

or his agent in the manner provided by section 3. If the owner of the land fails to comply with the order within fifteen days after the order is served upon him, the governing body shall cause the excavation to be filled to grade or protected and the cost shall be charged against the real estate as provided in section 7.

Sec. 12. [463.26] Local acts and charter provisions. This act is supplementary to other statutory and charter provisions and does not limit the authority of any city, village or borough to enact and enforce ordinances on the same subject.

Approved May 11, 1965.

CHAPTER 394—S. F. No. 780

[Coded in Part]

An act relating to the taxes on and measured by net income of small business corporations; amending Minnesota Statutes 1961, Section 290.971, as amended, by adding a new subdivision and Section 290.972, Subdivision 3.

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

Section 1. Minnesota Statutes 1961, Section 290.971, Subdivision 1, as amended by Laws 1963, Chapter 355, Section 19, is amended by adding a new subdivision to read:

Subd. 4. Income tax; small business corporations; ownership of certain stock. For purposes of subdivision 1, a corporation shall not be considered a member of an affiliated group at any time during any taxable year by reason of the ownership of stock in another corporation if such other corporation

(1) has not begun business at any time on or after the date of its incorporation and before the close of such taxable year, and

(2) does not have taxable income for the period included within such taxable year.

Sec. 2. Minnesota Statutes 1961, Section 290.972, Subdivision 3, is amended to read:

Subd. 3. Where and how made. (1) In general. An election under subdivision 1 may be made by a small business corporation for any taxable year at any time during the first month of such taxable year, or at any time during the month preceding such

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

first month. Such election shall be made in such manner as the commissioner shall prescribe by regulation.

In case of sickness, absence, or other disability, or when in the judgment of the commissioner good cause exists, he may upon application extend the time for making the election under subdivision 1 for not more than twelve months following the close of the taxable year for which the election is sought; provided, however, that an application for an extension of time with respect to taxable years beginning after December 31, 1960 and prior to December 31, 1963 may be filed not later than December 31, 1965.

(2) An election may be made under subdivision 1 by a small business corporation for its first taxable year which begins after December 31, 1960, and on or before the date of enactment of this act, and ends after such date any time

(A) within the 90 day period beginning on the day after the date of the enactment of this act; or

(B) if its taxable year ends within such 90 day period; before the close of such taxable year.

An election may be made pursuant to this paragraph only if the small business corporation has been a small business corporation (as defined in section 290.971, subdivision 1) on each day after the date of the enactment of this act and before the day of such election.

Approved May 12, 1965.

CHAPTER 395—S. F. No. 1007

[Coded in Part]

An act relating to crimes and criminals, prohibiting the sale and distribution of certain articles, drugs, or medicines and the furnishing of information in connection therewith; amending Minnesota Statutes 1961, Section 617.25.

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

Section 1. Minnesota Statutes 1961, Section 617.25, is amended to read:

617.25 Contraceptive devices; sale; indecent articles and information. Every person who shall sell, lend, or give away, or in any manner exhibit, or offer to sell, lend, or give away, or have in his possession with intent to sell, lend, give away, or advertise or offer

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