

non-resident shall further be authorized to transport or carry with him to any point beyond the boundaries of the state, not to exceed one daily limit of fish of any variety.

“Only undressed fish may be shipped, *transported or carried*. “*Undressed*”, as herein used, shall mean fish with the heads, tails, fins, scales and skins intact, but shall not prohibit the removal of entrails and gills.

“Such shipment shall be made by the licensee to himself only.

“*Subdivision 9*. A resident may ship fish lawfully taken and possessed by him from one point in the state to another provided such shipment must be made to the person taking such fish.

“*Subdivision 10*. No person shall at any time ship or transport a greater number of any kind of wild animals than he is permitted by law to have in possession at such time. All wild animals under the control of any person, whether actually in his personal custody or in transit or at their destination after shipment, or otherwise, shall be deemed to be in the possession of such person for the purposes of this action and of any other law relating to wild animals.”

Approved April 26, 1941.

CHAPTER 458—H. F. No. 419

An act relating to taxes measured by net income, amending Mason's Supplement 1940, Section 2394-32, and adding new provisions.

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

Section 1. **Law amended.**—Mason's Supplement 1940, Section 2394-32, is hereby amended to read as follows:

“2394-32. **Special taxes for corporation.**—(a) If a corporation is formed or availed of for the purpose of splitting up the income of its stockholders, or of the holders of a majority of its shares, with an aim to reducing the total amount of their taxes under this act, there shall be imposed upon it a special tax, in addition to those otherwise imposed by this act, of ten per cent of its taxable net income assignable to this state less credits against net income under Section 27.

(b) When any corporation liable to taxation under this act conducts its business in such a manner as either directly or indirectly to benefit its members or stockholders or any person or corporation interested in such business or to reduce the income attributable to this state by selling the commodities or services in which it deals, at less than the fair price which might be obtained therefor, or buying such commodities or services at more than the fair price for which they might have been obtained, or when any corporation, a substantial portion of whose shares is owned, directly or indirectly, by another corporation, deals in the commodities or services of the latter corporation in such a manner as to create a loss or improper net income or to reduce the taxable net income attributable to this state, the commissioner may determine the amount of its income so as to reflect what would have been its reasonable taxable net income but for the arrangements causing the understatement of its taxable net income or the overstatement of its losses, having regard to the fair profits which, but for any agreement, arrangement, or understanding, might have been or could have been obtained from such business."

(c) Whenever a corporation which is required to file an income tax return is affiliated with or related to any other corporation through stock ownership by the same interests or as parent or subsidiary corporations, or has its income regulated through contract or other arrangement, the commissioner of taxation may permit or require such consolidated statement as in his opinion are necessary in order to determine the taxable net income received by any one of the affiliated or related corporations.

Sec. 2. May file consolidated returns.—An affiliated group of corporations, all the members of which are required to file income tax returns under the provisions of this act, shall have the privilege of filing a consolidated return in lieu of separate returns, if the entire income of each of the members of the affiliated group including the common parent, if any, is assignable to this state under the provisions of this act. In the case of a corporation which is a member of the affiliated group for a fractional part of the taxable year, the consolidated return shall include the income of such corporation for such part of the year as it is a member of the affiliated group. Only one credit provided by Section 27 (a) of this act shall be allowed in computing the tax on such consolidated return. The consolidated net income of the affiliated group shall be determined in accordance with such regulations as the commissioner may prescribe. As used in this subdivision an 'affiliated group'

means one or more chains of corporations connected through stock ownership with a common parent corporation if (1) at least 90 per cent of the stock of each of the corporations (except the common parent corporation) is owned directly by one or more of the other corporations; and (2) the common parent corporation owns directly 90 per cent of the stock of at least one of the other corporations; and (3) each of the corporations is either (a) a corporation whose principal business is that of a common carrier by railroad or (b) a corporation, the assets of which consist principally of stock in such corporation, and which does not itself operate a business other than that of a common carrier by railroad. For the purpose of determining whether the principal business of a corporation is that of a common carrier by railroad, if a common carrier by railroad has leased its railroad properties and such properties are operated as such by another common carrier by railroad, the business of receiving rents for such railroad properties shall be considered as the business of a common carrier by railroad. As used in this subdivision, the term 'railroad' includes a street, suburban, or interurban electric railway, or a street or suburban trackless trolley system of transportation, or a street or suburban bus system of transportation operated as part of a street or suburban electric railway or trackless trolley system. As used in this section, the term 'stock' does not include non-voting stock which is limited and preferred as to dividends."

Sec. 3. **Application of act.**—This act shall apply to the determination and assessment of taxes for all taxable years beginning after December 31, 1940.

Approved April 26, 1941.

CHAPTER 459—H. F. No. 452

An act relating to marriages, amending Mason's Minnesota Statutes of 1927, Section 8562.

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

Section 1. **Common law marriages prohibited.**—Mason's Minnesota Statutes of 1927, Section 8562, is hereby amended to read as follows: