

such truck-tractor or converted truck shall be registered and taxed separately as provided by section 168.013, subdivision 1, paragraph 7.

Approved May 13, 1963.

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CHAPTER 638—H. F. No. 1317

*An act relating to proceedings for the alteration, repair, or demolition of buildings and structures creating a fire hazard; amending Minnesota Statutes 1961, Section 73.16, Subdivision 2.*

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

Section 1. Minnesota Statutes 1961, Section 73.16, Subdivision 2, is amended to read:

73.16. **Fire marshal; failure to comply with order.** 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 all other expenses theretofore incurred in connection with its enforcement, including specifically, but not exclusively, *initial inspection fees incurred before the filing of the order of condemnation, including costs of photographs of building, 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witness fees, and traveling expenses incurred by the state fire marshal and his deputies from the time the order was originally made, and shall credit thereon the amount, if any, received from the sale of the salvage, or building or structure, or as liquidated damages for breach of the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 percent 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*

**Changes or additions indicated by italics, deletions by strikeout.**

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.

There is hereby appropriated to the persons entitled to such surplus, from the fund in the state treasury to which the money was credited, an amount sufficient to make the payment.

Approved May 13, 1963.

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CHAPTER 639—H. F. No. 1321

[Coded in Part]

*An act relating to the public employees retirement association; amending Minnesota Statutes 1961, Section 353.29, Subdivision 2, and Section 353.68, by adding a new subdivision thereto.*

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

Section 1. Minnesota Statutes 1961, Section 353.29, Subdivision 2, is amended to read:

*Sub. Subd. 2. Public employees retirement association; benefits.* The retirement annuity hereunder payable at age 65 or thereafter shall be computed in accordance with the applicable provisions of the formula stated in subdivision 3 hereof, on the basis of the member's average salary for the period of his allowable service. Such retirement annuity is known as the "normal" retirement annuity.

(a) For years prior to July 1, 1957, "average salary" for the purpose of determining a member's retirement annuity means the amount equivalent to the average of his highest salary upon which

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