

CHAPTER 22

DEPARTMENT OF LOCAL AFFAIRS AND DEVELOPMENT

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SUBCHAPTER I
GENERAL PROVISIONS

22.03 Organization of department. (1) **PURPOSES.** The purposes of this chapter are to recognize the need in an increasingly complex and technical society for closer co-operation and co-ordination between state and local governments so they may continue to fulfill their traditional roles in our system of government; to foster and encourage a pattern of state-local relationships that facilitate effective development and utilization of state and local resources in meeting citizen needs; to promote the development and maximum wise use of the natural and human resources of the state so as to provide a balanced and dynamic economy; and to insure that the state is prepared to cope with the emergencies resulting from enemy action and natural disaster.

(2) **LIBERAL CONSTRUCTION OF STATUTES.** Statutes applicable to the department of local affairs and development shall be construed liberally in aid of the purposes declared in sub. (1).

(3) **FULL-TIME EMPLOYEES UNDER CIVIL SERVICE.** Any full-time employes transferred into the department of local affairs and development who are outside the classified service on the effective date of this chapter shall, unless their positions are otherwise provided for by this chapter, be placed under the classified service in the appropriate class and pay scale, subject to s. 16.22. ;

History: 1967 c. 211.

22.04 Definitions. In ch. 22, unless the context clearly indicates otherwise:

(1) "Department" means the department of local affairs and development.

(2) "Secretary" is the head of the department under s. 22.06.

(3) "Deputy secretary" is either the executive assistant or a person under civil service as appointed by the secretary.

History: 1967 c. 211.

22.05 Department created. There is created a state department to be known as the department of local affairs and development. The department is created to carry out the purposes of this chapter by advising the governor and legislature on the role of the state in state-local affairs; continuing study of the problems affecting state and local government relations and provision of recommendations for relieving these problems; co-ordination of state agency activities affecting local governments as well as local government participation in and utilization of federal aid programs; and in any other reasonable manner that will accomplish the stated purposes of this chapter.

History: 1967 c. 211.

22.06 Secretary. The head of the department shall be the secretary who shall be nominated by the governor, and with the advice and consent of the senate appointed to serve at the pleasure of the governor. The secretary shall:

(1) Direct the faithful execution of the statutory duties and powers assigned to the department and shall advise the governor and legislature with respect to matters affecting urban affairs and intergovernmental relations

generally and especially on the role of the state in these matters.

(2) Organize the department to include divisions of state-local affairs, economic development, civil defense and disaster control and such other divisions as the secretary finds necessary for the effective administration of the department; organize an office in Milwaukee under the direction of a special assistant; and to allocate, reallocate or consolidate functions assigned to the department. Any allocation, reallocation or consolidation of functions shall be approved by the governor.

(3) Delegate any of his powers and duties to such officers and employes of the department as he may designate and may authorize such successive redelegations of such powers and duties as he deems desirable.

(4) Submit and adopt all necessary plans; enter into contracts; accept gifts, grants and federal funds, compile and submit a comprehensive program budget; make rules and regulations; submit a biennial report to the governor and legislature regarding department operation during the past biennium and those anticipated during the next biennium; and do all things necessary and proper to carry out this chapter.

History: 1967 c. 211.

22.09 Special assistant to the secretary.

A person shall be appointed, under the classified service to serve as a special assistant to the secretary. The special assistant shall administer the department's Milwaukee office and be directly concerned, as the secretary's representative, with urban and metropolitan problems.

History: 1967 c. 211.

22.095 Division administrators. The administrators of the divisions of civil defense and disaster control and economic development shall be nominated by the governor and, with the advice and consent of the senate, appointed to serve at the pleasure of the governor.

History: 1967 c. 211.

22.10 Oath; bond. The secretary and deputy secretary shall take the official oath. The governor may require a bond covering any or all employes of the department in such amount and with such surety as he deems necessary.

History: 1967 c. 211.

22.11 Co-ordinating community development programs. The successful discharge of this chapter demands that all activities and programs of state agencies which have an im-

portant impact on community affairs be fully co-ordinated. State agencies shall co-operate fully with the secretary and the governor in fulfilling this chapter. The governor and the secretary may establish such co-ordination, advisory, or other machinery and may issue such rules and regulations as deemed necessary to carry out this chapter.

History: 1967 c. 211.

22.12 Advisory committee. There shall be an advisory committee composed of 11 members, which shall meet regularly as specified by the secretary to review the department's program activities and proposed recommendations in order that the committee may advise the governor and secretary concerning their content and implications for the state. Members of the committee shall be appointed by and serve at the pleasure of the governor. In making appointments the governor may seek such assistance from groups and organizations within the state as he deems appropriate.

History: 1967 c. 211.

SUBCHAPTER II
STATE-LOCAL AFFAIRS

22.13 The department of local affairs and development. (1) PURPOSE. The legislature determines that a pattern of state-local relations be established that will facilitate closer co-ordination and co-operation between state and local governments. Through careful study the department shall recommend methods of financing local government operation as the foundation for an improved pattern of state-local relations.

(2) The department of local affairs shall:

(a) Carry out continuing studies and analyses of the urban problems faced by Milwaukee and other urban areas within the state and develop such recommendations for administrative or legislative action as appear necessary. In carrying out such studies and analyses, particular attention should be paid to the development of financing methods and programs which will effectively supplement local effort.

(b) Carry out continuing studies and analyses of the problems faced by local governments within the state and develop such recommendations for administrative or legislative action as appear necessary.

(c) Study existing legal provisions that affect the structure and financing of local government and those state activities which involve significant relations with local govern-

ment units; recommend such changes in these provisions and activities as appear necessary to strengthen local government.

(d) Review proposed changes in local government boundaries and evaluate and recommend to communities involved those changes which are in the best interest of the state and the communities involved.

(e) Co-operate with and provide technical assistance to county, town, village, city and regional planning commissions, parks or recreation boards, community development groups, community action agencies, and similar agencies created for the purposes of aiding and encouraging an orderly, productive and co-ordinated development of the state.

(f) Assist the governor in co-ordinating the activities of state agencies which have an impact on the solution of community development problems and the implementation of community plans.

(g) Encourage and, when requested, assist the efforts of local governments to develop mutual and co-operative solutions to their common problems.

(h) Serve as a clearinghouse for information, data and other materials which may be helpful or necessary to local governments to discharge their responsibilities.

(i) Assist and co-operate with other state agencies, organizations of elected officials in the state, local governments, federal agencies, and any other appropriate agency or organization in carrying out assigned functions and duties; to facilitate the local affairs function of the department, the bureau of community development and other appropriate units of the extension division of the university of Wisconsin shall co-ordinate their activities with the department, and the department shall co-operate with them in providing facts and information necessary in the conduct of research or the providing of professional advice in their respective fields.

(j) Consult with and encourage participation by private groups, individuals, and organizations in carrying out the purposes of the department.

(k) Develop and with the consent of the community involved, test or demonstrate model programs and projects, contract to administer certain functions or services within a community of the state for such purposes, or to otherwise provide a program of practical research in the solution of community problems.

(m) Assist in the development and implementation of community action programs in-

cluding those authorized by the federal economic opportunity act of 1964, as amended, on December 8, 1967.

(3) The department shall receive applications for state aid in such manner as the department prescribes for metropolitan area park development submitted under s. 66.36 and allocate funds therefor within the limits of the appropriation established by s. 20.545 (1) (i) in accordance with priorities based on comprehensive plans submitted with the application and on the ratio of population density to available recreational lands in the area to be served.

History: 1961 c. 427 s. 13; 1965 c. 433 s. 121; 1967 c. 211 ss. 13, 15 and 20.

SUBCHAPTER III

LOCAL AND REGIONAL PLANNING

22.14 Department of local affairs and development. (1) PURPOSE. The legislature determines that the proper development of the state as an attractive place to live and work will be enhanced through the development and expansion of comprehensive planning programs by local government units and metropolitan and regional areas.

(2) The department shall:

(a) Encourage, assist and advise regional, county and local agencies or bodies responsible for planning and zoning in the programs they administer or may wish to initiate.

(b) Help local units of government to plan and initiate development projects.

(c) Provide planning assistance to any city, town, village or county, or to any combination thereof, having common or related planning or development problems or to any official metropolitan or regional planning agency, or to councils of government established under s. 66.30, which have the resources and administrative personnel necessary to carry out such planning.

(d) Encourage and promote the formation of metropolitan and regional planning agencies and provide assistance to such agencies so that integrated area-wide comprehensive plans will be developed.

(e) As necessary prepare plans for city, town, village or county or any official metropolitan or regional planning agency at the request of the local governmental unit or planning agency, and shall charge the cost of its services to the requesting local governmental unit or planning agency.

(f) Assist planning for metropolitan or regional areas, or areas where rapid urbanization has resulted or is expected to result, in-

cluding areas extending into adjoining states.

(g) Administer state platting regulations in accordance with ch. 236.

(h) Administer federal planning grants for local and regional planning, when so designated by the governor pursuant to s. 16.54.

(i) At the request of a town, village, city or county, call a meeting of all appropriate state and local agencies to communicate to each agency involved what each other agency is undertaking to do in a given planning area and provide an opportunity for all agencies to co-ordinate their activities in the given area.

(j) Provide for continuing communication between all agencies involved in, and for additional agencies as they become involved in, planning or operating in a given planning area.

History: 1967 c. 211.

SUBCHAPTER IV

CIVIL DEFENSE AND DISASTER CONTROL

22.16 Civil defense and disaster control.

(1) **DECLARATION OF POLICY.** To ensure that the state, its subdivisions and municipalities will be prepared to cope with emergencies resulting from enemy action it is determined and declared to be necessary to confer upon the governor the powers provided by this section, to provide for civil defense and disaster control organizations at the state and local government levels, to provide for the administration of civil defense and disaster control programs, and to provide penalties. To this end the existing agencies of government on the state and local levels shall be employed to the fullest extent, in preparing for and coping with such emergencies, under the guidance and direction of the designated civil defense and disaster control authorities at such levels of government.

(2) **DEFINITIONS.** As used in this section:

(a) The term "enemy action" means any hostile action taken by a foreign power which threatens the security of this state.

(b) The term "civil defense and disaster control" means all those activities and measures designed or undertaken: 1. to minimize the effects upon the civilian population caused or which would be caused by enemy action, 2. to deal with the immediate emergency conditions which could be created by such enemy action, and 3. to effectuate emergency repairs to, or the emergency restoration of, vital public utilities and facilities destroyed or damaged by such enemy action.

(4) **POWERS AND DUTIES OF THE GOVERNOR.**

The governor:

(b) Shall appoint the members of the civil defense and disaster control council, other than ex officio members and legislative members, under sub. (6).

(c) Shall review and pass on orders establishing civil defense and disaster control areas or changing the boundaries thereof under sub. (5).

(d) Shall review and pass on the state plan of civil defense and disaster control and any modification thereof under sub. (5).

(e) If he determines that an emergency resulting from enemy action exists, may proclaim that a state of emergency exists throughout the state or any part thereof. The period of the state of emergency shall not extend beyond 60 days unless extended by joint resolution of the legislature. A copy of the proclamation shall be filed with the secretary of state. The proclamation may be revoked by the written order of the governor or by the legislature by joint resolution whenever either deems it appropriate to do so.

(f) In case of a state of emergency proclaimed by him, may call the legislature into special session.

(g) May, on behalf of the state, enter into mutual aid agreements with other states.

(h) May, on behalf of the state, accept gifts or grants to the state from any source for purposes of civil defense and disaster control and may authorize any officer of the state or any county, city, village or town to receive such gifts or grants, whether as services, equipment, supplies, materials or funds, but any such grants of funds from the United States shall be subject to the restrictions established by s. 20.545 (1). If the grants are based upon a matching agreement providing for municipal or county participation, the state may transfer the title to equipment acquired through participation in such agreement to participating municipalities and counties.

(i) Shall employ the bureau of civil defense and disaster control and its facilities and other resources to cope with emergency problems during the continuance of a state of emergency proclaimed by him and, to that end, may issue such orders and delegate such authority to the administrator as are necessary and proper.

(j) Shall determine the responsibilities of the several state agencies in respect to civil defense and disaster control and may by order direct such agencies to utilize their personnel, facilities, supplies and equipment to carry out

such responsibilities in preparation for and during a state of emergency proclaimed by him.

(m) May, during the continuance of a state of emergency proclaimed by him, require that performance under contracts or orders (other than contracts of employment) which he deems necessary or appropriate to promote civil defense and disaster control shall take priority over performance under any other contract or order, and, for the purpose of assuring such priority, require acceptance and performance of such contracts or orders in preference to other contracts or orders by any person he finds to be capable of their performance.

(n) May, during the continuance of a state of emergency proclaimed by him, allocate materials and facilities in such manner, upon such conditions, and to such extent as he deems necessary or appropriate to promote civil defense and disaster control.

(o) May, during the continuance of a state of emergency proclaimed by him, take, use or destroy private property required for the purpose of civil defense and disaster control. The taking of such private property pursuant to this provision, whether for temporary or permanent use or for destruction, shall be in the name of the state. An appropriate record shall be made of such action and such record shall be evidence of a claim against the state. Payment of such claim shall be made pursuant to s. 16.53 (8).

(p) May, during the continuance of a state of emergency proclaimed by him, issue regulations and orders of general applicability as are necessary and proper for the security of persons and property.

(5) POWERS AND DUTIES OF THE ADMINISTRATOR. The administrator, without restriction because of enumeration:

(a) Shall organize and direct the bureau of civil defense and disaster control provided for in sub. (3).

(b) May, by general or special written orders subject to approval by the governor, divide the territory of the state into civil defense and disaster control areas and modify the boundaries thereof as changed conditions may warrant. Such areas shall be composed of whole counties having substantially similar civil defense and disaster control problems and shall be classified and designated in accordance with standards promulgated under authority of the Federal Civil Defense Act of 1950, as amended. The purpose of the division of territory into civil defense and disas-

ter control areas shall be to facilitate the administration of the state program of civil defense and disaster control.

(c) May employ a deputy administrator of civil defense and disaster control under the classified service, who shall serve as his deputy and principal assistant.

(e) May appoint for each civil defense and disaster control area an area director of civil defense and disaster control, under the classified service, on either a full-time or part-time basis or may request the governor to designate any state employe or official as an acting area director on a part-time basis.

(f) May employ such personnel under the classified service, or may appoint such technical advisors outside the classified service, as he deems necessary to carry out the state program of civil defense and disaster control.

(g) Shall, subject to approval of the governor, develop and promulgate a state plan of civil defense and disaster control and necessary modifications thereof, which shall be mandatory on all levels of government within the state, to provide for the security of persons and property during the continuance of a state of emergency proclaimed by the governor.

(h) Shall furnish guidance for the development and co-ordination of civil defense and disaster control organizations at all levels of government.

(i) Shall prescribe a system of designations for the bureau of civil defense and disaster control and for county and municipal civil defense and disaster control organizations.

(j) Shall prescribe and carry out statewide training programs and exercises to develop civil defense and disaster control proficiency and furnish guidance for the conduct of similar programs and exercises at the county and municipal levels.

(k) Shall promulgate minimum standards of compliance with the state plan of civil defense and disaster control for counties and municipalities consistent with population, location and vulnerability.

(l) Shall withhold or recover grants of funds or items of equipment under sub. (17).

(m) Shall publicly disseminate appropriate civil defense and disaster control information.

(n) May designate and post highways to be civil defense and disaster control routes, which shall be closed to all but authorized vehicles when required for training programs and exercises, and during the continuance of a state of emergency proclaimed by the gover-

nor may prescribe the routes and control of traffic at such times.

(o) Shall make appropriate provision for necessary civil defense and disaster control communications and for dissemination of warnings of enemy action to the civilian population.

(p) May organize and train state mobile support units and during the continuance of a state of emergency proclaimed by the governor may employ them for the support of any area, county or municipality. Such mobile support units may participate in training programs and exercises both within and outside the area of the state.

(r) Shall serve as the principal assistant to the governor in the direction of civil defense and disaster control activities.

(s) Shall co-ordinate the civil defense and disaster control activities as between the several counties.

(6) CIVIL DEFENSE AND DISASTER CONTROL COUNCIL. The governor, the lieutenant governor, the administrator, the deputy administrator, a recognized civic leader for each civil defense and disaster control area selected by the governor, one member of each house of the legislature appointed as are standing committees, and 5 heads of civil defense and disaster control services selected by the administrator, shall constitute the civil defense and disaster control council. The civic leaders shall serve at the pleasure of the governor. The terms of legislative members and of heads of civil defense and disaster control services shall cease when they cease to be legislators or heads of civil defense and disaster control services, respectively. The governor shall be chairman, and the lieutenant governor shall be vice-chairman, and the administrator shall act in their absence. The council shall meet at the call of the chairman and the members shall be reimbursed for their actual and necessary expenditures incurred in the performance of their duties. The council shall advise with and counsel the governor and the administrator on ways and means of providing an effective state program of civil defense and disaster control.

(7) POWERS AND DUTIES OF AREA DIRECTORS. Area directors of civil defense and disaster control may exercise such powers as may be delegated and shall perform such duties as may be assigned to them by the administrator.

(8) PROVISIONS GOVERNING COUNTIES. The county board of each county:

(a) Shall designate a committee of the county board as a county civil defense and disaster control committee whose chairman shall be the chairman of the county board;

(b) Shall adopt an effective program of civil defense and disaster control within the county consistent with the state plan of civil defense and disaster control;

(c) May appropriate funds and levy taxes for the program of civil defense and disaster control;

(d) Shall, except in counties having a county executive, appoint a county civil defense and disaster control director who shall be subject to the control and direction of the civil defense and disaster control committee and the general supervision of the county board;

(e) Shall, in counties having a county executive under s. 59.031, designate such county executive or confirm his appointee as county civil defense and disaster control director. Such civil defense and disaster control director shall be subject to the control and direction of both the county executive and the county board if appointed by the county executive, or to the county board alone if he is the county executive; in either case, the county executive shall co-ordinate and direct, by executive order or otherwise, all administrative and management functions of the county civil defense and disaster control program in accordance with s. 59.031. The civil defense and disaster control committee shall retain the policy-making and rule-making powers in the establishment and development of the county civil defense and disaster control program.

(f) The county civil defense and disaster control director shall:

1. Develop and promulgate civil defense and disaster control plans for the county, consistent with the state plan of civil defense and disaster control;

2. Co-ordinate and assist in the development of municipal civil defense and disaster control plans within the county, and integrate such plans with the county plan;

3. Direct the county civil defense and disaster control program;

4. Direct county-wide civil defense and disaster control training programs and exercises;

5. Advise the administrator of all civil defense and disaster control planning for the county and render such reports as may be required by the administrator;

6. In case of a state of emergency proclaimed by the governor, direct the county civil defense and disaster control activities and co-ordinate the municipal civil defense and disaster control activities within the county, subject to the co-ordinating authority of the administrator under sub. (5) and, in counties having a county executive, subject to par. (e);

7. Perform such other duties relating to civil defense and disaster control as may be required by the county board.

(9) PROVISIONS GOVERNING MUNICIPALITIES. The governing body of each city, village and town:

(a) Shall establish and maintain a municipal civil defense and disaster control organization.

(b) Shall make provision for an effective program of civil defense and disaster control within the municipality.

(c) May appropriate funds and levy taxes for the program of civil defense and disaster control.

(d) Shall provide for the appointment of a municipal civil defense and disaster control director. Unless provided otherwise the municipal civil defense and disaster control director shall be the mayor, manager, village president or town chairman. Said director, subject to the control and direction of the governing body, shall:

1. Direct the municipal civil defense and disaster control organization;

2. Develop and promulgate civil defense and disaster control plans for the municipality, consistent with the state plan of civil defense and disaster control and which meet minimum standards for compliance under sub. (5);

3. Direct municipal civil defense and disaster control training programs and exercises;

4. Direct participation of the municipality in such civil defense and disaster control training programs and exercises as are ordered by the county director and administrators;

5. Advise the county director of all civil defense and disaster control plans for the municipality and render such reports as may be required by the county director;

6. In case of a state of emergency proclaimed by the governor, direct the activities of the municipal civil defense and disaster control organization within the municipality, subject to the co-ordinating authority of the county director under sub. (8); and

7. Perform such other duties, relating to civil defense and disaster control as may be required by the governing body.

(10) JOINT ACTION. The offices of municipal, county and area directors or any 2 thereof may be combined by mutual agreement, and the participating units of government may agree on the allocation of costs. Nothing herein shall prohibit any 2 or more units of government in this state from proceeding under s. 66.30 to establish a joint defense program, select a joint director and provide for the allocation of costs.

(11) PERSONNEL. (a) *Political activity.* No civil defense and disaster control organization established under this section shall participate in any form of political activity or be employed directly or indirectly for any political activity.

(b) *Labor disputes.* No civil defense and disaster control organization established under this section shall be employed to interfere with the orderly process of a labor dispute.

(c) *Disloyalty.* No person shall be employed or associated in any capacity in any civil defense and disaster control organization under this section who advocates a change by force or violence in the constitutional form of government of the United States or this state or who has been convicted of or is under indictment or information charging any subversive act against the United States.

(d) *Workmen's compensation coverage.* Employees of municipal and county civil defense and disaster control units are employees of the municipality or county to which the unit is attached for purposes of workmen's compensation benefits. Employees of the area and state civil defense and disaster control units are employees of the state for purposes of workmen's compensation benefits. Volunteer civil defense and disaster control workers are employees of the civil defense and disaster control unit with whom duly registered in writing for purposes of workmen's compensation benefits. A civil defense and disaster control employe or volunteer who engages in civil defense and disaster control activities upon order of any echelon in the civil defense and disaster control organization other than that which carries his workmen's compensation coverage shall be eligible for the same benefits as though employed by the governmental unit employing him. Any employment which is part of a civil defense and disaster control program including but not restricted because of enumeration, test runs and other activities which have a training objective as

well as civil defense and disaster control activities during an emergency proclaimed in accordance with this chapter and which grows out of, and is incidental to, such civil defense and disaster control activity is covered employment. Members of a civil defense and disaster control unit who are not acting as employees of a private employer during civil defense and disaster control activities are employees of the civil defense and disaster control unit for which acting. If no pay agreement exists or if the contract pay is less, pay for workmen's compensation purposes shall be computed in accordance with s. 102.11.

(e) *Indemnification of employe.* Civil defense and disaster control employes as defined in par. (d) shall be indemnified by their sponsor against any tort liability to third persons incurred in the performance of civil defense and disaster control activities while acting in good faith and in a reasonable manner. Civil defense and disaster control activities constitute a governmental function.

(f) *State reimbursement.* If the total liability for workmen's compensation benefits under par. (d), indemnification under par. (e) and loss from destruction of equipment under sub. (12), incurred in any calendar year exceeds \$1 per capita of the sponsor's population, the state shall reimburse the sponsor for the excess. Payment shall be made from the appropriation in s. 20.545 (1) (a) on certificate of the administrator.

(g) *Pay.* Civil defense and disaster control employes as such shall receive no pay unless specific agreement for pay is made.

(12) **BEARING OF LOSSES.** Any loss arising from the damage to or destruction of government-owned equipment utilized in any authorized civil defense and disaster control activity shall be borne by the owner thereof.

(13) **UTILIZATION OF EXISTING SERVICES AND FACILITIES.** In carrying out their functions as herein provided, the state and each county and municipality of the state shall utilize the services, equipment, supplies and facilities of their agencies. All such agencies and the personnel thereof shall co-operate and extend such services, equipment, supplies and facilities as are required of them.

(14) **MUTUAL AID AGREEMENTS.** Any municipality or county, by action of its governing body, may contract with other towns, villages, cities or counties of this state or, with approval of the administrator, may contract with other towns, villages, cities or counties of a bordering state for the giving or receiving of services or both in respect to civil de-

fense and disaster control. Copies of all such agreements shall be filed, within 10 days of their approval, with the administrator.

(15) **POWER OF PEACE OFFICERS.** During the continuance of any state of emergency proclaimed by the governor or during any training program or exercises authorized by the administrator, any peace officer or traffic officer of the state, or of a county, city, village or town, when legally engaged in traffic control, escort duty or protective service, may carry out such functions at any point within the state but shall be subject to the direction of the administrator through the sheriff of the county in which an assigned function is performed.

(16) **RED CROSS NOT AFFECTED.** Nothing contained in this section shall limit or in any way affect the responsibility of the American National Red Cross as authorized by the congress of the United States.

(17) **AUTHORITY TO WITHHOLD OR RECOVER GRANTS.** If the administrator finds that any political subdivision of the state has not complied with the statutory requirement that it establish and maintain an operating civil defense and disaster control organization, he may refuse to approve grants of funds or items of equipment to such political subdivision until it complies. If such political subdivision fails to use funds or items of equipment granted to it through the agency of the administrator in accordance with the agreement under which the grant was made, the administrator may refuse to make any additional grants to such political subdivision until it has complied with the conditions of the prior grant, and he may start recovery proceedings on the funds and items of equipment which have not been used in accordance with the conditions of the grant.

(19) **PENALTIES.** Whoever knowingly and wilfully fails to comply with the directives of the civil defense and disaster control authorities promulgated pursuant to this section during a state of emergency proclaimed by the governor or during any training program or exercises may be fined not more than \$200 or imprisoned not more than 90 days, or both.

History: 1961 c. 33; 1965 c. 66 s. 5; 1965 [13.93 (1) (i)]; 1965 c. 364, 433 s. 121; 1967 c. 5, 211 ss. 11, 20 and 21 (2) and (3); 1967 c. 226, 291 s. 14; 1967 c. 350.

22.161 Other emergencies. (1) **POWERS AND DUTIES OF THE GOVERNOR.** If the governor determines that an emergency growing out of natural or man made disaster, except from enemy action, exists in any part of the state and that such emergency is of statewide con-

cern, he may proclaim that a state of emergency exists in such part of the state. The period of the state of emergency shall not extend beyond 30 days unless extended by joint resolution of the legislature. A copy of the proclamation shall be filed with the secretary of state. The proclamation may be revoked by the written order of the governor or by the legislature by joint resolution whenever either deems it appropriate to do so. During the continuance of such state of emergency the governor may employ the bureau of civil defense and disaster control established under this chapter and its facilities and other resources to cope with the problems of the emergency and, to that end, may issue such orders and delegate such authority to the administrator of the division of civil defense and disaster control as are necessary and proper. In addition, he may determine the responsibilities of the several state agencies in respect to the problems of the emergency and by order direct such agencies to utilize their personnel, facilities and other resources to carry out such responsibilities, subject to restrictions imposed by federal regulation on property donated by the federal government.

(2) **POWERS AND DUTIES OF THE ADMINISTRATOR.** During the continuance of a state of emergency proclaimed by the governor under sub. (1) the administrator of the division of civil defense and disaster control:

(a) Shall serve as an assistant to the governor in the direction of emergency activities under this section;

(b) Shall co-ordinate the activities of county civil defense and disaster control directors of counties situated within the area to which the governor's proclamation applies;

(c) May prescribe the routes and control the traffic in the area to which the governor's proclamation applies;

(d) May employ civil defense and disaster control communication facilities to cope with the problems of the emergency;

(e) May employ mobile support units to cope with the problems of the emergency;

(f) May, in the interests of the public peace, health and safety, take, use or destroy private property situated within the area to which the governor's proclamation applies and required in the performance of his duties, subject to the conditions prescribed in s. 22.16 (4) (o).

(3) **PROVISIONS GOVERNING COUNTIES AND MUNICIPALITIES.** During the continuance of a state of emergency proclaimed by the governor under sub. (1) the county board of each

county situated within the area to which the governor's proclamation applies may employ the county civil defense and disaster control organization established under s. 22.16 (8) and the facilities and other resources of said organization to cope with the problems of the emergency, and the governing body of each city, village and town situated within said area shall have similar authority with respect to the municipal civil defense and disaster control organization established under s. 22.16 (9) and the facilities and other resources of said organization. Nothing in this chapter shall be construed to prohibit counties and municipalities from employing their civil defense and disaster control organizations and the facilities and other resources of said organizations to cope with the problems of local public emergencies except where restrictions are imposed by federal regulations on property donated by the federal government.

(4) **SUPPLEMENTARY PROVISIONS.** During the continuance of a state of emergency proclaimed by the governor under sub. (1) the provisions of s. 22.16 (11) to (16) and (19) shall be applicable to operations carried out under authority of this section.

History: 1961 c. 33; 1965 c. 66 s. 5; 1967 c. 5, 211 ss. 11, 20 and 21 (2), (3).

22.162 Preservation of public records.

The committee on public records established under s. 16.80 shall establish as promptly as possible a system for the protection and preservation of essential state public records necessary for the continuity of governmental functions in the event of enemy action and for the re-establishment of government after attack. The committee shall:

(1) Determine what records are essential for emergency operation through consultation with all state agencies and with the bureau of civil defense and disaster control.

(2) Determine what records are essential for post-emergency operations and provide for their protection and preservation.

(3) Establish the manner in which essential records for emergency and post-emergency operations shall be preserved.

(4) Require every state agency to establish and maintain a records preservation program.

(5) Provide for security storage of essential state records.

(6) Provide the several state agencies with copies of the final plan for the protection and preservation of essential public records.

(7) Advise and recommend as to the establishment of records protection and preserva-

tion programs for all local governmental agencies.

History: 1967 c. 5, 211.

22.163 Seat of state government. (1)

DESIGNATION OF EMERGENCY TEMPORARY LOCATION. Whenever, during the continuance of a state of emergency proclaimed by the governor under authority of s. 22.16, it becomes imprudent, inexpedient or impossible to conduct the affairs of state government at the seat thereof in the city of Madison, Dane county, Wisconsin, the governor shall, as often as the exigencies of the situation require, by proclamation, designate an emergency temporary location for the seat of government at such place within or without this state as he deems advisable under the circumstances, and shall take such action and issue such orders as are necessary for an orderly transition of the affairs of state government to such emergency temporary location. If practicable, the emergency temporary location so designated by the governor shall conform to that provided for in the current civil defense and disaster control plan authorized by s. 22.16. Such emergency temporary location shall remain as the seat of government until the governor establishes a new location under this section, or until the emergency is declared to be ended in the manner provided by s. 22.16 and the seat of government is returned to its normal location.

(2) EXERCISE OF GOVERNMENTAL AUTHORITY. During such time as the seat of government remains at such temporary location all official acts now or hereafter required by law to be performed at the seat of government by any officer, agency, department or authority of this state, including the convening and meeting of the legislature in regular or special session, shall be as valid and binding when performed at such emergency temporary location as if performed at the normal location of the seat of government.

History: 1967 c. 211 ss. 11, 20 and 21 (2).

22.164 Emergency temporary locations of government for counties, towns and municipalities. (1) DESIGNATION OF EMERGENCY TEMPORARY LOCATIONS.

Whenever, during the continuance of a state of emergency proclaimed by the governor under s. 22.16, it becomes imprudent, inexpedient or impossible to conduct the affairs of local government at the regular or usual place or places thereof, the governing body of each county, town and municipality of this state may meet at any place within or without the territorial limits

of such political subdivision on the call of the presiding officer or his successor, and shall proceed to establish and designate by ordinance, resolution or other manner, alternate or substitute sites or places as the emergency temporary locations of government where all, or any part, of the public business may be transacted and conducted during the emergency situation. Such alternate or substitute site or places may be within or without the territorial limits of such county, town or municipality and may be within or without those of the state. If practicable, they shall be the sites or places designated as the emergency temporary locations of government in the current civil defense and disaster control plan authorized by s. 22.16.

(2) EXERCISE OF GOVERNMENTAL AUTHORITY. During the period when the public business is being conducted at an emergency temporary location, the governing body and other officers of a county, town or municipality of this state shall have and possess and shall exercise, at such location, or locations, all of the executive, legislative, administrative and judicial powers and functions conferred upon such body and officers by or under the laws of this state. Such powers and functions except judicial may be exercised in the light of the exigencies of the emergency situation without regard to or compliance with time-consuming procedures and formalities prescribed by law and pertaining thereto. All acts of such body and officers shall be as valid and binding as if performed within the territorial limits of their county, town or municipality.

(3) PRIORITY OF LEGISLATION. This section shall control in the event it shall be employed notwithstanding any statutory, charter or ordinance provision to the contrary or in conflict herewith.

History: 1965 [13.93 (1) (e)]; 1967 c. 211 ss. 11, 20 and 21 (2).

22.165 Succession to local offices. The governing body of any county, town or municipality may enact such ordinances and resolutions as may be necessary to provide for the continuity of government in the event of and throughout the duration of a state of emergency resulting from enemy action in the form of an attack. Such ordinances and resolutions shall provide a method by which temporary emergency appointments to public office are made, except as limited by express constitutional provisions and shall define the scope of the powers and duties which may be exercised, and shall provide for termination of the appointment so made. This section

shall control in the event it is employed notwithstanding any statutory provision to the contrary or in conflict therewith.

History: 1965 [13.93 (1) (e)]; 1967 c. 211.

22.166 Succession to office. (1) **DECLARATION OF POLICY.** Because of the possibility of enemy attack upon the United States of unprecedented destructiveness, it is determined and declared to be necessary to assure the continuity and effective operation of the governments of this state and of its political subdivisions in the event of such attack, by providing for additional persons who can temporarily exercise the powers and discharge the duties of state and local offices.

(2) **DEFINITIONS.** As used in this section unless the context clearly requires otherwise:

(a) "Unavailable" means that during an emergency resulting from enemy action in the form of an attack, either a vacancy in office exists and there is no deputy authorized to exercise all of the powers and discharge the duties of the office, or that the lawful incumbent of the office, including any deputy exercising the powers and discharging the duties of an office because of a vacancy, and his duly authorized deputy are absent or unable to exercise the powers and discharge the duties of the office.

(b) "Emergency interim successor" means a person designated pursuant to this section, if the officer is unavailable, to exercise the powers and discharge the duties of an office until a successor is appointed or elected and qualified as may be provided by the constitution, statutes, charters and ordinances or until the lawful incumbent is able to resume the exercise of the powers and discharge the duties of the office.

(c) "Office" includes all state and local offices, the powers and duties of which are defined by the constitution, statutes, charters and ordinances, except the office of governor, and except those in the legislature and the judiciary. An "officer" is a person who holds an office.

(d) "Attack" means any action taken by an enemy of the United States causing, or which may cause, substantial damage or injury to persons or property in the state of Wisconsin in any manner by sabotage or by the use of bombs, missiles, shellfire, or atomic, radiological, chemical, bacteriological or biological means or other weapons or methods.

(e) "Political subdivision" includes counties, cities, towns, villages, special districts, authorities, and other public corporations and

entities whether organized and existing under charter or general law.

(3) **EMERGENCY INTERIM SUCCESSORS TO OFFICE OF GOVERNOR.** If the governor is unavailable, and if the lieutenant governor and the secretary of state are unavailable, the attorney general, state treasurer, speaker of the assembly, and the president pro tempore of the senate shall in the order named if the preceding named officers are unavailable, exercise the powers and discharge the duties of the office of governor until a new governor is elected and qualified, or until a preceding named officer becomes available; but no emergency interim successor to the aforementioned offices may serve as governor.

(4) **EMERGENCY INTERIM SUCCESSORS FOR STATE OFFICERS.** All state officers, subject to such regulations as the governor (or other official authorized under the constitution or this section to exercise the powers and discharge the duties of the office of governor) may issue, shall, upon approval of this section, in addition to any deputy authorized pursuant to law to exercise all of the powers and discharge the duties of the office, designate by title emergency interim successors and specify their order of succession. The officer shall review and revise, as necessary, designations made pursuant to this section to ensure their current status. The officer shall designate a sufficient number of such emergency interim successors so that there will be not less than 3 nor more than 7 such deputies or emergency interim successors or any combination thereof, at any time. If any state officer is unavailable following an attack, and if his deputy, if any, is also unavailable, the powers of his office shall be exercised and the duties of his office shall be discharged by his designated emergency interim successors in the order specified. Such emergency interim successors shall exercise said powers and discharge said duties only until such time as the governor under the constitution or authority other than this section or other official authorized under the constitution or this section to exercise the powers and discharge the duties of the office of governor may, where a vacancy exists, appoint a successor to fill the vacancy or until a successor is otherwise appointed, or elected and qualified as provided by law; or an officer or his deputy or a preceding named emergency interim successor becomes available to exercise, or resume the exercise of, the powers and discharge the duties of his office.

(5) **ENABLING AUTHORITY FOR EMERGENCY**

INTERIM SUCCESSORS FOR LOCAL OFFICES. With respect to local offices for which the governing bodies of political subdivisions may enact resolutions or ordinances relative to the manner in which vacancies will be filled or temporary appointments to office made, such governing bodies are hereby authorized to enact resolutions or ordinances providing for emergency interim successors to offices of the aforementioned governmental units. Such resolutions and ordinances shall not be inconsistent with this section.

(6) EMERGENCY INTERIM SUCCESSORS FOR LOCAL OFFICERS. This section shall be applicable to officers of all political subdivisions not included in sub. (5). Such officers, subject to such regulations as the executive head of the political subdivision may issue, shall upon approval of this section, designate by title, if feasible, or by named person, emergency interim successors and specify their order of succession. The officer shall review and revise, as necessary, designations made pursuant to this section to ensure their current status. The officer shall designate a sufficient number of persons so that there will be not less than 3 nor more than 7 deputies or emergency interim successors or any combination thereof at any time. If any officer of any political subdivision or his deputy provided for pursuant to law is unavailable, the powers of the office shall be exercised and duties shall be discharged by his designated emergency interim successors in the order specified. The emergency interim successor shall exercise the powers and discharge the duties of the office to which designated until such time as a vacancy which may exist shall be filled in accordance with the constitution or statutes or until the officer or his deputy or a preceding emergency interim successor again becomes available to exercise the powers and discharge the duties of his office.

(7) STATUS AND QUALIFICATIONS OF DESIGNNEES. No person shall be designated or serve as an emergency interim successor unless he is eligible under the constitution and statutes to hold the office to which powers and duties he is designated to succeed, but no constitutional or statutory provision prohibiting local or state officials from holding another office shall be applicable to an emergency interim successor.

(8) FORMALITIES OF TAKING OFFICE. Emergency interim successors shall take such oath as may be required for them to exercise the powers and discharge the duties of the office to which they may succeed. No person, as a

prerequisite to the exercise of the powers or discharge of the duties of an office to which he succeeds, shall be required to comply with any other provision of law relative to taking office.

(9) PERIOD IN WHICH AUTHORITY MAY BE EXERCISED. Officials authorized to act as governor pursuant to this section and emergency interim successors are empowered to exercise the powers and discharge the duties of an office as herein authorized only during the continuance of an emergency resulting from enemy action in the form of an attack. The legislature, by joint resolution, may at any time terminate the authority of said emergency interim successors to exercise the powers and discharge the duties of office as herein provided.

(10) REMOVAL OF DESIGNNEES. Until such time as the persons designated as emergency interim successors are authorized to exercise the powers and discharge the duties of an office in accordance with this section, said persons shall serve in their designated capacities at the pleasure of the designating authority and may be removed or replaced by said designating authority at any time, with or without cause.

(11) DISPUTES. Any dispute concerning a question of fact arising under this section with respect to an office in the executive branch of the state government, except a dispute of fact relative to the office of governor, shall be adjudicated by the governor or other official authorized under the constitution or this section to exercise the powers and discharge the duties of the office of governor and his decision shall be final.

History: 1961 c. 435; 1965 [13.93 (1) (e)]; 1967 c. 211.

22.167 Public shelters; immunity from civil liability. (1) Any person owning or controlling real estate or other premises who voluntarily and without compensation grants to the state or any of its political subdivisions a license or privilege, or otherwise permits the state or any of its political subdivisions to inspect, designate and use the whole or any part thereof for the purpose of sheltering persons during an actual, impending, mock or practice attack shall, together with his successors in interest, if any, not be civilly liable for negligently causing the death of or injury to any person on or about such real estate or premises under such license, privilege or permission or for loss or damage to the property of such person, if the owner or controller has complied with sub. (2).

(2) Any person owning or controlling real estate or other premises who has gratuitously granted the use thereof for the purposes stated in sub. (1) shall make known to the licensee any hidden dangers or safety hazards which are known to the owner or occupant of said real estate or premises which might possibly result in the death or injury or loss of property to any person making use thereof.

History: 1963 c. 293; 1967 c. 211.

SUBCHAPTER V

ECONOMIC DEVELOPMENT

22.17 Purpose. Under this subchapter the department's functions shall be of an advisory, informational, co-ordinative and promotional nature. Through research, planning and promotion it shall foster the growth and diversification of the economy. It shall serve as the central agency and clearing-house for developmental activities concerning the economy of the state. It shall make recommendations to the governor for the purpose of guiding a co-ordinated and economically efficient development of the state.

History: 1967 c. 211.

22.18 Economic development. The division of economic development will be responsible for carrying out the functions of this subchapter and the secretary shall act basically to co-ordinate these activities with the other functions of the department. The division shall foster and encourage economic development programs designed to broaden and strengthen the economy of the state, and it shall provide specific leadership in the following instances, among others, and shall:

(1) Support and assist the efforts of state, regional and local development corporations, industrial committees, chambers of commerce, labor organizations and other similar public and private agencies to obtain new and foster expansion of existing agricultural, commercial, industrial and mining enterprises.

(2) Study the impact of the St. Lawrence Seaway on the economy of the state, conduct research on port development and new businesses for port communities, communicate the results of such studies to appropriate port, public and business agencies and formulate, co-ordinate and direct a program of port development for the state. The division shall serve as a liaison agency between local port authorities, state and federal agencies and individuals or private agencies who need or request information relative to the ports of the state. The division shall appear before

federal, state and local agencies, whenever it deems such action advisable, in the matter of the welfare of the ports of the state.

(3) The administrator of the division of economic development shall identify for the governor's attention those significant business and industrial problems which may be relieved by state action.

(4) Assist in the formulation and implementation of integrated development programs for northern Wisconsin and other areas or regions of the state.

(5) Assist in the formulation and development of a more intensive program to aid and expand the mining industry.

(6) Provide advice and assistance to Wisconsin business and labor.

(7) Locate and maintain information on prime industrial sites, together with recommendations for protecting or preserving such sites.

(8) Perform such other functions as the governor may direct to aid in the industrial development of the state.

(9) Assemble and correlate information relating to all facets of the state's economic resources, including without limitation, the labor supply, markets for Wisconsin products, power development, highways, watersheds, waterways, water-front and harbor developments, water freight rates, tariffs, demurrage charges and state and federal regulations affecting ports, river basins, flood prevention, parks, reservations, river valleys, forests, wildlife refuges, aviation facilities, drainage and sanitary systems, waste disposal, waterworks, soil conservation, railroad right-of-ways, power transmission facilities, urban development, food, housing and water supplies, and factors which influence the development of new economic enterprises such as taxes and the regulation of industry.

(10) Assess the economic resources of each area of the state, including its human resources, natural resources, economic resources, government service resources, and economic strengths and problems and advance proposals to develop its strengths and solve its problems.

(11) Identify gaps in government services in each area of the state and recommend specific actions to the local and state agencies concerned.

(12) Prepare and maintain comprehensive plans for the dynamic development of the economy of each area of the state in co-operation with representatives of the area.

(13) Co-ordinate its comprehensive economic development plans with local and regional economic planning and economic development agencies, both governmental and nongovernmental, and assist these agencies to implement agreed upon economic resource development plans.

History: 1967 c. 211.

22.19 Promotion. (1) The division shall provide co-ordinating services to aid state and local groups in the promotion of new economic enterprises and shall conduct such publicity and promotional activities as are desirable to stimulate all facets of the economy and to this end it shall specifically:

(a) Collect and disseminate information regarding the advantages of developing business and industrial enterprises in this state.

(b) Stimulate and foster the development of the private industry of this state.

(c) Serve as the state's official liaison agency between persons interested in locating new economic enterprises in Wisconsin, and state and local groups seeking new enterprises. In this respect the division shall aid communities in organizing for and obtaining new business or expanding existing business and shall process requests which reflect interest in locating economic enterprises in the state.

(d) Collect and disseminate information regarding the ports of the state and promote the advantages of developing new business for the ports of the state.

(e) Study and promote means of expanding markets for Wisconsin products.

(f) Encourage public and private agencies or bodies to publicize the facilities and attractions of the state.

(2) To enhance formulation of a co-ordinated program promoting the interests of the state, the publicity and promotion activities authorized by this subchapter, and ss. 23.09 (7) (1), 84.30 and 93.07 (3) shall, prior to promulgation, be reviewed and approved by the administrator.

History: 1967 c. 211.

22.20 Co-operation. (1) LIAISON WITH STATE AND FEDERAL AGENCIES. The division shall seek information and advice from all relevant state and federal agencies. The university of Wisconsin and other state agencies are directed to provide the division with such information and advice necessary to carry out the purposes of this section.

(2) RESEARCH. The division shall utilize and co-ordinate with research programs of other state agencies and shall make such agreements as may be necessary to effectuate its own research program. It may initiate research and economic planning but where possible it shall seek to make full use of and strengthen the research resources of state agencies, including the university or other institutions of higher education as will enhance the work of the division.

(3) COMMUNICATIONS. The division shall establish strong lines of communication among all state agencies concerned with the economic development of the state to assure that all factors in such programs are given adequate consideration.

(4) PUBLICATIONS. The division may issue pamphlets and bulletins pertaining to the economy and the resources of the state. At its discretion, the division may make charges for its bulletins to cover printing and mailing costs.

History: 1967 c. 211.

22.22 Council for economic development. To assist the division in carrying out its functions under this subchapter, there is established the council for economic development. The council shall work with the administrator in developing and improving division programs. The council shall be composed of such members as the governor determines. Members shall be appointed and serve at the pleasure of the governor and shall be reimbursed for their actual and necessary expenses from the appropriation under s. 20.545 (3) (a).

History: 1967 c. 211.