

By: Representatives Broomfield, Fredericks, To: Ways and Means
Guice

HOUSE BILL NO. 152

1 AN ACT TO PROVIDE THAT A PERSON MUST BE LICENSED AS A
2 PROMOTER BY THE MISSISSIPPI ATHLETIC COMMISSION IN ORDER TO
3 PRODUCE OR STAGE A PROFESSIONAL BOXING MATCH IN MISSISSIPPI OR IN
4 ORDER TO SHOW IN MISSISSIPPI A PROFESSIONAL BOXING MATCH BY A
5 CLOSED CIRCUIT OR PAY-PER-VIEW TELECAST; TO PROVIDE THAT A
6 PROMOTER WHO IS CONDUCTING CLOSED CIRCUIT OR PAY-PER-VIEW EVENT
7 THAT IS TAXED PURSUANT TO THIS ACT SHALL POST A BOND CONDITIONED
8 THAT THE PROMOTER WILL CONDUCT HIMSELF IN ACCORDANCE WITH THE LAWS
9 OF THE STATE OF MISSISSIPPI, THE RULES AND REGULATIONS PRESCRIBED
10 BY THE MISSISSIPPI ATHLETIC COMMISSION AND THAT HE WILL PROMPTLY
11 PAY ALL TAXES WHEN DUE; TO PROVIDE THAT THE PROMOTER OF A CLOSED
12 CIRCUIT OR PAY-PER-VIEW TELECAST SHALL OBTAIN A PERMIT FOR SUCH
13 TELECAST FROM THE COMMISSION; TO PROVIDE FOR A TAX ON CLOSED
14 CIRCUIT AND PAY-PER-VIEW TELECASTS TO BE COLLECTED BY THE
15 MISSISSIPPI ATHLETIC COMMISSION; TO PROVIDE PENALTIES FOR
16 VIOLATIONS OF THIS ACT; AND FOR RELATED PURPOSES. BE IT ENACTED BY
17 THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

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19 SECTION 1. As used in this act:

20 (a) "Boxing" means to compete with the fists.

21 (b) "Broadcast" means any audio or visual transmission
22 sent by any means of signal within, into or from this state.

23 (c) "Closed circuit telecast" means any telecast which
24 is not intended to be available for viewing without the payment of
25 a fee, collected for or based upon such even viewed, for the
26 privilege of viewing the telecast and includes pay-per-view
27 telecasts.

28 (d) "Commission" means the Mississippi Athletic
29 Commission.

30 (e) "Contest" means a boxing engagement in which the
31 participants strive earnestly to win.

32 (f) "Face value" means the dollar value of a ticket or
33 order, which value shall reflect the dollar amount that the
34 customer is required to pay, or in the case of complimentary

35 tickets, would have been required to pay to purchase a ticket with
36 equivalent seating priority, in order to view the match.

37 (g) "Gross receipts" means the gross price charged for
38 the sale or lease of broadcasting, closed circuit or pay-per-view
39 rights without any deduction for commissions, brokerage fees,
40 production fees, distribution fees, advertising or other expenses
41 or charges, and shall include the face value of all tickets sold
42 and complimentary tickets redeemed.

43 (h) "Match" means any boxing contest or exhibition and
44 shall include, but not be limited to, sparring or practice
45 sessions to which the public is admitted for a fee.

46 (i) "Person" means an individual, corporation,
47 partnership, association or other organization.

48 (j) "Professional" means a person who has received or
49 competed for any purse or other article or value for participating
50 in a match.

51 (k) "Promoter" means any person who produces, arranges,
52 stages, holds or gives any match in Mississippi involving a
53 professional participant, or shows or causes to be shown in
54 Mississippi a closed circuit or pay-per-view telecast of any match
55 involving any professional participant whether or not the telecast
56 originates in Mississippi.

57 SECTION 2. (1) No person may act as or perform the services
58 of a promoter without first obtaining a license to do so from the
59 commission. The fee for a promoter's license shall be as provided
60 for in Section 75-75-105, Mississippi Code of 1972.

61 (2) A promoter's license may be issued to a natural person a
62 corporation or a partnership; provided however, that each officer
63 or partner shall submit an application for a permit and only those
64 officers or partners whose applications are on file with the
65 commission shall be entitled to negotiate or sign contracts
66 regarding matches conducted or shown in this state.

67 SECTION 3. (1) Prior to conducting an event which is
68 subject to the tax provided for in Section 5 of this act, a
69 promoter shall enter into a bond payable to the commission in an
70 amount of not less than Five Thousand Dollars (\$5,000.00) or equal
71 to the projected amount of the tax if the commission determines

72 that the projected amount of the tax will be greater than Five
73 Thousand Dollars (\$5,000.00). The bond shall be conditioned that
74 the promoter will conduct himself in accordance with the laws of
75 the State of Mississippi, that he will comply with the rules and
76 regulations prescribed by the commission, and that he will
77 promptly pay all taxes due pursuant to Section 5 of this act.

78 (2) As an alternative to entering into a bond as required by
79 this section, a promoter may, subject to the same conditions of
80 conduct required for bonds, deposit with the commission the
81 equivalent amount of the bond required in cash or securities. The
82 only securities allowable for this purpose are those which may
83 legally be purchased by a bank or for trust funds, having a market
84 value not less than that of the required bond. The deposit made
85 pursuant to this section shall be returned to the promoter sixty
86 (60) days after the event for which it was posted if all the
87 conditions of conduct have been met by the promoter.

88 SECTION 4. The promoter of a closed circuit or pay-per-view
89 telecast of a professional boxing match must first apply for, and
90 the commission must approve, a permit for such a telecast. The
91 application for a permit shall be on forms prescribed by the
92 commission and shall contain the date of the broadcast, the
93 origination address of the broadcast, a statement that the
94 applicant acknowledges responsibility for the payment of taxes to
95 the commission, the timeframe by which the post-event tax reports
96 must be filed, the portion of the closed circuit and pay-per-view
97 rights for which the promoter is acknowledging responsibility and
98 such other information as the commission may consider necessary to
99 carry out the provisions of this act. There shall be no charge by
100 the commission for a permit issued for a closed circuit or
101 pay-per-view telecast. The permit shall be filed at least thirty
102 (30) days prior to the date of the broadcast.

103 SECTION 5. (1) If the Mississippi distribution rights for a
104 closed circuit or pay-per-view telecast that is to be viewed in

105 this state are in whole owned by, sold to, acquired by or held by
106 any person who intends to or subsequently sells or in some other
107 manner extends such rights in part to another, then such person
108 shall be considered to be a promoter and shall, prior to the
109 telecast, obtain a license to act as such from the commission;
110 provided, however, that the commission may provide by rule, for
111 additional promoters to participate in the distribution rights and
112 share in the liability for tax payment pursuant to this section.
113 Closed circuit and pay-per-view telecasts of a boxing match shall
114 not be telecast from, or into Mississippi except under the
115 auspices of a promoter who has received a permit from the
116 commission to act as a promoter in this state and such promoter
117 shall be responsible for filing the appropriate reports and tax
118 payments with the commission.

119 (2) In the case of closed circuit telecasts other than
120 pay-per-view, the promoter shall notify the commission of the
121 names and addresses of all facilities to or through which the
122 closed circuit telecast will be shown fourteen (14) days prior to
123 the date of the closed circuit event, and shall provide daily
124 updates to the commission of any additions and deletions of
125 facilities.

126 (3) Any person or facility owner or operator intending to
127 show the closed circuit telecast, whether or not an admission fee
128 is charged, shall receive authorization to show the telecast for
129 the promoter prior to the telecast. The showing of a closed
130 circuit telecast without the authorization of the promoter is
131 prohibited.

132 (4) In the case of facilities at or through which the closed
133 circuit telecast was shown, other than a system operator's
134 pay-per-view facilities, the promoter shall, within eight (8)
135 calendar days after the telecast, file with the commission a
136 written report containing the name, address, telephone number,
137 contact person and the details of the payment arrangement for the

138 rights to receive the telecast for each facility to which the
139 broadcast was transmitted. The written report shall be
140 accompanied by a tax payment in an amount equal to six percent
141 (6%) of the total amount paid to the promoter for the right to
142 broadcast the telecast. The commission may require the owner or
143 operator of the facility where the telecast is being shown to file
144 a report containing the information regarding the amount paid to
145 the promoter for the right to broadcast the telecast, the quality
146 of the audio and video signal and such other information as the
147 commission may require.

148 (5) In the case of a system operator's pay-per-view
149 facilities at or through which a closed circuit telecast was
150 shown, the promoter shall, within fifteen (15) calendar days
151 following receipt of a notice of tax payment due by the
152 commission, pay to the commission a tax payment in an amount equal
153 to six percent (6%) of the total gross receipts excluding any
154 federal, state or local taxes. The commission shall require the
155 system operator to file reports containing information regarding
156 the number of orders sold and the price charged for such orders
157 and such other information as the commission shall require.

158 (6) Taxes collected by the commission pursuant to this
159 section shall be deposited into the special fund created pursuant
160 to Section 75-75-114, Mississippi Code of 1972.

161 SECTION 6. Any promoter, facility owner or operator, or
162 system operator who intentionally makes a false or fraudulent
163 report required pursuant to this act shall be guilty of a
164 misdemeanor, and, upon conviction thereof, shall be punished as
165 provided in Section 99-19-31, Mississippi Code of 1972.

166 SECTION 7. Any promoter, facility owner or operator or
167 system operator who intentionally fails to make a report or to pay
168 the taxes as required by this act shall be guilty of a
169 misdemeanor, and upon conviction thereof, shall be punished as
170 provided by Section 99-19-31.

171 SECTION 8. This act shall take effect and be in force from
172 and after its passage.