

No. 446, S.]

[Published July 28, 1951.]

CHAPTER 561.

AN ACT to amend 89.23 (1), (2) and (4) and to create 89.23 (10) of the statutes, relating to certain matters in connection with drainage districts under chapter 89 of the statutes.

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

SECTION 1. 89.23 (1), (2) and (4) of the statutes are amended to read:

89.23 (1) Ownership of lands within the district shall not disqualify a person from acting as commissioner. Commissioners must reside within 50 miles of the drainage district and within the state of Wisconsin. Such commissioners shall hold their office for a term of 5 years and until their successors are appointed and qualified. They shall receive for their services * * * \$10 per day of 8 hours and proportionately for fractions of days for actual time spent in rendition thereof and their actual reasonable expenses.

(2) (a) Appointments to fill expired terms of commissioners and vacancies shall be made by the court or presiding judge, *except that, upon following the procedure provided for in paragraph (b), vacancies shall be filled and appointments to fill expired terms shall be made by a majority vote of the assessed benefits of the district present at a general or special meeting of the district called for the purpose of filling the vacancy, or making such appointment. The district may by following the procedure provided for in said paragraph determine that vacancies shall again be filled by the court or judge;* and the commissioners appointed or elected to fill vacancies shall hold office the residue of the unexpired term and until their successors are appointed or elected and qualified.

(b) Any 10 members of the district may, by giving written notice of the time and purpose thereof, call a special meeting to determine whether or not the district shall fill vacancies and make appointments to fill expired terms by election or the notice may provide that the determination be made at a general meeting. The notices shall be served on the persons and in the manner provided in subsection (10). If it is decided that vacancies shall be filled by election then all vacancies whether caused by expiration of term or not shall be so filled. There shall be 3 commissioners as heretofore and the full term of each commissioner shall be 5 years.

*(4) Any commissioner may resign to the court or presiding judge thereof or, if the district has determined to elect commissioners, to the president of the board of commissioners and the court or presiding judge * * * or the district, as the case may be, shall accept his resignation and appoint or elect a successor who shall serve the balance of the unexpired term.*

SECTION 2. 89.23 (10) of the statutes is created to read:

89.23 (10) No business, including elections, shall be transacted at any meeting of the district unless a quorum is present. A quorum shall be construed to consist of those members having benefits within the district equal to 20 per cent of the total amount of the benefits assessed. Assessments of benefits equal to or in excess of 5 per cent of the total benefits of the district may be voted at any regularly called meeting provided a quorum is present and provided that written notice of the purpose and time of such meeting has been mailed to the last known name and address of record of each member in said district on file in the office of the clerk of the circuit court at least 5 days in advance of the meeting. Assessment of benefits in lesser amounts may be voted at any regularly called meeting without notice.

Approved July 6, 1951.
