

and full value of \$40,000,000, and not to exceed \$45,000,000, according to the last valuation thereof, and having a population of 20,000, and not to exceed 25,000, inhabitants according to the last official census thereof, and containing 30 full and fractional townships, may on or before December 1, 1939, if the County Board shall deem it necessary for the purpose of building or repairing public roads within its jurisdiction, procure by purchase or condemnation, in the manner provided by law, any plot of ground not exceeding 80 acres, containing gravel or stone or clay or sand or one or more of such road materials, suitable for road purposes, together with the right of way to the same of sufficient width to allow teams to pass and on the most practicable route to the nearest public road.

Approved March 9, 1939.

---

#### CHAPTER 59—S. F. No. 195

*An act to repeal Laws 1933, Chapter 405, Section 46, and to repeal Extra Session Laws 1935-1936, Chapter 87, and to amend Extra Session Laws 1937, Chapter 49, Section 24, imposing and relating to an income tax and taxes measured by income and the assessment and collection of such taxes.*

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

**Section 1. Law repealed.**—That Laws 1933, Chapter 405, Section 46, and Extra Session Laws 1935-1936, Chapter 87 be and they are hereby repealed.

**Sec. 2. Limit of assessment.**—That Extra Session Laws 1937, Chapter 49, Section 24 be and the same is hereby amended so as to read as follows :

“(a) The amount of income taxes imposed by this Act shall be assessed within three years after the return was filed, and no proceedings in court without assessment for the collection of such taxes shall be begun after the expiration of such period.

“(b) In case of income received during the life time of a decedent, or by his estate during administration, or by a corporation, the tax shall be assessed, and any proceeding in court without assessment for the collection of such tax shall be begun, within 18 months after written request therefor (filed after the return is made) by the executor, adminis-

trator or other fiduciary representing the estate of such decedent, or by the corporation, but not after the expiration of three years after the return was filed. This limitation shall not apply in the case of a corporation unless—

(1) Such written request notifies the Commission that the corporation contemplates dissolution at or before the expiration of such 18 months' period; and

(2) The dissolution is in good faith begun before the expiration of such 18 months' period; and

(3) The dissolution is completed.

“(c) If the taxpayer omits from gross income an amount properly includible therein which is in excess of 25 per centum of the amount of gross income stated in the return, the tax may be assessed, or a proceeding in court for the collection of such tax may be begun without assessment, at any time within 5 years after the return was filed.

“(d) For the purposes of subsections (a), (b), and (c), a return filed before the last day prescribed by law for the filing thereof shall be considered as filed on such last day.

“(e) *Any agreement purporting or attempting in any way to waive or abridge the operation and effect of the limitation provided for in sub-sections (a), (b), and (c) of this section shall be null and void, and upon the expiration of the time provided for in said sub-sections (a), (b), and (c) the bar of the limitations therein provided shall become operative irrespective of the making of any such purported agreement, and the State of Minnesota, its officers, agents and employees, are hereby prohibited from making and entering into any such agreement with any taxpayer; provided, however, that the provisions of this sub-section shall not affect any action or proceeding now pending in any court and shall not affect assessments made or proceedings for the collection of taxes brought within one year from the passage of this act in reliance upon and pursuant to any such agreement heretofore made.*

**Sec. 3. Effective June 1, 1939.—***This act shall take effect June 1, 1939.”*

Approved March 10, 1939.