

AN ACT concerning regulation.

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

Section 5. The Illinois Migrant Labor Camp Law is amended by changing Sections 2, 3, 4, 6, 7, 8, 9, 9.1, 10, 11, 12, 14, and 16 and by adding Sections 20 and 25 as follows:

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

Sec. 2. When used in this Act:

"Migrant Labor Camp" means one or more buildings, structures, tents, trailers or vehicles or any combination thereof together with the land appertaining thereto established, operated or maintained as living quarters for ten or more migrant workers or 4 or more families containing migrant workers who are engaged in agricultural activities.

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

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

"Department" means the Department of Public Health of the

State of Illinois.

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

"Person" means any individual, group of individuals, association, trust, partnership, limited liability company, corporation, or person doing business under an assumed name, or any other entity ~~person, partnership, firm, association or corporation.~~

(Source: Laws 1965, p. 2356.)

(210 ILCS 110/3) (from Ch. 111 1/2, par. 185.3)

Sec. 3. No person shall operate or maintain a Migrant Labor Camp within the State of Illinois without first having obtained a license therefor from the Department. Licenses shall be issued upon application, ~~upon a calendar year basis and renewed from year to year~~ upon compliance with the requirements of this Act, and upon payment of the ~~annual~~ license fee. Notwithstanding the date that an application for a license was submitted, a license issued pursuant to this Act shall expire on December 31 of the year in which the license was issued. Establishments that provide housing for migrant workers for fewer than 10 migrant workers or fewer than 4 families containing migrant workers shall meet the minimum standards established by the Department but shall not be required to be licensed.

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

(210 ILCS 110/4) (from Ch. 111 1/2, par. 185.4)

Sec. 4. Applications for a license to operate or maintain a Migrant Labor Camp or for a renewal thereof shall be made upon paper or electronic forms to be furnished by the Department. Such application shall include:

(a) The name and address of the applicant or applicants. If the applicant is a partnership, the names and addresses of all the partners shall also be given. If the applicant is a corporation, the names and addresses of the principal officers of the corporation shall be given.

(b) The approximate legal description and the address of the tract of land upon which the applicant proposes to operate and maintain such Migrant Labor Camp.

(c) A general plan or sketch of the camp site showing the location of the buildings or facilities together with a description of the buildings, of the water supply, of the toilet, bathing and laundry facilities, and of the fire protection equipment.

(d) The date upon which the occupancy and use of the Migrant Labor Camp will commence.

The application for the original license or for any renewal thereof shall be accompanied by a fee of \$100.

Application for the original license or for a renewal of the license shall be filed with the Department at least 10 business ~~60~~ days prior to the date on which the occupancy and

use of such camp is to commence. ~~Application for a renewal license shall be filed with the Department at least 60 days prior to the expiration date of the current license.~~ The camp shall be ready for inspection at least 5 business ~~30~~ days prior to the date upon which the occupancy and use of such camp is to commence.

(Source: P.A. 97-135, eff. 7-14-11.)

(210 ILCS 110/6) (from Ch. 111 1/2, par. 185.6)

Sec. 6. Upon receipt of an application for a license, the Department shall inspect, at its earliest opportunity, the camp site and the facilities described in the application. If the Department finds that the Migrant Labor Camp described in the application meets and complies with the provisions of this Act and the rules ~~and regulations~~ of the Department in relation thereto, the Director shall issue a license to the applicant for the operation of the camp.

If the application is denied, the Department shall notify the applicant in writing of such denial setting forth the reasons therefor. If the conditions constituting the basis for such denial are remediable, the applicant may correct such conditions and notify the Department in writing indicating therein the manner in which such conditions have been remedied. Notifications of corrections shall be processed in the same manner as the original application.

(Source: P.A. 97-135, eff. 7-14-11.)

(210 ILCS 110/7) (from Ch. 111 1/2, par. 185.7)

Sec. 7. If the Department finds that the facilities of any Migrant Labor Camp for which a license is sought are not in compliance with the provisions of this Act and the rules ~~and regulations~~ of the Department relating thereto, but that such camp is habitable without undue prejudice to the migrant workers and their families, the Department may issue a conditional license setting forth the conditions on which the license is issued, the manner in which the camp fails to comply with the Act and such rules ~~and regulations~~, and shall set forth the time, not to exceed three years, within which the applicant must make any changes or corrections necessary in order for such camp to fully comply with this Act and the rules ~~and regulations~~ of the Department relating thereto. No more than three consecutive annual conditional licenses may be issued with respect to any one camp.

(Source: Laws 1961, p. 3904.)

(210 ILCS 110/8) (from Ch. 111 1/2, par. 185.8)

Sec. 8. Plans for the construction of a Migrant Labor Camp or for any major alteration or major expansion in any such camp or the facilities thereof shall be submitted to the Department for approval prior to the construction or the making of such major alteration or major expansion. The Department shall by rule define what constitutes a major alteration and a major

expansion. The plans shall contain the information necessary to show compliance with the Act. Such application for approval shall be made upon paper or electronic forms furnished by the Department and shall be accompanied by the plans and specifications of the work proposed to be done. The Department ~~Within twenty days after the filing of such application, the Director~~ shall notify the applicant whether such plans and specifications comply with the requirements of this Act and the rules ~~and regulations~~ of the Department relating thereto. No fee shall be required for such prior approval of plans and specifications.

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

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

Sec. 9. Representatives of the Department duly authorized by the Director shall have the right to enter upon the premises of any Migrant Labor Camp at all reasonable hours for the purpose of inspecting such camp and the facilities thereof, and determining whether or not such camp is maintained and operated in accordance with the provisions of this Act and the rules ~~and regulations~~ of the Department relating thereto.

(Source: Laws 1965, p. 2356.)

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

Sec. 9.1.

Representatives of the Department, duly authorized by the

Director shall inspect each migrant labor camp at least one time before the laborers arrive and at least one time while the camp is being used, for the purpose of determining whether or not the camp is being maintained and operated in accordance with this Act and the rules ~~and regulations~~ of the Department relating thereto. The Director of the Department of Public Health may grant temporary variances for existing housing that does not meet federal standards and allow not more than 2 years in order to comply with such standards.

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

(210 ILCS 110/10) (from Ch. 111 1/2, par. 185.10)

Sec. 10. The Department may make and adopt such reasonable rules ~~and regulations~~ relating to Migrant Labor Camps as may be necessary to carry out and administer the provisions of this Act and to assure the safety of the migrant workers and their families. In preparation of such rules ~~and regulations~~, the Department may consult with and request technical assistance from other State Agencies, and may consult and advise with other technically qualified persons, and with Migrant Labor Camp operators and others.

The promulgation of any rules shall conform to the requirements of "The Illinois Administrative Procedure Act", as now or hereafter amended. The Department shall prepare copies of all rules ~~and regulations~~ and shall make such copies available, in electronic form, to the public and shall not be

required to furnish copies in any other format ~~to the public.~~

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

(210 ILCS 110/11) (from Ch. 111 1/2, par. 185.11)

Sec. 11. The Department may establish administrative penalties and sanctions by rule for violations of this Act or the rules adopted under this Act. Each day a violation of this Act or the rules adopted under this Act exists shall constitute a separate violation. The Department shall provide written notification of a violation. ~~In case the holder of any license under the provisions of this Act fails to maintain and operate a Migrant Labor Camp in accordance with the provisions of this Act and the rules and regulations of the Department relating thereto, the Department may revoke or suspend the license for the operation and maintenance of such camp. The Department shall first serve upon the licensee a notice specifying the manner in which the licensee has failed to comply with provisions of this Act or such rules and regulations of the Department and shall fix a time not less than ten days, within which the objectionable condition or conditions must be removed or corrected. If the licensee fails to remove or correct such objectionable condition or conditions within the time fixed by the Department, the Department may revoke or suspend such license. However, if the objectionable condition or conditions are such as to endanger the health or well-being of the inhabitants of such camp, the Department may immediately~~

~~suspend such license.~~

~~The Department shall assess administrative fines against a person who provides housing for migrant workers for violations of this Act or the rules promulgated under this Act. The fines shall be established by the Department by rule. The Department shall provide written notification of violations and allow a minimum of 10 days for correction before imposing administrative fines.~~

(Source: P.A. 88-535.)

(210 ILCS 110/12) (from Ch. 111 1/2, par. 185.12)

Sec. 12. The Director, after notice and opportunity for a hearing, may deny, suspend, or revoke a license and impose a penalty in any case in which the Director finds that the applicant, license holder, or any other person has failed to comply with the provisions of this Act or the rules adopted under this Act. A license shall be revoked only when there has been a substantial failure by the licensee to comply with this Act or the rules adopted under this Act. For purposes of this Section, a substantial failure to comply with this Act or the rules adopted under this Act includes, but is not limited to, the failure to pay any administrative penalties previously assessed by the Department against the licensee.

Notice shall be provided by certified mail or by personal service. The notice shall set forth the particular reasons for the proposed action and fix a date, not less than 14 days from

the date of the mailing or personal service, by which the applicant or license holder must request, in writing, a hearing. Failure to serve upon the Department a request for a hearing, in writing, by the date provided in the notice shall constitute a waiver of that person's right to a hearing.

The hearing shall be conducted by the Director or by an individual designated in writing by the Director as a Hearing Officer. The Director or Hearing Officer shall give written notice of the time and place of the hearing, by certified mail or personal service, to the applicant, license holder, or other person at least 10 days prior to the hearing. On the basis of the hearing or upon default of the applicant, license holder, or other person, the Director or Hearing Officer shall make a determination, in writing, that shall set forth his or her findings and conclusions. A copy of the determination shall be sent by certified mail or served personally upon the applicant, license holder, or other person. The decision of the Director or Hearing Officer shall be final on issues of fact and final in all respects unless judicial review is sought as provided in this Act.

The procedure governing hearings authorized by this Section shall be adopted by the Department by rule. A full and complete record shall be kept of all proceedings, including the notice of hearing, the complaint, all documents in the nature of pleadings, all written motions filed in the proceedings, and the report and orders of the Director or Hearing Officer.

The Department, at its expense, shall provide a court reporter to take testimony. Technical error or the failure to observe the technical rules of evidence in the proceedings before the Director or Hearing Officer shall not be grounds for the reversal of any administrative decision unless it appears to the court that the error or failure materially affects the rights of any party and results in substantial injustice to the party.

The Department may cause the depositions of witnesses within the State to be taken in the manner prescribed by law for depositions in civil actions in courts of this State and may compel the attendance of witnesses and the production of books, papers, records, or memoranda.

The Department shall not be required to certify any record to the court, file any answer in court, or otherwise appear in any court in a judicial review proceeding, unless a receipt from the Department acknowledging payment of the costs of furnishing and certifying the record is filed in the court with the complaint. The cost of furnishing and certifying the record shall be paid by the party requesting a copy of the record. Failure on the part of the person requesting a copy of the record to pay the cost of furnishing and certifying the record shall be grounds for dismissal of the action.

~~Any person whose application for a license is denied or whose license is suspended or revoked shall have the right to a hearing before the Department. Request for such hearing shall~~

~~be made in writing. The hearing shall be conducted by the Director or a duly qualified employee of the Department, designated in writing by the Director as a Hearing Officer, to conduct the hearing. The hearing shall be conducted at the office of the Department or at such place convenient for the applicant or licensee as may be designated by the Department. The Director or Hearing Officer may compel, by subpoena or subpoena duces tecum, the attendance and testimony of witnesses and the production of books and papers, and may administer oaths to witnesses. All testimony at any hearing shall be under oath. The Director or Hearing Officer shall cause a record of the proceedings at the hearing to be kept and shall provide any party to the hearing a transcript of the evidence presented upon payment of the cost thereof. The hearing may be continued from time to time at the discretion of the Director or the Hearing Officer. The applicant or licensee shall have the right to appear in person, to be represented by counsel, to offer evidence, to cross examine the witnesses, and to present all relevant matter in support of his application for license or in opposition to revocation or suspension of any license. Depositions may be taken and used in the same manner as in civil cases. The Director or Hearing Officer shall render a decision within 30 days after the termination of the hearing, and a copy of the decision shall be sent by registered mail to the applicant or licensee.~~

~~Technical errors in the proceeding or failure to observe~~

~~the technical rules of evidence shall not constitute grounds for reversal of any decision unless it shall appear to the court that such error or failure materially affects the rights of any party and results in substantial injustice to any such party.~~

(Source: Laws 1961, p. 3904.)

(210 ILCS 110/14) (from Ch. 111 1/2, par. 185.14)

Sec. 14. Any person who operates or maintains a Migrant Labor Camp without securing a license under this Act commits a Type B violation under Section 25 of this Act. ~~or who operates or maintains any Migrant Labor Camp or living quarters subject to regulation under this Act in violation of the provisions of this Act or any rules or regulations of the Department relating thereto, shall be guilty of a Class A misdemeanor.~~ Each day's violation constitutes a separate offense. The Attorney General or the ~~The~~ State's Attorney of the county in which the violation occurs shall bring such action in the name of the people of the State of Illinois, or may in addition to other remedies provided in this Act bring an action for an injunction to restrain such violations or to enjoin the operation of any such establishment. Notwithstanding any other provision of this Act, fines imposed by the court pursuant to the State's Attorney's action shall be deposited within the general fund of the county in which the action was brought.

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

(210 ILCS 110/16) (from Ch. 111 1/2, par. 185.16)

Sec. 16. Any worker aggrieved by a violation of this Act or rules ~~regulations~~ promulgated thereunder may file suit in the Circuit Court having jurisdiction over the location of the labor camp. If the Court finds that the labor camp owner, operator, or licensee has willfully violated any provision of this Act or any rule ~~regulation~~ promulgated thereunder, the Court may in its discretion issue a restraining order or preliminary injunction, as well as, a permanent injunction, upon such terms and conditions as will do justice and enforce the purposes set forth above.

(Source: P.A. 83-677.)

(210 ILCS 110/20 new)

Sec. 20. The Department may charge \$0.25 per each 8.5" x 11" page, whether paper or electronic, for copies of records held by the Department pursuant to this Act. For documents larger than 8.5" x 11", actual copying costs plus \$0.25 per page shall apply.

(210 ILCS 110/25 new)

Sec. 25. (a) If the Department finds a violation of this Act or rules adopted under this Act at a migrant labor camp, the Department shall issue a written report or notice of the violation. In accordance with subsections (b) and (c) of this

Section, each violation shall be categorized as either Type A or Type B.

(b) Type A violation. Type A violations shall be established by rule. Penalties shall be assessed for Type A violations at a rate of \$25 per day per violation with each day constituting a separate violation. The situation, condition, or practice constituting a Type A violation shall be abated or eliminated immediately, unless a fixed period of time as determined by the Department, that shall not exceed 3 days, and specified in the notice of violation or inspection report is required for correction.

(c) Type B violation. Type B violations include those violations that may lead to serious injury or death of employees or the general public. Upon finding a Type B violation at a migrant labor camp, the Department shall immediately take actions as necessary to protect the public health, including ordering the immediate closure of the facility, ordering the abatement of conditions deemed dangerous by the Department, or ordering the cessation of any practice deemed dangerous or improper by the Department. Type B violations shall be established by rule. Administrative penalties shall be assessed by the Department for Type B violations at a rate of \$100 per violation, with each day constituting a separate violation. Any person who commits a Type B violation shall be guilty of a Class A misdemeanor for which the circuit court may impose a fine of \$250 per

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violation, with each day constituting a separate violation.

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

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