

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).

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

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

(2) "Secretary" means the secretary of local affairs and development.

22.05 Purposes. The department of local affairs and development shall carry out the purposes of this chapter by advising the governor and legislature on the role of the state in state-local affairs; making continuing studies of the problems affecting state and local government relations and recommendations for relieving these problems; coordinating state agency activities affecting local governments and local government participation in and utilization of

federal aid programs; and functioning in any other reasonable manner that will accomplish the stated purposes of this chapter.

22.06 Secretary. 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) Establish an office in Milwaukee under a special assistant who shall be selected under the classified service. The special assistant shall administer the department's Milwaukee office and be directly concerned, as the secretary's representative, with urban and metropolitan problems.

(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; make rules and do all things necessary and proper to carry out this chapter.

22.11 Coordinating community development programs. The successful discharge of this chapter demands that all activities and programs of state agencies which have an impact on community affairs be fully coordinated. State agencies shall cooperate fully with the secretary and the governor in fulfilling this chapter.

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

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 public planning agencies including, without limitation because of enumeration, cities, villages, towns, counties, regional planning agencies and councils of government, including such entities, when operating or cooperating under s. 66 30, which have the resources and administrative personnel 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 any entity or planning agency referred to under par. (c) at the request of such entity or planning agency, and shall charge the cost of its services to the requesting entity or planning agency.

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

SUBCHAPTER IV. CIVIL DEFENSE AND DISASTER CONTROL

22.16 Emergency government. (1) **DECLARATION OF POLICY.** To prepare the state and its subdivisions to cope with emergencies resulting from enemy action and natural or man-made disasters, it is declared to be necessary to establish an organization for emergency government, conferring upon the governor and others specified the powers and duties provided by this subchapter.

(2) **DEFINITIONS.** (a) "Emergency government" includes "civil defense" and means all measures undertaken by or on behalf of the state and its subdivisions:

1. To prepare for and minimize the effect of enemy action and natural or man-made disaster upon the civilian population.

2. To effectuate emergency repairs to, or the emergency restoration of, vital public utilities and facilities destroyed or damaged by such action or disaster.

(b) "Civil defense" means all measures undertaken by or on behalf of the state and its subdivisions to prepare for and minimize the effect of enemy action upon the civilian population.

(c) "Enemy action" means hostile action by a foreign power which threatens the security of this state or a portion thereof.

(3) **POWERS AND DUTIES OF THE GOVERNOR.** (a) The governor shall:

1. Review orders establishing or altering emergency government areas.

2. Review state emergency government plans and modifications thereof.

3. Employe the division of emergency government during a state of emergency proclaimed by him, issue orders and delegate such authority as is deemed necessary to the administrator.

4. Determine responsibilities of state departments and independent agencies in respect to emergency government and by order direct such departments and agencies in utilizing personnel, facilities, supplies and equipment before and during a state of emergency.

(b) The governor may:

1. Proclaim a state of emergency for the state or any portion thereof if he determines that an emergency resulting from enemy action or natural or man-made disaster exists. The duration of such state of emergency shall not exceed 60 days as to emergencies resulting from enemy action or 30 days as to emergencies resulting from natural or man-made disaster, unless either is 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 at the discretion of either the governor by written order or the legislature by joint resolution.

2. On behalf of the state, enter into mutual aid agreements concerning emergency government with other states.

3. Accept from any source gifts and grants including services for emergency government purposes and may authorize state, county, town and municipal officers to receive such gifts and grants. When grants require county, town or municipal participation, the state may transfer title to equipment acquired through such agreement to participating counties, towns and municipalities.

4. During a state of emergency, declare priority of emergency government contracts over other contracts, allocate materials and facilities in his discretion, and take, use and destroy private property for emergency government purposes. Such taking, use or destruction shall be in the name of the state. Records shall be kept of such action and such records shall be evidence of a claim against the state. Payment of such claim shall be made under s. 16.53 (8).

5. During a state of emergency, issue such

orders as he deems necessary for the security of persons and property.

(4) **POWERS AND DUTIES OF THE SECRETARY.** (a) The secretary shall:

1. Subject to approval by the governor, develop and promulgate a state plan of emergency government for the security of persons and property which shall be mandatory during a state of emergency.

2. Prescribe and carry out state-wide training programs and exercises to develop emergency government proficiency, disseminate information including warnings of enemy action, serve as the principal assistant to the governor in the direction of emergency government activities and coordinate emergency government programs between counties.

3. Furnish guidance and develop and promulgate standards for emergency government programs for counties, towns and municipalities, and prescribe nomenclature for all levels of emergency government.

4. Withhold or recover grants under sub (13).

(b) The secretary may:

1. Divide the state into emergency government areas composed of whole counties by general or special written orders subject to approval by the governor, and modify the boundaries thereof as changed conditions warrant. Such areas shall be classified and designated in accordance with standards promulgated under the federal civil defense act of 1950, as amended.

2. Appoint a head of emergency government for each area established in accordance with subd 1 under the classified service on either a part-time or full-time basis, or may request the governor to designate any state officer or employe as acting area head on a part-time basis.

3. Designate and post highways as emergency government routes closed to all but authorized vehicles when required for training programs and exercises.

4. Prescribe traffic routes and control traffic during a state of emergency.

5. Organize and train state mobile support units to aid any area during a state of emergency. Such units may participate in training programs and exercises both within and outside the state.

(5) **POWERS AND DUTIES OF AREA HEADS.** Area heads of emergency government may exercise such powers as are delegated and shall perform such duties as are assigned to them by the secretary.

(6) **POWERS AND DUTIES OF COUNTIES AND MUNICIPALITIES.** (a) The governing body of each county, town and municipality shall adopt an effective program of emergency government consistent with the state plan of emergency gov-

ernment and, except at the county level in counties having a county executive, shall appoint a head of emergency government services. Each such governing body may appropriate funds and levy taxes for this program.

(b) In counties having a county executive under s. 59.031, the county board shall designate the county executive or confirm his appointee as county head of emergency government services.

(c) Each county board shall designate a committee of the board as a county emergency government committee whose chairman shall be the chairman of the county board. The committee, in counties having a county executive under s. 59.031, shall retain policy-making and rule-making powers in the establishment and development of county emergency government plans and programs.

(d) During the continuance of a state of emergency proclaimed by the governor the county board of each county situated within the area to which the governor's proclamation applies may employ the county emergency government organization and the facilities and other resources of said organization to cope with the problems of the emergency, and the governing body of each municipality and town situated within said area shall have similar authority with respect to municipal emergency government organizations, facilities and resources. Nothing in this chapter shall be construed to prohibit counties and municipalities from employing their emergency government organizations, facilities and resources to cope with the problems of local public emergencies except where restrictions are imposed by federal regulations on property donated by the federal government.

(7) **POWERS AND DUTIES OF HEAD OF EMERGENCY GOVERNMENT SERVICES.** (a) The head of emergency government services in each county, town and municipality shall for his respective county, town or municipality, develop and promulgate emergency government plans consistent with state plans, direct the emergency government program and perform such other duties related to emergency government as are required by the governing body and the emergency government committee of the governing body when applicable.

(b) The head of emergency government services in each county shall coordinate and assist in developing town and municipal emergency government plans within the county, integrate such plans with the county plan, advise the department of all emergency government planning in the county and submit to the secretary such reports as he requires, direct and coordinate emergency government activities throughout the county during a state of emergency, and direct

county-wide emergency government training programs and exercises.

(c) The head of emergency government services in each town and municipality shall direct local emergency government training programs and exercises, direct participation in emergency government programs and exercises ordered by the county head of emergency government services and the secretary, and advise the county head of emergency government services on local emergency government programs and submit to him such reports as he requires.

(7m) EMERGENCY USE OF VEHICLES. In responding to an official request for help during any state of emergency, any person may operate any vehicle without regard for motor vehicle registration laws and without being subject to arrest under s. 341.04.

(8) COOPERATION. (a) Counties, towns and municipalities may cooperate under s. 66.30 to furnish services, combine offices and finance emergency government services.

(b) Counties, towns and municipalities may contract for emergency government services with political subdivisions, emergency government units and civil defense units of this state, and upon prior approval of the secretary, with such entities in bordering states. A copy of each such agreement shall be filed with the secretary within 10 days after execution thereof.

(c) The state and its departments and independent agencies and each county, town and municipality shall furnish whatever services, equipment, supplies and personnel are required of them under this subchapter.

(9) PERSONNEL. (a) No emergency government organization established under this section shall participate in any form of political activity or be employed directly or indirectly for any political activity.

(b) No emergency government organization established under this section shall be employed to interfere with the orderly process of a labor dispute.

(c) No person shall be employed or associated in any capacity in any emergency government 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) Employees of municipal and county emergency government 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 emergency government units are employees of the state for purposes of workmen's compensation benefits.

Volunteer emergency government workers are employees of the emergency government unit with whom duly registered in writing for purposes of workmen's compensation benefits. An emergency government employe or volunteer who engages in emergency government activities upon order of any echelon in the emergency government 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 an emergency government program including but not restricted because of enumeration, test runs and other activities which have a training objective as well as emergency government activities during an emergency proclaimed in accordance with this chapter and which grows out of, and is incidental to, such emergency government activity is covered employment. Members of an emergency government unit who are not acting as employees of a private employer during emergency government activities are employees of the emergency government 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) Emergency government employes as defined in par. (d) shall be indemnified by their sponsor against any tort liability to third persons incurred in the performance of emergency government activities while acting in good faith and in a reasonable manner. Emergency government activities constitute a governmental function.

(f) If the total liability for workmen's compensation benefits under par. (d), indemnification under par. (e) and loss from destruction of equipment under sub. (10), 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 secretary.

(g) Emergency government employes as such shall receive no pay unless specific agreement for pay is made.

(10) BEARING OF LOSSES. Any loss arising from the damage to or destruction of government-owned equipment utilized in any authorized emergency government activity shall be borne by the owner thereof.

(11) POWERS OF PEACE OFFICERS. During any state of emergency proclaimed by the governor or during any training program or exercises authorized by the secretary, 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 secretary through the sheriff of the county in which an assigned function is performed.

(12) **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.

(13) **AUTHORITY TO WITHHOLD GRANTS.** If the secretary finds that any political subdivision of the state has not complied with the requirement of this section that it establish and maintain an operating emergency government 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 secretary in accordance with the agreement under which the grant was made, the secretary 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.

(14) **PENALTIES.** Whoever intentionally fails to comply with the directives of emergency government authorities promulgated under this section during a state of emergency or during any training program or exercises may be fined not more than \$200 or imprisoned not more than 90 days or both.

22.165 State traffic patrol and conservation warden duties during civil disorder.

Without proclaiming a state of emergency, the governor may, in writing filed with the secretary of state, determine that there exists a condition of civil disorder or a threat to the safety of persons on state property or damage or destruction to state property. Upon such filing, he may call out the state traffic patrol or the conservation warden force or members thereof for use in connection with such threat to such life or property. For the duration of such threat, as determined by the governor, such officers shall have the powers of a peace officer as set forth in s. 59.24, except that such officers shall not be used in or take part in any dispute or controversy between employer or employe concerning wages, hours, labor or working conditions.

22.17 Emergency seat of state government.

(1) **DESIGNATION OF EMERGENCY TEMPORARY LOCATION.** Whenever, during a state of emergency it becomes imprudent, inexpedient or impossible to conduct the affairs of state government at the state capital, 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, 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 emergency government 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 ended under s. 22.16 and the seat of government is returned to its normal location.

(2) **EXERCISE OF GOVERNMENTAL AUTHORITY.** While the seat of government remains at such temporary location all official acts required by law to be performed at the seat of government by any officer, independent 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.

22.18 Emergency temporary locations of government for counties, towns and municipalities.

(1) **DESIGNATION OF EMERGENCY TEMPORARY LOCATIONS.** Whenever during a state of emergency 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 emergency government plan.

(2) **EXERCISE OF GOVERNMENTAL AUTHORITY.** While 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, possess and exercise, at such location, all of the executive, legislative, administrative and judicial powers and functions conferred upon such body and officers under state law. 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 notwithstanding any statutory, charter or ordinance provision to the contrary or in conflict herewith.

22.19 Succession to local offices. The governing body of any county, town or municipality may enact such ordinances and resolutions as are 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. 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 notwithstanding any statutory provision to the contrary or in conflict herewith.

22.20 Succession to office. (1) **DECLARATION OF POLICY.** Because of the possibility of enemy attack upon the United States, it is determined and declared to be necessary to assure the continuity and effective operation of the government 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 a state of emergency resulting from enemy action, 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 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 under 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 provided

by law 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 law, 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 threatening to cause, substantial damage or injury to persons or property in the state in any manner.

(e) "Political subdivision" includes counties, towns, municipalities, 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, in addition to any deputy authorized 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 applies 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 issues, shall 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 is 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 DESIGNEES.** 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 of-

ficials 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 DESIGNEES.** 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.

(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.

22.21 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 gratuitously grants 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 death or injury or loss of property to any person making use thereof.

22.22 Preservation of public records. The public records board shall establish a system for the preservation of essential state public records necessary for the continuity of governmental functions in the event of enemy action. The board shall:

(1) Determine what records are essential for operation during a state of emergency and thereafter through consultation with all state departments and independent agencies and the administrator of emergency government, establish the manner in which such records shall be preserved, and provide therefor.

(2) Require every state department and independent agency to establish and maintain a records preservation program.

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

(4) Furnish state departments and independent agencies with copies of the final plan for preservation of essential public records.

(5) Advise all political subdivisions on preservation of records.

SUBCHAPTER V. ECONOMIC DEVELOPMENT

22.30 Purpose. Under this subchapter the department's functions shall be of an advisory, informational, coordinative 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 clearinghouse for developmental activities concerning the economy of the state. It shall make recommendations to the governor for the purpose of guiding a coordinated and economically efficient development of the state.

22.31 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 coordinate 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, coordinate 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, waterfront 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 rights-of-way, 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 cooperation with representatives of the area.

(13) Coordinate 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 development plans.

22.32 Promotion. (1) The division shall provide coordinating 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 coordinated program promoting the interests of the state, the publicity and promotion activities authorized by this subchapter, and ss. 23.09 (2) (1), 84.30 and 93.07 (3) shall, prior to promulgation, be reviewed and approved by the administrator.

22.33 Cooperation. (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 coordinate 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.

22.40 State and local fairs. (1) **POWERS.** The department of local affairs and development shall promulgate rules governing the use of facilities under the control of the department.

(2) **POWERS OF THE DEPARTMENT.** The department shall:

(a) Manage the state fair park and supervise or conduct threat fairs, exhibitions or promotional events for agricultural, industrial, educational and recreational purposes; lease or license the use of any property thereon for other purposes when not needed for the above public purposes; and charge reasonable rents and fees for use of or attendance at the premises.

(b) Exercise police supervision over the state fair park, and its duly appointed agents or representatives may arrest, with or without warrant, any person within such park area, committing an offense against the laws of the state or the rules of the department, and deliver such person to a proper court in the county and execute a complaint charging such person with the offense committed.

(3) **FUND FOR SPECIAL EVENTS AND CHANGE PURPOSES.** Of the receipts from the operation of the state fair parks, not to exceed \$60,000 during the period one month preceding and one week after the annual state fair and \$25,000 at all other times may be deposited as an imprest cash fund in a Milwaukee or West Allis bank approved by the state treasurer as a

fund upon which to draw or obtain sufficient change for operation of the state fair and state fair park.

(4) STATE AID TO COUNTY FAIRS AND AGRICULTURAL SOCIETIES. State aid appropriated by s. 20.545 (1) (d) to counties and agricultural societies, associations or boards shall be paid subject to the following conditions:

(a) 1. To each county, and any such organized agricultural society, association, or board in the state, 80% of the first \$5,000 actually paid in net premiums and 50% of all net premiums paid in excess of \$5,000 at its annual fair upon livestock, articles of production, educational exhibits, agricultural implements and tools, domestic manufactures, mechanical implements and productions, for which premium lists have been submitted to the department not later than May 1 of each year; but no one premium so paid shall exceed the sum of \$35 to a single person, or \$75 for any township or other group premium. No fair, association, or board shall receive state aid unless its premium list, entry fees, and charges shall have been submitted to the department on or before May 1, and approved by it in writing, both as to premiums offered, amounts to be paid, entry fees to be charged, and all other charges for exhibiting.

2. In order to have a more equitable distribution of state aid among fairs and to effect wider participation and interest by the public in exhibits, the department may prescribe uniform premium lists setting forth classes of exhibits which will be approved for the purposes of state aid, premium awards in such classes and entry qualifications, fees and charges for exhibitors.

(b) Except as provided in par. (c), state aid shall be paid on the premiums awarded at only one fair in each county. If the county conducts a fair such state aid shall be paid to the county. If the county does not conduct a fair such state aid shall be paid to the one society, board or association which conducts a fair and is designated by the county board.

(c) All societies, boards and associations which received state aid in 1950 shall continue to remain eligible therefor so long as they continue to operate a fair each year in conformity with the applicable law and the regulations.

(d) The proper officers of each county agricultural society, association or board entitled to state aid under this subsection shall submit to the department a complete accounting system for such society, association or board and no state aid shall be paid to such society, association or board until a satisfactory system of accounts has been approved by the department, and installed according to its instructions. Such officers shall, within 120 days after any fair held by

their organization, cause to be made and published as a class 1 notice, under ch. 985, in the county in which the fair is held, a financial statement showing the financial condition of the organization before and after the fair unless such fair is owned and operated by a county, in which case the financial statement shall be published as part of the county board proceedings after the approval thereof by the county board. Such financial statement shall include all receipts, disbursements, accounts receivable and accounts payable in connection with the operation of the fair as the department requires.

(e) Not later than 30 days after the close of the fair each year the county clerk, or the person appointed therefor by the county board, agricultural society, association or board claiming state aid, shall file with the department, on blanks provided by it, an itemized statement verified on oath, showing net premiums actually paid or to be paid at the preceding fair, which premiums must correspond with the list approved by the department, as required by par. (a). This report shall also include a statement that at such fair all gambling devices whatsoever, the sale of intoxicating liquors excepting fermented malt beverages, and exhibitions of immoral character were prohibited and excluded from the fairgrounds and all adjacent grounds under their authority or control; and on or before December 31 of the year in which the fair is held, he shall furnish the department a statement of receipts and disbursements, attendance and such other information as the department requires. Upon receipt of the required report, each fair shall be paid 100%, or the prorated percentage, of the aid due the preceding year.

(f) If it appears from such report, and the department shall be satisfied that such county agricultural fairs have been maintained pursuant to the rules and regulations prescribed by it, and that the premiums are the net amount actually paid or to be paid in cash to bona fide exhibitors, it shall certify to the department of administration in favor of each such county agricultural society, association or board the amounts due under the provisions of par. (a) and the department of administration shall then audit such report. If it appears from any such report that any premiums have been paid to other than bona fide exhibitors, or that premiums have been paid or used in any way contrary to the intent of this subsection, then the department may withhold payment of such state aid until suitable adjustment is made.

(g) The department may visit and inspect, when necessary, the records, grounds, buildings, or other property of any society, association, or board receiving state aid under this subsection,

and it shall have access to the grounds, buildings, and records at all times.

(h) The department shall annually submit to the governor a detailed statement showing receipts and disbursements of each fair receiving state aid, together with a classified statement of premiums paid, and the amount of state aid claimed and allowed.

(i) Incorporated dairy or livestock associations, upon substantial compliance with pars. (a) to (h), shall be entitled to the state aid therein provided for upon premiums paid for dairy products or livestock or upon articles pertaining to the production or manufacture of such products or the raising of such livestock, in any county in which no annual fair is held by any organized agricultural society, association or board. State aid shall be paid to but one such dairy or livestock association in any one county. All moneys received by any such association shall be paid out by it for the premiums provided for in this subsection substantially as provided in sub. (5).

(j) To each county, and any such organized agricultural society, association or board in the state, for the purpose of encouraging and fostering the breeding, development and improvement of standard bred horses in this state, 50% of each purse of \$400 and 50% of each purse of \$500 paid by it to the owners of the successful contestants in a 2-year-old trot, 2-year-old pace, 3-year-old trot and 3-year-old pace. Any such organization may stage any or all of said events but shall not receive state aid for more than one each of said events in any calendar year. No colt shall be eligible to enter or start therein unless owned by one or more duly qualified electors of this state or trained continuously within the state for not less than 60 days prior to June 15 of the year in which the event is contested. No 2-year-old or 3-year-old colt shall be eligible to enter or start therein, unless owned, raised and trained by one or more duly qualified electors of this state, and unless it is the foal of a mare owned at the time of foaling by one or more qualified electors of this state. Required number of entries and starters shall be 6 to enter and 4 to start. An owner may enter any number of colts but shall not be allowed to start more than 2 colts in the same event. Entry fees for each colt shall not exceed 2% of the purse and shall be payable on or before a closing date to be fixed by the organization. The organization may, at its option, increase any such purse and may also add the entrance money to the purse and divide such added sums among the starters as it sees fit. Money divisions and conditions other than those herein prescribed shall be uniform throughout the state and shall be fixed annually for the next

succeeding year by a joint resolution adopted by the boards of directors of the Wisconsin breeders and harness horse association and Wisconsin association of fairs, and certified to the department on or before December 31 in each year. If the boards of directors of said associations fail in any year to adopt and certify said resolution as aforesaid, then such money divisions and conditions for the next succeeding year shall be fixed by the department. On or before December 31 in each year, the county clerk, or the person therefor appointed by the society, association or board claiming state aid, shall file with the department, on blanks provided by it, a statement, verified on oath, showing a true and correct summary of the results of each colt event, the name and address of, and the amount paid to, the owner of each colt, and that the event was in all things conducted as herein provided. Thereupon, state aid shall be certified and paid as provided by par. (f).

(5) USE OF FUNDS. Subject to sub. (4), all moneys received by any such society, association or board, either from the state or any other source, after paying the necessary incidental expenses thereof, shall be paid out annually, by bank check or draft, in each individual case, for premiums awarded, in such sums as its bylaws, rules and regulations shall direct, on such live animals, articles of production, educational exhibits, agricultural implements and tools, domestic manufactures, mechanical implements and productions as are the growth and manufacture of the district which such society, association or board represents, but livestock, the growth of any other county, state or country, may receive the same premiums as those which are the growth of the district where fair is located, should the society, association or board governing so decide. Provided, that moneys received by any such society, association or board from a source other than from the state, may be paid out for trials or exhibitions of speed, or other contests, for which published premiums have been offered.

(6) ENTRY FEE TO EXHIBIT MAY BE CHARGED. Any board, fair association, society or other agency conducting an agricultural fair or exhibition may charge an entry fee for each exhibit which shall not exceed 10% of the total amount of the value of the premiums offered for the class of which such proposed exhibit will be a part if entered.

(7) POLICE POWER. The department and the principal officers of the Northern Wisconsin state fair and of any county agricultural or industrial society have full jurisdiction and control of the grounds on which said department or society may exhibit, and all the streets and alleys and other grounds adjacent to the same

during all such exhibitions, so far as may be necessary to exclude therefrom all other exhibitions, booths, stands or other temporary places for the retail or sale of any kind of spirituous or fermented liquors or other articles that they deem objectionable. The department, the president of any such society, or, in his absence, any vice president, acting in his stead, may appoint necessary policemen to assist in preserving the peace and enforcing the regulations upon the ground and adjacent streets, who, for such purpose, shall have all the powers of a constable and be entitled to similar fees.

(8) **ACTION TO RECOVER ENTRANCE FEE.** Any person entering any horse for any race under the auspices of any agricultural society shall be liable to such society for the entrance fee which shall be due and payable at the time the race shall be called for which such horse is entered; and upon failure to pay such fee when due such society may maintain an action therefor against the person so entering such horse. No horse entered in any race shall be exempt from execution or attachment issued in an action brought for the recovery of the whole or any part of such entrance fee.

(9) **FRAUD AS TO RECORD OR NAME OF HORSE.** (a) No person shall knowingly enter or cause to be entered, drive or ride in competition for any purse or prize offered by any agricultural, trotting, racing, industrial or other corporation or association, or by any person any horse under an assumed name or out of its proper class where such purse or prize is to be decided by a contest of speed nor shall any person knowingly misrepresent or fraudulently conceal the public performance, in any former contest or trial of speed, of any horse which he enters or proposes to enter for competition in any such contest.

(b) The name of any horse for the purpose of entering the same in competition within the meaning of this section shall be that by which such animal has once contested for a purse or prize except as provided by the code or printed rules of the corporation or association under which the contest for which any subsequent entry of such animal is advertised to be conducted; and the class to which any such animal belongs for the purpose of being entered in a contest of speed within the meaning of this section shall be determined by its public performance in any previous contest or trial of speed as provided by the printed rules under which the contest was conducted. The penalty provided for knowingly misrepresenting or fraudulently concealing the public performance in any former contest of any such animal shall be imposed whether the per-

son guilty thereof succeeds or fails in an attempt to make an entry thereof.

(10) **FALSE PREMIUM LIST OR STATEMENT.** No officer of any organized agricultural society, association or board in this state, in pretended compliance with sub. (4), shall wilfully make or file any false or fraudulent list or statement.

(11) **AUTO RACES.** Every vehicle propelled by gasoline or other similar motive power, used on the state fairgrounds in racing competition or practice therefor (except during the annual state fair and except at other times between 8 a.m. and 10 p.m.) shall be equipped with a muffler which, at all times, shall be in good working condition sufficient to prevent excessive or unusual noise. It is unlawful to operate, or for the department to permit to be operated, on the state fairgrounds in racing competition or practice therefor (except during the annual state fair and except at other times between 8 a.m. and 10 p.m.) any such vehicle, so propelled by gasoline or other similar motive power, with the muffler or cutout open.

(12) **PENALTIES.** Any person violating this section may be fined not more than \$200 or imprisoned not more than 6 months or both.

(13) **STATE FAIR RECEIPTS, PROMPT AUDIT.** The state treasurer and the secretary of administration or their duly authorized representatives shall be in attendance at the state fair each year to receive all moneys collected on account of the operation of the state fair and to audit and pay expenditures duly certified by the department of local affairs and development as having been necessarily incurred in the operation of the state fair.

22.41 Additional powers to provide facilities. (1) As used in this section unless the context requires otherwise:

(a) "Existing building" in relation to any conveyance, lease or sublease made under sub. (2) means all administrative buildings, all storage facilities and garages, all buildings used for exhibition or promotional events for agricultural, industrial, educational, recreational or athletic purposes and such other buildings, structures, facilities and permanent improvements as in the judgment of the department are needed or useful and all equipment therefor and all improvements and additions thereto which were erected, constructed or installed prior to the making of such conveyance, lease or sublease.

(b) "New building" in relation to any conveyance, lease or sublease made under sub. (2) means all administrative buildings, all storage facilities and garages, all buildings used for exhibition or promotional events for agricultural, industrial, educational, recreational or athletic

purposes and such other buildings, structures, facilities and permanent improvements as in the judgment of the department are needed or useful and all equipment therefor and all improvements and additions thereto which are erected, constructed or installed after the making of such conveyance, lease or sublease.

(c) The term "corporation" in relation to any conveyance, lease or sublease made under sub. (2) means a nonstock, nonprofit corporation organized under ch. 181 or any law amendatory thereof or supplemental thereto.

(2) In order to provide new buildings and to enable the construction and financing thereof, to refinance indebtedness hereafter created by a corporation for the purpose of providing new buildings or additions or improvements thereto which are located on land owned by or owned by the state and held for the department or by a corporation or for any one or more of said purposes but for no other purpose unless authorized by law, the department has the following powers and duties:

(a) Without limitation by reason of any other provisions of the statutes, the power to sell and to convey title in fee simple to a corporation any land and any existing buildings thereon owned by or owned by the state and held for the department for such consideration and upon such terms and conditions as in the judgment of the department are in the public interest.

(b) The power to lease to a corporation for terms not exceeding 50 years each any land and any existing buildings thereon owned by or owned by the state and held for the department upon such terms and conditions as in the judgment of the department are in the public interest.

(c) The power to lease or sublease from a corporation and to make available for public use any such land and existing buildings conveyed or leased to such corporation under pars. (a) and (b) and any new buildings erected on such land or on any other land owned by such corporation, upon such terms, conditions and rentals, subject to available appropriations, as in the judgment of the department are in the public interest.

(d) The duty to submit the plans and specifications for all such new buildings and all conveyances, leases and subleases made under this section to the department of administration and the governor for written approval before they are finally adopted, executed and delivered.

(e) The power to pledge and assign all or any part of the revenues derived from the operation of such new buildings as security for the payment of rentals due and to become due under any lease or sublease of such new buildings under par. (c).

(f) The power to covenant and agree in any lease or sublease of such new buildings made under par. (c) to impose fees, rentals or other charges for the use and occupancy or other operation of such new buildings in an amount calculated to produce net rentals sufficient to pay the rentals due and to become due under such lease or sublease.

(g) The power to covenant and agree in any lease or sublease made under par. (c) to impose fees, rentals or other charges for the use and occupancy or other operation of existing buildings in an amount calculated to produce net rentals sufficient to pay the rentals due and to become due under such lease or sublease.

(h) The power and duty, upon receipt of notice of any assignment by a corporation of any lease or sublease made under par. (c), or of any of its rights under any such sublease, to recognize and give effect to such assignment, and to pay to the assignee thereof rentals or other payments then due or which may become due under any such lease or sublease which has been so assigned by such corporation.

(3) The state shall be liable for accrued rentals and for any other default under any lease or sublease made under sub. (2) (c) and may be sued therefor on contract as in other contract actions under ch. 285, except that it shall not be necessary for the lessor under any such lease or sublease or any assignee of such lessor or any person or other legal entity proceeding on behalf of such lessor to file any claim with the legislature prior to the commencement of any such action.

(4) Nothing in this section empowers the department to incur any state debt.

(5) All conveyances, leases and subleases made pursuant to this section shall be made, executed and delivered in the name of the department and shall be signed by the secretary.

(6) All laws conflicting with this section are, insofar as they conflict with this section and no further, superseded by this section.

22.42 Olympic sports. The Olympic sports board shall manage and supervise all activities including publicity in the state fair park in connection with Olympic sports and the facilities and area in connection therewith and shall foster and develop appropriate sports activities within that area. Operating costs of the Olympic sports board shall be paid from the appropriation under s. 20.545 (1) (h).

22.43 Olympic ice rink. The building commission shall plan, construct and floodlight an official 400 meter Olympic outdoor refrigerated speed-skating ice rink in the northwest area of

state fair park adjacent to and west of the "Youth Building", including such remodeling of the "Youth Building" or such construction of other buildings in the area, as it deems practical and feasible for the purpose of providing housing or storage space for equipment and vehicles in connection with said ice rink facility. The commission may authorize the secretary to enter into lease and sublease agreements for the rental of such speed-skating rink, pursuant to s. 22.41, with nonprofit corporations organized under ch. 181. This project is designed to furnish and shall provide a suitable outdoor speed-skating rink where international amateur athletes entered in ice skating events of the Olympic games may compete and, when not so used, for the use of the public for recreational purposes, for a period of 6 months each year commencing October 1. The construction authorized by this section shall be referred to as the "Olympic Ice Rink Project".

22.76 Small business investment company assistance. (1) **ADMINISTRATION.** (a) This section shall be administered by the department with the advice of the council on small business investment companies. To achieve the purposes specified in this section, the department may make loans from the appropriation under s. 20.545 (1) (x) to nonprofit corporations organized under ch. 181.

(b) Debentures of small business investment companies purchased by the state or by such nonprofit corporations shall be subordinate to any other debenture bonds, promissory notes, or other debts and obligations of such small business investment companies except for those purchased by the small business administration in accordance with the federal small business investment act of 1958, as amended.

(2) **FUND CREATION.** There is created the small business investment company fund. The purposes of the fund shall be to assist, promote, encourage, develop and advance the general prosperity and economic welfare of the people of this state and to improve their standard of living and to improve employment opportunities in the state by facilitating the purchase, either directly, through nonprofit corporations or in cooperation with banks or other lending institutions through agreements to participate on an immediate basis, of the debentures of small business investment companies; and to advance thereby the development of small business enterprises throughout the state as these are defined under the federal small business investment act of 1958. In carrying out such purposes and in exercising the powers granted by this section, the department shall be regarded as performing an essential governmental function.

(3) **CONDITIONS ON LOANS.** Any loans by the state to a small business investment company shall be conditioned on the following and, as a condition to any loan to a nonprofit corporation under this section, the nonprofit corporation must agree that any loans made by it to small business investment companies will be conditioned on the following:

(a) A loan shall not exceed the amount of the outstanding portfolio investments in Wisconsin firms of the small business investment company or the amount of its private paid-in capital and paid-in surplus, whichever is less.

(b) The small business investment company must agree that the entire loan will be invested in Wisconsin firms.

(c) The repayment period for any such loan shall not exceed 15 years.

(d) The interest rate charged on such loans shall not be in excess of 2% higher than the percentage on the last bond issue by the state or by a nonprofit corporation with which the state contracts. Such interest rates shall be reasonable to the ultimate borrower and not at the going market rate.

(e) The purpose of these loans to a small business investment company is to help earn profits, create jobs, provide individual venture capital and add to the tax base. Because equal opportunity is profitable, the small business investment company must agree to make reasonable efforts to use the loan proceeds to provide individual funds to small business concerns which are at least 50% owned by one or more disadvantaged persons or which make at least reasonable efforts to hire and upgrade the disadvantaged. A "disadvantaged" person is a person whose participation in the free enterprise system is hampered either because of social and economic disadvantages or because he is a poor person who does not have suitable employment and who is either: 1) a school dropout; 2) under 22 years of age; 3) 45 years of age or over; 4) handicapped; or 5) subject to special obstacles to employment.

(f) Annual reports shall be submitted by the department to the senate committee on governmental and veteran affairs and to the assembly committee on state affairs for a review of progress in complying with the criteria specified in par. (e) and for their recommendation as to the continuance or discontinuance of the program by the state.

(4) **STATE AGENCY COOPERATION.** All state agencies shall cooperate with small business investment companies to the fullest extent, and all public institutions of higher education shall work with such companies to facilitate the utili-

zation of technological information by small businesses in this state.

(5) **LEGAL INVESTMENTS.** Notwithstanding any other provision of law, notes or other obligations of small business investment companies shall be legal investments for banks, savings and loan associations, trust companies and insurance companies in this state.

(6) **APPLICATION FEE.** Any small business investment company wishing to participate under

this section shall pay a \$500 fee annually on July 1 to the department which shall be deposited in the small business investment company fund. The annual fee paid on its initial application shall be prorated according to the date of application.

Note: Section 7 of Chap. 491, laws of 1969, which created this section provides:

Section 7 This act shall be null and void as of July 1, 1973, unless the legislature takes action to extend such time limit prior to said date.