

CHAPTER 259

AN ACT to renumber 60.19 (1); to amend 2.01 (42) and (58), 17.03 (intro. par.), 59.03 (intro. par.) and (2) (intro. par.), 59.12, 60.18 (1), 60.60 (3), 70.62 (2), 252.06 (Tenth Circuit), 253.15 (1) and 956.01 (1); and to create 2.01 (39m), 2.08, 3.13, 4.05, 17.03 (12), 39.06 (7), 48.035, 49.085, 49.105, 59.03 (4), 59.475, 60.025, 60.19 (1) (b), 60.195, 70.057, 71.015, 189.07 (23), 231.45, 247.13 (3), 253.015 and 319.195 of the statutes, relating to creating Menominee county.

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

SECTION 1. The reasons for this enactment are as follows:

(1) Public law 83-399, as amended, provides for the orderly termination of federal supervision over the property and members of the Menominee Indian tribe of Wisconsin, pursuant to a plan to be submitted to the secretary of the interior by the tribe, and then approved by him; which plan shall provide for the future control of the tribal property and service functions, including, but not limited to, services in the fields of health, education, welfare, credit, roads and law and order, and for all other matters involved in the withdrawal of federal supervision; and which plan shall also contain provision for protection of the Menominee forest on a sustained-yield basis, and for the protection of the water, soil, fish and wildlife;

(2) The secretary of interior is further directed by P.L. 83-399 to transfer to the tribe or an organization selected by it, not later than December 31, 1960, the title to all property, real and personal, held in trust by the United States for the tribe;

(3) The real property held in trust by the United States for the tribe, which is termed the Menominee Indian reservation, consists of 365 square miles, 7 townships located in Shawano county and 3 townships in Oconto county, which reservation has unique physical and population characteristics, in that the great proportion of such territory consists of forest lands and the population consists primarily of citizens of Indian descent;

(4) The Menominee Indian tribe consists of 3,270 "enrolled members" (as defined by congress), of which approximately 2,700 live on the reservation along with an additional 1,000 persons, many of whom are of Indian extraction;

(5) The overwhelming majority of the adult members of the tribe who voted in a referendum on September 9, 1958, have voted to request this state to create a separate county out of 10 townships, said county to be named "Menominee" county;

(6) The county boards of supervisors of Shawano, Langlade and Marinette counties, of which the first 2 border on the Menominee Indian reservation, have each voted to support the request of the tribe for a separate county, and the county board of supervisors of Oconto county, the only other county bordering on the reservation, has taken no action with respect to support of such request; and

(7) Shawano and Oconto counties each have in excess of 900 square miles.

SECTION 2. The 7 townships in Shawano county and 3 townships in Oconto county which presently constitute the Menominee Indian reserva-

tion, shall, on the effective date of this act, be detached from their respective counties and constitute the county of Menominee, which county shall have all of the rights, powers and privileges by law granted to and possessed by other counties of this state, and shall be subject to all the general laws prescribed for the government of such counties, except as otherwise provided in this act.

SECTION 3. 2.01 (39m) of the statutes is created to read:

2.01 (39m) MENOMINEE: Beginning at the southeast corner of township 28, range 16 east of said meridian; running thence north on the range line to the correction line between townships 30 and 31; thence west on said correction line to the northeast corner of township 30, range 12 east; thence south on the range line to the township line between townships 28 and 29; thence east on said township line to the range line between ranges 14 and 15 east; thence south on said range line to the township line between townships 27 and 28; thence east on said township line to the place of beginning.

SECTION 4. 2.01 (42) and (58) of the statutes are amended to read:

2.01 (42) OCONTO: Beginning at the quarter-post between section 36, in township 26, of range 18 east of * * * said meridian * * *, and fractional section 31, in township 26, of range 19 east; thence north on the range line to the township line between townships 27 and 28; thence west on said township line to the range line between ranges * * * 16 and * * * 17 east; thence north on said range line to the correction line between townships 30 and 31; thence west on said correction line to the southeast corner of section 32, of township 31, range 15 east; thence north on section lines to the township line between townships 31 and 32; thence west on said township line to the range line between ranges 14 and 15 east; thence north on such range line to the township line between townships 33 and 34; thence east on said township line to the range line between ranges 17 and 18; thence south on said range line to the township line between townships 31 and 32; thence east on said township line to the range line between ranges 18 and 19; thence south on said range line to the township line between townships 30 and 31; thence east on said township line to the range line between ranges 19 and 20; thence south on said range line to the township line between townships 29 and 30; thence east along said township line to the northwest corner of section 3, in township 29, range 21; thence south along section lines to the southwest corner of section 10, of the said township and range * * *; thence east along section lines to the southeast corner of section 12, in township 29, of range 22; thence south along the range line to the center of the main channel of Green Bay; thence southerly along the center of said main channel to the township line between townships 25 and 26; thence west on said township line to the southeast corner of fractional section 31, in township 26, of range 19 east; thence north on the section line to the quarter-post between fractional section 31 and section 32 in township 26, of range 19 east; thence west on the quarter-section lines to the place of beginning.

(58) SHAWANO: Beginning at the southeast corner of township 25, of range 18 east of * * * said meridian * * *; thence north on the range line to the quarter-post between section one, in township 25, of range 18 east, and section 6, in township 25, of range 19 east; thence west on the quarter-section line to the center-post of section one, in township 25, of range 18 east; thence north on the quarter-section lines to the center-post of section 36, in township 26, of range 18 east; thence east on the quarter-

section line to the quarter-post between section 36, in township 26, of range 18 east, and fractional section 31, in township 26 of range 19 east; thence north on the range line to the township line between townships 27 and 28; thence west on said township line to the range line between ranges * * * 14 and * * * 15 east; thence north on said range line to the township line between townships * * * 28 and * * * 29; thence west on said township line to the * * * *range line between ranges 12 and 13 east*; thence * * * *north* on the range line to the township line between townships 29 and 30; thence west on said township line to the range line between ranges 10 and 11 east; thence south on said range line to the township line between townships 25 and 26; thence east on said township line to the range line between ranges 15 and 16 east; thence south on said range line to the township line between townships 24 and 25; thence east on said township line to the place of beginning.

SECTION 5. 2.08 of the statutes is created to read:

2.08 TRANSCRIBED RECORDS OF MENOMINEE COUNTY. The records of Menominee county, which have been or may be transcribed from the original records of other counties, of which the territory now comprising said Menominee county was formerly a part, under and by direction of the county board of Menominee county and properly attested by the affidavit of the person or persons making such transcription or certified to under the hand and official seal of the officer having the custody of such original records, shall be received in all courts as prima facie evidence of the matters therein contained in the same manner as now provided by law for the reception of record evidence. Title in grantees of the United States to lands situated in Menominee county shall become valid as of the effective date of the patent to such grantees, and no action or proceeding shall be commenced in any court in this state to question the validity of title passed by the patent when the patent has been duly recorded with the register of deeds of Menominee county. This section shall not affect any rights of the state of Wisconsin.

SECTION 6. 3.13 of the statutes is created to read:

3.13 MENOMINEE COUNTY. For purposes of electing a representative to congress, Menominee county shall, until there is a reapportionment, remain a part of the several districts to which it belonged prior to the effective date (1959) of this section: townships 28, 29 and 30 north, range 16 east, presently a part of Oconto county, shall remain in the eighth congressional district; and townships 28, 29 and 30 north, range 15 east, townships 29 and 30 north, range 14 east and townships 29 and 30 north, range 13 east, presently a part of Shawano county, shall remain in the seventh congressional district.

SECTION 7. 4.05 of the statutes is created to read:

4.05 MENOMINEE COUNTY. For purposes of electing a member of the assembly and the senate, Menominee county shall, until there is a reapportionment, remain a part of the several districts to which it belonged prior to the effective date (1959) of this section: townships 28, 29 and 30 north, range 16 east, presently a part of Oconto county, shall remain in the thirtieth senatorial district, and the Oconto county assembly district; and townships 28, 29 and 30 north, range 15 east, townships 29 and 30 north, range 14 east and townships 29 and 30 north, range 13 east, presently a part of Shawano county, shall remain in the twenty-ninth senatorial district and the Shawano county assembly district. In the event of any conflict between this section and s. 4.03, this section shall control.

SECTION 8. 17.03 (intro. par.) of the statutes is amended to read:

17.03 (intro. par.) Any public office, including offices of *counties*, cities, villages, *towns* and school districts, however organized, shall become or be deemed vacant upon the happening of * * * *any* of the following events:

SECTION 9. 17.03 (12) of the statutes is created to read:

17.03 (12) The establishment of such offices upon the creation by the legislature of a new county and a new town, unless otherwise ordered by the legislature.

SECTION 9a. 39.06 (7) of the statutes is created to read:

39.06 (7) Menominee county shall be attached to Shawano county for the purpose of the office and functions of the county superintendent of schools and shall not elect a county superintendent of schools, the county of Menominee not being organized for that purpose. The county superintendent of schools of Shawano county shall be the county superintendent of schools for Shawano and Menominee counties.

SECTION 10. 48.035 of the statutes is created to read:

48.035 JUVENILE COURT. Menominee county shall be attached to Shawano county for judicial purposes to the extent of the jurisdiction and functions of the juvenile court and the office and functions of the judge of juvenile court, and the duly designated judge of juvenile court of Shawano county shall serve in Menominee county with all the duties, rights and powers of judge of juvenile court therein, and no judge of juvenile court shall be designated for Menominee county, the county not being organized for that purpose. The county boards of Menominee county and Shawano county shall enter into an agreement on administration of this section and the prorating of expenditure involved, and for such purposes the county board of supervisors of Menominee county shall be authorized to appropriate, levy and collect a sum each year sufficient to pay its share of such expenses. If the 2 county boards are unable to agree on the prorating of expenditure involved, then the judge of the circuit court for the Tenth circuit shall, upon appropriate notice and hearing, determine the prorating of such expenditures on the basis of a fair allocation to each county under such procedures as he shall prescribe.

SECTION 11. 49.085 of the statutes is created to read:

49.085 NO ACTION AGAINST MEMBERS OF THE MENOMINEE INDIAN TRIBE IN CERTAIN CASES. No action shall be commenced under s. 46.10, 49.08 or 49.25 or any other provision of law for the recovery from ~~assets~~ distributed to members of the Menominee Indian tribe and others by the United States pursuant to P.L. 83-399, as amended, for the value of relief or old-age assistance under this chapter and the value of maintenance in state institutions under ch. 46, furnished prior to termination date (as defined in s. 70.057) to any legally enrolled member of the Menominee Indian tribe, his or her dependents, or lawful distributees of such member under section 3, said P.L. 83-399, as amended. For purposes of this section, "legally enrolled members of the Menominee Indian tribe" shall include only those persons whose names appear on "Final Roll — Menominee Indian Tribe of Wisconsin" as proclaimed by the secretary of the interior November 26, 1957, and published at pages 9951 et seq. of the federal register, Thursday, December 12, 1957.

SECTION 12. 49.105 of the statutes is created to read:

49.105 LEGAL SETTLEMENT IN MENOMINEE COUNTY. Every person who on termination date as defined in s. 70.057 would have legal settlement in Menominee county as determined under s. 49.10 but for the exception contained in s. 49.10 (4) for time spent while residing or while employed on an Indian reservation, shall be deemed to have legal settlement in Menominee county on termination date.

SECTION 13. 59.03 (intro. par.) and (2) (intro. par.) of the statutes are amended to read:

59.03 (intro. par.) The boards of the several counties *shall be* classified * * * *and* shall be composed of representatives from within the county elected and compensated as follows:

(2) (intro. par.) In counties containing less than 500,000 population *and more than one town*:

SECTION 14. 59.03 (4) of the statutes is created to read:

59.03 (4) COUNTIES HAVING ONLY ONE TOWN. In all counties containing one town only, the board shall consist of the members of the town board and one supervisor from every incorporated village. A supervisor from an incorporated village shall be elected at the time the other village officers are elected. A majority of the members shall constitute a quorum of the county board. Each supervisor shall receive compensation and mileage as provided in sub. (2) (f) and (g). The chairman of the county board elected pursuant to s. 59.05 (1) may be, but need not be, the same person who is elected chairman of the town board under s. 60.19 (1) (b).

SECTION 15. 59.12 of the statutes is amended to read:

59.12 A county clerk, treasurer, sheriff, coroner, clerk of circuit court, district attorney, register of deeds and surveyor shall be elected in each county for full terms at the general election held in each even-numbered year. The regular term of office of each such officer shall commence on the first Monday of January next succeeding his election and shall continue 2 years and until his successor qualifies. *In any county containing one town only, the county board may, by resolution, designate any county office a part-time position, combine 2 or more county offices, and, if concurred in by the town board, combine the offices of county clerk and town clerk and any other county and town offices, provided that the offices combined are not incompatible and the combination is not expressly forbidden by law.*

SECTION 16. 59.475 of the statutes is created to read:

59.475 SHAWANO COUNTY DISTRICT ATTORNEY FOR MENOMINEE COUNTY. Menominee county shall be attached to Shawano county for judicial purposes to the extent of the office and functions of the district attorney, and the district attorney of Shawano county shall serve as district attorney for Menominee county with all the duties, rights and powers of district attorney therein, and no district attorney shall be elected in Menominee county, the county not being organized for that purpose. The county board of Menominee county may, however, employ a corporation counsel as provided in s. 59.07 (44) and said district attorney's powers and duties in Menominee county shall cease to the extent they are conferred upon the corporation counsel. The county boards of Menominee county and Shawano county shall enter into an agreement on administration of this section and the prorating of expenditure involved, and for such purposes the county board of supervisors of Menominee county shall be authorized to appropriate, levy and collect a sum each year sufficient to

pay its share of such expenses. If the 2 county boards are unable to agree on the prorating of expenditure involved, then the judge of the circuit court for the Tenth Circuit shall, upon appropriate notice and hearing, determine the prorating of such expenditures on the basis of a fair allocation to each county under such procedures as he shall prescribe.

SECTION 17. 60.025 of the statutes is created to read:

60.025 MENOMINEE COUNTY TO BE ONE TOWN. The county of Menominee shall consist of one town, known as the town of Menominee.

SECTION 18. 60.18 (1) of the statutes is amended to read:

60.18 (1) To raise money for the repair and building of roads or bridges * * *; for the support of the poor and defraying all other charges and expenses of the town, not exceeding in the aggregate, exclusive of taxes for schools and liabilities theretofore lawfully incurred and not including income taxes in the treasury, one per cent of the assessed valuation of such town for the preceding year as equalized by the town board of review; except * * * as provided in pars. (a) and (b): (a) In the town in counties containing only one town, such aggregate shall not exceed one-half of one per cent of said valuation; (b) An additional sum not exceeding one-fourth of one per cent of said valuation may be raised for the repair of highways and bridges in any town.

SECTION 19. 60.19 (1) of the statutes is renumbered 60.19 (1) (a).

SECTION 20. 60.19 (1) (b) of the statutes is created to read:

60.19 (1) (b) In the town in any county containing one town only, in place of 3 members there shall be elected a town board of not more than 7 members, consisting of one or more members chosen from the town at large and one member chosen from each town board precinct, of which there shall be not less than 2 nor more than 5. A majority of such members shall constitute a quorum. The number and boundaries of the town board precincts and the number of members to be elected from the town at large shall be designated by the legislature when the town is first established, but thereafter such precincts shall be subject to reapportionment and increase or decrease in number and the number of members at large shall be subject to increase or decrease, from time to time, by majority vote of the town board in order to provide that all inhabitants will be adequately represented, each precinct will have substantially the same number of inhabitants, the precinct, insofar as is practicable, will consist of contiguous territory and will be in compact form. The total number of town board members shall not be changed from the number initially fixed by the legislature. The member elected from the town at large who has the highest number of votes shall become the town chairman. Such members and a town clerk, a treasurer, an assessor and one or more constables, shall be elected by ballot biennially in the odd-numbered years on the first Tuesday in April, and shall hold office for 2 years.

SECTION 21. 60.195 of the statutes is created to read:

60.195 MENOMINEE TOWN; ELECTION OF BOARD MEMBERS. Menominee town in Menominee county, unless and until changed as provided in s. 60.19 (1) (b), shall elect 2 town board members from the town at large, and shall elect 5 town board members from town board precincts, which town board precincts shall be as follows:

PRECINCT 1: All of Townships 29 and 30 North in Range 13 East

PRECINCT 2: All of Township 30 North Range 14 East and that portion of Township 29 North Range 14 East lying North of the West Branch of the Wolf River

PRECINCT 3: That portion of Township 29 North Range 14 East lying South of the West Branch of the Wolf River

PRECINCT 4: All of Townships 28, 29 and 30 North Range 15 East

PRECINCT 5: All of Townships 28, 29 and 30 North Range 16 East

SECTION 22. 60.60 (3) of the statutes is amended to read:

60.60 (3) No town officer shall be entitled to compensation from the town for acting in more than one official capacity or office at the same time. *In the town in any county containing one town only, the town board may, by resolution, designate any town office a part-time position, combine 2 or more town offices, including the offices of town clerk and assessor, and, if concurred in by the county board, combine the offices of town clerk and county clerk and any other town and county offices if the offices combined are not incompatible and the combination is not expressly forbidden by law.*

SECTION 23. 70.057 of the statutes is created to read:

70.057 ASSESSMENT AND COLLECTION OF TAXES IN MENOMINEE COUNTY AND TOWN. (1) General property taxes in Menominee county and Menominee town for the county, town and school operations of that portion of the years 1959 and 1960 occurring after termination date shall be initially assessed and collected as provided in this section, and assessment and collection of taxes and charges therein for state, county, town and school operations in the year 1961 and thereafter shall be in accordance with the general provisions of the statutes relating to the assessment of property and the levy and collection of property taxes except that if termination date occurs after May 1, 1960, assessment for 1961 operations shall be made as of the termination date, and the taxes shall constitute a lien against the property effective as of the termination date and any and all steps in the assessment, review, determination of budget, certification, equalization and collection of taxes for such assessment which are prescribed by the general provisions of the statutes relating to the assessment of property and the levy and collection of property taxes to occur at a date prior to that in 1960 when termination occurs, shall be performed thereafter during 1960 or 1961 or both, as nearly as may be in the manner and at the times prescribed in sub. (2) for taxes for operations of earlier years. There shall be no state taxes or charges apportioned to Menominee county for payments into the state treasury in 1959, and, if termination date occurs after December 31, 1959, there shall be no state taxes or charges apportioned to Menominee county for payment into the state treasury in 1960. If termination date occurs before January 1, 1960, taxes for 1959 county, town and school operations shall be levied and collected only for such portion of the calendar year 1959 as occurs after termination date. If termination date occurs on or after January 1, 1960, taxes for 1960 county, town and school operations shall be levied and collected only for such portion of the calendar year 1960 as occurs after termination date. As used in this section, "termination date" means the date on which the secretary of interior causes to be published in the federal register the termination plan pursuant to section 7, P.L. 83-399, as amended.

(2) Real and personal property in Menominee town shall be assessed for taxes for 1959 operations, if any, and 1960 operations, if any, by the town assessor of Menominee town in an initial assessment roll, and such assessment shall be made as of the termination date at values as of the

termination date and said roll completed within 90 days thereafter, and the initial taxes levied thereafter against such property on the initial tax roll shall be a lien upon the property against which they are assessed, superior to all other liens, effective as of the termination date. The town assessor of Menominee town shall deliver said assessment roll to the town clerk not later than 90 days from termination date. The board of review of Menominee town shall meet on such day as is selected by the town board within one week of the date the assessor delivers the assessment roll to the town clerk, and the board of review shall examine the roll and proceed in accordance with s. 70.47. The county board of Menominee county and the town board of Menominee town shall forthwith upon conclusion of the meeting of the board of review, schedule and hold budget hearings and adopt budgets for that portion of the calendar year 1959 occurring after termination date and all of the calendar year 1960, or, if the termination date occurs on or after January 1, 1960, for that portion of 1960 occurring after termination date, in accordance with the procedures in s. 65.90. Within one week of the conclusion of the meeting of the board of review, the town clerk shall transmit the detailed statements required by s. 70.53 in respect thereto, and within one week thereafter the secretary of state shall certify to the county clerk of Menominee county such amount of state taxes and special charges as are chargeable to such county in accordance with this section. The county board shall proceed forthwith to fix and determine full value and the county tax rate as provided in ss. 70.61 and 70.62 and within one week after receipt of said certification by the secretary of state the county clerk shall apportion and certify to the town clerk the amount of the county taxes and other taxes and charges in accordance with s. 70.63. On or before the date of said certification by the county clerk, the clerk of the school district shall deliver to the town clerk a statement of the amount of taxes of the school district to be included in the initial tax roll of the town against the property in said town, which school district taxes shall be subject to the limitations of and determined as provided in this section. From said initial assessment roll, as corrected and completed, the town clerk shall forthwith make in accordance with ss. 70.65 and 70.66, an initial tax roll of Menominee town of the state taxes, state charges, county taxes, school district taxes and town taxes initially assessed as provided in this section, and within one week of the receipt of the certification from the county clerk shall deliver said initial tax roll with his warrant to the town treasurer. The taxes set forth in such initial tax roll shall be due and payable on or before 30 days after the date of the delivery of said roll to the town treasurer and if not paid within such time shall be delinquent. The town treasurer shall give notice in accordance with s. 74.02. The provisions of s. 74.03 for payment in 2 instalments shall be applicable except that the first instalment must be paid on or before the due date of said taxes and the second payment shall be delinquent unless paid on or before 30 days after the initial due date of the taxes. The general provisions of the statutes relating to the collection and enforcement of property taxes, including without limitation by enumeration the provisions for the sale of land for nonpayment of taxes, tax titles, and settlements by local and county treasurers in respect to collections, shall be applicable to said initial tax roll and the taxes therein, except the delinquent interest shall be computed from the due date of said taxes specified herein, the settlement by the town treasurer shall be made on or before 15 days from the initial due date of the taxes in said initial roll, and settlements by the county treasurer shall commence with the second month after the month in which the settlement by the town treasurer is due.

(3) If termination occurs after joint school district No. 8 of the city of Shawano, et al. has voted its tax for the 1959-1960 school year and before July 1, 1960, the school board of said district shall thereupon estimate and add to its budget the additional costs of operation and maintenance of its schools for the portion of said school year occurring after termination attributable to the attachment to the district of the territory formerly comprising school district No. 1, Menominee reservation, Shawano and Oconto counties, and then determine the amount thereof, subject to the approval by the state superintendent of public instruction, to be assessed and levied against the property in said attached territory. The school district clerk shall thereupon deliver to the town clerk of Menominee town a statement thereof to be included as school district taxes in the initial tax roll of the town. If termination occurs on or after July 1, 1960 and before said school district has voted its tax for the 1960-1961 school year, the school district taxes for the school year 1960-1961 shall be apportioned in accordance with the provisions of s. 40.35 (8) and included in the regular tax roll of Menominee town of taxes to be collected in 1961. If termination occurs after July 1, 1960 and after said school district has voted its tax for the school year 1960-1961, the school board shall thereupon estimate and add to its budget the additional costs of operation and maintenance of its schools for the portion of said school year occurring after termination attributable to the attachment to the district of the territory formerly comprising said school district No. 1, Menominee reservation, Shawano and Oconto counties, and then determine the amount thereof, subject to the approval by the state superintendent of public instruction, to be assessed and levied against the property in said attached territory. The school district clerk shall thereupon deliver to the town clerk of Menominee town a statement thereof to be included in the regular tax roll of Menominee town of taxes to be collected in 1961.

(4) The time prescribed in this section for the performance of any act shall be regarded as directory only and later performance shall not affect the validity of the assessment and collection of taxes hereunder.

SECTION 24. 70.62 (2) of the statutes is amended to read:

70.62 (2) The total amount of county taxes assessed, levied and carried out against the taxable property of any county in any one year shall not exceed in the whole one per cent of the total valuation of said county for the current year as fixed by the department of taxation * * * *except as provided in pars. (a) to (c): (a) In counties containing one town only, the total amount of county taxes assessed, levied and carried out against the taxable property of such county in any one year shall not exceed in the whole one and one-half per cent of the total valuation of said county for the current year as fixed by the department of taxation; (b) This limitation shall not apply to any taxes levied to pay the principal and interest upon any valid bonds or notes of the county now outstanding or hereafter issued; * * * (c) In counties having a population of 250,000 or more such limitation shall not apply to any taxes levied pursuant to s. 59.083 * * * to provide for the exercise of the powers and functions relating to the consolidation of municipal services in such counties.*

SECTION 25. 71.015 of the statutes is created to read:

71.015 MENOMINEE INDIAN TRIBE; DISTRIBUTION OF ASSETS. No distribution of assets from the United States to the members of the Menominee Indian tribe as defined in s. 49.085 or their lawful distributees, or to any corporation, or organization, created by the tribe or at its direction pursuant to section 8, P.L. 83-399, as amended, and no issuance of stocks, bonds, certificates of indebtedness, voting trust certificates or other

securities by any such corporation or organization, or voting trust, to such members of the tribe or their lawful distributees shall be subject to income taxes under this chapter; provided, that so much of any cash distribution made under said P.L. 83-399 as consists of a share of any interest earned on funds deposited in the treasury of the United States pursuant to the supplemental appropriation act, 1952, (65 Stat. 736, 754) shall not by virtue of this section be exempt from the individual income tax of this state in the hands of the recipients for the year in which paid. For the purpose of ascertaining the gain or loss resulting from the sale or other disposition of such assets and stocks, bonds, certificates of indebtedness and other securities under this chapter, the fair market value of such property, on termination date as defined in s. 70.057, shall be the basis for determining the amount of such gain or loss.

SECTION 26. 189.07 (23) of the statutes is created to read:

189.07 (23) Any securities initially issued in connection with termination of federal supervision and control over the property and members of the Menominee Indian tribe by any corporation or organization, or voting trust, incorporated or organized under the laws of this state by or at the direction of members of the Menominee Indian tribe, to which property may be transferred by the United States, or any officer or agency thereof, as provided by section 8, P.L. 83-399, as amended, including the extension of the due date of any obligation initially issued and subject to the exemption provisions of this subsection, provided that no such securities shall be issued until:

(a) There has been filed with the department such information, statements and copies of papers and instruments as the department may require in order to be in a position to determine whether or not registration of such securities under s. 189.13 is necessary or appropriate in the public interest or for the protection of investors; and

(b) The department has advised the issuer that the proposed issuance of such securities constitutes exempt transactions under this section.

SECTION 27. 231.45 of the statutes is created to read:

231.45 MENOMINEE INDIAN TRIBE CORPORATION SECURITIES. The articles, bylaws or regulations of any corporation or organization, incorporated or organized under the laws of this state by or at the direction of members of the Menominee Indian tribe, to which property may be transferred by the United States or any agency thereof, as provided by section 8, P.L. 83-399, as amended, may provide for the absolute restraint on alienation for a period not to exceed 5 years of any bonds, stocks, certificate of interest, voting trust certificate or other security issued by such corporation or organization. No such restraint shall prohibit the transfer by will or operation of law upon the death of the owner of any such security, but may provide for an option to the corporation upon such transfer. Any option in such corporation to purchase any of such securities from the holder thereof, which such corporation has but fails to exercise, shall be assigned by such corporation to the state of Wisconsin, and may be exercised by the state of Wisconsin investment board according to the terms thereof.

SECTION 28. 247.13 (3) of the statutes is created to read:

247.13 (3) Menominee county shall be attached to Shawano county to the extent of office and functions of divorce counsel, and the duly appointed divorce counsel of Shawano county shall serve as divorce counsel

for Menominee county with all the duties, rights and powers of divorce counsel therein; and no divorce counsel shall be appointed in Menominee county, the county not being organized for that purpose.

SECTION 29. 252.06 (Tenth Circuit) of the statutes is amended to read:

252.06 TENTH CIRCUIT. In the county of Langlade on the second Monday in April and the second Monday in September; in the county of Outagamie on the first Monday in March and the second Monday in October; in the * * * counties of Shawano and Menominee on the first Monday in May and the first Monday in December.

SECTION 30. 253.015 of the statutes is created to read:

253.015 SHAWANO-MENOMINEE COUNTY COURT. Menominee county shall not be organized separately for county court purposes, but shall be a part of a joint Shawano-Menominee county court, which shall constitute a single judicial district. Such court shall have 2 divisions, the Shawano county division and the Menominee county division. No county judge for Menominee county shall be elected separately, but the duly elected judge of the Shawano-Menominee county court shall serve as county judge of the district. The books, papers and records of the office of such county judge shall be kept at the county seat of the county in which he has his principal office, or, at the discretion of the county judge, at either or both county seats. The incumbent judge of Shawano county court shall assume his duties as judge of Shawano-Menominee county court on the effective date of this section (1959). The judge of Shawano-Menominee county court may appoint a register in probate and a public administrator for each of the 2 divisions of the county court, or, in his discretion, may appoint one register in probate or public administrator to serve both divisions. If a separate register of probate is appointed for the Menominee county division, he may be the same person who is the duly elected clerk of circuit court for Menominee county. If one register of probate serves for both the Shawano and Menominee county divisions of the county court, the office of such register of probate shall be in the city of Shawano. The qualified electors of Menominee county shall cast ballots for the election of the judge of the Shawano-Menominee county court at the first election for county judge held after the effective date of this section (1959), and at every succeeding election for county judge. The Shawano-Menominee county court shall possess all the jurisdiction in Menominee county that it presently has in Shawano county, and the judge of the Shawano-Menominee county court shall possess all of the duties, rights, and powers as a judge that he presently has in Shawano county. Any civil matter or proceeding or criminal matter or action, except a criminal action which the justice of the peace has no jurisdiction to try, commenced in the Shawano-Menominee county court, Menominee county division, justice court branch, which would be within the jurisdiction and authority of the justices of the peace of Menominee county had the action been commenced in Menominee county, shall be, on the motion of the defendant in a criminal case or in the case of a forfeiture, and may be on the motion of either party in other cases, transferred by the county judge to a justice of the peace in Menominee county for trial. The rules of practice and procedure specified in chapter 184, laws of 1951, and by statute for the county court of Shawano county shall, where not inconsistent with this section, apply to the Shawano-Menominee county court. The county boards of Menominee county and Shawano county shall enter into an agreement fixing the salary of the county judge who serves both counties and prorating this salary and the other joint expenditures involved in conducting the joint county court, and

for such purposes the county board of Menominee county shall be authorized to appropriate, levy and collect a sum each year sufficient to pay its share of such expenses; provided that no portion of the initial cost, or amortization of debt on the Shawano county courthouse or repair, maintenance, or improvement of the same or items which are taxable costs between the parties shall be included as a joint expenditure for proration purposes. If the 2 county boards are unable to agree on prorating the salaries and other joint expenditures involved, then the judge of the circuit court for the tenth circuit shall, upon appropriate notice and hearing, determine the prorating of such expenditures, on the basis of the volume and character of work and responsibilities, to each county, under such procedures as he shall prescribe. The county judge may order court held at the county seat in Menominee county or at the county seat in Shawano county or other appropriate place, and the general terms of the court specified in chapter 184, laws of 1951, for the county court of Shawano county shall be the terms of Shawano-Menominee county court. The proper place of trial of civil and criminal actions commenced in such court shall be the place in either county where the judge orders court held. The jury commissioners of Shawano county shall serve as jury commissioners for the Shawano-Menominee county court, and shall add to the present Shawano county court jury list from which jurors shall be drawn the names of qualified residents of Menominee county, and the list shall be known hereinafter as the Shawano-Menominee county court jury list. All fines and all costs and fees collected in Shawano-Menominee county court in causes of action arising out of Menominee county shall be accounted for and paid over quarterly to the county treasurer of Menominee county and, in causes of action arising out of Shawano county shall be accounted for and paid over quarterly to the county treasurer of Shawano county. All process and pleadings and documents of the Shawano-Menominee county court shall be entitled, "Shawano-Menominee County Court: ----- County Division", to be completed with the name of the appropriate county. Certifications in actions commenced before a justice of the peace in Menominee county and appeals from judgments of such justices of the peace, shall be as provided in chapter 184, laws of 1951. Chapter 184, laws of 1951, is hereby deemed to be amended in all respects necessary to reflect the extension of jurisdiction granted herein and to carry out the purposes and intent of this section.

SECTION 31. 253.15 (1) of the statutes is amended to read:

253.15 (1) The annual salary of the county judge shall be payable out of the county treasury and shall be fixed by the county board at the annual meeting preceding the ensuing year in which he is to be elected, *except as otherwise provided by s. 253.015*. The salary so fixed shall not be increased or diminished during the term of the county judge.

SECTION 32. 319.195 of the statutes is created to read:

319.195 COURT'S POWER TO TRANSFER ASSETS OF MEMBER OF MENOMINEE INDIAN TRIBE. The county court which shall have appointed a guardian of the estate of any minor or incompetent who is a member of the Menominee Indian tribe as defined in s. 49.085 or a lawful distributee thereof may direct such guardian to transfer the assets of such minor or incompetent in his possession to the trustees of the trust created by the secretary of interior or his delegate which receives property of such minors or incompetents transferred from the United States or any agency thereof as provided by P. L. 83-399, as amended, and such assets shall thereafter be held, administered and distributed in accordance with the terms and conditions of such trust.

SECTION 33. 956.01 (1) of the statutes is amended to read:

956.01 (1) Criminal actions shall be tried in the county or *judicial district* where the crime was committed, except as otherwise provided in this section.

SECTION 34. The offices of sheriff, coroner, register of deeds, county clerk, county treasurer, surveyor and clerk of court of Menominee county, are, on the effective date of this act, declared to be vacant, and the offices of sheriff, coroner, and register of deeds shall be filled by appointment under section 17.21 (1) of the statutes; the offices of county clerk, county treasurer and surveyor by appointment by the governor within 30 days following the effective date of this act; and the office of clerk of court by appointment under s. 17.21 (4m) of the statutes. The governor shall fix the salaries of such officers until the first general or special election of such officers occurring after the initial appointment.

SECTION 35. The school district known as common school district No. 1, Menominee Indian reservation, counties of Shawano and Oconto, comprised of: all of Towns 29 to 30 N, R 13 E; Towns 29 to 30 N, R 14 E; and Towns 28 to 30 N, R 15 E, all in Shawano county, state of Wisconsin, and all of Towns 28 to 30 N, R 16 E in Oconto county, state of Wisconsin, all of which towns now forming the Menominee Indian reservation located in Shawano and Oconto counties, state of Wisconsin, is hereby dissolved and all of the territory of said towns is hereby attached to and made a part of joint school district No. 8, of the city of Shawano, village of Gresham, towns of Belle Plaine, Herman, Navarino, Pella, Red Springs, Richmond, Seneca, Waukechon and Wescott, Shawano county, state of Wisconsin, and the name of such district is changed to joint school district No. 8, of the city of Shawano, village of Gresham towns of Belle Plaine, Herman, Navarino, Pella, Red Springs, Richmond, Seneca, Waukechon and Wescott, Shawano county, state of Wisconsin and town of Menominee, Menominee county, state of Wisconsin.

SECTION 36. The offices of the town board members of Menominee town, Menominee county, are, on the effective date of this act, declared to be vacant, and such offices shall be filled by appointment by the governor, who shall fix the salaries of such town board members until the first annual town meeting. One of the 2 members appointed from the town at large shall be designated the town board chairman by the governor. The town board members shall also serve as the county supervisors, pursuant to section 59.03 (4) of the statutes. At the first meeting of the county board, following such appointments called by the town board chairman, the county board shall elect a chairman under sections 59.05 (1) and 59.03 (4) of the statutes. The governor shall fix the salaries of the county board members and chairman until the first general or special election of such county board occurring after the initial appointment.

SECTION 37. The offices of town clerk, town treasurer, town assessor, constable and justice of the peace of Menominee town, are, on the effective date of this act, declared to be vacant, and such offices shall be filled by appointment by the governor, who shall fix the salaries of such officers until the first general or special election of such officers occurring after their initial appointment.

SECTION 38. The governor shall appoint the town board of Menominee town pursuant to SECTION 36 of this act within 20 days following the effective date of this act, and the first meeting of the town board shall be held within 10 days thereafter at the village of Keshena. The town board, prior to the first election in Menominee town shall, under section 6.04 (4)

of the statutes, divide the town into voting precincts and designate polling places, and the first election is directed to be held at such places. A special election shall be held not later than 3 months from the effective date of this act for each elective town and county office, the regular election for which office is scheduled to occur more than 6 months from the effective date of this act, such special election to be held at the call of the governor and under the supervision of the attorney general.

SECTION 39. Any person appointed to any county or town office under this act shall qualify and enter upon the duties of his office within 20 days after due notice of his appointment, and shall hold office, unless otherwise expressly provided hereunder, until his successor is elected or is appointed and is duly qualified. The Menominee county board and Menominee town board shall at their first meeting fix the amounts of bonds required to be given by each county officer and town officer respectively, except in cases where the amount of bond is fixed by law.

SECTION 40. Menominee county shall not be responsible for any of the debts and liabilities of Shawano county or Oconto county, incurred or created before the effective date of this act, or for reimbursement to Shawano county or Oconto county for moneys spent in highway improvements, and no action shall lie against Menominee county or any property, real or personal, located therein to recover any portion of such debts, liabilities or expenditures. Menominee county shall not be entitled to collect from Shawano county or Oconto county for any moneys properly paid to said counties for any purpose, before the effective date of this act.

SECTION 41. MUNICIPAL COURT FOR CITY OF SHAWANO, COUNTY OF SHAWANO, AND COUNTY OF MENOMINEE. The jurisdiction of the municipal court of Shawano county created by chapter 682, laws of 1957, is hereby extended to include the county of Menominee, and such court shall be known hereafter as the "Municipal Court of Shawano and Menominee Counties", and shall possess all the jurisdiction in Menominee county, that it presently has in Shawano county, except as otherwise provided hereinafter in this section. The incumbent judge of the municipal court of Shawano county shall assume his duties as judge of the municipal court of Shawano and Menominee counties on the effective date of this section. The qualified electors of Menominee county shall cast ballots for the election of the judge of the municipal court of Shawano and Menominee counties at the first election for municipal court judge held after the effective date of this section, and at every succeeding election for municipal court judge. Chapter 682, laws of 1957, is hereby deemed to be amended in all respects necessary to reflect the extension of jurisdiction granted herein and to carry out the purposes and intent of this section. The residence requirement for eligibility to the office of judge of said municipal court shall be 3 years' residency immediately prior to his election or appointment in the district composed of Shawano and Menominee counties, and a person to be eligible to the office must be a freeholder of Shawano or Menominee county. The judge shall not have jurisdiction to hear, try and determine any action or proceeding for violation of ordinances of the county of Menominee and town of Menominee in Menominee county. Nothing in this section shall be construed to affect the jurisdiction of the justices of the peace of Menominee county which shall extend to the boundaries of Menominee county, or to alter the jurisdiction of justices of the peace of Shawano county and police justices of the city of Shawano as prescribed in chapter 682, laws of 1957. The books, papers and records of the municipal judge shall be kept at the place in which he has his principal office, or at the discretion of the municipal judge, at either or both county seats,

and the judge shall hold court at either or both county seats, or other appropriate place, in his discretion. The proper place of trial of civil and criminal actions commenced in such court shall be the place in either county where the judge orders court held. Any civil matter or proceeding or criminal matter or action except a criminal action which the justice of the peace has no jurisdiction to try, commenced in the municipal court of Shawano and Menominee counties which would be within the jurisdiction and authority of the justices of the peace of Menominee county had the action been commenced in Menominee county, shall be, on the motion of the defendant in criminal cases or in the case of a forfeiture, and may be on the motion of either party in other cases, transferred by the municipal judge to a justice of the peace in Menominee county for trial. The rules of practice and procedure specified in chapter 682, laws of 1957, and by statute for the municipal court of Shawano county shall, when not inconsistent with this section, apply to the municipal court of Shawano and Menominee counties. The county boards of Menominee county and Shawano county shall enter into an agreement fixing the salary of the municipal judge who serves both counties and prorating this salary, the salary of clerk of such court and the other joint expenditures involved in conducting the municipal court, and for such purposes the county board of Menominee county shall be authorized to appropriate, levy and collect a sum each year sufficient to pay its share of such expenses; provided that no portion of the initial cost, or amortization of debt on the Shawano county courthouse or repair, maintenance, or improvement of the same shall be included as a joint expenditure for proration purposes. If the 2 county boards are unable to agree on prorating the salaries and other joint expenditures involved, then the judge of the circuit court for the Tenth Circuit shall, upon appropriate notice and hearing, determine the prorating of such expenditures, on the basis of the volume and character of work and responsibilities to each county, under such procedures as he shall prescribe. All fines and all costs and fees collected in municipal court for Shawano and Menominee counties in causes of action arising out of Menominee county shall be accounted for and paid over quarterly to the county treasurer of Menominee county and, in causes of action arising out of Shawano county shall be accounted for and paid over quarterly to the county treasurer of Shawano county. All process and pleadings and documents of the municipal court for Shawano and Menominee counties shall be entitled, "Municipal Court of Shawano and Menominee Counties: ----- County Division", to be completed with the name of the appropriate county.

SECTION 42. Subject to the provisions of this section, this act shall take effect and be in force on the date on which the secretary of interior causes to be published in the federal register the termination plan pursuant to section 7, P. L. 83-399 as amended; provided, that this act shall not take effect unless such termination plan provides for a covenant in the deed to forest lands to be conveyed by the United States restricting any subsequent transfer of ownership or encumbrance of said lands for a period of 30 years without the prior consent of the state conservation commission of Wisconsin with approval of the Governor, excepting only lands released from sustained-yield basis under the laws of Wisconsin. This act shall continue in effect for the period ending July 31, 1965, and thereafter unless repealed by the 1965 legislature it shall continue for an additional period of 4 years ending July 31, 1969. Unless repealed by the 1969 legislature it shall become final.

SECTION 43. The governor is hereby authorized to accept any offer of dedication of lands in Menominee county for public highway purposes by deed or otherwise made by the United States in connection with termina-

tion of federal supervision and control over the Menominee Indian reservation, and shall thereafter by appropriate order designate the initial status of such highways as state, county trunk, or town roads, which shall thereafter be maintained and controlled in accordance with state law.

SECTION 44. The state auditor shall annually audit the books of Menominee county and Menominee town in Menominee county through the fiscal period ending December 31, 1968, and shall charge the costs of said audit to such county and town, respectively, pursuant to section 15.22 (12) (e) of the statutes.

SECTION 45. In the interest of safeguarding and keeping intact the forest on the Menominee Indian reservation after termination of federal supervision and control over the reservation, the state of Wisconsin investment board with the approval of the emergency board is authorized to invest moneys of the general fund by exercising options to purchase outstanding stocks, bonds, certificates of interest, voting trust certificates, or other securities issued by any corporation or organization described in section 231.45 of the statutes, which options to purchase such securities have been assigned by such corporation or organization to the state of Wisconsin.

Approved July 30, 1959.
