

CHAPTER 443.

AN ACT to repeal 59.08 (45); to repeal and recreate 21.024; and to create 20.019 of the statutes, relating to civil defense.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. 20.019 of the statutes is created to read:

20.019 CIVIL DEFENSE. (1) All moneys received by the state from the United States pursuant to any act of congress or pursuant to federal authority for civil defense purposes and any gifts or grants of money from any person to the state for civil defense will be paid within one week after receipt into the general fund and are appropriated therefrom to the director of civil defense for the purposes for which the money was received.

(2) The director may request the purchasing agent to purchase such defense equipment and supplies from the federal government as are acquired and pooled for the various states out of funds appropriated for such purpose under section 20.03 (4); provided such equipment and supplies are necessary for civil defense and can be purchased more economically and expeditiously than otherwise would be possible.

SECTION 2. 21.024 of the statutes is repealed and recreated to read:

21.024 CIVIL DEFENSE. (1) POLICY. To insure that the state and its subdivisions and municipalities will be prepared and able to cope with disasters arising from enemy attacks, sabotage, or other enemy action; and during periods of armed conflict to protect the public peace, health and safety, and to preserve the lives and property of the people of the state, it is declared necessary to confer upon the governor the powers provided for in this section.

(2) STATE OF EMERGENCY. When the governor finds that a disaster due to an act of war is imminent or has occurred, he may proclaim that a state of emergency exists in the state or in any part thereof. A copy of the proclamation shall be filed with the secretary of state. The governor shall revoke the proclamation by order, or the legislature may revoke the proclamation by joint resolution, as soon as the state of emergency has terminated.

(3) The governor may accept gifts or grants to the state from any person for the purpose of civil defense and may authorize any officer of the state or political subdivision thereof to receive such services, equipment, supplies, materials or funds.

(4) LOCAL CIVIL DEFENSE. (a) *Organization.* Local organizations for civil defense may be organized by the governing body of any town, city, village or county. The state director shall furnish assistance and guidance when necessary to the development and co-ordination of local organizations. Each local organization for civil defense shall have a director appointed by the chief executive officer in cities and villages and the governing body of towns and counties. Such director shall be responsible for the organization, administration and operation of the local organization for civil defense, subject to the direction and control of such chief executive officer or governing body.

(b) *Appropriation.* Every political subdivision may appropriate funds or levy taxes for civil defense and disaster relief.

(c) *Mutual aid agreement.* The governor may, on behalf of the state, enter into mutual aid agreements with bordering states and Canada. Every political subdivision of the state, by action of its governing body, may contract with other political subdivisions of this state or any other bordering state for the giving or receiving of services, or both, in civil defense matters. Copies of all such contracts shall be filed with the state director of civil defense.

(5) DIRECTOR OF CIVIL DEFENSE. The state director of civil defense, hereinafter called the director, shall be appointed to serve at the convenience of the governor and his compensation shall be fixed by the governor. The governor may appoint the adjutant general as director of civil defense.

(6) (a) *General.* The director of civil defense, under the direction of the governor, is responsible for state activity in the program of civil defense. The director shall employ such assistants as he deems necessary to carry out the functions of this act, without regard to the provisions of chapter 16. The director shall stimulate the preparation of local civil defense plans and provide, with the approval of the governor, for state supplementation of personnel, money or equipment where local resources are inadequate. The director may organize and train state mobile support units composed of such volunteer personnel and equipment as the director deems necessary, including the power to engage in practice operations and to assist and supplement local emergency activities during a

period of emergency. The director may, under the direction of the governor, order state mobile support units to engage in emergency or training operations outside of the state in accordance with mutual aid agreements. After proclamation by the governor, the director may mobilize, co-ordinate, direct and assign all civil defense units.

(b) *Powers after enemy attack or declaration of a state of emergency.* In case of actual enemy attack against the United States or declaration of a state of emergency by the governor the director, under the direction of the governor, shall have the power to prescribe traffic control (air, land and water) in the state, or parts thereof, as necessary to permit orderly disaster relief.

(7) **LIABILITY FOR INJURY OR DAMAGE.** (a) *Employer-employee.* Each civil defense unit shall be designated by the name of the state of Wisconsin or of the sponsoring political subdivision thereof. Members of the unit who are not acting as employes of a private employer during civil defense activities shall be deemed employes of the sponsoring state or political subdivision thereof and are then eligible for workmen's compensation benefits (except death benefits) from such sponsor.

(b) *Place of employment.* Employment may be anywhere, in the state, or out of the state, if in accordance with an agreement made by the sponsor or on orders of the director of civil defense.

(c) *Pay.* Civil defense employes as such shall receive no pay unless specific agreement for pay is made. If no agreement for pay is made, or if the contract rate is less, pay for workmen's compensation purposes shall be computed at \$2,080 per annum.

(d) *Indemnification of employee.* Civil defense employes shall be indemnified by their sponsor against any tort liability to third persons incurred in the scope of civil defense employment.

(e) *Destruction of equipment.* The sponsor shall bear any loss arising from damage to, or destruction of, its equipment.

(f) *State reimbursement.* If the total liability for workmen's compensation benefits, indemnification under paragraph (d) and loss under paragraph (e) exceeds in any calendar year \$1 per capita of the sponsor's population, the state shall reimburse the sponsor for such excess. Payment shall be made from the appropriation of section 20.03 (4) on certificate of the director of civil defense.

(8) **PERSONNEL.** (a) No organization for civil defense established under the authority of this section 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.

(b) No person shall be employed or associated in any capacity in any civil defense organization established under this act who advocates 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.

(9) If any part of this section is held invalid, the invalidity shall not affect other parts which can be given effect separately; to this end, the provisions of this section are declared to be severable.

SECTION 3. 59.08 (45) of the statutes is repealed.

SECTION 4. The provisions of this act shall not be effective after July 1, 1953.

Approved June 26, 1951.
