order for the commission's operations  
20 to be reinstated all outstanding debt owed to the bureau of occupational  
21 licenses must be paid in full.

22 SECTION 3. An emergency existing therefor, which emergency is hereby  
23 declared to exist, this act shall be in full force and effect on and after its  
24 passage and approval.