

eliminate restrictions relating to the sale of milk and other dairy products; appropriating money therefor.

Be it enacted by the Legislature of the State of Minnesota:

Section 1. [8.13] **Contest of barriers on dairy products.** The attorney general is authorized to take such action as he deems necessary in order to contest or oppose existing statutes, ordinances, regulations, orders or other trade barriers which may restrict the sale in other states of milk or other dairy products produced in Minnesota; to study and investigate problems concerning the free movement of milk and other dairy products in interstate commerce and to present the results thereof to such legislative and executive agencies of the federal government and the several states, such studies, investigations and presentations to executive and legislative agencies to be made either individually or jointly with others.

Sec. 2. **Appropriation.** There is hereby appropriated to the attorney general out of any money in the state treasury not otherwise appropriated the sum of \$30,000 for the purpose of carrying out the provisions of this act and for the period ending June 30, 1957.

Sec. 3. This act is effective from and after its passage.

Approved April 25, 1955.

CHAPTER 841—S. F. No. 1101

[Coded]

An act relating to cancellation and crediting by municipalities of special assessments in certain cases; repealing Minnesota Statutes 1953, Section 435.20.

Be it enacted by the Legislature of the State of Minnesota:

Section 1. [435.201] For the purpose of this act "municipality" means any city, whether operating under general or special law or home-rule charter provisions, and any village, borough or town.

Sec. 2. [435.202] **Subdivision 1. Improvements abandoned, cancellation of assessments.** When a local improvement proposed to be made by any municipality under any procedure is abandoned before it is completed to an extent sufficient to result in benefits equal to special assessments which have theretofore been levied for such improvement, the municipality shall notify the municipal treasurer or the county

auditor, whichever is acting as collecting agent for such special assessments, of such fact. Upon such notification, all installments of such assessments and interest thereon which are not already collected or in the process of collection shall be cancelled by such officers. However, nothing herein shall prevent the municipality from making a reassessment of any amount not exceeding the special benefits which actually accrue from the improvement to part or all of the properties originally assessed, and nothing herein shall affect the obligations of the municipality to provide funds sufficient to pay any bonds issued to finance the improvement and the interest thereon.

Subd. 2. Improvements abandoned, refund of assessments. The governing body of the municipality shall also notify the municipal clerk or recorder of such fact, and he shall forthwith publish a notice in the official newspaper of the municipality describing the improvement and stating that it has been abandoned and that any person who paid any special assessments levied on account of such improvement may file a claim, within six months following the date of publication of the notice, for refund of such assessments paid by him, together with any interest he paid thereon. If the municipality has no official newspaper, such notice may be published in any newspaper published in the municipality or, if no newspaper is published in the municipality, it may be posted. The municipality is not required to, but may, pay such claims filed after the period allowed, and it may require any claimant to furnish satisfactory evidence that he paid the amounts claimed. Such claims may be paid out of moneys in the fund of the improvement which was abandoned, unless obligations have been issued payable therefrom, or they may be paid out of moneys in the general fund.

Subd. 3. Transfer of assessments not cancelled or refunded. Any such assessments not cancelled under Subdivision 1 above, or not refunded under Subdivision 2 above, shall be transferred to the general fund of the municipality, if not needed to pay costs of the improvement and if not held in a debt redemption fund.

Sec. 3. [435.203] Transfer of funds after improvements completed. Any moneys now or hereafter remaining in a fund heretofore or hereafter created by a municipality for making one or more local improvements, after such improvement or improvements have been completed and all claims against and obligations of said fund have been satisfied, shall be transferred to the general fund of the municipality; provided that the council may in its discretion authorize and direct the municipal treasurer to refund all or part of such mon-

ys to the persons who paid the assessments for the improvement or improvements, following the procedure set forth in subdivision 2 of section 2. The amount to be refunded in respect of the assessment against each property shall be proportionate to the original principal amount thereof, and shall be paid to the claimant or claimants who paid the last installment or installments of the assessment aggregating more than the amount to be refunded. No refund shall be made in respect to any assessment which is delinquent as to either principal or interest. Any installment of any assessment which is not collected or in the process of collection at the time when refunds may be made under this section shall be cancelled as provided in subdivision 1 of section 2.

Sec. 4. **Repealer.** Minnesota Statutes 1953, Section 435.20, is hereby repealed.

Approved April 25, 1955.

CHAPTER 842—S. F. No. 1102

An act relating to special assessments in cities of the second, third and fourth class, villages, boroughs and certain towns; amending Minnesota Statutes 1953, Section 429.051.

Be it enacted by the Legislature of the State of Minnesota:

Section 1. Minnesota Statutes 1953, Section 429.051, is amended to read:

429.051 **Apportionment of costs.** The cost of any improvement, or any part thereof, may be assessed upon property benefited by the improvement, whether the property abuts on the improvement, or not, based upon the benefits received. The area assessed may be less than but may not exceed the area proposed to be assessed as stated in the notice of hearing on the improvement, *except as provided below.* The municipality may pay such *portion* of the cost of the improvement as the council may determine from general ad valorem tax levies or from other revenues or funds of the municipality available for the purpose. *The municipality may subsequently reimburse itself for all or any of the portion of the cost of a water or sanitary sewer improvement so paid by levying additional assessments upon any properties abutting on but not previously assessed for the improvement, on notice and hearing as provided for the assessments initially made. To the extent that such an improvement benefits non-abutting properties which may be served by the improvement when one or more*