

NEW SECTION. Sec. 5. In cases where there are unanticipated demands for auditing services or where there are insufficient funds on hand or available for payment through the auditing services revolving fund or in other cases of necessity, the state auditor may request payment for auditing services directly from state departments for whom the services are performed to the extent that revenues or other funds are available. Upon approval by the director of financial management the state department shall make the requested payment. The payment may be made on either an advance or reimbursable basis as approved by the director of financial management.

Sec. 6. Section 43.09.290, chapter 8, Laws of 1965 and RCW 43.09.290 are each amended to read as follows:

For the purposes of RCW 43.09.290 through 43.09.340 and sections 1 through 5 of this 1981 act, post-audit means an annual audit of the books, records, funds, and financial transactions of a state department for a complete fiscal period; pre-audit means all other audits and examinations; state department means elective officers and offices, and every other office, officer, department, board, council, committee, commission, authority, or agency of the state government now existing or hereafter created, supported, wholly or in part, by appropriations from the state treasury or funds under its control, or by the levy, assessment, collection, or receipt of fines, penalties, fees, licenses, sales of commodities, service charges, rentals, grants-in-aid, or other income provided by law, and all state educational, penal, reformatory, charitable, eleemosynary, or other institutions, supported, wholly or in part, by appropriations from the state treasury or funds under its control.

NEW SECTION. Sec. 7. Sections 1 through 5 of this act are each added to chapter 43.09 RCW.

NEW SECTION. Sec. 8. This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect on July 1, 1981.

Passed the Senate April 24, 1981.

Passed the House April 20, 1981.

Approved by the Governor May 19, 1981.

Filed in Office of Secretary of State May 19, 1981.

CHAPTER 337

[Engrossed Senate Bill No. 3646]

STATE BOXING COMMISSION—TERMINATION DATE

AN ACT Relating to athletics; amending section 1, chapter 184, Laws of 1933 and RCW 67.08.001; amending section 3, chapter 184, Laws of 1933 and RCW 67.08.005; amending section 7, chapter 184, Laws of 1933 as amended by section 2, chapter 48, Laws of 1975-76 2nd ex. sess. and RCW 67.08.010; amending section 2, chapter 9, Laws of 1977 and

RCW 67.08.015; amending section 11, chapter 184, Laws of 1933 and RCW 67.08.050; amending section 12, chapter 184, Laws of 1933 as last amended by section 154, chapter 34, Laws of 1975-'76 2nd ex. sess. and RCW 67.08.060; amending section 15, chapter 184, Laws of 1933 and RCW 67.08.090; amending section 17, chapter 184, Laws of 1933 and RCW 67.08.110; amending section 18, chapter 184, Laws of 1933 and RCW 67.08.120; amending section 22, chapter 184, Laws of 1933 as last amended by section 7, chapter 305, Laws of 1959 and RCW 67.08.140; adding a new section to chapter 67.08 RCW; repealing section 11, chapter 99, Laws of 1979 and RCW 43.131.169; repealing section 53, chapter 99, Laws of 1979 and RCW 43.131.170; providing an expiration date; and declaring an emergency.

Be it enacted by the Legislature of the State of Washington:

*Section 1. Section 1, chapter 184, Laws of 1933 and RCW 67.08.001 are each amended to read as follows:

(1) For the purposes of this chapter:

(a) "Boxing" includes, but is not limited to, wrestling, sumo, judo, and karate in addition to fisticuffs; and

(b) A "contest" includes events involving competitors engaged for a purse or other significant award to the winner, but does not include exhibitions or performances which amount to merely entertainment.

(2) There is hereby created and established a state commission to be known and designated as the "state ((athletic)) boxing commission" and in this chapter referred to as the commission. The commission shall be composed of three members who shall be appointed by the governor and shall be subject to removal at the pleasure of the governor. The members of the first commission to be appointed after June 7, 1933, shall be appointed for the terms beginning July 1, 1933, and expiring as follows: One commissioner for the term expiring January 31, 1934, one commissioner for the term expiring January 31, 1935, and one commissioner for the term expiring January 31, 1936. Each of the first commissioners appointed shall hold office until his successor is appointed and qualified. Upon the expiration of the terms of the three commissioners first appointed, each succeeding commissioner shall be appointed to hold office for a term of four years and until his successor shall have been appointed and qualified. In case of a vacancy, it shall be filled by the appointment by the governor for the unexpired portion of the term in which such vacancy occurs.

(3) The purpose of the commission is to ensure that all reasonable precautions are taken to prevent permanent injury to contest participants, to assure that such contests are free from fraud, collusion, and dishonesty, and to collect the proper revenues due the state under this chapter.

*Section 1 was partially vetoed, see message at end of chapter.

Sec. 2. Section 3, chapter 184, Laws of 1933 and RCW 67.08.005 are each amended to read as follows:

The first members of the commission shall meet at such time and place, not more than thirty days after their appointment as shall be designated by the governor and shall organize by electing a chairman and an executive secretary and adopt rules and regulations for the conduct of their meetings.

A majority of the members of the commission shall constitute a quorum for the transaction of business. A general office for the transaction of business of the commission shall be designated. The commission may hold meetings and conduct business at such times and places as they may deem necessary.

***Sec. 3. Section 7, chapter 184, Laws of 1933 as amended by section 2, chapter 48, Laws of 1975-'76 2nd ex. sess. and RCW 67.08.010 are each amended to read as follows:**

The commission shall have power to issue and for cause to revoke a license to conduct boxing contests (~~((or sparring or wrestling matches or exhibitions))~~), including a simultaneous telecast of any live, current, or spontaneous boxing(~~(, sparring or wrestling)~~) match or performance on a closed circuit telecast within this state, whether originating in this state or elsewhere, and for which a charge is made, as (~~herein~~) provided in this section under such terms and conditions and at such times and places as the commission may determine. Such licenses shall entitle the holder thereof to conduct boxing contests (~~(and sparring and/or wrestling matches and exhibitions)~~) under such terms and conditions and at such times and places as the commission may determine. In case the commission shall refuse to grant a license to any applicant, or shall cancel any license, such applicant, or the holder of such canceled license shall be entitled, upon application, to a hearing to be held not less than sixty days after the filing of such order at such place as the commission may designate: PROVIDED, HOWEVER, That if it has been found by a valid finding and such finding is fully set forth in such order, that the applicant or licensee has been guilty of disobeying any provision of this chapter, such hearing shall be denied.

*Sec. 3. was vetoed, see message at end of chapter.

***Sec. 4. Section 2, chapter 9, Laws of 1977 and RCW 67.08.015 are each amended to read as follows:**

The commission shall have power and it shall be its duty to direct, supervise, and control all (~~(boxing contests or sparring and wrestling matches or exhibitions)~~) nonexhibition professional combat contests including, but not limited to, boxing, wrestling, sumo, judo, and karate conducted within the state and no such (~~(boxing)~~) contest(~~(, sparring or wrestling match or exhibition)~~) shall be held or given within this state except in accordance with the provisions of this chapter. The commission may, in its discretion, issue and for cause revoke a license to conduct, hold, or give boxing(~~(, sparring and/or wrestling contests, matches, and exhibitions)~~) contests where an admission fee is charged by any club, corporation, organization, association, or fraternal society: PROVIDED, HOWEVER, That all boxing contests(~~(, sparring or wrestling matches or exhibitions)~~) which:

(1) Are conducted by any common school, college, or university, whether public or private, or by the official student association thereof, whether on or

off the school, college, or university grounds, where all the participating contestants are bona fide students enrolled in any common school, college, or university, within or without this state, or

(2) Are entirely amateur events promoted on a nonprofit basis or for charitable purposes;

shall not be subject to the provisions of this chapter: PROVIDED, FURTHER, That every contestant in any boxing contest(~~(; sparring or wrestling match)~~) not conducted under the provisions of this chapter, prior to engaging in any such contest or match, shall be examined by a practicing physician at least once in each calendar year or, where such contest is conducted by a common school, college, or university as further described in this section, once in each academic year in which instance such physician shall also designate the maximum and minimum weights at which such contestant shall be medically certified to participate: PROVIDED FURTHER, That no contestant shall be permitted to participate in any such boxing contest(~~(; sparring or wrestling match or exhibition)~~) in any weight classification other than that or those for which he is certificated: PROVIDED FURTHER, That the organizations exempted by this section from the provisions of this chapter shall be governed by RCW 67.08.080 as said section applies to boxing contests(~~(; sparring or wrestling matches or exhibitions)~~) conducted by organizations exempted by this section from the general provisions of this chapter. No boxing contest (~~(or sparring or wrestling match or exhibition)~~) shall be conducted within the state except pursuant to a license issued in accordance with the provisions of this chapter and the rules and regulations of the commission except as (~~hereinabove~~) provided in this section.

*Sec. 4. was vetoed, see message at end of chapter.

*Sec. 5. Section 11, chapter 184, Laws of 1933 and RCW 67.08.050 are each amended to read as follows:

Any licensee (~~as herein provided~~) shall within three days prior to the holding of any boxing contest (~~(or sparring and/or wrestling match or exhibition)~~) file with the commission a statement setting forth the name of each contestant, his manager, or managers and such other information as the commission may require, and shall, within seventy-two hours after the termination of any contest file with the commission a written report, duly verified as the commission may require showing the number of tickets sold for such contest, the price charged for such tickets and the gross proceeds thereof, and such other and further information as the commission may require. Such licensee shall pay to the commission at the time of filing the above report a tax equal to five percent of such gross receipts and said five percent of such gross receipts shall be immediately paid by the commission into the (~~state athletic~~) general fund of the state of Washington (~~(which is hereby created)~~).

*Sec. 5. was vetoed, see message at end of chapter.

***Sec. 6. Section 12, chapter 184, Laws of 1933 as last amended by section 154, chapter 34, Laws of 1975-76 2nd ex. sess. and RCW 67.08.060 are each amended to read as follows:**

The commission may appoint official inspectors at least one of which, in the absence of a member of the commission, shall be present at any boxing contest (~~(or sparring and/or wrestling match or exhibition)~~) held under the provisions of this chapter. Such inspectors shall carry a card signed by the chairman of the commission evidencing their authority. It shall be their duty to see that all rules and regulations of the commission and the provisions of this chapter are strictly complied with and to be present at the accounting of the gross receipts of any contest, and such inspector is authorized to receive from the licensee conducting the contest the statement of receipts (~~(herein)~~) provided for in RCW 67.08.050 and to immediately transmit such reports to the commission. Each inspector shall receive a fee from the licensee to be set by the athletic commission for each contest officially attended. Each inspector shall also receive from the state travel expenses in accordance with RCW 43.03.050 and 43.03.060 as now existing or hereafter amended.

***Sec. 6. was vetoed, see message at end of chapter.**

***Sec. 7. Section 15, chapter 184, Laws of 1933 and RCW 67.08.090 are each amended to read as follows:**

Each contestant for boxing(~~(, sparring or wrestling)~~) shall be examined within eight hours prior to the contest by a competent physician appointed by the commission. The physician shall forthwith and before such contest report in writing and over his signature the physical condition of each and every contestant to the commissioner or inspector present at such contest. No contestant whose physical condition is not approved by the examining physician shall be permitted to participate in any contest. Blank forms of physicians' reports shall be provided by the commission and all questions upon such blanks shall be answered in full. The examining physician shall be paid a fee designated by the commission by the licensee conducting such match or exhibition. No boxing contest (~~(or sparring or wrestling match or exhibition)~~) shall be held unless a licensed physician of the commission or his duly appointed representative, shall be present throughout the contest.

Any practicing physician and surgeon may be selected by the board as the examining physician. Such physician present at such contest shall have authority to stop any contest when in his opinion it would be dangerous to a contestant to continue, and in such event it shall be his duty to stop such contest. If he has acted as examining physician he shall receive no fee for being present at such contest.

***Sec. 7. was vetoed, see message at end of chapter.**

***Sec. 8. Section 17, chapter 184, Laws of 1933 and RCW 67.08.110 are each amended to read as follows:**

Any person or any member of any group of persons or corporation promoting (~~wrestling or~~) boxing (~~(exhibitions or)~~) contests who shall participate

directly or indirectly in the purse or fee of any manager of (~~any boxers or wrestlers or~~) any (~~boxer or any wrestler~~) contestant and any licensee who shall conduct or participate in any sham or fake boxing contest (~~or sparring or wrestling match or exhibition~~) shall thereby forfeit its license and the commission shall declare such (~~licensee license~~) license canceled and void and such licensee shall not thereafter be entitled to receive (~~another such~~, or) any license issued pursuant to the provisions of this chapter.

*Sec. 8. was vetoed, see message at end of chapter.

**Sec. 9. Section 18, chapter 184, Laws of 1933 and RCW 67.08.120 are each amended to read as follows:*

Any contestant who shall participate in any sham or fake boxing contest (~~or sparring or wrestling match or exhibition~~) or violate any rule or regulation of the commission shall be penalized in the following manner: For the first offense he shall be restrained by order of the commission for a period of not less than three months from participating in any contest held under the provisions of this chapter, such suspension to take effect immediately after the occurrence of the offense; for any second offense such contestant shall be forever suspended from participation in any contest held under the provisions of this chapter.

*Sec. 9. was vetoed, see message at end of chapter.

**Sec. 10. Section 22, chapter 184, Laws of 1933 as last amended by section 7, chapter 305, Laws of 1959 and RCW 67.08.140 are each amended to read as follows:*

Any person, club, corporation, organization, association, or fraternal society conducting within this state boxing(~~, sparring, or wrestling~~) contests (~~or exhibitions~~) without having first obtained a license therefor (~~in the manner provided~~) where required by this chapter shall be guilty of a misdemeanor excepting such contests excluded from the operation of this chapter by RCW 67.08.015. The attorney general, each prosecuting attorney, the athletic commission, or any citizen of any county where any person, club, corporation, organization, association, or fraternal society shall threaten to hold, or appears likely to hold athletic contests or exhibitions in violation of this chapter, may in accordance with the laws of this state governing injunctions, enjoin such person, club, corporation, organization, association, or fraternal society from holding such contest or exhibition.

*Sec. 10. was vetoed, see message at end of chapter.

NEW SECTION. Sec. 11. There is added to chapter 67.08 RCW a new section to read as follows:

The state boxing commission shall cease to exist on June 30, 1987, unless extended by law indefinitely or for an additional fixed period of time. The legislative budget committee shall cause a performance audit to be conducted of the state boxing commission. The final audit report shall be

available to the legislature at least six months prior to the scheduled termination date. The audit shall include, but is not limited to, objective findings of fact, conclusions and recommendations as to continuation, modification, or termination of the state boxing commission.

NEW SECTION. Sec. 12. The following acts or parts of acts are each repealed:

- (1) Section 11, chapter 99, Laws of 1979 and RCW 43.131.169; and
- (2) Section 53, chapter 99, Laws of 1979 and RCW 43.131.170.

NEW SECTION. Sec. 13. This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately.

Passed the Senate April 24, 1981.

Passed the House April 20, 1981.

Approved by the Governor May 19, 1981, with the exception of certain items which are vetoed.

Filed in Office of Secretary of State May 19, 1981.

Note: Governor's explanation of partial veto is as follows:

"I am returning herewith without my approval as to Sections 1(1)(b), 1(3), 3, 4, 5, 6, 7, 8, 9, and 10 Senate Bill No. 3646 entitled:

"AN ACT Relating to athletics."

The aforementioned sections remove professional wrestling from regulation under the State Athletic Commission (renamed the "State Boxing Commission"). I feel that wrestling should remain under the auspices of the Commission, which promotes safety and honesty in boxing and wrestling events.

The reason I have approved the Commission's new name ("State Boxing Commission") is that Section 11, which extends the sunset of the Commission to 1987, refers to the Commission by its new name.

With the exceptions of the aforementioned sections, the remainder of the bill is approved.

CHAPTER 338

[Engrossed Senate Bill No. 3000]

GUBERNATORIAL APPOINTEES

AN ACT Relating to gubernatorial appointees; amending section 2, chapter 250, Laws of 1957 and RCW 38.12.010; amending section 43.43.020, chapter 8, Laws of 1965 as amended by section 1, chapter 80, Laws of 1973 1st ex. sess. and RCW 43.43.020; amending section 5, chapter 202, Laws of 1973 1st ex. sess. as last amended by section 14, chapter 146, Laws of 1980 and RCW 43.43.858; amending section 43.78.010, chapter 8, Laws of 1965 and RCW 43.78.010; amending section 11, chapter 5, Laws of 1965 as last amended by section 125, chapter 34, Laws of 1975-'76 2nd ex. sess. and RCW 43.99.110; amending section 5, chapter 219, Laws of 1973 1st ex. sess. as amended by section 128, chapter 34, Laws of 1975-'76 2nd ex. sess. and RCW 43.105.032; amending section 2, chapter 270, Laws of 1955 as amended by section 5, chapter 37, Laws of 1957 and RCW 49.60.050; amending section 51.52.010, chapter 23, Laws of 1961 as last amended by section 74, chapter 350, Laws of 1977 ex. sess. and RCW 51.52.010; amending section 77.04.030, chapter 36, Laws of 1955 as amended by section 4, chapter 78, Laws of 1980 and RCW