

Sec. 2. This act shall take effect only after its approval by a majority vote of the board of county commissioners of Itasca county.

Approved April 24, 1959.

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CHAPTER 422—H. F. No. 963

*An act relating to appointment to fill vacancies in certain elective offices of counties, cities, villages, boroughs, towns, and school districts; amending Minnesota Statutes 1957, Section 471.46.*

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

Section 1. Minnesota Statutes 1957, Section 471.46 is amended to read:

**471.46 Vacancies; persons ineligible to appointment.** No county, city, village, borough, town or school district officer shall be appointed to fill a vacancy in any elective office if he has the power, either alone or as a matter of a board, to make the appointment; and his ineligibility shall not be affected by his resignation before such appointment is made. This section shall not prevent the appointment of a member of a city or village council to *the office of mayor or clerk, but in that case he shall not vote in the appointment.*

Approved April 24, 1959.

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CHAPTER 423—S. F. No. 1000

*An act relating to assessments of state land; amending Minnesota Statutes 1957, Section 106.381.*

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

Section 1. Minnesota Statutes 1957, Section 106.381, is amended to read:

**106.381 Enforcement of assessments; public and corporate.** Assessments filed for benefits to any municipal corporation shall thereupon become a liability of such corporation and shall be due and payable with interest in instalments on November 1 of each year as provided in section 106.371. If such instalments and interest are not paid on or before November 1, the amount thereof, with interest added as provided

in section 106.371, shall be extended by the county auditor against all the property in such municipal corporation liable to taxation, a levy thereof made thereon, and the same shall become due, to be paid and collected in the same manner and at the same time as other taxes.

When any public road found to be benefited is a county or state aid road, the assessment filed thereon shall be against the county and paid out of the road and bridge fund of the county.

In case of assessment against the state for benefits to trunk highways, the same shall be chargeable to and payable out of the trunk highway fund. Upon presentation of a certified copy of the assessment against the state for benefits to any trunk highway, the commissioner of highways shall cause the same to be paid out of the trunk highway fund.

All state lands and properties, including rural credit lands, shall be assessable for benefits received and such assessment shall be paid by the state from any funds appropriated and available therefor upon certification thereof by the state officer having jurisdiction over the state lands and property assessed to the state auditor.

All properties owned by any railroad or other utility corporation benefited by any such drainage system, shall be liable for the assessments for benefits thereto the same as taxable lands. From the date of the filing by the county auditor in the office of the register of deeds of the lien statement, the amount of the assessment with interest shall constitute a lien against all property of the corporation within the county. Upon default the assessment may be collected by civil action or, the lien may be foreclosed by action in the same manner as provided by law for the foreclosure of mortgage liens, and the county where the lien is filed shall have the right of action against any such corporation for the enforcement and collection of such assessment.

Approved April 24, 1959.

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CHAPTER 424—H. F. No. 1579

[Not Coded]

*An act relating to the Village of Aurora, authorizing expenditures of certain funds.*

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