

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 **Repealer.** Minnesota Statutes 1953, Section 435.20, is hereby repealed.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

later extensions or improvements are made but which are not initially assessed therefor, the municipality may also reimburse itself by adding all or any of the portion of the cost so paid to the assessments levied for any of such later extensions or improvements, provided that notice that such additional amount will be assessed is included in the notice of hearing on the making of such extensions or improvements. The additional assessments herein authorized may be made whether or not the properties assessed were included in the area described in the notice of hearing on the making of the original improvement.

Approved April 25, 1955.

CHAPTER 843—S.F. No. 1103

[Coded in Part]

An act relating to the limitation of actions for damages resulting from the establishment of street or highways grades and changes therein; amending Minnesota Statutes 1953, Section 541.07.

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

Section 1. Minnesota Statutes 1953, Section 541.07, is amended to read:

541.07 **Two year limitations.** The following actions shall be commenced within two years:

(1) For libel, slander, assault, battery, false imprisonment, or other tort, resulting in personal injury, and all actions against physicians, surgeons, dentists, hospitals, sanitariums, for mal-practice, error, mistake or failure to cure, whether based on contract or tort; provided a counter-claim may be pleaded as a defense to any action for services brought by a physician, surgeon, dentist, hospital or sanitarium, after the limitations herein described notwithstanding it is barred by the provisions of this chapter, if it was the property of the party pleading it at the time it became barred and was not barred at the time the claim sued on originated, but no judgment thereof except for costs can be rendered in favor of the party so pleading it;

(2) Upon a statute for a penalty or forfeiture;

(3) For damages caused by a dam, other than a dam used for commercial purposes; but as against one holding under the pre-emption or homestead laws, such limitations shall