

in the state treasury to which such money was credited, an amount sufficient to make such refund and payment.

Sec. 3. **Repealer.** Minnesota Statutes 1945, Section 6.135, is hereby repealed.

Approved April 19, 1947.

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#### CHAPTER 417—H. F. No. 282

*An act relating to proceedings for the alteration, repair, or demolition of buildings and structures creating a fire hazard; amending Minnesota Statutes 1945, Sections 73.13, 73.14, 73.15, and 73.16.*

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

Section 1. Minnesota Statutes 1945, Section 73.13, is amended to read as follows:

**73.13. Notice, service on owner.** A copy of the order filed in accordance with section 73.12, together with a written notice that the same has been so filed and will be put in force unless the owner or occupying tenant shall file with the clerk of the court his objections and answer thereto within the time specified in Section 73.14, shall be served upon the owner of the building or structure so directed to be altered, repaired, or demolished; and, if there be a tenant occupying the building, then also upon this occupant. Service shall be made upon the owner and *occupying* tenant, if there be one, personally, either within or without the state. *It shall be deemed a personal service of the order and notice if the copy thereof be left at the house of the usual abode of the person to be served, with some person of suitable age and discretion then residing therein.* If the whereabouts of the owner is unknown and the same cannot be ascertained by the state fire marshal in the exercise of reasonable diligence, then, upon his filing in the office of the clerk of the district court his affidavit to this effect, service of the notice upon the owner may be made by publishing the same once in each week for three successive weeks in a newspaper printed and published in the county in which the building or structure is located and by posting a copy thereof in a conspicuous place upon the building or structure, and the service so made shall be deemed to be complete upon the expiration of the publication period. Proof of service of the notice shall be filed in

the office of the clerk of the district court *not less than five days before the filing of a motion for an order affirming the state fire marshal's order of condemnation in case of default as provided for by section 73.14, or in case written objections are filed and served, not less than five days before the time fixed for the hearing provided for by section 73.15.*

Sec. 2. Minnesota Statutes 1945, Section 73.14, is amended to read as follows:

**73.14. Written objections filed by owner.** The owner of any building or structure so condemned, or any *occupying tenant* upon whom the notice and order are served, within 20 days from the date of the service, as herein provided, may file with the clerk of the *district* court and serve upon the state fire marshal, *either personally or by registered mail*, written objections to the order in the form of an answer denying the existence of any of the facts therein recited which he desires to controvert. If no answer is so filed and served, the owner and all other persons in interest shall be deemed to be in default and thereupon the court shall affirm the order of condemnation and direct the state fire marshal to proceed with the enforcement thereof; but, if an answer be filed and served, as herein provided, the court shall hear and determine the issues so raised and *make its order as provided for by section 73.15.*

Sec. 3. Minnesota Statutes 1945, Section 73.15, is amended to read as follows:

**73.15. Hearing.** The court upon *motion* of the state fire marshal shall make its order fixing a time and place for the hearing, which place may be at any convenient point within the judicial district, and which time shall be within ten days from the date of the filing of the answer, or as soon thereafter as may be. *Upon the trial the order of the state fire marshal shall be prima facie evidence of the existence of the facts therein recited. If upon the trial the order of the state fire marshal shall be sustained, the court shall make its order accordingly and shall fix a time within which the building or structure shall be altered, repaired, or demolished, as the case may be, in compliance with the order of the state fire marshal, but otherwise the court may annul and set aside such order of the state fire marshal, or modify it if the facts so warrant.*

Sec. 4. Minnesota Statutes 1945, Section 73.16, is amended to read as follows:

**73.16. Failure to comply with order. Subdivision 1.**

~~Sale or destruction of building.~~ If the owner or other party in interest shall fail to comply with the order of the state fire marshal within the time fixed thereby, or *with such order as affirmed or modified by the court*, within the time fixed by court, in case a trial is had as *provided for in section 79.15*, the state fire marshal may proceed to cause the building or structure to be *altered, repaired, or demolished* in accordance with the directions contained in the order. Where a building or structure is demolished in accordance with the order the state fire marshal may sell and dispose of the salvage materials therefrom at public auction upon three days' posted notice. In lieu of demolishing the building or structure the state fire marshal may sell it at public auction, upon the same notice, provided the purchaser signs a written agreement to demolish the building and remove the salvage within such time from the date of sale as the state fire marshal shall announce before the sale. In case any such purchaser shall fail to so demolish the building or structure and remove the salvage within the specified time, the sale to him shall be void, and the purchase price paid by him shall be retained by the state fire marshal as liquidated damages for breach of the agreement. Any amount collected for the sale of salvage, or the building or structure, or as liquidated damages for breach of the agreement shall be deposited with the state treasurer and credited to the fund of the state fire marshal.

Subd. 2. Statement of moneys received and expenses incurred; surplus to owner. The state fire marshal shall keep an accurate account of the expenses incurred in carrying out the order and of all other expenses theretofore incurred in connection with its enforcement, including specifically, but not exclusively, filing fees, service fees, publication fees, appraisers' fees, witness fees, including expert witness fees, and traveling expenses incurred by the state fire marshal and his deputies from the time the order was originally made, and shall credit thereon the amount, if any, received from the sale of the salvage, or building or structure, or as liquidated damages for breach of the agreement, and shall report his action under the order, with a statement of monies received and expenses incurred to the court for approval and allowance. Thereupon the court shall examine, correct, if necessary, and allow the expense account and, if the amount received from the sale of the salvage, or of the building or structure, or for liquidated damages for breach of the agreement does not equal or exceed the amount of expenses as allowed, the court shall by its order certify the deficiency in the amount so allowed to the county auditor for collection. The owner or

other party in interest shall pay the same within 30 days thereafter, with 25 per cent penalty added thereon, and in default of payment the auditor shall enter this expense on the tax lists of the county as a special charge against the real estate on which the building is or was situated and the same shall be collected in the same manner as other taxes and the amount so collected, including the penalty thereon, shall be paid into the state treasury and credited to the fund of the state fire marshal. *When any real estate on which the building or structure is or was situated forfeits to the state for taxes, this expense shall be apportioned by the county auditor from the net proceeds of the sale or rental of such forfeited land to the state treasury to be credited to the fund of the state fire marshal in the same manner as any other special assessment is apportioned as provided in section 282.08, clause (2). If the amount received for the sale of the salvage, or of the building or structure, or for liquidated damages for breach of the agreement to remove the building or structure exceeds the expense incurred by the state fire marshal, as allowed by the court, and if there are no delinquent taxes, the court shall direct the payment of the surplus to the owner or the payment of the same into court for his use and benefit. If there are delinquent taxes against the property, the court shall direct the payment of the surplus to the county treasurer to be applied on such taxes.*

Approved April 19, 1947.

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#### CHAPTER 418—H. F. No. 299

*An act relating to elections and for the registration of voters and to amend Minnesota Statutes 1945, Section 201.17.*

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

Section 1. Minnesota Statutes 1945, Section 201.17, is amended to read as follows:

201.17. **Application for registration. Subdivision 1. Personal application and oath.** The commissioner shall, up to 20 days next preceding any election, receive the application for registration of such voters as personally appear for registration at his office, or at such other place as is designated by him for registration, who then are, or on the date of the election next following the day of making such application,