

66.03 of the statutes is amended to read:

(66.03) (3) (b) The right to possession and control of school buildings and school sites shall pass to the municipality in which the same \* \* \* are situated immediately upon the annexation or detachment of any school district territory to another municipality becoming effective \* \* \*, *except that in cities of the first class the right to possession and control of such school buildings and school sites shall pass on July 1 following the adoption of the ordinance authorized by paragraph (b) of subsection (1) of section 62.07.* The municipality thus receiving possession and control of said school buildings and school sites shall be liable to the school district from which the same is annexed or detached for its share of the value of the use thereof, which shall be determined at the time of adjustment of assets and liabilities. The municipality annexing the territory shall provide school facilities for the children residing in the remainder of the school district pending the adjustment of assets and liabilities on payment of tuition based on the per capita cost of instruction.

SECTION 3. This act shall take effect upon passage and publication.

Approved May 28, 1941.

No. 270, S.]

[Published June 2, 1941.

#### CHAPTER 148.

AN ACT to amend 16.765 of the statutes, relating to the tenure and employment status of school board employes in cities of the first class.

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

Section 16.765 of the statutes is amended to read:

16.765 All officers and employes of the school board of any city of the first class with the \* \* \* *exceptions hereinafter set forth*, shall be selected and have their tenure and employment status determined in accordance with the provisions of sections 16.45 to 16.76 and in accordance with the rules adopted thereunder and the charter ordinances applying to the board of city service commissioners of each such city \* \* \*, *the said excep-*

tions to include the following employes who shall not be members of the classified service: superintendents, assistant superintendents, principals, teachers and substitute teachers actually engaged in teaching, high school librarians who qualify as described in subsection (1m) of section 43.22 but not including assistant or clerk-librarians, and, in any department of any such school board devoted wholly or principally to the subjects of municipal recreation and adult education, all employes of such department whose duties are peculiar thereto but not including employes whose duties are clerical or custodial.

Approved May 28, 1941.

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#### CHAPTER 149.

AN ACT to amend 75.53 (1) of the statutes, relating to re-assessment of special assessments for opening, widening, or extending streets or alleys.

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

SECTION 1. Subsection (1) of section 75.53 of the statutes is amended to read:

(75.53) (1) If, in any action now pending or hereafter brought to set aside or vacate any special assessment made by the proper authorities of any city against property for opening, widening, or extending any street or alley or part thereof, or for grading, graveling, macadamizing, paving, or repaving any street or alley or part thereof, or making any other improvement thereof, or for constructing any sewer in any city, or to set aside or vacate any special assessment certificate, tax sale, or tax-sale certificate based upon such special assessment, or in any appeal now pending or hereafter made from any such special assessment, the court shall be of the opinion, after a hearing in that behalf had, that such assessment is invalid by reason of a defective or void assessment of benefits and damages, or that such assessment for opening, widening, or extending any street or alley or part thereof, or for completing the same, by any city under the provisions of any law, is invalid by reason of any failure to observe any provision of law prior to such assessment