

1971 Assembly Bill 774

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CHAPTER 235, Laws of 1971

AN ACT to repeal 146.19 (2) (d) and (e); to renumber and amend 146.19 (2) (f) and (g); to amend 146.19 (1) (c), (2) (a) to (c) and (3); and to repeal and recreate 146.19 (1) (a) and (b) of the statutes, relating to regulation of migrant worker camps by the department of industry, labor and human relations.

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

SECTION 1. 146.19 (1) (a) and (b) of the statutes are repealed and recreated to read:

146.19 (1) (a) "Department" means the department of industry, labor and human relations.

(b) "Migrant" or "migratory laborer" means any person who is authorized to work in the United States, who is not related by blood or marriage to his employer and who occasionally or habitually leaves an established place of residence to travel to another locality to accept seasonal or temporary employment in this state in fruit and vegetable cultivating and harvesting, production work in a food processing plant, nursery work or sod or Christmas tree harvesting where he resides in quarters other than the employer's home during the period of employment.

SECTION 2. 146.19 (1) (c) of the statutes is amended to read:

146.19 (1) (c) "Migrant labor camp" means the site and all structures maintained as living quarters for ~~6 or more~~ any seasonal or migrant agricultural, industrial or construction ~~workers~~ worker by any person or for him or under his control and supervision, but not including premises occupied by the employer as his own residence. Where an employer employs ~~a total of 6 or more~~ any such ~~workers~~ worker, each housing location for such ~~workers~~ worker shall be considered a migrant labor camp.

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SECTION 3. 146.19 (2) (a) to (c) of the statutes are amended to read:

146.19 (2) (a) Every person maintaining a migrant labor camp shall annually by April 1 or 30 days prior to the opening of a new camp, make application to the board to operate a camp. Each such application shall be accompanied by a nonreturnable application fee of \$5 which shall be deposited within one week in the general fund in the amount determined by the department, which shall not exceed \$25.

(b) The board department may promulgate rules to implement this section and shall administer and enforce this section and its rules relative to migrant labor camps and for these purposes may during reasonable daylight hours enter and inspect such camps. No agent or employe of the board shall enter the premises of such a camp for inspection purposes until he has given notice to the owner or to the person in responsible charge of such the camp that he intends to make such an inspection. Such Upon notice an agent or employe of the department may also enter public or private any property to determine whether there exists any a camp to which under this section applies, upon such notice exists.

(c) The board department shall inspect each such camp for which application to operate is made, to determine if it is in compliance with the adopted rules for migrant labor camps. If the board department finds that the camp is in compliance with the rules, it shall issue a certificate authorizing the camp to operate for one year.

SECTION 4. 146.19 (2) (d) and (e) of the statutes are repealed.

SECTION 5. 146.19 (2) (f) and (g) of the statutes are renumbered 146.19 (2) (d) and (e) and amended to read:

146.19 (2) (d) Only certified camps or those having conditional permits may operate in this state. The board department shall order the immediate closing of all other camps, except that newly covered camps with less than 6 workers may not be ordered closed until after the 1971 season of employment. A violation of any such order shall be deemed a public nuisance. All orders shall be enforced by the attorney general. The circuit court of any county where violation of such an order has occurred in whole or in part shall have jurisdiction to enforce the order by injunctive and other appropriate relief appropriate to the enforcement of the order.

(e) Any person who fails to make application to operate an existing camp by April 1 or within 30 days prior to the opening of a new camp shall pay a late application fee of \$10 instead of the regular application fee determined by the department not to exceed \$25, and shall also be subject to the penalty under sub. (3).

SECTION 6. Section 146.19 (3) of the statutes is amended to read:

146.19 (3) Any person violating this section or any rule of the board department relating to migrant labor camps may be fined not less than \$10 nor more than \$100 for each offense, except that in the case of a willful violation the maximum shall be \$250 for each violation is subject to the penalties in s. 101.28. Each day of continued violation shall be deemed constitutes a separate offense.