

unless upon appeal the owner or party interested recovers a greater amount of damages; and in that case the state shall be liable only for the amount in excess of the sum paid into court and the costs of appeal.

On appeal to
supreme
court status
quo pre-
served.

In the event of an appeal to the supreme court of the state by any party to the proceedings, the moneys paid into the superior court by the state pursuant to this section shall remain in the custody of the court until the final determination of the proceedings by the supreme court.

[Am. R.R.S. § 897.]

Passed the Senate March 8, 1951.

Passed the House March 5, 1951.

Approved by the Governor March 16, 1951.

CHAPTER 178.

[S. B. 244.]

WASHINGTON CIVIL DEFENSE ACT OF 1951.

AN ACT relating to and providing for the establishment of a state civil defense agency and other organizations for civil defense within this state; granting certain executive powers with respect thereto and for related purposes; repealing chapter 177, Laws of 1941, chapters 6 and 24, Laws of 1943, and chapter 88, Laws of 1949; making an appropriation; and declaring an emergency.

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

Short title.

SECTION 1. This act may be cited as the Washington Civil Defense Act of 1951.

Declaration
of purpose.

SEC. 2. (1) Because of the existing and increasing possibility of the occurrence of disasters of unprecedented size and destructiveness resulting from enemy attack, sabotage or other hostile action, or from fire, flood, storm, earthquake, or other natural causes, and in order to insure that preparations of this state will be adequate to deal with such disas-

ters, and generally to provide for the common defense and to protect the public peace, health, and safety, and to preserve the lives and property of the people of the state, it is hereby found and declared to be necessary: (a) to create a state civil defense agency, and to authorize the creation of local organizations for civil defense in the political subdivisions of the state; (b) to confer upon the governor and upon the executive heads of the political subdivisions of the state the emergency powers provided herein; and (c) to provide for the rendering of mutual aid among the political subdivisions of the state and with other states and to cooperate with the federal government with respect to the carrying out of civil defense functions.

(2) It is further declared to be the purpose of this act and the policy of the state that all civil defense functions of this state and its political subdivisions be coordinated to the maximum extent with the comparable functions of the federal government including its various departments and agencies, of other states and localities, and of private agencies of every type, to the end that the most effective preparation and use may be made of the nation's manpower, resources, and facilities for dealing with any disaster that may occur.

SEC. 3. As used in this act: (1) "Civil defense" means the preparation for and the carrying out of all emergency functions, other than functions for which military forces are primarily responsible, to minimize and repair injury and damage resulting from disasters caused by enemy attack, sabotage, or other hostile action, or by fire, flood, storm, earthquake, or other natural causes. These functions include, without limitation, fire fighting services, police services, medical and health services, rescue, engineering, air raid warning services, communications, radiological, chemical and other special weapons de-

"Civil
defense."

fense, evacuation [of] or persons from stricken areas, emergency welfare services, emergency transportation, existing or properly assigned functions of plant protection, temporary restoration of public utility services, and other functions related to civilian protection, together with all other activities necessary or incidental to the preparation for and carrying out of the foregoing functions.

"Local organization for civil defense."

(2) "Local organization for civil defense" means an organization created in accordance with the provisions of this act by the state or local authority to perform local civil defense functions.

"Mobile support unit."

(3) "Mobile support unit" means an organization for civil defense created in accordance with the provisions of this act by state or local authority to be dispatched by the governor to supplement local organizations for civil defense in a stricken area.

"Political subdivision."

(4) "Political subdivision" means any county, city, or town.

Civil defense agency; created.

Director.

SEC. 4. (1) There is hereby created within the executive branch of the state government a department of civil defense (hereinafter called the civil defense agency) and a director of civil defense (hereinafter called the director) who shall be the head thereof. The director shall be appointed by the governor with the advice and consent of the senate; he shall not hold any other state office; he shall hold office during the pleasure of the governor, and shall be compensated at the rate of eight thousand five hundred dollars *per annum*.

Employment of other personnel.

(2) The director may employ such technical, clerical, stenographic, and other personnel and may make such expenditures within the appropriation therefor, or from other funds made available to him for purposes of civil defense, as may be necessary to carry out the purposes of this act.

(3) The director and other personnel of the civil defense agency shall be provided with appro-

priate office space, furniture, equipment, supplies, stationery, and printing in the same manner as provided for personnel of other state agencies.

Office facilities, etc.

(4) The director, subject to the direction and control of the governor, shall be the executive head of the civil defense agency and shall be responsible to the governor for carrying out the program for civil defense of this state. He shall coordinate the activities of all organizations for civil defense within the state, and shall maintain liaison with and cooperate with civil defense agencies and organizations of other states and of the federal government, and shall have such additional authority, duties, and responsibilities authorized by this act as may be prescribed by the governor.

Director responsible to Governor.

(5) The director shall appoint a communications coordinating committee consisting of six men with the director as chairman thereof. Three of the members shall be appointed from qualified, trained and experienced telephone communications administrators or engineers actively engaged in such work within the state of Washington at the time of appointment, and three of the members shall be appointed from qualified, trained and experienced radio communication administrators or engineers actively engaged in such work within the state of Washington at the time of appointment. This committee shall be given full and complete authority over all plans for the direction and control of any communications facilities or functions to be operated or controlled under the provisions of this act by the department of civil defense, except supplemental emergency communications facilities under the direction of any local organization for civil defense.

Communications coordinating committee.
Members.

Powers.

SEC. 5. There is hereby created a civil defense council (hereinafter called the council), to consist of not less than seven nor more than fifteen members who shall be appointed by the governor. The coun-

Civil defense council.
Members.

Governor is chairman.

Expenses.

cil shall advise the governor and the director on all matters pertaining to civil defense. The governor shall serve as chairman of the council, and the members thereof shall serve without compensation, but may be reimbursed for their reasonable and necessary expenses incurred in the performance of their duties.

Disaster beyond local control; governor may assume direct operational control.

Cooperation with other governments and private agencies authorized.

Other powers of governor.

Rule making.

Copies to county auditor.

Preparation of plans for civil defense.

SEC. 6. (1) The governor, through the director, shall have general supervision and control of the civil defense agency, and shall be responsible for the carrying out of the provisions of this act, and in the event of disaster beyond local control, may assume direct operational control over all or any part of the civil defense functions within this state.

(2) In performing his duties under this act, the governor is authorized to cooperate with the federal government, with other states, and with private agencies in all matters pertaining to the civil defense of this state and of the nation.

(3) In performing his duties under this act and to effect its policy and purpose, the governor is further authorized and empowered:

(a) To make, amend, and rescind the necessary orders, rules, and regulations to carry out the provisions of this act within the limits of the authority conferred upon him herein, with due consideration of the plans of the federal government; copies of all of such rules, regulations and orders shall upon their issuance forthwith be transmitted to the auditors of the respective counties for filing in their offices and a separate file and a separate index shall be maintained therefor;

(b) To prepare a comprehensive plan and program for the civil defense of this state, such plan and program to be integrated into and coordinated with the civil defense plans of the federal government and of other states to the fullest extent possible, and to coordinate the preparation of plans and

programs for civil defense by the political subdivisions of this state, such plans to be integrated into and coordinated with the civil defense plan and program of this state to the fullest possible extent;

(c) In accordance with such plan and program for the civil defense of this state, to procure supplies and equipment, to institute training programs and public information programs, and to take all other preparatory steps including the partial or full mobilization of civil defense organizations in advance of actual disaster, to insure the furnishing of adequately trained and equipped forces of civil defense personnel in time of need;

Supply,
training,
public in-
formation,
and other
preparation.

(d) To make such studies and surveys of the industries, resources, and facilities in this state as may be necessary to ascertain the capabilities of the state for civil defense, and to plan for the most efficient emergency use thereof;

Studies of
facilities.

(e) On behalf of this state, to enter into mutual aid arrangements with other states and territories, or provinces of the Dominion of Canada and to co-ordinate mutual aid plans between political subdivisions of this state;

Mutual aid
arrange-
ments
and plans.

(f) To delegate any administrative authority vested in him under this act, and to provide for the sub-delegation of any such authority;

Delegation
of au-
thority.

(g) To appoint, with the advice of local authorities, metropolitan or regional area coordinators, or both, when practicable;

Appoint-
ment of co-
ordinators.

(h) To cooperate with the president and the heads of the armed forces, the civil defense agency of the United States, and other appropriate federal officers and agencies, and with the officers and agencies of other states in matters pertaining to the civil defense of the state and nation, including the direction or control of (I) blackouts and practice blackouts, air-raid drills, mobilization of civil defense forces, and other tests and exercises; (II) warnings

Cooperation
with mili-
tary forces
and other
appropriate
Federal
agencies.

and signals for drills or attacks and the mechanical devices to be used in connection therewith; (III) the effective screening or extinguishing of all lights and lighting devices and appliances; (IV) shutting off water mains, gas mains, electric power connections and the suspension of all other utility services; (V) the conduct of civilians and the movement and cessation of movement of pedestrians and vehicular traffic during, prior, and subsequent to drills or attack; (VI) public meetings or gatherings; and (VII) the evacuation and reception of the civilian population.

Mobile support units. SEC. 7. (1) The governor, through the director is authorized to create and establish such number of mobile support units as may be necessary to reinforce civil defense organizations in stricken areas and with due consideration of the plans of the federal government and of other states. He shall appoint
Commander. a commander for each such unit who shall have primary responsibility for the organization, administration and operation of such unit. Mobile support units shall be called to duty upon orders of the governor and shall perform their functions in any part of the state, or, upon the conditions specified in this section, in other states.
Ordered to duty by governor.
Where.

Personnel. (2) Personnel of mobile support units while on duty, whether within or without the state, shall:
State employees. (a) if they are employees of the state, have the powers, duties, rights, privileges, and immunities and receive the compensation incidental to their employment; (b) if they are employees of a political subdivision of the state, and whether serving within or without such political subdivision, have the powers, duties, rights, privileges, and immunities and receive the compensation incidental to their employment; and (c) if they are not employees of the state or a political subdivision thereof, be entitled to compensation by the state at a rate to be deter-

Political subdivision employees.
Non-government employees.

mined by the governor based upon the scale paid by the state to state employees of the same, or similar, classification. All personnel of mobile support units shall, while on duty, be subject to the operational control of the authority in charge of civil defense activities in the area in which they are serving, and shall be reimbursed for all actual and necessary travel and subsistence expenses.

Control of
personnel.

Expenses.

(3) The state shall reimburse a political subdivision for the compensation paid and actual and necessary travel, subsistence, and maintenance expenses of employees of such political subdivision while serving as members of a mobile support unit, and for all payments for death, disability, or injury of such employees incurred in the course of such duty, and for all losses of or damage to supplies and equipment of such political subdivision resulting from the operation of such mobile support unit.

State to re-
imburse
political
subdivisions.

(4) Whenever a mobile support unit of another state shall render aid in this state pursuant to the orders of the governor of its home state and upon the request of the governor of this state the personnel thereof shall have the powers, duties, rights, privileges and immunities of civil defense employees of this state except compensation, and this state shall reimburse such other state for the compensation paid and actual and necessary travel, subsistence, and maintenance expenses of the personnel of such mobile support unit while rendering such aid, and for all payments for death, disability, or injury of such personnel incurred in the course of rendering such aid, and for all losses of or damage to supplies and equipment of such other state or a political subdivision thereof resulting from the rendering of such aid: *Provided*, That the laws of such other state contain provisions substantially similar to this section.

Unit from
another
state.

Powers.

Other state
to be re-
imbursed.

Limitation.

Reciprocity. (5) No personnel of mobile support units of this state shall be ordered by the governor to operate in any other state unless the laws of such other state contain provisions substantially similar to this section.

Local organization. Plan submitted to director. Joint operation. Contribution. Arbitration. Civil defense fund. Local director.

SEC. 8. (1) Each political subdivision of this state is hereby authorized and directed to establish a local organization for civil defense in accordance with the state civil defense plan and program: *Provided*, That a political subdivision proposing such establishment shall submit its plan and program for civil defense to the state director of civil defense and secure his recommendations thereon in order that the local organization for civil defense may be coordinated with the plan and program of the state. If the director's recommendations are adverse to the plan as submitted, the matter shall be referred to the council for final action. The director of civil defense may authorize two or more political subdivisions to join in the establishment and operation of a local organization for civil defense as circumstances may warrant, in which case each political subdivision shall contribute to the cost of civil defense upon such fair and equitable basis as may be determined upon by the executive heads of the constituent subdivisions. If in any case the executive heads cannot agree upon the proper division of cost the matter shall be referred to the council for arbitration and its decision shall be final. When two or more political subdivisions join in the establishment and operation of a local organization for civil defense each shall pay its share of the cost into a special pooled fund to be administered by the treasurer of the most populous subdivision, which fund shall be known as the civil defense fund. Each local organization for civil defense shall have a director who shall be appointed by the executive head of the political subdivision, and who shall have direct re-

sponsibility for the organization, administration, and operation of such local organization for civil defense, subject to the direction and control of such executive officer or officers. In the case of a jointly established and operated organization for civil defense, the director shall be appointed by the joint action of the executive heads of the constituent political subdivisions. As used in this act, the term "executive head" and "executive heads" mean, in the case of counties, the board of county commissioners and, in the case of cities and towns, the mayor. Each local organization for civil defense shall perform civil defense functions within the territorial limits of the political subdivision within which it is organized, and, in addition, shall conduct such functions outside of such territorial limits as may be required pursuant to the provisions of this act.

Joint operation; appointment of director.

"Executive head" and "executive heads."

Local organizations; territory of operations.

(2) In carrying out the provisions of this act each political subdivision, in which any disaster as described in section 2 hereof occurs, shall have the power to enter into contracts and incur obligations necessary to combat such disaster, protecting the health and safety of persons and property, and providing emergency assistance to the victims of such disaster. Each political subdivision is authorized to exercise the powers vested under this section in the light of the exigencies of an extreme emergency situation without regard to time-consuming procedures and formalities prescribed by law (excepting mandatory constitutional requirements), including, but not limited to, budget law limitations, requirements of competitive bidding and publication of notices, pertaining to the performance of public work, entering into contracts, the incurring of obligations, the employment of temporary workers, the rental of equipment, the purchase of supplies and materials, the levying of taxes, and the appropriation and expenditures of public funds.

Political subdivisions; powers upon occurrence of disaster.

Certain legal formalities dispensed with.

Political
subdivision
rendering
outside aid;
powers, du-
ties, etc., of
employees.

SEC. 9. (1) Whenever the employees of any political subdivision are rendering outside aid pursuant to the authority contained in section 8 hereof such employees shall have the same powers, duties, rights, privileges, and immunities as if they were performing their duties in the political subdivisions in which they are normally employed.

Liability
for losses.

(2) The political subdivision in which any equipment is used pursuant to this section shall be liable for any loss or damage thereto and shall pay any expense incurred in the operation and maintenance thereof. No claim for such loss, damage, or expense shall be allowed unless, within sixty days after the same is sustained or incurred, an itemized notice of such claim under oath is served by mail or otherwise upon the executive head of such political subdivision where the equipment was used. The term "employee" as used in this section shall mean, and the provisions of this section shall apply with equal effect to, volunteer auxiliary employees, and civil defense workers.

Claims.

"Employee."

Aid rendered
outside
this state.

(3) The foregoing rights, privileges, and obligations shall also apply in the event such aid is rendered outside the state, provided that payment or reimbursement in such case shall or may be made by the state or political subdivision receiving such aid pursuant to a reciprocal mutual-aid agreement or compact with such state or by the federal government.

Local or-
ganizations;
reciprocal
civil de-
fense aid.

SEC. 10. (1) The director of each local organization for civil defense may, in collaboration with other public and private agencies within this state, develop or cause to be developed mutual aid arrangements for reciprocal civil defense aid and assistance in case of disaster too great to be dealt with unassisted. Such arrangements shall be consistent with the state civil defense plan and program, and in time of emergency it shall be the duty of each

local organization for civil defense to render assistance in accordance with the provisions of such mutual aid arrangements.

(2) The director of each local organization for civil defense may, subject to the approval of the governor, enter into mutual aid arrangements with civil defense agencies or organizations in other states for reciprocal civil defense aid and assistance in case of disaster too great to be dealt with unassisted.

Local organizations;
arrange-
ments with
other states.

SEC. 11. Neither the state nor any political subdivision thereof, nor other agencies, nor, except in cases of willful misconduct, the agents, employees, or representatives of any of them, engaged in any civil defense activities, while complying with or attempting to comply with this act or any rule or regulation promulgated pursuant to the provisions of this act, shall be liable for the death of or injury to persons, or damage to property, as a result of such activity. The provisions of this section shall not affect the right of any person to receive benefits to which he would otherwise be entitled under this act, or under the workmen's compensation law, or under any pension or retirement law, nor the right of any such person to receive any benefits or compensation under any act of congress.

Immunities.

Rights not
affected.

SEC. 12. (1) Each political subdivision shall have the power to make appropriations in the manner provided by law for making appropriations for the ordinary expenses of such political subdivision for the payment of expenses of its local organization for civil defense.

Political
subdivision;
appropriations.

(2) Whenever the federal government or any agency or officer thereof shall offer to the state, or through the state to any political subdivision thereof, services, equipment, supplies, materials, or funds by way of gift, grant, or loan, for purposes of civil defense, the state, acting through the governor, or such political subdivision, acting with the consent

Offers of
federal aid.

of the governor and through its executive head, may
Acceptance. accept such offer and upon such acceptance the governor of the state or executive head of such political subdivision may authorize any officer of the state or of the political subdivision, as the case may be, to receive such services, equipment, supplies, materials, or funds on behalf of the state or such political subdivision, and subject to the terms of the offer and the rules and regulations, if any, of the agency making the offer.

Offers of
private aid.

(3) Whenever any person, firm, or corporation shall offer to the state or to any political subdivision thereof, services, equipment, supplies, materials, or funds by way of gift, grant, or loan, for the purposes of civil defense, the state, acting through the governor, or such political subdivision, acting through its executive head, may accept such offer and upon
Acceptance. such acceptance the governor of the state or executive head of such political subdivision may authorize any officer of the state or of the political subdivision, as the case may be, to receive such services, equipment, supplies, materials, or funds on behalf of the state or such political subdivision, and subject to the terms of the offer.

Existing
facilities to
be utilized.

SEC. 13. In carrying out the provisions of this act, the governor and the executive heads of the political subdivisions of the state are directed to utilize the services, equipment, supplies, and facilities of existing departments, offices, and agencies of the state and of the political subdivisions thereof to the maximum extent practicable, and the officers and personnel of all such departments, offices, and agencies are directed to cooperate with and extend such services and facilities to the governor and to the civil defense organizations of the state upon request.

SEC. 14. No organization for civil defense established under the authority of this act shall partici-

pate in any form of political activity, nor shall it be employed directly or indirectly for political purposes. Political activity prohibited.

SEC. 15. (1) No person shall be employed or associated in any capacity in any civil defense organization established under this act who advocates or has advocated a change by force or violence in the constitutional form of the government of the United States or in this state or the overthrow of any government in the United States by force or violence, or who has been convicted of or is under indictment or information charging any subversive act against the United States. Each person who is appointed to serve in an organization for civil defense shall, before entering upon his duties, take an oath, in writing, before a person authorized to administer oaths in this state, which oath shall be substantially as follows: Prohibiting employment of subversives.

"I, _____, do solemnly swear (or affirm) that I will support and defend the Constitution of the United States and the Constitution of the State of Washington, against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties upon which I am about to enter. Oath.

"And I do further swear (or affirm) that I do not advocate, nor am I a member of any political party or organization that advocates the overthrow of the government of the United States or of this state by force or violence; and that during such time as I am a member of the (name of civil defense organization), I will not advocate nor become a member of any political party or organization that advocates the overthrow of the government of the United States or of this state by force or violence."

Civil
service
employees;
status
preserved.

SEC. 16. Any civil service employee of the state of Washington or of any political subdivision thereof while on leave of absence and on duty with any civil defense agency authorized under the provisions of this act shall be preserved in his civil service status as to seniority and retirement rights so long as he regularly continues to make the usual contributions incident to the retention of such beneficial rights as if he were not on leave of absence.

Repealing
clause.

SEC. 17. Chapter 177, Laws of 1941, chapters 6 and 24, Laws of 1943, and chapter 88, Laws of 1949 are repealed: *Provided*, That this section shall not affect the validity of any order, rule, regulation, contract, or agreement made or promulgated under authority of the repealed acts, which orders, rules, regulations, contracts, or agreements shall remain in force until they may be repealed, amended, or superseded by orders, rules, regulations, contracts, or agreements made or promulgated under this act: *Provided further*, That this section shall not affect the tenure of any officer, employee, or person serving under authority of any repealed act and such officer, employee, or person shall continue in his position until such time as a successor is appointed or employed under the provisions of this act.

Orders, etc.,
promulgated
under re-
pealed acts.

Tenure of
persons
serving by
authority of
repealed
acts.

Enforce-
ment.

SEC. 18. (1) It shall be the duty of every organization for civil defense established pursuant to this act and of the officers thereof to execute and enforce such orders, rules, and regulations as may be made by the governor under authority of this act. Each such organization shall have available for inspection at its office all orders, rules, and regulations made by the governor, or under his authority.

Rules avail-
able for in-
spection.

Violation.

(2) Every violation of any rule, regulation or order issued under the authority of this act shall constitute a misdemeanor and shall be punishable as such: *Provided*, That whenever any person shall commit a second offense hereunder the same shall

Second
offense.

constitute a gross misdemeanor and shall be punishable as such.

SEC. 19. The civil defense agency is hereby authorized to require of any political subdivision to which funds are allocated under this act for any project, use or activity that such subdivision shall provide matching funds in equal amounts with respect to such project, use or activity.

Civil defense agency may require matching of funds.

SEC. 20. Whenever the state director of civil defense finds that it will be in the interest of the civil defense of this state or of the United States, he may, with the approval of the governor, agree with the federal government, or any agency thereof carrying on activities within this state, upon a plan of civil defense applicable to a federally owned area, which plan may or may not conform to all of the other provisions of this act with the view to integrating federally owned areas into the comprehensive plan and program of the civil defense of this state. Such plan may confer upon persons carrying out such plan any or all of the rights, powers, privileges and immunities granted employees or representatives of the state and/or its political subdivisions by this act.

Plan applicable to federally owned areas.

SEC. 21. This act shall expire on July 1, 1955.

Expiration date.

SEC. 22. This act is necessary for the public health, welfare and safety, and shall take effect immediately.

Emergency.

Passed the Senate March 8, 1951.

Passed the House March 6, 1951.

Approved by the Governor March 16, 1951.