

SENATE BILL NO. 442

INTRODUCED BY S. BROWN, HIMSL

BY REQUEST OF THE LEGISLATIVE AUDIT COMMITTEE

IN THE SENATE

February 12, 1981	Introduced and referred to Committee on Local Government.
February 20, 1981	Committee recommend bill do pass as amended. Report adopted.
February 21, 1981	Bill printed and placed on members' desks.
February 23, 1981	Second reading, do pass.
February 24, 1981	Correctly engrossed.
February 25, 1981	Third reading, passed. Ayes, 50; Noes, 0. Transmitted to House.

IN THE HOUSE

March 3, 1981	Introduced and referred to Committee on Local Government.
March 10, 1981	Rereferred to Committee on State Administration.
March 24, 1981	Committee recommend bill be concurred in as amended. Report adopted.
March 28, 1981	Second reading, concurred in.
March 30, 1981	On motion rules suspended and bill allowed to be transmitted on 71st legislative day. Motion adopted.

March 31, 1981

Third reading, concurred in
as amended. Ayes, 67; Noes, 32.

IN THE SENATE

April 1, 1981

Returned from House with
amendments.

April 10, 1981

Second reading, amendments
concurred in.

April 11, 1981

Third reading, amendments
concurred in. Ayes, 47;
Noes, 1. Sent to enrolling.

Reported correctly enrolled.

1 *Senate* BILL NO. *442*
 2 INTRODUCED BY *JEFF BROWN*
 3 BY REQUEST OF THE LEGISLATIVE AUDIT COMMITTEE
 4

5 A BILL FOR AN ACT ENTITLED: "AN ACT TO PROVIDE FOR COUNTY
 6 AND MUNICIPAL REGULATION OF BOXING AND WRESTLING MATCHES;
 7 REQUIRING PERMITS THEREFOR; REQUIRING SAFETY RULES;
 8 AUTHORIZING THE COLLECTION OF TAXES ON THE PROCEEDS OF SUCH
 9 EVENTS; AND REPEALING SECTION 7-21-4211, MCA."

10
 11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

12 Section 1. Local government permits for boxing and
 13 wrestling matches -- safety -- tax. (1) No person may
 14 sponsor or promote any prizefight or public sparring,
 15 boxing, or wrestling match or exhibition without a permit
 16 issued and in effect as provided in this section. No person
 17 may provide physical facilities for or act as a second or
 18 principal in any prizefight or public sparring, boxing, or
 19 wrestling match or exhibition, knowing or having reasonable
 20 cause to believe that the sponsor or promotor of such event
 21 does not have a permit issued and in effect as provided in
 22 this section.

23 (2) A local government may permit and regulate
 24 prizefights or public sparring, boxing, or wrestling matches
 25 or exhibitions subject to the following:

1 (a) The local government governing body must, prior to
 2 the issuance of any permit, adopt rules, by ordinance,
 3 governing prizefights and public sparring, boxing, and
 4 wrestling matches. The rules shall provide reasonable
 5 measures for the fair conduct of the matches or exhibitions
 6 and for the protection of the health and safety of the
 7 principals. The rules shall require a physical examination
 8 of each principal prior to each match or exhibition and the
 9 attendance of a licensed physician at ringside.

10 (b) The local government governing body shall require
 11 a permittee to provide a surety bond in an amount determined
 12 sufficient by the governing body. Any person injured by the
 13 willful, malicious, or wrongful act of the permittee may
 14 bring an action on the surety bond in his own name to
 15 recover damages suffered as a result of such act by the
 16 permittee.

17 (c) The local government may charge the permittee a
 18 fee, commensurate with the cost of providing the
 19 certificate.

20 (d) For an event under this section, only one permit
 21 is required. A county shall regulate such events within the
 22 county but not within a municipality, and a municipality
 23 shall regulate such events within its municipal boundaries.

24 (3) A local government may levy a tax, at a rate
 25 determined by the local government governing body, on the

1 gross proceeds of an event for which they have issued a
2 permit under the provisions of this section. The proceeds of
3 the tax shall be paid into the general fund of the local
4 government.

5 (4) Nothing in this section may be construed to
6 require a permit or tax for sparring, boxing, or wrestling
7 matches or exhibitions held as a part of an organized
8 amateur athletic program or as a part of the athletic
9 program of a school or college. However, such an event must
10 be conducted fairly and with reasonable measures to protect
11 the health and safety of the participants.

12 (5) Any person who violates any provision of this
13 section is guilty of a misdemeanor and is punishable as
14 provided in 46-18-212.

15 Section 2. Repealer. Section 7-21-4211, MCA, is
16 repealed.

-End-

Approved by Comm.
on Local Government

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17 may provide physical facilities for or act as a second or
18 principal in any prizefight or public sparring, boxing, or
19 wrestling match or exhibition, knowing or having reasonable
20 cause to believe that the sponsor or promotor of such event
21 does not have a permit issued and in effect as provided in
22 this section.

23 (2) A local government may permit and regulate
24 prizefights or public sparring, boxing, or wrestling matches
25 or exhibitions subject to the following:

1 (a) The local government governing body must, prior to
2 the issuance of any permit, adopt rules, by ordinance OR
3 RESOLUTION, governing prizefights and public sparring,
4 boxing, and wrestling matches. The rules shall provide
5 reasonable measures for the fair conduct of the matches or
6 exhibitions and for the protection of the health and safety
7 of the principals. The rules shall require a physical
8 examination of each principal prior to each match or
9 exhibition and the attendance of a licensed physician at
10 ringside AND SHALL PROVIDE FOR THE QUALIFICATIONS OF JUDGES,
11 REFEREES, AND SECONDS AND FOR THE PAYMENT OF SUCH OFFICIALS
12 BY THE PROMOTER.

13 (b) The local government governing body shall require
14 a permittee to provide a surety bond in an amount determined
15 sufficient by the governing body. Any person injured by the
16 willful, malicious, or wrongful act of the permittee may
17 bring an action on the surety bond in his own name to
18 recover damages suffered as a result of such act by the
19 permittee.

20 (c) The local government may charge the permittee a
21 fee, commensurate with the cost of providing the
22 certificate.

23 (d) For an event under this section, only one permit
24 is required. A county shall regulate such events within the
25 county but not within a municipality, and a municipality

1 shall regulate such events within its municipal boundaries.

2 (3) A local government may levy a tax, at a rate
3 determined by the local government governing body, on the
4 gross proceeds of an event for which they have issued a
5 permit under the provisions of this section. The proceeds of
6 the tax shall be paid into the general fund of the local
7 government.

8 (4) Nothing in this section may be construed to
9 require a permit or tax for sparring, boxing, or wrestling
10 matches or exhibitions held as a part of an organized
11 amateur athletic program or as a part of the athletic
12 program of a school or college. However, such an event must
13 be conducted fairly and with reasonable measures to protect
14 the health and safety of the participants.

15 (5) Any person who violates any provision of this
16 section is guilty of a misdemeanor and is punishable as
17 provided in 46-18-212.

18 Section 2, Repealer, Section 7-21-4211, MCA, is
19 repealed.

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21 does not have a permit issued and in effect as provided in
22 this section.

23 (2) A local government may permit and regulate
24 prizefights or public sparring, boxing, or wrestling matches
25 or exhibitions subject to the following:

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2 the issuance of any permit, adopt rules, by ordinance OR
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16 willful, malicious, or wrongful act of the permittee may
17 bring an action on the surety bond in his own name to
18 recover damages suffered as a result of such act by the
19 permittee.

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24 is required. A county shall regulate such events within the
25 county but not within a municipality, and a municipality

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3 determined by the local government governing body, on the
4 gross proceeds of an event for which they have issued a
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6 the tax shall be paid into the general fund of the local
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22 does not have a permit issued and in effect as provided in
23 this section.

24 (2) A local government may permit and regulate
25 prizefights or public sparring, boxing, or wrestling matches

1 or exhibitions subject to the following:

2 (a) The local government governing body must, prior to
3 the issuance of any permit, adopt rules, by ordinance OR
4 RESOLUTION, governing prizefights and public sparring,
5 boxing, and wrestling matches. The rules shall MEET OR
6 EXCEED THE SAFETY CODES REQUIRED BY RECOGNIZED PROFESSIONAL
7 BOXING AND WRESTLING ORGANIZATIONS AND provide reasonable
8 measures for the fair conduct of the matches or exhibitions
9 and for the protection of the health and safety of the
10 principals. The rules shall require a physical examination
11 of each principal prior to each match or exhibition and the
12 attendance of a licensed physician at ringside AND SHALL
13 PROVIDE FOR THE QUALIFICATIONS OF JUDGES, REFEREES, AND
14 SECONDS AND FOR THE PAYMENT OF SUCH OFFICIALS BY THE
15 PROMOTER.

16 (b) The local government governing body shall require
17 a permittee to provide a surety bond OR CASH DEPOSIT in an
18 amount determined sufficient by the governing body. Any
19 person injured by the willful, malicious, or wrongful act of
20 the permittee may bring an action on the surety bond OR
21 DEPOSIT in his own name to recover damages suffered as a
22 result of such act by the permittee.

23 (c) The local government may charge the permittee a
24 fee, commensurate with the cost of providing the
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19 section is guilty of a misdemeanor and is punishable as
20 provided in 46-18-212.

21 Section 2. Repealer. Section 7-21-4211, MCA, is
22 repealed.

23 SECTION 3. EFFECTIVE DATE. THIS ACT IS EFFECTIVE JULY
24 1, 1981.

-End-

HOUSE AMENDMENTS TO SB 442

1. Title, line 9.

Following: ";"

Strike: "AND"

Following: "MCA"

Insert: "; AND PROVIDING AN EFFECTIVE DATE"

2. Page 2, line 4.

Following: "shall"

Insert: "meet or exceed the safety codes required by
recognized professional boxing and wrestling
organizations and"

3. Page 2, line 14.

Following: "bond"

Insert: "or cash deposit"

4. Page 2, line 17.

Following: "bond"

Insert: "or deposit"

5. Page 3.

Following: line 19

Insert: "Section 3. Effective Date. This act is
effective July 1, 1981."