

## CHAPTER 92.

## SOIL CONSERVATION.

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**92.01 Name.** This chapter may be known and cited as the "soil conservation district law." [1937 c. 341]

**92.02 Declaration of policy.** It is declared to be the policy of the legislature to provide for the conservation of the soil resources of this state, and for the control and prevention of soil erosion, and thereby to preserve natural resources, control floods, prevent impairment of dams and reservoirs, assist in maintaining the navigability of rivers and harbors, preserve wild life, protect the tax base, protect public lands, and protect and promote the health, safety and general welfare of the people of this state. [1937 c. 341]

**92.03 Definitions.** Wherever used or referred to in this chapter, unless a different meaning clearly appears from the context:

(1) "District" or "soil conservation district" means a county whose board of supervisors has by resolution declared said county to be a soil conservation district.

(2) "Supervisor" means a member of the special committee on agriculture, created by subsection (9) of section 59.87, in a county which has been declared by the county board thereof to be a soil conservation district.

(3) "Committee" or "state soil conservation committee" means the agency created under section 92.04.

(4) "Land occupier" or "occupier of land" means any person over twenty-one years of age and any co-partnership, firm or corporation that holds title to land lying within the district whether or not such lands are subject to easement, mortgage, lien, lease, or restrictive covenant, except that it shall not include any person under guardianship, non compos mentis or insane. A person, partnership, firm or corporation shall be deemed to hold title to land if said person, partnership, firm or corporation:

(a) Has title as sole owner

(b) Has title as a joint owner

(c) Has title as owner of an undivided interest

(d) Has title as sole or joint trustee or as sole or joint assignee

(e) Has a land contract vendee's interest therein.

(5) "Court" means the circuit court of the circuit wherein the district lies.

(6) "State" means the state of Wisconsin.

(7) "Agency of this state" includes the government of the state and any subdivision, agency or instrumentality, corporate or otherwise, of the government of this state.

(8) "United States" or "agencies of the United States" includes the United States of America, the soil conservation service of the United States department of agriculture, and any other agency or instrumentality, corporate or otherwise, of the United States of America.

(9) "Government" or "governmental" includes the government of this state, the government of the United States, and any subdivision, agency or instrumentality, corporate or otherwise, of either of them.

(11) "Due notice" means notice published at least twice, with an interval of at least seven days between the two publication dates, in a newspaper or other publication of general circulation within the appropriate area, or if no such publication of general circulation be available, by posting at a reasonable number of conspicuous places within the appropriate area, such posting to include, where possible, posting at public places where it may be customary to post notices concerning county or municipal affairs generally. At any hearing held pursuant to such notice, at the time and place designated in such notice, adjournment may be made from time to time without the necessity of renewing such notice or such adjourned dates. Such meetings shall be held at a time not

less than three nor more than ten days from the date of the publication of the second notice. [1937 c. 341; 1939 c. 323, 532]

**92.04 State soil conservation committee.** (1) (a) There is established, to serve as an agency of the state, and to perform the functions conferred upon it in this chapter, a state soil conservation committee. The committee shall consist of the following members: The director of agricultural extension, or at his designation the assistant or associate director of agricultural extension, and the director of the state agricultural experiment station, or at his designation the assistant or associate director of the state agricultural experiment station, both of whom shall be ex officio members, and three practical farmers to be appointed by the governor for terms of three years each, except as hereinafter provided. The terms of the present farmer members of such committee shall expire July 1, 1940. The term of office of the successor to one of such farmer members shall expire July 1, 1942, and the term of office of the third farmer member to be appointed by the governor pursuant to this chapter shall expire July 1, 1941. The members of such committee shall hold office until their successors are appointed and qualified. The farmer members of such committee shall receive five dollars per day for each day necessarily spent in the performance of their duties. All members of the committee shall be reimbursed for their actual and necessary expenses incurred in the performance of their duties. The committee shall keep a record of its official actions, shall adopt a seal, which seal shall be judicially noticed, and may perform such acts, hold such public hearings, and promulgate such rules and regulations as it may deem necessary for the execution of its functions under this chapter.

(b) The committee may invite the secretary of agriculture of the United States to appoint one person to serve as a member of the committee.

(2) The committee may employ an administrative officer and such technical experts and such other agents and employes, permanent and temporary, as it may require, and shall determine their qualifications, duties and compensation. The committee may call upon the attorney-general for such legal services as it may require, or may employ its own counsel and legal staff. It shall have authority to delegate to its chairman, to one or more of its members, or to one or more agents or employes, such powers and duties as it may deem proper. It shall be supplied with suitable office accommodations at the seat of state government, and shall be furnished with the necessary supplies and equipment. Upon request of the committee, for the purpose of carrying out any of its functions, the supervising officer of any state agency, or of any state institution of learning shall, in so far as may be possible under available appropriations, and having due regard to the needs of the agency to which the request is directed, assign or detail to the committee, members of the staff or personnel of such agency or institution of learning, and make such special reports, surveys or studies as the committee may request.

(3) The committee shall designate its chairman and secretary and may from time to time change such designation. A majority of the committee shall constitute a quorum. Only the farmer members of the committee shall receive compensation for their services, but all members of the committee shall be entitled to their actual and necessary expenses, including traveling expenses incurred in the discharge of their duties. The committee shall provide for the execution of surety bonds for employes and officers who shall be intrusted with funds or property, the cost of such bonds to be paid for by the committee; shall provide for the keeping of a full and accurate record of all proceedings and of all resolutions, regulations and orders issued or adopted by it; and may provide for an annual audit of the accounts of receipts and disbursements.

(4) In addition to the duties and powers hereinafter conferred upon the committee, it shall have the following duties and powers:

(a) To offer such assistance as may be appropriate to the supervisors of soil conservation districts, including the payment of a mileage allowance to and expenses incurred by, said supervisors in attending meetings to which they have been called by the state soil conservation committee, in the same manner and on same basis as the payment of a mileage allowance and expenses to state employes.

(b) To keep the supervisors of each of the several districts generally informed of the activities and experience useful to other districts.

(c) To approve and co-ordinate the programs of the several soil conservation districts or projects, to apportion among the several districts any funds allotted from state or federal sources, and to be responsible for the expenditures of such funds by the districts.

(d) To secure the co-operation and assistance of any governmental agency and to be the sole agency through which government aid in erosion control can be extended to private lands.

(e) To disseminate information concerning the activities and programs of the soil

conservation districts, and to encourage the formation of such districts in areas where their organization is desirable.

(f) To accept contributions of money from any source to carry on erosion control work under the provisions of this chapter. [1937 c. 341; 1939 c. 323; 1943 c. 303]

**92.05 Creation of soil conservation districts.** When the board of supervisors of any county determines that conservation of soil resources and control and prevention of soil erosion are problems of public concern in the county, and further determines that a substantial proportion of the rural land occupiers of the county favors such a resolution, the said board of supervisors, by a resolution adopted at any regular or special meeting of the board, may declare the county to be a soil conservation district for the purpose of effectuating the legislative policy announced in section 92.02. These determinations may be made through hearings, petitions, referenda or any other means which the county board deems appropriate. [1937 c. 341; 1939 c. 323]

**92.06 Designation of district supervisors.** When a county has been declared a soil conservation district, the special committee on agriculture, created pursuant to subsection (9) of section 59.87, shall be the supervisors of said district, except as provided in subsection (2) of section 92.16. In any county which has been designated a soil conservation district pursuant to the provisions of section 92.05 but which does not have such a special committee on agriculture, the county board shall forthwith create such a special committee on agriculture as provided in subsection (9) of section 59.87. The special committee on agriculture shall exercise the powers and duties imposed upon supervisors of soil conservation districts in connection with other powers and duties conferred upon it by law and by the county board. The compensation of the members of the special committee on agriculture for performing services as supervisors of the district shall be governed by and as prescribed under section 59.06. [1937 c. 341; 1939 c. 323]

**92.07 Organization of supervisors.** (1) The supervisors of the district shall be the governing body thereof. They shall designate a chairman and may, from time to time, change such designation. The supervisors may delegate to their chairman, or to one or more supervisors, such powers and duties as they shall deem proper. The supervisors shall furnish to the committee, upon request, copies of such ordinances, rules, regulations, orders, contracts, forms and other documents as they shall adopt or employ, and such other information concerning their activities as it may require in the performance of its duties under this chapter.

(2) The supervisors may employ a secretary and such other assistants as they may require. The supervisors shall provide for the execution of surety bonds for all employes who shall be intrusted with funds or property; shall provide for the keeping of a full and accurate record of all proceedings and of all resolutions, regulations and orders issued or adopted; and may provide for an annual audit of the accounts of receipts and disbursements.

(3) The supervisors may invite the legislative body of any municipality to designate a representative to advise and consult with the supervisors of the district on all questions of program and policy which may affect the property, water supply or other interests of such municipality. [1937 c. 341; 1939 c. 323]

**92.08 Powers of districts and supervisors.** A soil conservation district shall constitute a governmental subdivision and a public body corporate and politic, exercising public powers, and such district, and the supervisors, shall have the following additional powers:

(1) To carry out preventive and control measures within the district including, but not limited to, engineering operations, methods of cultivation, the growing of vegetation, changes in use of land or lands owned or controlled by this state or any of its agencies, with the co-operation of the agency administering and having jurisdiction thereof, and on any other lands within the district upon obtaining the consent of the occupier of such lands or the necessary rights or interests in such lands.

(2) To co-operate, or enter into agreements with, to furnish financial or other aid to any agency, governmental or otherwise, or any occupier of lands within the district, in the carrying on of erosion-control and prevention operations within the district, subject to such conditions as the committee may impose and the supervisors may deem necessary.

(3) To obtain options upon and to acquire, by purchase, exchange, lease, gift, grant, bequest, devise or otherwise any property, real or personal, or rights or interests therein; to maintain, administer, and improve any properties acquired, to receive income from such properties and to expend such income in carrying out the purposes and provisions of this chapter; and to sell, lease or otherwise dispose of any of its property or interests therein in furtherance of the purposes and the provisions of this chapter.

(4) To develop comprehensive plans for the conservation of soil resources and for

the control and prevention of soil erosion within the district, which plans shall specify in such detail as may be possible, the acts, procedures, performances and avoidances which are necessary or desirable for the effectuation of such plans.

(5) To make available, on such terms as it shall prescribe, to land occupiers within the district, agricultural and engineering machinery and equipment, fertilizer, seeds and seedlings, and such other material or equipment, as will assist such land occupiers to carry on operations upon their lands for the conservation of soil resources and for the prevention and control of soil erosion.

(6) To construct, improve and maintain such structures as may be necessary or convenient for the performance of any of the operations authorized in this chapter.

(7) To take over, by purchase, lease or otherwise, and to administer, any soil-conservation, erosion-control or erosion-prevention project located within its boundaries undertaken by the United States or any of its agencies, or by this state or any of its agencies; to manage, as agent of the United States or any of its agencies, or of this state or any of its agencies, any soil-conservation, erosion-control or erosion-prevention project within its boundaries; to act as agent for the United States, or any of its agencies, or for this state or any of its agencies, in connection with the acquisition, construction, operation or administration of any soil-conservation, erosion-control, or erosion-prevention project within its boundaries; to accept donations, gifts and contributions in money, services, materials or otherwise, from the United States or any of its agencies, or from this state or any of its agencies, and to use or expend such moneys, services, materials or other contributions in carrying on its operations.

(8) To sue and be sued in the name of the district; to have a seal, which seal shall be judicially noticed; to have perpetual succession unless terminated as hereinafter provided; to make and execute contracts and other instruments, necessary or convenient to the exercise of its powers; to make, and from time to time amend and repeal, rules and regulations not inconsistent with this chapter, to carry into effect its purposes and powers.

(9) As a condition to the extending of any benefits under this chapter to, or the performance of work upon, any lands not owned or controlled by this state or any of its agencies, the supervisors may require contributions in money, services, materials or otherwise to any operations conferring such benefits, and may require land occupiers to enter into and perform such agreements or covenants as to the permanent use of such lands as will tend to prevent or control erosion thereon.

(10) No provisions with respect to the acquisition, operation or disposition of property by other public bodies shall be applicable to a district organized hereunder unless the legislature shall specifically so state.

(11) To enter upon any lands within the district to examine the same and make surveys or plans for erosion control work without being liable for trespass in the reasonable performance of such duties. [1937 c. 341]

**92.09 Adoption of land-use regulations.** (1) The supervisors of any soil conservation district may formulate proposed regulations for the use of lands lying within the district but outside of the limits of incorporated cities and villages, or for any parts of such lands, in the interest of conserving soil and soil resources and controlling erosion. When such proposed regulations have been formulated, the supervisors shall hold, within the area to be affected by such regulations, such public meetings or public hearings as they deem advisable. Following the meetings or hearings, the supervisors may draft an ordinance embodying proposed land-use regulations and designating the area to which they shall apply, and recommend to the county board that it enact such ordinance. The county board may enact such ordinance provided at least two-thirds of the land occupiers of the area to be affected thereby approve such ordinance, in a referendum held within such area. The supervisors shall give notice of such referendum by publication at least twice, with an interval of at least six days between the two publication dates in a newspaper or other publication of general circulation within the area to be affected by the proposed ordinance.

(2) Copies of such proposed ordinance shall be available for the inspection of all eligible voters during the period between the first publication of such notice and the date or dates of the referendum. The notices of the referendum shall include the contents of such proposed ordinance, and a statement as to where copies of such proposed ordinance may be examined. The question shall be submitted by ballots, upon which the words "For approval of proposed ordinance no. . . . , prescribing land-use regulations for conservation of soil and prevention of erosion" and "Against approval of proposed ordinance no. . . . , prescribing land-use regulations for conservation of soil and prevention of erosion" shall be printed, with a square before each proposition and a direction to insert an X mark in the square before one or the other of said propositions as the

voter may favor or oppose approval of such proposed ordinance. The supervisors shall supervise such referendum, shall prescribe appropriate regulations to be approved by the state committee governing the conduct thereof, and shall publish the result thereof. Only land occupiers of the area to be affected by the proposed ordinance shall be eligible to vote at such referendum. No informalities in the conduct of such referendum or in any matters relating thereto shall invalidate said referendum or the result thereof if notice thereof shall have been given substantially as herein provided and said referendum shall have been fairly conducted.

(3) The county board shall have authority to enact such proposed ordinance into law only if at least two-thirds of all of the land occupiers of the area to be affected thereby cast their vote for approval of the said proposed ordinance. Such approval shall not require the county board to enact such proposed ordinance into law. Land-use regulations prescribed in ordinances adopted pursuant to this section shall have the force and effect of law in, and shall be binding and obligatory upon, all land occupiers and land operators of the area affected thereby, except as hereinafter provided.

(4) Any ordinance prescribing land-use regulations may be amended or repealed only in the manner prescribed for the enactment of such ordinance, except that if two-thirds of the landowners of the affected area vote in favor of the repeal of such ordinance at the referendum, such ordinance shall be repealed by the county board at its next regular or special meeting. Referenda on the adoption, amendment or repeal of an ordinance prescribing land-use regulations shall not be held in the same or substantially the same area more often than once in six months.

(5) The land-use regulations which may be adopted by ordinance of the county board under the provisions of this section may include:

(a) Provisions requiring the carrying out of necessary engineering operations, including the construction of terraces, terrace outlets, soil saving dams, dikes, ponds, diversion channels and other necessary structures;

(b) Provisions requiring observance of particular methods of cultivation including contour cultivating, contour furrowing, lister furrowing, sowing, planting, strip cropping, seeding, and planting of lands to water-conserving and erosion-preventing plants, trees and grasses, forestation and reforestation;

(c) Specifications of cropping programs and tillage practices to be observed;

(d) Provisions requiring the retirement from cultivation of highly erosive areas or of areas on which erosion may not be adequately controlled if cultivation is carried on;

(e) Provisions for such other means, measures, operations and programs as may assist conservation of soil resources and prevent or control soil erosion having due regard to the legislative findings set forth in section 92.02.

(6) The regulations shall be uniform throughout the area affected by the ordinance except that the supervisors may classify the lands within such area with reference to such factors as soil type, degree of slope, degree of erosion threatened or existing, cropping and tillage practices in use, and other relevant factors, and may provide regulations varying with the type or class of land affected, but uniform as to all lands within each class or type. Copies of land-use regulations adopted under the provisions of this section shall be printed and made available to all occupiers of lands lying within the area affected. [1937 c. 341; 1939 c. 323]

**92.10 Enforcement of land-use regulations.** The supervisors shall have authority to go upon any lands within the area affected by an ordinance adopting land-use regulations to determine whether such ordinance is being observed. Any person, firm or corporation who shall violate any provision or an ordinance adopting land-use regulations, shall be guilty of a misdemeanor and, upon conviction, shall be punished by a fine of not less than twenty-five dollars nor more than one hundred dollars for each such offense. [1937 c. 341; 1939 c. 323]

**92.11 Performance of work under the regulations by the supervisors.** (1) Where the supervisors of any district shall find that any of the provisions of land-use regulations prescribed in an ordinance adopted in accordance with the provisions of section 92.09 hereof are not being observed on particular lands, and that such nonobservance tends to increase erosion on such lands and is interfering with the prevention or control of erosion on other lands within the district, the supervisors may present to the court a petition, duly verified, setting forth the adoption of the ordinance prescribing land-use regulations, the failure of the defendant land occupier to observe such regulations, and to perform particular work, operations or avoidances as required thereby, and that such nonobservance tends to increase erosion on such lands and is interfering with the prevention or control of erosion on other lands within the district, and praying the court to require the defendant to perform the work, operations or avoidances within a reasonable time and to order that if the defendant shall fail so to perform the supervisors may go on

the land, perform the work or other operations or otherwise bring the condition of such lands into conformity with the requirements of such regulations, and recover the costs and expenses thereof, with interest, from the occupier of such land.

(2) Upon the presentation of such petition, the court shall cause process to be issued against the defendant, and shall hear the case. If it shall appear to the court that testimony is necessary for the proper disposition of the matter, it may take evidence, or appoint a referee to take such evidence as it may direct and report the same to the court with his findings of fact and conclusions of law, which shall constitute a part of the proceedings upon which the determination of the court shall be made.

(3) The court may dismiss the petition; or it may require the defendant to perform the work, operations or avoidances, and may provide that upon the failure of the defendant to initiate such performance within the time specified in the order of the court, and to prosecute the same to completion with reasonable diligence, the supervisors may enter upon the lands involved and perform the work or operations or otherwise bring the conditions of such lands into conformity with the requirements of the regulations and recover the costs and expenses thereof, with interest at the rate of five per centum per annum, from the occupier of such lands. In all cases where the person in possession of lands, who shall fail to perform such work, operations or avoidances shall not be the owner, the owner of such lands shall be joined as party defendant.

(4) The court shall retain jurisdiction of the case until after the work has been completed. Upon completion of such work pursuant to such order of the court the supervisors may file a petition with the court, a copy of which shall be served upon the defendant in the case, stating the costs and expenses sustained by them in the performance of the work and praying judgment therefor with interest. The court shall have jurisdiction to enter judgment for the amount of such costs and expenses, with interest at the rate of five per centum per annum until paid, together with the costs of suit, including a reasonable attorney's fee to be fixed by the court. The supervisors may certify to the town treasurer the amount of such judgment, which shall be a lien upon such lands, and shall be collected as are general taxes upon real estate. The procedure for collection of delinquent general taxes upon real estate shall be applicable to the collection of such judgments. When such judgment shall be paid or collected, the proceeds shall be paid over to the district within the boundaries of which the lands shall lie. [1937 c. 341]

**92.12 Board of adjustment.** (1) In any county which by resolution has been declared a soil conservation district the county board shall create a board of adjustment as provided in section 59.99 if such board of adjustment does not exist therein.

(2) The board shall adopt rules to govern its procedures. The board shall designate a chairman from among its members. Meetings of the board shall be held at the call of the chairman and at such other times as the board may determine. Any two members of the board shall constitute a quorum. The chairman, or in his absence such other member of the board as he may designate to serve as acting chairman, may administer oaths and compel the attendance of witnesses. All meetings of the board shall be open to the public. The board shall keep a full and accurate record of all proceedings, of all documents filed with it, and of all orders entered, which shall be filed in the office of the board and shall be a public record.

(3) (a) Any land occupier may file a petition with the board alleging that there are great practical difficulties or unnecessary hardships in the way of his carrying out upon his lands the strict letter of the land-use regulations, and praying the board to authorize a variance from the terms of the land-use regulations in the application of such regulations to the lands occupied by the petitioner. Copies of such petition shall be served by the petitioner upon the chairman of the supervisors of the district within which his lands are located and upon the chairman of the state soil conservation committee.

(b) The board shall fix a time for the hearing of the petition and cause due notice of such hearing to be given. The supervisors and the committee shall have the right to appear and be heard at such meeting. Any occupier of lands lying within the district, who shall object to the authorizing of the variance prayed for, may intervene and become a party to the proceedings. Any party to the hearing before the board may appear in person, by agent or by attorney. If, upon the facts presented at such hearing, the board shall determine that there are great practical difficulties or unnecessary hardships in the way of applying the strict letter of any of the land-use regulations upon the lands of the petitioner, it shall make and record such determination and shall make and record findings of fact as to the specific conditions which establish such great practical difficulties or unnecessary hardship. Upon the basis of such findings and determination, the board may by order authorize such variance from the terms of the land-use regulations.

(4) (a) Any petitioner aggrieved by an order of the board granting or denying, in whole or in part, the relief sought, the supervisors, or any intervening party, may obtain

a review of such order in court, by filing in such court a petition praying that the order of the board be modified or set aside. A copy of such petition shall forthwith be served upon the parties to the hearing before the board and thereupon the party seeking review shall file in the court a transcript of the entire record in the proceedings, certified by the board. Upon such filing, the court shall cause notice thereof to be served upon the parties and shall have jurisdiction of the proceedings and of the questions determined or to be determined therein, and shall have power to grant such temporary relief as it deems just and proper, and to make and enter a decree enforcing, modifying, and enforcing as so modified, or setting aside, in whole or in part, the order of the board.

(b) No contention that has not been urged before the board shall be considered by the court unless the failure or neglect to urge such contention shall be excused because of extraordinary circumstances. The findings of the board as to the facts, if supported by evidence, shall be conclusive. If any party shall apply to the court for leave to produce additional evidence and shall show to the satisfaction of the court that such evidence is material and that there were reasonable grounds for the failure to produce such evidence in the hearing before the board, the court may order such additional evidence to be taken before the board and to be made a part of the transcript. The board may modify its findings as to the facts or make new findings, taking into consideration the additional evidence so taken and filed, and it shall file such modified or new findings which, if supported by evidence, shall be conclusive, and shall file with the court its recommendations, if any, for the modification or setting aside of its original order.

(c) The jurisdiction of the court shall be exclusive and its judgment and decree shall be final, except that the same shall be subject to review in the same manner as are other judgments or decrees of the court. [1939 c. 323]

**92.13 Co-operation between districts.** The supervisors of any two or more districts may co-operate with one another in the exercise of any or all powers conferred in this chapter. [1937 c. 341]

**92.14 State agencies to co-operate.** Agencies of the state which shall have jurisdiction over, or be charged with the administration of, any state-owned lands, and any county or other governmental subdivision of the state, which shall have jurisdiction over, or be charged with the administration of, any county-owned or other publicly-owned lands, lying within the boundaries of any district, shall co-operate to the fullest extent with the supervisors of such districts in the effectuation of programs and operations undertaken by the supervisors under the provisions of this chapter. The supervisors of such districts shall be given free access to enter and perform work upon such publicly-owned lands. The provisions of land-use regulations adopted pursuant to section 92.09 shall have the force and effect of law over all such publicly-owned lands, and shall be in all respects observed by the agencies administering such lands. [1937 c. 341; 1939 c. 323]

**92.15 Discontinuance of district.** (1) The county board of any county which, by resolution, has declared the county to be a soil conservation district, may, at any time after five years from the passage of said ordinance, and after determining that a substantial proportion of the rural land occupiers of the district so desire, repeal said resolution at a regular or special meeting of said board. This determination may be made through hearings, petitions, referenda or any other means which the county board deems appropriate.

(2) Upon the repeal of the ordinance which declared the county to be a soil conservation district, the county board may not pass any more ordinances adopting land-use regulations or effecting changes in such an ordinance previously adopted, and the supervisors may not enter into any more contracts or agreements on behalf of the district. Ordinances prescribing land-use regulations shall continue to be effective until repealed, in the manner herein provided, and the special committee on agriculture shall continue to act as supervisors for the purpose of enforcing the existing contracts of the district and ordinances prescribing land-use regulations.

(3) Upon the repeal by the county board of the resolution declaring the county to be a soil conservation district, the supervisors shall at public auction dispose of all property belonging to the district as soon as said property is no longer needed by the district to fulfill any existing contracts, and shall forthwith pay over the proceeds of such sale, after paying the necessary costs of the sale, into the county treasury. The supervisors shall, at least ten days prior to the holding of such public auction, notify the state committee of the property proposed to be sold thereat, and after such sale shall render to the county board and to the state committee a report of such sale, specifying the property sold, the amount received therefor and the disposition of the proceeds. Such report of the sale shall also be accompanied by a list of the remaining property of the district still undisposed of. [1937 c. 341; 1939 c. 323]

**92.16 Effect.** (1) Upon the passage of a resolution declaring the county to be a soil conservation district, pursuant to the provisions of section 92.05, any district created

pursuant to the provisions of chapter 341, laws of 1937, lying wholly within the boundaries of said county, and the offices of supervisor therein, shall cease to exist, and the lands of said district shall become a part of the district composed of the whole county.

(2) Any district created pursuant to the provisions of chapter 341, laws of 1937, which lies partially in two or more counties, shall continue to function under the provisions of said chapter 341, laws of 1937, and be governed thereby until such time as the county board of every county in which any portion of such district lies shall pass a resolution pursuant to the provisions of section 92.05, declaring such respective county to be a soil conservation district. Thereupon such district, created pursuant to chapter 341, laws of 1937, and the offices of supervisor therein, shall cease to exist, and the lands which compose such district shall thereupon become a part of the district of the respective counties in which such lands lie.

(3) Whenever any lands which constitute all or a part of a soil conservation district created pursuant to the provisions of chapter 341, laws of 1937, become a part of a district created by resolution of the county board pursuant to section 92.05, all contracts theretofore entered into to which the former district or supervisors thereof were parties shall remain in force and effect for the period provided in such contracts, and the supervisors of the latter district shall be substituted for the supervisors of the former district as party to those contracts relating to lands lying within the district of which they are supervisors. The respective supervisors of the districts created pursuant to section 92.05 shall be entitled to all benefits and subject to all liabilities under such contracts and shall have the same right and liability to perform, to require performance, to sue and be sued thereon, and to modify or terminate such contracts by mutual consent or otherwise, as the supervisors of the district created pursuant to chapter 341, laws of 1937, would have had.

(4) Any step in the creation of a soil conservation district taken under the provisions of chapter 341, laws of 1937, may be completed under the provisions of said law, and such district when created shall be governed by the provisions of said law, except as provided in subsection (2) hereof.

(5) Any action or proceeding which seeks to contest, directly or collaterally, the validity of the creation of a soil conservation district, organized pursuant to the provisions of chapter 341, laws of 1937, shall be commenced within six months from the effective date of this section, except that as to districts now in the process of creation, such six months' period shall commence to run from the date of the issuance of the certificate of organization by the secretary of state pursuant to the provisions of paragraph (c) of subsection (6) of section 92.05. [Stats. 1937] Any action or proceeding which seeks to contest, directly or collaterally, the validity of the creation of a soil conservation district pursuant to the provisions of subsection (1) of section 92.05 [Stats. 1937] must be commenced within six months from the date of the passage of the resolution creating such district. [1939 c. 323]

**92.17 Separability clause.** If any provision of this chapter, or of any land-use regulation adopted pursuant thereto, or the application of any of such provisions to any persons, co-partnership, firm, corporation or circumstance, is held invalid, the remainder of the chapter, or land-use regulation, and the application of such provisions to other persons, co-partnerships, firms, corporations or circumstances, shall not be affected thereby. [1937 c. 341; 1939 c. 323]