

proval by a majority of the council of the city of Eveleth and upon compliance with Minnesota Statutes, Section 645.021.

Approved April 2, 1976.

CHAPTER 123—H.F.No.718

An act relating to forcible entry and unlawful detainer; providing for stay of writ of restitution; amending Minnesota Statutes 1974, Sections 566.06; and 566.09.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

Section 1. Minnesota Statutes 1974, Section 566.06, is amended to read:

566.06 FORCIBLE ENTRY AND UNLAWFUL DETAINER; STAY OF WRIT OF RESTITUTION; SUMMONS; HOW SERVED. The summons shall be served at least three days before the return day thereof by delivering a copy to the person against whom it is issued or if such person be a corporation, a minor under 14 years of age or a person under guardianship, by delivering a copy as provided in the case of a service of summons in a civil action in the district court; but in case such person cannot be found in the county, the summons may be served on him at least six days before the return day thereof, by leaving a copy thereof at his last usual place of abode with a member of his family, or a person of suitable age and discretion residing at such place, or if he had no place of abode, by leaving a copy thereof upon the premises described in the complaint with a person of suitable age and discretion occupying the same or any part thereof. The summons may be served by the sheriff or any constable of the county, by an agent or attorney of any named party to the action, or by any other person not a named party to the action. In case the defendant ~~has no usual place of abode and~~ cannot be found in the county, of which the return of the sheriff or constable, shall be prima facie proof, and further that there is no person actually occupying the premises described in the complaint, then upon the filing of an affidavit by the plaintiff, or his attorney, in the court in which the action is brought stating that ~~no person is actually occupying the premises and that~~ he believes the defendant is not in this state, or cannot be found therein, and either that he has mailed a copy of the summons to the defendant at his last known address, or that such address is not known to him, service of the summons may be made upon such defendant by posting the summons in a conspicuous place on the premises for not less than one week and by one week's published notice thereof in some newspaper printed and published in the county wherein the action is brought, or, if there be no newspaper therein, then in some newspaper printed and published at the capitol of the state and if upon the return day the defendant, or his attorney, does not appear in court in the action then the trial thereof shall be

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~~continued for one week to enable the defendant to make his appearance and defend therein—proceed .~~

Sec. 2. Minnesota Statutes 1974, Section 566.09, is amended to read:

566.09 JUDGMENT; FINE; EXECUTION. If, upon the trial, the justice or jury find for the plaintiff, the justice shall immediately thereupon enter judgment that the plaintiff have restitution of the premises, and tax the costs for him. The justice shall issue execution in favor of the plaintiff for such costs, and also immediately issue a writ of restitution. No stay of the writ of restitution may be granted except upon a showing by the defendant that the restitution would work a substantial hardship upon the defendant. Upon a proper showing by the defendant of substantial hardship, the justice may stay the writ of restitution for a reasonable period not to exceed seven days, except that no stay of the writ of restitution shall extend later than three days prior to the date the rent is next due. If the justice or jury shall find for the defendant, he shall enter judgment for the defendant, tax the costs against the plaintiff, and issue execution therefor.

Approved April 2, 1976.

CHAPTER 124—H.F.No.910

[Coded in Part]

An act relating to crimes; specifying the acts constituting arson and the possession of certain explosives; correcting an error in the definition of certain criminal sexual conduct; providing penalties; amending Minnesota Statutes 1974, Chapters 299F, by adding sections; and 609, by adding sections; Minnesota Statutes, 1975 Supplement, Section 609.345; repealing Minnesota Statutes 1974, Sections 299F.81; 609.555; 609.56; 609.565; 609.57; 609.575; and 609.61.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

Section 1. Minnesota Statutes 1974, Chapter 299F, is amended by adding a section to read:

[299F.81] CRIMES AND CRIMINALS; ARSON; POSSESSION OF EXPLOSIVES OR INCENDIARY DEVICES. Whoever possesses, manufactures, or transports any explosive compound, timing or detonating device for use with any explosive compound or incendiary device and either intends to use the explosive or device to commit a crime or knows that another intends to use the explosive or device to commit a crime, may be sentenced to imprisonment for not more than five years or to payment of a fine of not more than \$5,000 or both.

Sec. 2. Minnesota Statutes 1974, Chapter 299F, is amended by

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