

be approved; if it is the decision of the state board that one or more of those grounds exist, the contract shall be disapproved.

Sec. 5. [125.185] **Review of state board's decision by district court on certiorari.** The decision of the state board may be reviewed on certiorari by the district court of the county in which the school district or any part thereof is located, and the reasonableness of the state board's decision under all the circumstances of the case shown by the record will be a judicial question of fact.

Sec. 6. [125.186] **Effect of proceedings.** [Subdivision 1.] The fact of approval or disapproval of a contract under this act shall not be evidence in any civil or criminal proceeding growing out of the making or performance of the contract or related to the official conduct of the members of the district board. Proceeding or failure to proceed under this act shall not preclude any civil or criminal action otherwise proper. Necessary costs and disbursements, exclusive of those incurred in the administrative proceedings, on review by certiorari shall be taxed against the losing party and in the event taxed against the state shall be paid as an expense of the Department of Education in the administration of special state aid.

Sec. 7. [Subd. 2.] This act shall not apply to any action pending in a court at the time of its enactment.

Approved April 21, 1953.

CHAPTER 602—S. F. No. 1143

[Coded in Part]

An act relating to the crime of arson and providing penalties for violation thereof; repealing Minnesota Statutes 1949, Sections 621.02, 621.03 and 621.04, and amending Minnesota Statutes 1949, Section 621.05.

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

Section 1. [621.021] **Arson, first degree.** Any person who wilfully and maliciously sets fire to or burns or causes to be burned or who aids, counsels or procures the burning of any dwelling house, whether permanently affixed to the land or not, whether occupied, unoccupied or vacant, or any shop, barn, stable or other outhouse that is parcel, thereof, or belonging to or adjoining thereto, whether the property of himself or of another, shall be guilty of arson in the first degree,

and upon conviction thereof, be sentenced to the penitentiary for not less than two nor more than 20 years.

Sec. 2. [621.025] Arson, second degree. Any person who wilfully and maliciously sets fire to or burns or causes to be burned, or who aids, counsels or procures the burning of any building or structure of whatsoever class or character, whether the property of himself or of another, not included or described in the preceding section, shall be guilty of arson in the second degree, and upon conviction thereof, be sentenced to the penitentiary for not less than one nor more than ten years.

Sec. 3. [621.031] Arson, third degree. Any person who wilfully and maliciously sets fire to or burns or causes to be burned or who aids, counsels or procures the burning of any personal property (other than a dwelling house) belong to another person, shall be guilty of arson in the third degree and upon conviction thereof, be sentenced to the penitentiary for not less than one nor more than three years.

Sec. 4. [621.035] Arson, fourth degree. Any person who wilfully and maliciously attempts to set fire to or attempts to burn or to aid, counsel or procure the burning of any buildings or property mentioned in the foregoing sections, or who commits any act preliminary thereto, or in furtherance thereof, shall be guilty of arson in the fourth degree and upon conviction thereof be sentenced to the penitentiary for not less than one nor more than two years or fined not to exceed \$1,000.

The placing or distributing of any flammable, explosive or combustible material or substance, or any device in any building or property mentioned in the foregoing sections in an arrangement or preparation with intent to eventually wilfully and maliciously set fire to or burn same, or to procure the setting fire to or burning of same shall, for the purposes of this act constitute an attempt to burn such building or property.

Sec. 5. [621.041] Certain acts a felony. Any person who wilfully and with intent to injure or defraud the insurer sets fire to or burns or attempts so to do or who causes to be burned or who aids, counsels or procures the burning of any building, structure or personal property, of whatsoever class or character, whether the property of himself or of another, which shall at the time be insured by any person, company or corporation against loss or damage by fire, shall be guilty of a felony and upon conviction thereof, be sentenced to the penitentiary for not less than one nor more than three years.

Sec. 6. Minnesota Statutes 1949, Sections 621.02, 621.03 and 621.04, are repealed.

Sec. 7. Minnesota Statutes 1949, Section 621.05, is amended to read:

621.05 Contiguous buildings burning. When an apurtenance to a building is so situated with reference to such building, or when any building is so situated with reference to another building, that the burning of the one will manifestly endanger the other, a burning of the one shall be deemed a burning of the other, within the provisions of *this act*, against any person actually participating in the original setting on fire, as of the moment when the fire from the one communicates to and sets on fire the other.

Sec. 8. [621.065] **Effect of act.** The enactment of this act shall not affect any act done, or offense committed, or punishment incurred prior to the time that the repeal of any statute under this act takes effect, but the same may be enforced and prosecuted or inflicted as fully and to the same extent as if such repeal had not been effected, and all criminal prosecution actions and proceedings commenced under or by virtue of any provision of a statute by this act repealed may be prosecuted and defended to final effect in the same manner as if such statute were not so repealed.

Approved April 21, 1953.

CHAPTER 603—S. F. No. 1176

An act creating and establishing a department of employment security, prescribing its powers and duties and transferring to it the powers and duties of the division of employment and security of the department of social security; amending Minnesota Statutes 1949, Section 268.12, Subdivision 1, as amended by Laws 1951, Chapter 713, Section 29.

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

Section 1. Minnesota Statutes 1949, Section 268.12, Subdivision 1, as amended by Laws 1951, Chapter 713, Section 29, is amended to read:

268.12 Administration. Subdivision 1. (1) *There is hereby created and established a department of employment security which shall be the successor to the division of employment and security, which said division is hereby abolished as a division of the department of social security as established by Laws 1939, Article VII, Section 1.*

(2) *A commissioner of employment security shall be appointed by the governor with the advice and consent of the*