

No. 2, A.]

[Published March 11, 1943.]

CHAPTER 8.

AN ACT to create 71.05 (1) (h) of the statutes, relating to exemption from taxation of income received from the United States for service as a member of the armed forces thereof.

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

71.05 (1) (h) of the statutes is created to read:

71.05 (1) (h) All income received during the year 1942 and subsequent thereto from the United States for service as a member of the armed forces thereof including therein members of Women's Auxiliary organizations created by Congress. This paragraph shall be effective for the duration of the present war plus 6 months after the termination thereof as determined by the President of the United States or the Congress of the United States.

Approved March 10, 1943.

No. 20, S.]

[Published March 12, 1943.]

CHAPTER 9.

AN ACT to create 20.031 and chapter 22 of the statutes, to amend the title of chapter 21, and to renumber 22.01 to 22.08 to be 21.71 to 21.78 of the statutes, creating a state council of defense and providing for county and local defense agencies to enable this state to cooperate fully with the federal government in the prosecution of the war, prescribing their powers, duties and functions, and making an appropriation.

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

SECTION 1. 20.031 of the statutes is created to read:

20.031 STATE COUNCIL OF DEFENSE. There is appropriated from the general fund to the state council of defense \$25,000 for the fiscal year ending June 30, 1943, and annually beginning July 1, 1943, \$50,000 for the execution of its functions under chapter 22.

SECTION 2. The title to chapter 21 of the statutes is amended to read:

CHAPTER 21

WISCONSIN NATIONAL GUARD AND NAVAL MILITIA

SECTION 3. 22.01 to 22.08 of the statutes are renumbered 21.71 to 21.78.

SECTION 4. Chapter 22 of the statutes is created to read:

CHAPTER 22

CIVILIAN DEFENSE

22.01 EXISTENCE OF EMERGENCY; PURPOSES OF CHAPTER. It is hereby declared that it is necessary, because of the war in which the United States of America is engaged, to provide for the creation of state, county and local defense agencies, and to confer upon such agencies emergency war powers and the incidents thereof enumerated herein. It is further declared to be the purpose of this chapter and the policy of the state thereby to assist the President of the United States of America, as Commander-in-Chief of the Army and Navy, in the successful prosecution of the war; to cooperate with the federal government and other states in matters relating to the war effort; to meet the extraordinary conditions and problems resulting in this state from the war by establishing such organizations and taking such steps as are necessary and appropriate to carry out the provisions of this chapter; and, generally, to defend the state, protect the public peace, health, and safety, and preserve the lives and the property of the people of Wisconsin.

22.02 STATE COUNCIL OF DEFENSE; MEMBERS; ORGANIZATION.

(1) There is created a state council of defense, hereinafter designated as the "council", consisting of 15 citizens at least one from each congressional district, to be appointed by the governor with the advice and consent of the senate. The governor and adjutant general shall be ex officio members of the council.

(2) The council shall elect a chairman from its members and shall hold such meetings as it may determine. Special meetings may be held upon the call of the chairman.

(3) The members of the council shall receive no compensation for their services but shall be entitled to reimbursements for traveling expenses actually and necessarily incurred in the performance of their duties.

(4) Any member of the council may be removed by the governor at the request of a majority of the council. A vacancy due to death, resignation, removal or inability to serve may be filled as in case of an original appointment, except that if the legislature is not in session it may be filled as in the case of an interim appointment.

22.03 POWERS, DUTIES AND FUNCTIONS OF THE COUNCIL. The council shall have the following powers, duties and functions:

(1) To assist in the coordination of the state, county and local activities related to national and state defense.

(2) To cooperate with any and all federal departments, agencies and independent establishments and the officers and employes thereof charged with responsibilities relating to the war effort or the defense of the nation; the officers and agencies of other states in matters pertaining to the war and the common defense of the state and nation; the political subdivisions and county and local defense councils and agencies of this state; and private agencies engaged in activities essential to civilian defense.

(3) To recommend throughout the state or in any area thereof, precautionary measures against air raids and other forms of attack, including practice blackouts, blackouts, radio silences, and such other measures as will suppress any activity which may assist an enemy; and such other precautionary measures as will prevent or minimize the loss of life or injury to persons and property which might result from such attacks.

(4) To recommend uniform air raid signals, designate places for use as air raid shelters and the equipment and use thereof, provide for the evacuation of persons and for the control of vehicular and pedestrian traffic, congregation of persons in public places or buildings, and lighting and noises of all kinds.

(5) To recommend to the governing body of any county, city, village or town such changes in the membership of any county or local council of defense as it may deem advisable for the efficient administration of civilian defense.

(6) To do all acts and things, not inconsistent with law, for the furtherance of the civilian defense of the state.

22.04 DIRECTOR; EMPLOYEES; OFFICES. (1) An executive director who shall be chosen by the council shall hold office during the pleasure of the council. In case of a vacancy, the council

shall appoint his successor. In the absence of the governor the director shall preside over the meetings of the council. He shall coordinate the activities and execute the program and orders of the council, maintain liaison with and utilize the services of federal and state agencies and exercise such further powers, functions and duties as the council may prescribe.

(2) The council may employ and fix the compensation of the executive director and such technical, clerical, stenographic, and other personnel as it may deem necessary to carry out the purposes of this chapter. The executive director and other employes of the council shall not be subject to chapter 16. The bureau of personnel upon request shall furnish to the council such registers of available employes, such lists of employes of state departments who can be made available and transferred to the council, and such other information and assistance as will aid the council in securing as promptly as possible all needed help.

(3) The council may establish a central office and such branch offices at such places in the state as it may deem necessary. It shall be provided with appropriate office space, furniture, equipment, supplies, stationery and printing in the same manner as other state agencies.

22.045 COUNTY AND LOCAL COUNCILS; HOW CREATED. The governing body of each county shall create a county council of defense. The governing body of any town, village or city may create a local council of defense. County and local councils of defense and other agencies heretofore established and carrying on functions on the effective date of this chapter in accordance with the purpose of this chapter, shall continue to exist and function under this chapter until changed by the governing body.

22.05 CIVILIAN DEFENSE POWERS OF COUNTY COUNCIL. (1) Each county defense council may appoint and remove, or provide for the appointment and removal of, air raid wardens, auxiliary fire and police personnel, and such other civilian defense workers as may be found necessary for conducting the activities of any agency created pursuant to this section. Such appointments shall not be subject to the requirements of civil service and the persons appointed shall not be entitled to any pension or retirement rights or privileges.

(2) County councils of defense, if and when established, shall cooperate with and assist the state council of defense, and shall perform such services as may be requested by the council. County councils may act jointly with other such councils and shall so act when directed by the state council. Except as limited by the council, county councils shall have such powers, functions and duties as may be conferred by the governing body which established them.

(3) In order to achieve the most effective use of the services and equipment of all political subdivisions of the state, throughout the state, each political subdivision is hereby authorized and empowered to negotiate reciprocal aid agreements with other political subdivisions of the state with respect to the furnishing of services, equipment, supplies and facilities for the purpose of rendering aid in case of disaster, including any occasioned by air raid or other form of enemy attack.

22.06 UTILIZATION OF EXISTING SERVICES AND FACILITIES. In order to avoid duplication of services and facilities the council and the county and local councils of defense if established or functioning under the authority of this chapter are directed to utilize the services and facilities of existing officers, offices, departments, commissions, boards, bureaus, institutions and other agencies of the state and of the political subdivisions thereof, and all such officers and agencies shall cooperate with and extend such services and facilities to the council and to the county and local councils of defense as may be requested.

22.07 POWERS HEREIN CONFERRED TO BE EXERCISED IN CONFORMITY WITH FEDERAL ACTION. In order to attain uniformity so far as practicable throughout the nation in measures taken to aid the prosecution of the war and civilian defense, all action taken under this chapter, and all orders, rules and regulations made pursuant thereto, shall be taken or made with due consideration to the orders, rules, regulations, recommendations and requests of federal authorities relevant thereto and, to the extent permitted by law, shall be consistent with such orders, rules, regulations, recommendations and requests.

22.08 COORDINATIONS WITH ARMED FORCES OF THE UNITED STATES. Anything in this chapter to the contrary notwithstanding, no action shall be taken under this chapter, and no order, rule or regulation shall be made under this chapter,

which is inconsistent with any relevant order, rule or regulation of the armed forces of the United States.

22.09 REPORT TO GOVERNOR. Whenever the council encounters any problem or circumstance in the present emergency which in its opinion requires action by the governor or the legislature, it shall advise the governor and submit to him such facts and information as he may request. If the governor determines that any such problem or circumstance requires legislative action he shall call a special session of the legislature for such action as may be deemed necessary. The council shall also make such other reports at such times as the governor may require.

22.10 IMMUNITY. (1) Neither the state nor any political subdivision of the state, nor the agents or representatives of the state or any political subdivision thereof, shall be liable for personal injury or property damage sustained by any person appointed or acting as a civilian defense worker, or member of any agency engaged in civilian defense activity. The foregoing shall not affect the right of any person to receive benefits or compensation to which he might otherwise be entitled under the workmen's compensation law or any pension law or any act of the Congress of the United States.

(2) Neither the state nor any political subdivision of the state, nor except in cases of wilful misconduct, the agents or representatives of the state or any political subdivision thereof, or any civilian defense worker or member of any agency engaged in any civilian defense activity, complying with or attempting to comply with this chapter, or any order, rule or regulation promulgated pursuant to the provisions of this chapter, or pursuant to any ordinance relating to blackout or other precautionary measures enacted by any political subdivision of the state, shall be liable for the death of or injury to persons, or for damage to property, as a result of any such activity.

22.11 VALIDATION OF CIVILIAN DEFENSE ACTIVITIES. All action heretofore taken in the establishment of the state council of defense or any county or local council of defense, all acts performed or action taken by such state council or any such county or local council, and all appropriations of money to and expenditures by the state council or any county or local council

for civilian defense activities, except expenditures, contracts or acts made or done contrary to express provisions of law, are ratified and validated to the same extent and with like effect as if each such act, action, appropriation or expenditure had been specifically authorized by law. This section does not supersede or affect the legislative validation of appropriations and expenditures heretofore made by the governing bodies of counties, cities, towns and villages under chapter 7, laws of 1943.

22.12 SEVERABILITY. If any provision of this chapter or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the chapter which can be given effect without the invalid provision or application, and to this end the provisions of this chapter are declared to be severable.

22.13 EFFECTIVE PERIOD. This chapter shall be in effect until the end of the present war as proclaimed by the President or the Congress of the United States and for a period of 6 months thereafter, unless sooner repealed.

SECTION 5. Upon notification by the governor that the state council of defense, created by this act, is organized and ready to function, the state council of defense heretofore created by executive order dated on or about October 1, 1940, is abolished and shall cease to exist. Upon such event, all records, papers and documents and all property, equipment, materials and supplies of the previously existing state council shall be transferred to and become the property of the state council of defense created by this act. All orders, rules and regulations promulgated by the previously existing state council and in force at the time it goes out of existence shall remain in effect until modified or repealed by the newly created state council of defense.

Approved March 10, 1943.