

year in which such tax was originally deducted, to the extent that such tax constituted an allowable deduction for said year. Any taxpayer affected by such renegotiation or voluntary adjustment may within one year after the final determination thereof file a claim for refund and secure the same without interest, and the department of taxation shall make appropriate adjustments on account of said tax deductions without interest, notwithstanding the limitations of sections 71.115 and 71.17 (3) or other applicable statutes. This subsection shall apply to the calendar or fiscal year 1940 and all subsequent years.

Approved May 25, 1943.

No. 193, S.]

[Published May 27, 1943.]

CHAPTER 198.

AN ACT to repeal and recreate 192.53 (5) and to create 192.53 (6) of the statutes, relating to railroad clearance, and providing a penalty.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. 192.53 (5) of the statutes is repealed and recreated to read:

192.53 (5) Except as hereinbefore provided in this section and subject to the power of the commission to make exceptions hereto in a manner similar to the power given it in subsection (4) no railroad or shipper shall after the effective date of this subsection (1943) place or construct, within 8 feet 6 inches of the center line of any railroad track, any retaining walls, fences, signs, stand pipes, conveyors, or any other like obstruction, except railroad bridges, switch stands, mail cranes, coal and water stations, intertrack fences and signals and other necessary interlocking mechanisms, or permit, within 8 feet 6 inches of the center line of any railroad track, the accumulation of any rubbish, waste or material of any sort, except material used for repair or construction work by such railroad company. The intent of this subsection is to afford proper clearance between railroad cars and obstructions and to promote the safety of railroad employes in switching cars.

SECTION 2. 192.53 (6) of the statutes is created to read:

192.53 (6) PENALTIES. Every railroad or shipper to which this section applies, who shall do any act prohibited thereby, who shall fail, neglect or refuse to obey any lawful requirement or order made by the commission under the provisions of this section, shall be deemed guilty of a misdemeanor and upon conviction shall be punished by a fine not exceeding \$100 or by imprisonment in the county jail for not exceeding 60 days, or by both fine and imprisonment.

Approved May 25, 1943.

No. 227, S.]

[Published May 27, 1943.

CHAPTER 199.

AN ACT to amend 201.17 (2) of the statutes, relating to surplus notes of mutual insurance companies.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

201.17 (2) of the statutes is amended to read:

201.17 (2) Any mutual insurance company may borrow money from any officer, member or other person, for the purposes of its business or to enable it to comply with any requirement of law. No discount, commissions or promotion expenses shall be allowed or paid on such loan. Upon receiving the full amount of the principal to be used solely for such purposes, the company may issue its surplus notes, which shall fully recite the conditions of the loan: *provided that no such notes shall be issued by any such company or be paid, discharged or retired in whole or in part without prior approval of the commissioner of insurance, and no surplus note or notes shall be issued by any mutual insurance company unless it accepts the requirements imposed by this subsection.* Except as herein provided, such notes and indebtedness shall not be a liability or claim against any of the assets of the company. The principal and interest shall be payable only from the surplus over all other liabilities. The amount of principal and interest unpaid shall be reported in each annual statement. *Surplus notes issued pursuant to the provisions of this section*