



93RD GENERAL ASSEMBLY

State of Illinois

2003 and 2004

Introduced 02/04/04, by John A. Fritchey

SYNOPSIS AS INTRODUCED:

210 ILCS 110/2	from Ch. 111 1/2, par. 185.2
210 ILCS 110/5	from Ch. 111 1/2, par. 185.5
210 ILCS 110/6	from Ch. 111 1/2, par. 185.6
210 ILCS 110/9	from Ch. 111 1/2, par. 185.9
210 ILCS 110/9.1	from Ch. 111 1/2, par. 185.9-1
210 ILCS 110/13A	from Ch. 111 1/2, par. 185.13A
230 ILCS 5/32	from Ch. 8, par. 37-32

Amends the Illinois Migrant Labor Camp Law. Includes living quarters for backstretch employees or backstretch workers at Illinois horse race tracks within the definition of "migrant labor camp", so that such facilities are subject to licensure and inspection by the Department of Public Health; requires those camps to meet minimum housing guidelines specified by OSHA. Prescribes features of housing for backstretch worker families with children, and limits the concurrent exercise of home rule powers with respect to the regulation of such housing. Authorizes the Department of Public Health to designate a federal, State, or municipal or other local agency or entity to conduct inspections related to protecting the health, safety, and welfare of laborers, backstretch employees, or backstretch workers. Authorizes the Department or the Department's designated agent to conduct an inspection of a migrant labor camp providing living quarters for backstretch employees or backstretch workers at any time during the horse racing season. Adds representatives of the Department's designated agents to the membership of the advisory committee. Makes other changes. Amends the Illinois Horse Racing Act of 1975; makes a technical change in a Section concerning the Illinois Race Track Improvement Fund. Effective immediately.

LRB093 18456 DRJ 44168 b

FISCAL NOTE ACT
MAY APPLY

HOME RULE NOTE
ACT MAY APPLY

1 AN ACT in relation to housing.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Illinois Migrant Labor Camp Law is amended
5 by changing Sections 2, 5, 6, 9, 9.1, and 13A as follows:

6 (210 ILCS 110/2) (from Ch. 111 1/2, par. 185.2)

7 Sec. 2. When used in this Act:

8 "Migrant labor camp" means one or more buildings,
9 structures, tents, trailers or vehicles or any combination
10 thereof together with the land appertaining thereto
11 established, operated or maintained as living quarters for (i)
12 ten or more migrant workers or 4 or more families containing
13 migrant workers who are engaged in agricultural activities or
14 (ii) backstretch employees or backstretch workers at Illinois
15 horse race tracks.

16 "Migrant Worker" means any person who moves seasonally from
17 one place to another, within or without the State, for the
18 purpose of employment in agricultural activities.

19 "Agricultural Activities" means and includes planting,
20 raising or harvesting of any agricultural or horticultural
21 commodities, including the related handling, packing and
22 processing upon the farm where produced or at the point of
23 first processing.

24 "Backstretch employee" or "backstretch worker" means (i) a
25 person working for a trainer of thoroughbred horses or
26 standardbred horses stabled at a race track authorized to
27 conduct horse racing under the Illinois Horse Racing Act of
28 1975 or (ii) a seasonal worker in the horseracing industry in
29 Illinois. The term includes the person's family members who
30 live with the person.

31 "Department" means the Department of Public Health of the
32 State of Illinois.

1 "Director" means the Director of the Department of Public
2 Health.

3 "Designated agent" means any federal, State, or municipal
4 or other local agency or entity authorized by the Department to
5 conduct fire, health, housing, safety, sanitation, or other
6 inspections related to protecting the health, safety, and
7 welfare of laborers, backstretch employees, or backstretch
8 workers.

9 "Person" means any person, partnership, firm, association
10 or corporation.

11 (Source: Laws 1965, p. 2356.)

12 (210 ILCS 110/5) (from Ch. 111 1/2, par. 185.5)

13 Sec. 5. (a) In order to qualify for a license under the
14 provisions of this Act, a migrant labor camp shall meet the
15 requirements of this Act and the rules promulgated by the
16 Department pursuant thereto.

17 (b) A migrant labor camp providing living quarters for
18 backstretch employees or backstretch workers must meet the
19 minimum housing guidelines specified in 29 CFR 1910.142
20 (standards for temporary labor camps, published by the U.S.
21 Department of Labor, Occupational Safety and Health
22 Administration).

23 Before the Department may issue a license for a migrant
24 labor camp on a backstretch, the Illinois Racing Board must
25 certify in a written report to the Department that the proposed
26 new construction reflected in the working drawings and
27 specifications complies with federal housing quality standards
28 listed in this Section, local codes and ordinances, and zoning
29 requirements. The new units must be constructed of masonry,
30 brick, or concrete materials and may not be temporary trailers,
31 temporary shelters, or mobile homes. To the maximum extent
32 practicable, projects for families with children must consist
33 of low-density housing (for example, non-elevator structures,
34 scattered sites, or other types of low-density developments
35 appropriate in the community) and must include the following

1 features:

2 (1) Physical structures must (i) be designed,
3 constructed, and equipped so as to improve or harmonize
4 with the neighborhoods they occupy, (ii) meet contemporary
5 standards of modest comfort and livability, (iii) promote
6 security, and (iv) be attractive and marketable to the
7 people they are intended to serve. Building design and
8 construction must strive to encourage in residents a
9 proprietary sense.

10 (2) Each unit must contain at least 4 square feet of
11 closet space for each resident, with an unobstructed height
12 of at least 5 feet. If there is less closet space, then
13 space equal to the amount of the deficiency must be
14 subtracted from the area of the habitable room space when
15 determining the amount of floor space in the unit.

16 (3) A sprinkler system that protects all major spaces,
17 hard wired smoke detectors, and such other fire and safety
18 improvements as State or local law may require must be
19 installed in each building. The term "major spaces" means
20 hallways, large common areas, and other areas specified in
21 local fire, building, or safety codes.

22 (4) The project must comply with a national building
23 code, such as the Uniform Building Code, the Council of
24 American Building Officials Code, or the Building
25 Officials Conference of America Code.

26 A home rule unit may regulate housing for backstretch
27 employees or backstretch workers, but that regulation must be
28 no less restrictive than the regulation by the State of housing
29 for backstretch employees or backstretch workers under this
30 subsection. This subsection is a limitation under subsection
31 (i) of Section 6 of Article VII of the Illinois Constitution on
32 the concurrent exercise by home rule units of powers and
33 functions exercised by the State.

34 (Source: P.A. 86-595.)

1 Sec. 6. Upon receipt of an application for a license, the
2 Department or the Department's designated agent shall inspect
3 the camp site and the facilities described in the application
4 approximately 30 days prior to the date on which the occupancy
5 and use of such camp is to commence. If the Department or the
6 Department's designated agent finds that the Migrant Labor Camp
7 described in the application meets and complies with the
8 provisions of this Act and the rules and regulations of the
9 Department in relation thereto, the Director shall, not less
10 than 15 days prior to the date on which the occupancy and use
11 of such camp is to commence, issue a license to the applicant
12 for the operation of the camp.

13 If the application is denied, the Department shall notify
14 the applicant in writing of such denial not less than 15 days
15 prior to the date on which the occupancy and use of such camp
16 is to commence, setting forth the reasons therefor. If the
17 conditions constituting the basis for such denial are
18 remediable, the applicant may correct such conditions and
19 notify the Department in writing indicating therein the manner
20 in which such conditions have been remedied. Notifications of
21 corrections shall be processed in the same manner as the
22 original application.

23 (Source: Laws 1965, p. 2356.)

24 (210 ILCS 110/9) (from Ch. 111 1/2, par. 185.9)

25 Sec. 9. Representatives of the Department, including a
26 designated agent of the Department, duly authorized by the
27 Director shall have the right to enter upon the premises of any
28 migrant labor camp at all reasonable hours for the purpose of
29 inspecting such camp and the facilities thereof, and
30 determining whether or not such camp is maintained and operated
31 in accordance with the provisions of this Act and the rules and
32 regulations of the Department relating thereto.

33 (Source: Laws 1965, p. 2356.)

34 (210 ILCS 110/9.1) (from Ch. 111 1/2, par. 185.9-1)

1 Sec. 9.1. (a) Representatives of the Department, including
2 a designated agent of the Department, duly authorized by the
3 Director shall inspect each migrant labor camp at least one
4 time before the laborers, backstretch employees, or
5 backstretch workers arrive and at least one time while the camp
6 is being used, for the purpose of determining whether or not
7 the camp is being maintained and operated in accordance with
8 this Act and the rules and regulations of the Department
9 relating thereto. In addition, the Department or the
10 Department's designated agent may at any time during the horse
11 racing season conduct such an inspection of a migrant labor
12 camp providing living quarters for backstretch employees or
13 backstretch workers. The Director ~~of the Department of Public~~
14 ~~Health~~ may grant temporary variances for existing housing that
15 does not meet federal standards and allow not more than 2 years
16 in order to comply with such standards.

17 (b) With respect to living quarters for backstretch
18 employees, the Illinois Racing Board shall prepare a
19 backstretch worker housing plan to be submitted to the
20 Department by June 15, 2005. If the Board fails to submit a
21 housing plan to the Department by June 15, 2005, the Department
22 shall deny a license for the migrant labor camp.

23 Construction of new backstretch housing must be completed
24 by April 15, 2007. If the Board fails to construct new
25 backstretch housing by April 15, 2007, the Department shall
26 deny a license for the migrant labor camp.

27 (Source: P.A. 77-1526.)

28 (210 ILCS 110/13A) (from Ch. 111 1/2, par. 185.13A)

29 Sec. 13A. The Director ~~of the Department~~ shall appoint an
30 advisory committee of not less than five members consisting of
31 one or more representatives of vegetable growers, fruit
32 growers, canning crops, the Department's designated agents,
33 and of the general public, who are familiar with migrant labor
34 camps. The Director and the Department shall advise with such
35 committee concerning the administration of this Act, the rules

1 and regulations of the Department relating thereto, the needs
2 of migrant workers and their families and related problems. The
3 committee shall meet as frequently as the Director deems
4 necessary. Meetings also may be held upon the concurrence of at
5 least 3 members of the committee and 10 days prior written
6 notice to each member of the committee.

7 (Source: P.A. 86-595.)

8 Section 10. The Illinois Horse Racing Act of 1975 is
9 amended by changing Section 32 as follows:

10 (230 ILCS 5/32) (from Ch. 8, par. 37-32)

11 Sec. 32. Illinois Race Track Improvement Fund. Within 30
12 days after the effective date of this Act, the Illinois Racing
13 Board shall cause all moneys previously deposited in the
14 Illinois Race Track Improvement Fund to be remitted to the
15 racetrack from which the licensee derives its license in
16 accordance to the amounts generated by each licensee.

17 (Source: P.A. 91-40, eff. 1-1-00.)

18 Section 99. Effective date. This Act takes effect upon
19 becoming law.