

Rivers in connection with the construction and maintenance of Trunk Highway No. 59. ....\$2,500.00

Subd. 3. Charles J. Peterson and Viola Peterson, his wife, of Red Wing, in reimbursement of damages to real and personal property owned by them alleged to have resulted from negligent raising of the elevation, failure to provide proper culverts, and improper construction of a dike in connection with the construction and maintenance of Trunk Highway No. 19. ....\$2,500.00

Subd. 4. Edward A. Flatten, in reimbursement of damages to real property alleged to have resulted from flood waters caused by a channel change made on the Root River near Houston, Minnesota, in connection with the construction of Trunk Highway No. 76. ....\$5,250.00

Subd. 5. Elmer Vathing, in reimbursement of damages to real property alleged to have resulted from flood waters caused by a channel change made on the Root River near Houston, Minnesota, in connection with the construction of Trunk Highway No. 76. ....\$3,000.00

Sec. 8. The monies appropriated herein shall be available from and after the passage and approval of this act.

Approved April 23, 1951.

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CHAPTER 694—H. F. No. 1748

[Not Coded]

*An act relating to civil defense, providing therefor, appropriating money therefor, and amending Minnesota Statutes 1949, Section 9.28, Subdivision 6.*

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

Section 1. Citation. This act shall be known and may be cited as the "Minnesota Civil Defense Act of 1951".

Sec. 2. Declaration of policy. Subdivision 1. Because of the existing and increasing possibility of the occurrence of

distasters of unprecedented size and destructiveness resulting from enemy attack, sabotage, or other hostile action, and in order to insure that preparations of this state will be adequate to deal with such disasters, 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:

(1) 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;

(2) To confer upon the Governor and upon the governing bodies of the political subdivisions of the state the emergency and disaster powers provided herein; and

(3) 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.

Subd. 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 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 preparations and use may be made of the nation's manpower, resources, and facilities for dealing with any disaster that may occur.

Sec. 3. **Definitions.** As used in this act:

Subdivision 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 prevent, minimize and repair injury and damage resulting from disasters caused by enemy attack, sabotage or other enemy hostile action. 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 defense, evacuation of persons from stricken areas, emergency welfare services, emergency transportation, existing or properly assigned functions of plant protection, temporary restora-

tion of public utility services, and other functions related to civilian protection, together with all other activities necessary or incidental to preparation for and carrying out of the foregoing functions.

Subd. 2. "Federal Government" means the United States of America.

Subd. 3. "Local Organization for Civil Defense" means an organization created in accordance with the provisions of this act by the state or a political subdivision to perform local civil defense functions.

Subd. 4. "Mobile Support Unit" means an organization for civil defense created in accordance with the provisions of this act by the state or a political subdivision to be dispatched by the Governor to supplement local organizations for civil defense in a stricken area.

Subd. 5. "Organizational Equipment" means equipment and supplies essential for civil defense in excess of equipment and supplies provided for normal operation of the state or a political subdivision to the acquisition of which the federal government will contribute.

Subd. 6. "Political Subdivision" means a county, city, village, borough, or town.

## TITLE I — ORGANIZATION

Sec. 101. **Civil Defense Agency.** Subdivision 1. There is hereby created within the executive branch of the state government a department of civil defense, hereinafter called the "Civil Defense Agency", which shall be under the supervision and control of the Governor and a director of civil defense, hereinafter called the "state director". The state director shall be appointed by the Governor with the advice and consent of the senate; he shall not hold any other state office; he may be removed from office by the Governor at any time and shall be compensated at the rate of \$8,500 per annum, payable semimonthly.

Subd. 2. The Governor may employ such technical, clerical, stenographic and other personnel and fix their compensation, and may make such expenditures within the appro-

priation therefor, or, with the approval of the executive council, from other funds made available to him for purposes of civil defense as may be necessary to carry out the purposes of this act. Notwithstanding any other provision of law, all personnel shall be in the unclassified service of the state civil service.

Subd. 3. The state director and other personnel of the Civil Defense Agency shall be provided with appropriate office space, furniture, equipment, supplies, stationery and printing in the same manner as provided for personnel of other state agencies.

Sec. 102. **Civil Defense Advisory Council.** There is hereby created a Civil Defense Advisory Council, hereinafter called the "Council", which shall be composed of the lieutenant governor, president pro tem of the senate, speaker of the house of representatives, secretary of state, state auditor, state treasurer, attorney general, adjutant general, state director, the mayors of the cities of the first class, and four other persons not holding office or employment under the state, who, on account of vocations, employment or affiliations, shall be representative of agriculture, industry, labor and the League of Minnesota Municipalities, respectively, who shall be appointed by the Governor and shall serve at his pleasure. The council shall advise the Governor and the state director on all matters pertaining to civil defense. The Governor shall serve as chairman of the council, the lieutenant governor shall serve as vice-chairman thereof, 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.

## TITLE II — POWERS AND DUTIES

Sec. 201. **Governor.** Subdivision 1. The Governor has general direction and control of the Civil Defense Agency and has the power and duty to carry out the provisions of this act and, during a Civil Defense Emergency declared as existing under Section 301, may assume direct operational control over all or any part of the civil defense functions within this state.

Subd. 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 mat-

ters pertaining to the civil defense of this state and of the nation.

Subd. 3. In performing his duties under this act and to effect its policy and purpose, the Governor is further authorized and empowered:

(1) 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 and without complying with Minnesota Statutes 1949, Sections 15.041 to 15.049, inclusive, but no order, rule or regulation shall have the force and effect of law except as provided by Section 302.

(2) To prepare a comprehensive plan and program for the civil defense of this state, such plan [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 possible extent, 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;

(3) 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;

(4) 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;

(5) On behalf of this state, to enter into mutual aid arrangements with other states and to coordinate mutual aid plans between political subdivisions of this state;

(6) To delegate any administrative authority vested in

him under this act, except the power to make rules and regulations, to provide for the subdelegation of any such authority;

(7) To appoint, in cooperation with local authorities, metropolitan area directors when practicable;

(8) 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 (a) black-outs and practice black-outs, air-raid drills, mobilization of civil defense forces, and other tests and exercises; (b) warnings and signals for drills or attacks and the mechanical devices to be used in connection therewith; (c) the effective screening or extinguishing of all lights and lighting devices and appliances; (d) shutting off water mains, gas mains, electric power connections and the suspension of all other utility services; (e) the conduct of civilians and the movement and cessation of movement of pedestrians and vehicular traffic during, prior, and subsequent to drills or attack; (f) public meetings or gatherings; and (g) the evacuation and reception of the civilian population;

(9) To contribute, with the approval of the executive council, to a political subdivision, within the limits of the appropriation therefor, not more than 25 per cent of the most [cost] of acquiring organizational equipment which meets standards established by him;

(10) To formulate and execute, with the approval of the executive council, plans and regulations for the control of traffic in order to provide for the rapid and safe movement over public highways and streets of troops, vehicles of a military nature, materials for national defense and war or for use in any war industry, for the conservation of critical materials or for civil defense purposes, and to coordinate the activities of the departments or agencies of the state and of the political subdivisions thereof concerned directly or indirectly with public highways and streets, in a manner which will best effectuate such plans.

**Sec. 202. Acceptance of offers of assistance.** Subdivision 1. Wherever [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, equip-

ment, 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 of the Governor and through its governing body, may accept such offer and upon such acceptance the Governor of the state or governing body 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, but no moneys or other funds shall be accepted or received as a loan nor shall any indebtedness be incurred except in the manner and under the limitations otherwise provided by law.

Subd. 2. 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 purposes of civil defense, the state, acting through the Governor, or such political subdivision, acting through its governing body, may accept such offer and upon such acceptance the Governor of the state or the governing body 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, but no moneys or other funds shall be accepted or received as a loan nor shall any indebtedness be incurred except in the manner and under the limitations otherwise provided by law.

Sec. 203. **Utilization of all facilities.** In carrying out the provisions of this act, the Governor and the governing bodies 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. 204. **Mobile support units.** The Governor or his duly designated representative 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 a commander for each such unit who shall have primary responsibility for the organization, administration and operation of such unit.

**Sec. 205. Local organizations.** Subdivision 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, but no town shall establish a local organization for civil defense without approval of the state director. Each local organization for civil defense shall have a director who shall be appointed forthwith in a city, village or borough by the mayor thereof and in a county or town by the county board and town board, respectively, and who shall have direct responsibility for the organization, administration, and operation of such local organization for civil defense, subject to the direction and control of such governing body. 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 section 203, 207 and 302 of this act or any other applicable provisions of law. A county local organization for civil defense shall have jurisdiction throughout the county outside of any city, village or borough, or of a town which has a local civil defense organization.

Subd. 2. With approval of the Governor, two or more political subdivisions which are contiguous for civil defense purposes may enter into agreements determining the boundaries of the geographic areas of their respective civil defense responsibilities or providing for a common civil defense organization which, for the purposes of this act, shall be a local civil defense organization.

**Sec. 206. Appropriations, local governmental subdivisions.** Subdivision 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.

Subd. 2. To provide moneys for civil defense purposes authorized by this act, a political subdivision is empowered to levy annually upon all taxable property in the political sub-



division, except as provided in subdivision 4 of this section, a tax in excess of and over and above all taxing limitations in such amount as may be necessary to pay such expenditures. The total amount of a tax levied under authority of this section shall not exceed 20 cents per capita based on the last federal regular or special census, except in a political subdivision in which such tax will not produce a total amount of \$1,000 in which event a tax sufficient to produce \$1,000 or so much thereof as may be necessary may be levied.

Subd. 3. (1) To provide moneys for the purchase of organizational equipment which is to be paid for in part by the federal government, a political subdivision is empowered to levy a tax upon all taxable property in the political subdivision, except as provided in subdivision 4 of this section, in excess of and over and above all taxing limitations, including those provided in subdivision 2 of this section, in such amount as may be necessary to pay its share of the cost of such organizational equipment, provided that the Governor has approved the purchase thereof.

(2) Each political subdivision which has initiated the purchase of organizational equipment shall have the power:

(a) To pay into the state treasury, in trust, its share of the cost of organizational equipment required by the federal government to be paid in advance.

(b) To pay into the state treasury, in trust, its share of the reimbursement of the federal government by the state as part of its share of the cost of organizational equipment purchased for the political subdivision and initially wholly paid for from the federal treasury.

Subd. 4. When levied by a county, the taxes authorized in subdivisions 2 and 3, respectively, of this section, shall be spread wholly and exclusively upon property within the portion of the county over which the county local organization for civil defense has jurisdiction as provided in Section 205, Subdivision 1, of this act.

Subd. 5. To provide funds for civil defense purposes in 1951, a political subdivision may, at any time after the passage of this act and prior to October 1, 1951, levy any tax authorized by this section and may issue certificates of indebtedness in an-

ticipation of the collection and payment of such tax. Such levy shall be separate from and in addition to any other levy made in 1951 and collectible in 1952 for civil defense purposes. The total amount of such certificates, including principal and interest, issued shall not exceed 90 per cent of the amount of such levy and shall be payable from the proceeds of such levy and not later than December 31, 1952. They shall be issued on such terms and conditions as the governing body may determine and shall be sold as provided in Minnesota Statutes 1949, Section 475.60. During 1951, any political subdivision may make appropriations for civil defense purposes from the proceeds of such certificates or otherwise without complying with statutory or charter provisions requiring that expenditures be based on a prior budget authorization or other budgeting requirement.

**Sec. 207. Mutual aid arrangements.** Subdivision 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 an emergency 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 and the members thereof to render assistance in accordance with the provisions of such mutual aid arrangements.

Subd. 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.

**Sec. 208. Orders, rules, regulations; enforcement.** 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.

### TITLE III—EMERGENCY POWERS

**Sec. 301. Actual attack, sabotage, etc.** In the event of

an actual enemy attack upon the United States, which means the several states, the District of Columbia, the Territories of Alaska and Hawaii and the Panama Canal Zone, or the occurrence, within the State of Minnesota, of a major disaster from enemy sabotage or other hostile action, the Governor may, by proclamation, declare that a Civil Defense Emergency exists in all or any part of the state; and, if the legislature is then in regular session, or, if it is not, if the Governor concurrently with his proclamation declaring such an emergency issues a call convening immediately both houses of the legislature, he shall have and may exercise for a period not to exceed 30 days the emergency powers and duties conferred and imposed upon him in this title, Title III, of this act, and the political subdivision shall have and may exercise for such period of not to exceed 30 days the powers and duties conferred and imposed upon them in this title, Title III, of this act; provided, however, that the lapse of such emergency powers shall not, as regards any act or acts occurring or committed within said 30-day period, deprive any person, firm, corporation, political subdivision, municipal corporation or body politic of any right or rights to compensation or reimbursement which he, she, it or they may have under the provisions of this act.

**Sec. 302. Orders, rules, regulations of Governor; to have effect of law.** All orders, rules and regulations promulgated by the Governor under authority of Section 201, subdivision 3, paragraph (1), when approved by the executive council and a copy thereof has been filed in the office of the secretary of state, shall have, during a Civil Defense Emergency, the full force and effect of law. All rules, regulations, and ordinances of any agency or political subdivision of the state inconsistent with the provisions of this act, or with any order, rule, or regulation having the force and effect of law issued under the authority of this act, shall be suspended during the period of time and to the extent that such conflict exists.

**Sec. 303. Assistance between political subdivisions.** Subdivision 1. Whenever the public interest requires it on account of an imminent emergency, the Governor may, in his discretion, authorize and direct the police, fire-fighting, health, or other force of any political subdivision, herein call [called] the sending political subdivision, to go to the assistance of another political subdivision, herein called the receiving political subdivision, and to take and use for such purpose such personnel, equipment, and supplies of the sending political subdivision as the Governor may direct.

Subd. 2. While so engaged, the officers and members of such forces shall have the same powers, duties, rights, privileges and immunities as if they were performing like service in the sending political subdivision and shall be considered to be acting within the scope of and in the course of their regular employment, as employees of such sending political subdivision.

Subd. 3. The receiving political subdivision shall reimburse the sending political subdivision for all supplies used and the compensation paid to all officers and members of the forces so furnished during such time as the rendition of such aid prevents them from performing their duties in the sending political subdivision, for the actual traveling and maintenance expenses of such officers and members while rendering such aid, and the cost of all insurance covering such officers and members while so engaged. Any claim for such loss, damage or expense in use of equipment or supplies or for additional expenses incurred in the operation or maintenance thereof shall not be allowed unless within 90 days after the same is sustained or incurred an itemized notice of such claim, verified by an officer of [or] employee of the municipality having knowledge of the facts, is filed with the clerk of the receiving political subdivision.

Subd. 4. It shall be the policy of the state to reimburse the sending political subdivision for any loss or damage to equipment used outside of the corporate limits of the sending political subdivision and to reimburse the sending political subdivision for any additional expenses incurred in the operation and maintenance thereof outside such corporate limits. Any claim for such loss, damage or expense in use of equipment or for additional expenses incurred in the operation or maintenance thereof shall not be allowed unless within 90 days after the same is sustained or incurred an itemized notice of such claim, verified by an officer or employee of the sending political subdivision having knowledge of the facts, is filed with the state director.

Sec. 304. **Persons required to assist.** Subdivision 1. During a Civil Defense Emergency, the governor, the state director or a member of a class of members of a state or local civil defense organization designated by the Governor, may, when necessary to save life or property, (1) require any person, except members of the federal or state military forces and officers of the state or a political subdivision, to perform services for civil defense as directed by any of the persons

first above described, and (2) commandeered, for the time being, any motor vehicle, tools, appliances or any other property.

Subd. 2. The owner of any property so commandeered shall be promptly paid just compensation for the use thereof and all damages done to the property while so used for civil defense purposes. The Governor or the governing body of the political subdivision concerned, respectively, according to the use thereof, shall make a formal order determining the amount of such compensation. The owner may appeal to the district court of the county in which such property was commandeered if, within 30 days from the date of such order, he serves upon the Governor or the political subdivision concerned and files with the clerk of such court a written notice of appeal setting forth the order appealed from and, in detail, the amount claimed as compensation. Upon such appeal, the issue shall be the amount of damages to which the appellant is entitled. It may be noticed for trial as in the case of a civil action and the court may require other parties to be joined and to plead therein when necessary to a proper determination of the questions involved. The cause shall be tried without a jury de novo and the court shall determine the damages and the person or persons entitled thereto. Except as herein otherwise provided, the trial shall be conducted and the cause disposed of according to the rules applicable to civil actions in the district court. The court in its discretion may award to the prevailing party the costs and disbursements of the appeal.

Subd. 3. Any able-bodied person required to perform services for civil defense who refuses, neglects, or otherwise fails to perform the services required under subdivision 1 shall be guilty of a misdemeanor and punished by imprisonment in the county jail for not less than ten days or more than 90 days.

**Sec. 305. Mobile Support Units called to duty.** Subdivision 1. 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.

Subd. 2. Personnel of Mobile Support Units while on active duty, whether within or without the state, shall: (1) if they are employees of the state, have the powers, duties, rights, privileges and immunities and receive the compensation

incidental to their employment; (2) if they are employees of a political subdivision, 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 (3) if they are not employees of the state or a political subdivision thereof, receive compensation by the state of \$5.00 per day and have the same rights and immunities as are provided by law for the employees of this state. 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.

Subd. 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.

Subd. 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, 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 governmental subdivision thereof resulting from the rendering of such aid; provided, that the laws of such other state contain provisions substantially similar to this section.

Subd. 5. No personnel of a Mobile Support Unit 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.

**Sec. 306. Governor, authority to enter into contracts.** The Governor, during a Civil Defense Emergency, is, not-

withstanding any other provision of law, empowered to enter into contracts and incur obligations necessary to combat such disaster by protecting the health and safety of persons and the safety of property, and providing emergency assistance to the victims of such disaster; to exercise the powers vested by this subdivision in the light of the exigencies of the disaster without compliance with time-consuming procedures and formalities prescribed by law pertaining to the performance of public work, entering into contract, incurring of obligations, employment of temporary workers, rental of equipment, purchase of supplies and materials, for example, but not limited to, publication of calls for bids, provisions of the civil service act and rules, provisions relating to low bids and requirements for the budgeting and allotment of funds. All contracts shall be in writing, executed on behalf of the state by the Governor or a person by him delegated in writing so to do, and shall be promptly filed with the state auditor, who shall forthwith encumber funds appropriated for the purposes of the contract for the full contract liability and certify thereon that such encumbrance has been made.

**Sec. 307. Political subdivisions, authority to enter into contracts.** During a Civil Defense Emergency, each political subdivision is, notwithstanding any other provision of law, empowered to enter into contracts and incur obligations necessary to combat such disaster by 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 by this subdivision in the light of the exigencies of the disaster without compliance with time-consuming procedures and formalities prescribed by law pertaining to the performance of public work, entering into contracts, incurring of obligations, employment of temporary workers, rental of equipment, purchase of supplies and materials, limitations upon tax levies, and the appropriation and expenditure of public funds, for example, but not limited to, publication of ordinances and resolutions, publication of calls for bids, provisions of civil service laws and rules, provisions relating to low bids, and requirements for budgets.

#### TITLE IV — MISCELLANEOUS PROVISIONS

**Sec. 401. Functions declared governmental.** All functions hereunder and all other activities relating to civilian defense are hereby declared to be governmental functions.

The state, the political subdivisions thereof, other agencies of the state or a political subdivision thereof, and, except in cases of wilful misconduct, the officers, 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, regulation or order made pursuant to the provisions of this act, shall not be liable for the death of or any 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 law, nor the right of any such person to receive any benefits or compensation under any act of Congress.

**Sec. 402. Holders of out-of-state licenses; powers, duties.** During a Civil Defense Emergency, any person who holds a license, certificate or other permit issued by a state of the United States, evidencing the meeting of qualifications for professional, mechanical or other skills, may render aid involving such skill in this state. The license, certificate or other permit of such person while so rendering aid shall have the same force and effect as if issued in this state.

**Sec. 403. Communists not to be hired or used.** 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:

"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 ..... 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. 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."

**Sec. 404. Political activities forbidden.** No organization for civil defense established under the authority of this act shall participate in any form of political activity, nor shall it be employed directly or indirectly for political purposes, nor shall it be employed in a legitimate labor dispute.

**Sec. 405. Violations, penalties.** Unless a different penalty or punishment is specifically prescribed, any person who wilfully violates any provision of this act or any rule, order or regulation having the force and effect of law issued under authority of this act is guilty of a misdemeanor and upon conviction shall be punished by a fine of not less than \$10.00 or more than \$100, or by imprisonment for not more than 90 days.

**Sec. 406. Limitation of powers.** Nothing in this act shall be construed to authorize the Governor or the director:

(1) By subpoena or otherwise to require any person to appear before him or any other person or to produce any records for inspection by him or any other person, or to examine any person under oath; and

(2) To remove summarily from office any person, other than a person appointed under this act, except as now provided by law or as herein specifically authorized.

## TITLE V — APPROPRIATIONS

**Sec. 501.** There is appropriated from any moneys in the general revenue fund in the state treasury not otherwise appropriated to the Governor the sums hereinafter named, or so much thereof as may be necessary, to-wit: \$158,000 for the fiscal year ending June 30, 1952, and \$158,000 for the fiscal year ending June 30, 1953, which may be expended in effecting the purposes of this act; and also \$27,500 to be available July 1, 1951, for the necessary equipment of the control center.

Sec. 502. Subdivision 1. There is appropriated out of moneys in the general revenue fund in the state treasury not otherwise appropriated to the Governor for acquisition of organizational equipment for state use and for contributions to political subdivisions under authority of Section 206, subdivision 3, paragraph (1), the sum of \$172,000 for each of the fiscal years ending June 30, 1952, and 1953, respectively.

Subd. 2. (1) Moneys appropriated in subdivision 1 hereof or paid into the state treasury, in trust, pursuant to Section 206, Subdivision 3, paragraph (2) (a), may be paid into the federal treasury, in trust, as its share of the cost of organizational equipment ordered by the state required by the federal government to be paid in advance.

(2) Moneys appropriated in subdivision 1 hereof or paid into the state treasury, in trust, pursuant to Section 206, Subdivision 3, paragraph (2) (b), may be paid to the federal government as reimbursement of the state's share of the cost of organizational equipment purchased for the state or a political subdivision when delivery thereof is requested by the state and initially wholly paid for from the federal treasury.

Sec. 503. All unencumbered balances of funds heretofore appropriated by the executive council for civil defense purposes are hereby reappropriated to the Governor for such purposes.

Sec. 504. Subdivision 1. Minnesota Statutes 1949, Section 9.28, Subdivision 6, is amended to read:

9.28 Subd. 6. **May borrow money.** (1) For the purpose of carrying out the provisions of this section, when even an emergency exists, the executive council, within the limitations hereinafter prescribed, is authorized to borrow such a sum of money as shall in its judgment be necessary and sufficient. The executive council shall not expend or borrow, under authority of this section, more than \$200,000 during any fiscal year.

(2) *During the period when the Governor is authorized to exercise the emergency powers and duties conferred and imposed upon him by Section 301 of this act, the executive council, in addition to any other authority conferred upon it in this subdivision, is empowered for the purpose of provid-*

*ing the moneys, necessary for subdivision 2 of this section to borrow such moneys as may be required for the purposes of subdivision 2 of this section, but not more than \$500,000, and to allocate moneys so borrowed to the Governor.*

Subd. 2. The moneys allocated to the Governor under authority of subdivision 1 of this section are hereby appropriated to the Governor for the purposes of this act. The moneys appropriated in this subdivision may be expended only during the existence of the period when the Governor is authorized to exercise the emergency powers and duties conferred and imposed upon him by Section 301 of this act.

Approved April 23, 1951.

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#### CHAPTER 695—S. F. No. 2

*An act relating to the state civil service, providing for basic rates of pay and cost of living adjustments thereunder; amending Minnesota Statutes 1949, Section 43.123, Subdivisions 1 and 2, and adding new provisions.*

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

Section 1. Minnesota Statutes 1949, Section 43.123, Subdivisions 1 and 2, are amended to read as follows:

43.123. **Investigation.** Subdivision 1. The director shall, during the month of March, 1952, make an investigation and determine whether there has been a change in the average cost of living in the cities of this state since January 1, 1952, as shown by the December, 1951, indices published by the bureau of labor statistics of the United States department of labor. The director shall make a similar investigation during the month of March every year thereafter based on the *December index of the previous year* published by the bureau of labor statistics of the United States department of labor.

Subd. 2. (1) If upon any investigation provided for in subdivision 1 the director shall ascertain that the average cost of living index is more than 107 and not more than 114 he shall so notify the commissioner of administration, and the