

property or roads shall not be affected.

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CHAPTER 186
[Engrossed Senate Bill No. 392]
PUBLIC DISORDER, DISASTER, RIOT--
STATE OF EMERGENCY--POWERS
OF GOVERNOR--OFFENSES

AN ACT Relating to state government; crimes and disorder; creating a new chapter; amending section 43.06.010, chapter 8, Laws of 1965 and RCW 43.06.010; and providing penalties.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

NEW SECTION. Section 1. Unless a different meaning is plainly required by the context, the following words and phrases as herein-after used in this act shall have the following meaning:

"State of emergency" means an emergency proclaimed as such by the governor pursuant to section 8 of this act.

"Governor" means the governor of this state or, in case of his removal, death, resignation or inability to discharge the powers and duties of his office, then the person who may exercise the powers of governor pursuant to the Constitution and laws of this state relating to succession in office.

"Criminal offense" means any prohibited act for which any criminal penalty is imposed by law and includes any misdemeanor, gross misdemeanor, or felony.

NEW SECTION. Sec. 2. The proclamation of a state of emergency and other proclamations or orders issued by the governor pursuant to this act shall be in writing and shall be signed by the governor and shall then be filed with the secretary of state. The governor shall give as much public notice as practical through the news media of the issuance of proclamations or orders pursuant to this act. The state of emergency shall cease to exist upon the issuance of a proclamation of the governor declaring its termination: PROVIDED, That the governor must terminate said state of emergency proclamation when order has

been restored in the area affected.

NEW SECTION. Sec. 3. The governor after proclaiming a state of emergency and prior to terminating such, may, in the area described by the proclamation issue an order prohibiting:

(1) Any person being on the public streets, or in the public parks, or at any other public place during the hours declared by the governor to be a period of curfew;

(2) Any number of persons, as designated by the governor, from assembling or gathering on the public streets, parks, or other open areas of this state, either public or private;

(3) The manufacture, transfer, use, possession or transportation of a molotov cocktail or any other device, instrument or object designed to explode or produce uncontained combustion;

(4) The transporting, possessing or using of gasoline, kerosene, or combustible, flammable, or explosive liquids or materials in a glass or uncapped container of any kind except in connection with the normal operation of motor vehicles, normal home use or legitimate commercial use;

(5) The possession of firearms or any other deadly weapon by a person (other than a law enforcement officer) in a place other than that person's place of residence or business;

(6) The sale, purchase or dispensing of alcoholic beverages;

(7) The sale, purchase or dispensing of other commodities or goods, as he reasonably believes should be prohibited to help preserve and maintain life, health, property or the public peace;

(8) The use of certain streets, highways or public ways by the public; and

(9) Such other activities as he reasonably believes should be prohibited to help preserve and maintain life, health, property or the public peace.

In imposing the restrictions provided for by this act, the governor may impose them for such times, upon such conditions, with such exceptions and in such areas of this state he from time to time

deems necessary.

Any person wilfully violating any provision of an order issued by the governor under this section shall be guilty of a gross misdemeanor.

NEW SECTION. Sec. 4. After the proclamation of a state of emergency as provided in section 8, any person who maliciously destroys or damages any real or personal property or maliciously injures another shall be guilty of a felony and upon conviction thereof shall be imprisoned in the state penitentiary for not less than two years nor more than ten years.

NEW SECTION. Sec. 5. After the proclamation of a state of emergency pursuant to section 8 of this act, every person who:

(1) Wilfully causes public inconvenience, annoyance, or alarm, or recklessly creates a risk thereof, by:

(a) engaging in fighting or in violent, tumultuous, or threatening behavior; or

(b) Making an unreasonable noise or an offensively coarse utterance, gesture, or display, or addressing abusive language to any person present; or

(c) dispersing any lawful procession or meeting of persons, not being a peace officer of this state and without lawful authority; or

(d) creating a hazardous or physically offensive condition which serves no legitimate purpose; or

(2) Engages with at least one other person in a course of conduct as defined in subsection (1) of this section which is likely to cause substantial harm or serious inconvenience, annoyance, or alarm, and refuses or knowingly fails to obey an order to disperse made by a peace officer shall be guilty of disorderly conduct and be punished by imprisonment in the county jail for not more than one year or fined not more than one thousand dollars or by both fine and imprisonment.

NEW SECTION. Sec. 6. Any person on any public way or any

public property, within the area described in the state of emergency, who is directed by a public official to leave the public way or public property and refuses to do so shall be guilty of a misdemeanor.

NEW SECTION. Sec. 7. After the proclamation of a state of emergency as provided in section 8 of this act any person sixteen years of age or over who violates any provision of this act shall be prosecuted as an adult.

Sec. 8. Section 43.06.010, chapter 8, Laws of 1965 and RCW 43.06.010 are each amended to read as follows:

In addition to those prescribed by the constitution, the governor may exercise the powers and perform the duties prescribed in this and the following sections:

(1) He shall supervise the conduct of all executive and ministerial offices;

(2) He shall see that all offices are filled, and the duties thereof performed, or in default thereof, apply such remedy as the law allows; and if the remedy is imperfect, acquaint the legislature therewith at its next session;

(3) He shall make the appointments and supply the vacancies mentioned in this title;

(4) He is the sole official organ of communication between the government of this state and the government of any other state or territory, or of the United States;

(5) Whenever any suit or legal proceeding is pending against this state, or which may affect the title of this state to any property, or which may result in any claim against the state, he may direct the attorney general to appear on behalf of the state, and report the same to him, or to any grand jury designated by him, or to the legislature when next in session;

(6) He may require the attorney general or any prosecuting attorney to inquire into the affairs or management of any corporation existing under the laws of this state, or doing business in this state, and report the same to him, or to any grand jury designated by

him, or to the legislature when next in session;

(7) He may require the attorney general to aid any prosecuting attorney in the discharge of his duties;

(8) He may offer rewards, not exceeding one thousand dollars in each case, payable out of the state treasury, for the apprehension of any person convicted of a felony who has escaped from the state prison or of any person who has committed or is charged with the commission of a felony;

(9) He shall perform such duties respecting fugitives from justice as are prescribed by law;

(10) He shall issue and transmit election proclamations as prescribed by law;

(11) He may require any officer or board to make, upon demand, special reports to him, in writing;

(12) (~~He may control or suppress riots or unlawful strikes, or any unlawful assembly of ten or more persons, when by such riot, unlawful strike, or unlawful assembly any persons are attempting to commit a felony, or inciting others to commit such crime, or any person or persons are in imminent danger of losing either life or property. Before taking any such action, the governor shall first notify and request the local authorities to suppress such riot, unlawful strike, or unlawful assembly, and if they fail, refuse, neglect, or are unable to do so, he shall issue his proclamation commanding relation to acts and duties to be performed by others towards him, extends to the person performing for the time being the duties of governor~~) He may, after finding that a public disorder, disaster or riot exists within this state or any part thereof which affects life, health, property or the public peace, proclaim a state of emergency in the area affected and the powers granted him during a state of emergency shall be effective only within the area described in the proclamation.

NEW SECTION. Sec. 9. The governor may in his discretion order the state militia pursuant to chapter 38.08 RCW or the state

patrol to assist local officials to restore order in the area described in the proclamation of a state of emergency.

NEW SECTION. Sec. 10. The provisions of this act shall be cumulative to and shall not operate to repeal any other laws, or local ordinances, except those specifically mentioned in this act.

NEW SECTION. Sec. 11. If any provision of this act, or its application to any person or circumstance is held invalid, the remainder of the act, or the application of the provision to other persons or circumstances is not affected.

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CHAPTER 187
[Senate Bill No. 488]
CAPITOL IMPROVEMENTS AND PROJECTS

AN ACT Relating to capital improvements and projects; redesignating the object for which an appropriation has been made; and amending section 6, chapter 148, Laws of 1967 ex.sess. and RCW 43.83.100.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

Section 1. Section 6, chapter 148, Laws of 1967 ex.sess. and RCW 43.83.100 are each amended to read as follows:

The following sums, or so much thereof as may be necessary, are appropriated from the state building and higher education construction account: PROVIDED, That the legislature may reappropriate the unexpended balance from any project for other projects within the scope of RCW 43.83.090.

For the Department of General Administration

Construct and equip addition to state library \$ 562,113

For the Washington Correction Center

Construct and equip honor housing for
270 inmates \$ 1,875,630

For the Maple Lane School

Construct and equip treatment security unit \$ -264,970