

No. 526, A.]

[Published July 30, 1947.]

CHAPTER 456.

AN ACT to amend 102.04 (2), 102.05 (2) and 331.37 (3) and to create 102.04 (4) of the statutes, relating to a definition of the terms, "farmer", "farming", "farm labor" and "employer" under the workmen's compensation law.

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

SECTION 1. 102.04 (2) of the statutes is amended to read:

102.04 (2) Every person, firm and private corporation (including any public service corporation) who usually employs 3 or more employes, whether in one or more trades, businesses, professions or occupations, and whether in one or more locations. The provisions of this subsection shall not apply to farmers or to farm labor. * * * Members of partnerships shall not be counted as employes under this subsection. A person under contract of hire for the performance of any service for any employer subject to this act shall not constitute an employer of any other person with respect to such service and such other person shall, with respect to such service, be deemed to be an employe only of such employer for whom the service is being performed.

SECTION 2. 102.04 (4) of the statutes is created to read:

102.04 (4) As used in this chapter "farming" means the operation of farm premises owned or rented by the operator. "Farm premises" means areas used for operations herein set forth, but shall not include other areas, greenhouses or other similar structures unless used principally for the production of food and farm plants. "Farmer" means any person, firm and private corporation engaged in farming as defined. Operation of farm premises shall be deemed to be the planting and cultivating of the soil thereof; the raising and harvesting of agricultural, horticultural or arboricultural crops thereon; the raising, breeding, tending, training and management of livestock, bees, poultry, fur bearing animals, wild life or aquatic life, or their products, thereon; the processing, drying, packing, packaging, freezing, grading, storing, delivering to storage, to market or to a carrier for transportation to market, distributing directly to consumers or marketing any of the above named commodities, substantially all of which have been planted or

produced thereon; the clearing of such premises and the salvaging of timber and management and use of wood lots thereon, but not including logging, lumbering or wood cutting operations unless conducted as an accessory to other farming operations; the managing, conserving, improving and maintaining of such premises or the tools, equipment and improvements thereof and the exchange of labor, services or the exchange of use of equipment with other farmers in pursuing such activities. Operation of such premises shall be deemed to include also any other activities commonly considered to be farming whether conducted on or off such premises by the farm operator.

SECTION 3. 102.05 (2) of the statutes is amended to read:

102.05 (2) If any employer shall at any time have 3 or more employes, whether in one or more trades, businesses, professions or occupations, and whether in one or more locations, he shall be deemed to have elected to accept the provisions of this chapter, unless prior to that time such employer shall have filed with the commission a notice in writing that he elects not to accept the provisions hereof. Such employer may withdraw in the manner provided in subsection (1). This subsection shall not apply to farmers or to farm labor. * * * Members of partnerships shall not be counted as employes under this subsection.

SECTION 4. 331.37 (3) of the statutes is amended to read:

331.37 (3) Paragraphs (a), (b) and (c) of subsection (1) shall not apply to farm labor * * *.

Approved July 24, 1947.

No. 408, A.]

[Published August 1, 1947.

CHAPTER 457.

AN ACT to create 86.106 of the statutes, authorizing municipalities to enter into contracts to perform private road work and empowering counties to enter into contracts to do such work for municipalities.

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

86.106 of the statutes is created to read:

86.106 PRIVATE ROAD WORK BY MUNICIPALITIES AND COUNTIES.
Any town, city or village, by its governing body, may enter into