

1985 Senate Bill 471

Date of enactment: April 10, 1986
Date of publication: April 21, 1986

1985 Wisconsin Act 191

AN ACT to renumber and amend 103.965 and 103.97 (1); to amend 103.915 (1) and (8); and to create 103.965 (2) and 103.97 (1) (b) of the statutes, relating to migrant worker recruitment and hiring, removing the correction period for certain repeated violations of the migrant labor work agreement and camp certification laws, increasing the penalty for certain repeated violations of the migrant labor camp certification law and providing a penalty.

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

SECTION 1. 103.915 (1) and (8) of the statutes are amended to read:

103.915 (1) No person may bring or arrange for another to bring a migrant worker into this state for employment, or by means of an express or implied job offer induce a migrant worker to come into this state for employment, otherwise recruit a migrant worker to come into this state for employment, or hire a migrant worker for employment in this state, unless such that person does all of the following:

(a) At the time of the worker's recruitment, provides the migrant worker a written recruiting disclosure statement containing the information required in a work agreement under this section.

(b) At the time of hiring, provides the migrant worker a written work agreement as specified in this section. ~~Such agreement, which shall be signed by the employer and by each migrant worker or head of a~~

~~family if a family is employed, at the time of recruitment or at the commencement of employment, whichever is earlier.~~

(8) The recruiting disclosure statement and work agreement required under this section shall be written in English and, if the customary language of the migrant worker is not English, in the language of the worker. The department shall, upon request, provide assistance in translating ~~such~~ these statements and agreements.

SECTION 2. 103.965 of the statutes is renumbered 103.965 (1) and amended to read:

103.965 (1) If Except as provided in sub. (2), if the department determines that any person has violated ss. 103.90 to 103.97, the person shall have a reasonable time, not to exceed 15 days from the day he or she receives notice of the violation, to correct the violation. If the violation is corrected within that period, no penalty may be imposed under s. 103.97.

SECTION 3. 103.965 (2) of the statutes is created to read:

103.965 (2) If an employer violates s. 103.915 (1) 2 or more times in a 10-year period, or violates s. 103.92 by failure to obtain initial certification before opening a camp 2 or more times in a 10-year period, no correction period exists if the 2nd or subsequent violation is intentional or in reckless disregard of the law. This subsection applies only if the first violation in the 10-year period is a conviction or administrative determination of violation which remains of record and is unreversed. The 10-year period shall be measured from the date of the violation which resulted in the conviction or administrative determination of violation.

SECTION 4. 103.97 (1) of the statutes is renumbered 103.97 (1) (a) and amended to read:

103.97 (1) (a) If Except as provided in par. (b), if any person violates ss. 103.90 to 103.97, or fails or refuses to obey any lawful order of the department or any judgment of any court in connection with ss. 103.90 to 103.97, for each such violation, failure or refusal, such person shall forfeit not less than \$10 nor more than \$100. Each day of continued violation shall constitute a separate offense.

SECTION 5. 103.97 (1) (b) of the statutes is created to read:

103.97 (1) (b) Any person who maintains an uncertified camp in violation of an order issued by the department under s. 103.92 for failure in any year to obtain initial certification before opening a camp shall forfeit not less than \$10 nor more than \$100 for the first violation, and shall forfeit not less than \$500 nor more than \$1,000 for any such subsequent violation occurring within 10 years. In this paragraph, a "subsequent violation" is a violation occurring after a conviction or an administrative determination of violation, either of which remains of record and is unreversed.

SECTION 6. **Nonstatutory provisions.** (1) No person may be denied a correction period under section 103.965 (2) of the statutes, as created by this act, for a 2nd or subsequent violation unless the first violation occurred on or after the effective date of this subsection.

(2) No person may be assessed a forfeiture under section 103.97 (1) (b) of the statutes, as created by this act, for a subsequent violation unless the first violation occurred on or after the effective date of this subsection.