

153, 192, and 208, and Laws 1939, Chapter 434, and Laws 1941, Chapter 196, or acts amendatory thereof, which has a regularly organized fire department, shall each year, at the time the tax levies are made for the support of the village or city, and in addition thereto, levy a tax of one-tenth of a mill on all the taxable property of such village or city; *and it may, when it deems it necessary or desirable so to do, levy an additional amount not to exceed one and nine-tenths mills.* The tax so levied shall be transmitted to the auditor of the county in which the village or city is situated at the time all other tax levies are transmitted, and shall be collected and payment thereof enforced. *If the governing body of any such city or village having a duly incorporated firemen's relief association fails to include the one-tenth mill tax in its levy for 1960 or any subsequent year, the board of trustees of the association may certify that fact to the county auditor, who shall thereupon add the omitted levy to the city and village levy for that year, or, if then too late, for the next following year.*

*Subd. 2.* The village or city treasurer, when the tax is received by him, shall pay the same over to the treasurer of the duly incorporated firemen's relief association of such village or city, if there is one organized, together with all penalties and interest collected thereon; but if there is no firemen's relief association so organized in any such village or city, or if any such association resign, be removed or has heretofore resigned or has been removed as trustee of such money, then the treasurer of such municipality shall keep the money in a special fund to be disbursed only for the purposes authorized by section 424.31 or for the equipment and maintenance of the fire department and for construction, acquisition, or repair of buildings, room, and premises for fire department use.

Approved April 24, 1959.

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#### CHAPTER 510—H. F. No. 526

*An act relating to the classification of cities, amending Minnesota Statutes 1957, Section 410.01.*

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

Section 1. Minnesota Statutes 1957, Section 410.01 is amended to read:

410.01 **Cities, classes.** Cities are hereby divided, for legislative purposes, into classes as follows:

First class—Those having more than 100,000 inhabitants;

Second class—Those having more than 20,000 and not more than 100,000 inhabitants;

Third class—Those having more than 10,000 and not more than 20,000 inhabitants; and

Fourth class—Those having not more than 10,000 inhabitants.

Changes in classification resulting from any future national census shall take effect upon the filing of certified copies of the census in the office of the secretary of state as provided in section 600.18. Meanwhile the council or other governing body shall take measures for the election of proper officials and for dividing the city into wards, if necessary, and otherwise prepare for the coming change.

Approved April 24, 1959.

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#### CHAPTER 511—H. F. No. 1617

*An act relating to drainage ditches and the apportionment of assessments; amending Minnesota Statutes 1957, Section 106.401.*

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

Section 1. Minnesota Statutes 1957, Section 106.401, is amended to read:

**106.401 Apportionment of liens.** In all cases in which a lien has been established against any tract of land in any drainage ditch proceeding and no instalment of such assessment or interest thereon shall be in default, any person having an interest in the land, or any part thereof, may petition the district court *or county board* of the county wherein the land is situated to have the lien apportioned between specified portions of the tract. Upon the filing of this petition, the court *or county board* shall by order fix a time and place when the petition shall be heard and requiring personal service of a notice of the hearing to be made upon the county auditor, the occupants of the premises, and on all parties having an interest in the premises, as shown by the records in the office of the register of deeds of the county, at least ten days before the hearing; or, if for any reason personal service cannot be made upon all of such persons, notice may be given by publication.