

No. 422, A.]

[Published June 28, 1955.]

#### CHAPTER 334

AN ACT to repeal 92.16 (1) to (4); to renumber and amend 92.16 (5); to amend 92.02, 92.04 (4) (d) and 92.08 (1) to (7) and (9); and to create 92.04 (4) (g) of the statutes, relating to soil conservation.

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

SECTION 1. 92.02 of the statutes is amended to read:

92.02 It is declared to be the policy of the legislature to provide for the conservation of the soil *and soil* resources of this state, and for the control and prevention of soil erosion, *and for the prevention of floodwater and sediment damages, and for furthering agricultural phases of the conservation, development, utilization and control of water, 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.

SECTION 2. 92.04 (4) (d) of the statutes is amended to read:

92.04 (4) (d) To secure the co-operation and assistance of any governmental agency \* \* \* .

SECTION 3. 92.04 (4) (g) of the statutes is created to read:

92.04 (4) (g) To have supervisory responsibility over programs provided by P. L. 566, 83rd congress, 2nd session, relating to the planning and carrying out of works of improvement for soil conservation and other purposes and such programs shall be referred to the natural resources committee of state agencies for its information.

SECTION 4. 92.08 (1) to (7) and (9) of the statutes are amended to read:

92.08 (1) To carry out preventive and control measures *and works of improvement for flood prevention or agricultural phases of the conservation, development, utilization and control of water* within the district including, but not limited to, engineering operations, *such as terraces, terrace outlets, desilting basins, floodwater retarding structures, floodways, dikes and ponds*, 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, *and within the limits of funds available to it*, 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 *and works of improvement for flood prevention or agricultural phases of the conservation, development, utilization and control of water* within the district, subject to such conditions as the committee may impose and the supervisors may deem necessary *to advance the purposes of this chapter*.

(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 *or in water*; 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 *and for flood prevention or agricultural phases of the conservation, development, utilization and control of water* 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 *including the specification of engineering operations and structures, methods of cultivation, the growing of vegetation, cropping programs, tillage practices and changes in use of land; and to publish such plans and information and bring them to the attention of occupiers of lands within the district*.

(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 *and for flood prevention or agricultural phases of the conservation, development, utilization and control of water.*

(6) To construct, improve, *operate* 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, *flood-prevention, agricultural water management, erosion-control \* \* \**, erosion-prevention project *or combinations thereof*, 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, *flood-prevention, agricultural water management, erosion-control \* \* \**, erosion-prevention project *or combinations thereof*, 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, *flood-prevention, agricultural water management, erosion-control, \* \* \** erosion-prevention project *or combinations thereof*, 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.

(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 *and prevent flood-water and sediment damages thereon.*

SECTION 5. 92.16 (1) to (4) of the statutes are repealed.

SECTION 6. 92.16 (5) of the statutes is renumbered 92.16 and amended to read:

92.16 \* \* \* Any action or proceeding which seeks to contest, directly or collaterally, the validity of the creation of a soil conservation district pursuant to \* \* \* s. 92.05 \* \* \* must be commenced within 6 months from the date of the passage of the resolution creating such district.

Approved June 24, 1955.