

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. 2. Minnesota Statutes 1953, Section 621.041, is amended to read :

621.041 Insured property, fourth degree. 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 *arson in the fourth degree* and upon conviction thereof, be sentenced to the penitentiary for not less than one nor more than three years.

Approved April 26, 1957.

CHAPTER 718—H. F. No. 1028

[Coded]

An act relating to the acquisition of private property by the state or its political subdivisions, by purchase or eminent domain proceedings and the payment of the purchase price or award in annual installments.

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

Section 1. [117.51] **Acquisition of property for public purposes.** [Subdivision 1.] **Payment; lump sum, installments.** Whenever the state of Minnesota or any of its political subdivisions acquires private property for public purposes by purchase or eminent domain proceedings, the property owner shall have the option of receiving the purchase price or the award as finally adjudicated, either in a lump sum or in not more than four annual installments.

Sec. 2. [Subd. 2.] **Eminent domain; acquisition, mode of payment.** When the property is acquired by eminent domain proceedings and the amount the owner or owners shall receive for said property is finally determined, the owner or all the owners, if there is more than one, entitled to

payment thereof, and before payment is made, may elect, by making written request thereof to the petitioner, to have the amount paid in not more than four annual installments, and without interest on the deferred installments. After the first installment is paid the petitioner may make its final certificate, as provided by law, in the same manner as though the entire amount had been paid.

Sec. 3. [Subd. 3.] Option on mode of payment; private owner, upon purchase. When the property is purchased from the private owner, the amount of the purchase price shall be paid in a lump sum, unless the property owner at the time he delivers the conveyance to the state or the political subdivision, shall elect to have the purchase price paid in not more than four annual installments and without interest on the deferred installments.

Approved April 26, 1957.

CHAPTER 719—H. F. No. 1097

An act relating to old age assistance; amending Minnesota Statutes 1953, Section 256.15, Subdivision 2, as amended, and Section 256.33, as amended.

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

Section 1. Minnesota Statutes 1953, Section 256.15, Subdivision 2, as amended by Laws 1955, Chapter 807, Section 1, is amended to read:

Subd. 2. Payments, limitation. The manner and amount of old age assistance payments shall be fixed with due regard to the conditions in each case in accordance with the rules and regulations of the state agency, but in no case shall it exceed \$71 a month, except for medical, dental, surgical, hospital, nursing, or licensed nursing home care provided, however, that where the county welfare board determines that the infirmity or physical disability of an applicant or recipient requires board and room in the nature of congregate care but not in need of continual medical or nursing care such board may allow not to exceed \$75 per month providing such care is received from a nonrelative in a licensed boarding care home, subject to the following:

(1) The annual income of any property which is not so utilized as to produce reasonable returns shall be deemed to be the net income which would be available if the property