

CHAPTER 22.

CIVILIAN DEFENSE.

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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 co-operate 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. [1943 c. 9]

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 shall be ex officio a member 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. [1943 c. 9; 1945 c. 123]

Note: Sec. 5, ch. 9, laws of 1943, provides: "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." Said notification by the governor was made on March 24, 1943.

22.03 Powers, duties and functions of the council. The council shall have the following powers, duties and functions when ordered by the governor under section 22.04:

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

(2) To co-operate 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.

(7) To employ and fix the compensation of such personnel as it may deem necessary to carry out the purposes of this chapter, without regard to the provisions of chapter 16; and to establish such offices at such places as may be deemed necessary, which shall be supplied with equipment, supplies, stationery and printing in the same manner as are other state agencies. [1943 c. 9; 1945 c. 123]

22.04 Director of civilian defense. The adjutant general shall be ex officio director of civilian defense. Until such time as the governor may, by written order filed with the secretary of state, order the state council of defense to administer the civilian defense program, it shall be administered by the director, and all powers and duties imposed or conferred on the state council of defense under chapter 22 or any other law are imposed or conferred on the director. The governor shall file such written order when the interests of the state require that civilian defense be administered by the council instead of by the director, and thereafter the director shall have no power, duty or function other than that of executing the program and orders of the council. In the execution thereof the director shall exercise such powers, functions and duties as the council may prescribe. [1943 c. 9, 490; 1945 c. 123]

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 March 12, 1943, in accordance with the purpose of this chapter, shall continue to exist and function under this chapter until changed by the governing body. [1943 c. 9, 169]

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 co-operate 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. [1943 c. 9]

Note: Under this section duties of county existing officials and agencies to co-operate and local defense councils are determined with and extend their services and facilities primarily by county or municipal ordinances to such councils. Such co-operation must be creating them. In absence of authority in extended by each department acting under such ordinances county or local council has orders from its regularly constituted head, no right to command local police, fire and not by individual employes acting under or sheriff's departments, since state law au- ders directly from defense council. 32 Atty. Gen. 116.

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 co-operate with and extend such services and facilities to the council and to the county and local councils of defense as may be requested. [1943 c. 9]

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. [1943 c. 9]

Note: This section is merely directory and does not of its own force adopt applicable federal regulations as law of this state. 32 Atty. Gen. 116.

22.08 Co-ordination 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. [1943 c. 9]

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. [1943 c. 9]

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 except as provided in section 22.105. [1943 c. 9, 477]

22.105 Liability of the state and counties in certain cases. (1) When any county council of defense orders or directs that any civilian defense equipment of any city, village or town within its county be used for any civilian defense purpose in any other city, village or town within the county and such equipment is damaged or destroyed by such use or in transportation incidental to such use, the county shall be liable and pay for such damage or destruction.

(2) When the state council of defense orders or directs that any civilian defense equipment of any county, city, village or town be used without the limits of such county or municipality for any civilian defense purpose and such equipment is damaged or destroyed by such use or in transportation incidental to such use, the state shall be liable and pay for such damage or destruction. Any county or municipality whose such equipment has been so destroyed or damaged may file claim for the amount of the loss with the state council of defense in such manner and form as shall be prescribed by the council. If the council is satisfied that the claimant is entitled to recover it shall certify the amount that the claimant is entitled to, to the secretary of state for payment. Payments of claims allowed under this subsection shall be paid out of the appropriation made by section 20.031. [1943 c. 477]

22.11 [Repealed by 1945 c. 123]

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. [1943 c. 9]

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. [1943 c. 9]

22.15 Anti-black market act; penalties. (1) The state of Wisconsin recognizes that the proper allocation of any commodity needed for the defense of the United States or for civilian supply is necessary for the effective prosecution of the war, and is in the interest of national defense and security. It is hereby declared to be the policy of this state to aid the federal government in assuring fair dealing in the supply of any rationed commodity by prohibiting black market transactions therein.

(2) Any person who, in the course of trade or business or for profit, sells or in any other way transfers a commodity rationed by any order or regulation which has been issued, or which may hereafter be issued, by the United States government or any agency thereof and is in effect on July 31, 1943, or which may hereafter become effective, without taking in exchange for the commodity the coupons, stamps, certificates, ration checks or other ration documents, if any, required by the order or regulation at the time of the sale or transfer, shall be guilty of a misdemeanor, and, on conviction thereof, shall be punished by a fine of not more than \$250 or imprisoned for not more than 90 days, or both, for each offense.

(3) Any person who buys or in any other way acquires a commodity rationed by any order or regulation which has been issued, or may hereafter be issued, by the United States government or any agency thereof and is in effect on the effective date of this section, or which may hereafter become effective, from any person who sells or transfers the commodity in the course of trade or business or for profit, without giving in exchange for the commodity the coupons, stamps, certificates, ration checks or other ration documents, if any, required by the order or regulation at the time of the purchase or acquisition, shall be guilty of a misdemeanor and, on conviction, shall be punished by a fine of not more than \$250 or imprisoned for not more than 90 days, or both, for each offense.

(4) Any person who, after purchasing or otherwise acquiring a coupon, stamp, certificate, ration check or other ration document in any way prohibited at that time by an order or regulation which has been issued, or may hereafter be issued, by the United States government or any agency thereof and in effect on the effective date of this section, or which may hereafter become effective, gives or attempts to give the document so acquired in exchange for a rationed commodity, shall be guilty of a misdemeanor and, on conviction, shall be punished by a fine of not more than \$250 or imprisoned for not more than 90 days, or both, for each offense.

(5) If any subsection, sentence, clause or phrase of this section, or the application thereof to transactions in any commodity, to any person or to any circumstances is for any reason held to be invalid, the remainder of this section and the application of such subsection, sentence, clause or phrase to transactions in other commodities, to other persons and other circumstances shall not be affected thereby.

(6) This section may be cited as "The Anti-Black Market Act". [1943 c. 550]