



Maria E. Seaman

Final Analysis
Legislative Service Commission

Am. Sub. H.B. 35
123rd General Assembly
(As Passed by the General Assembly)

Reps. Taylor, Willamowski, Haines, Vesper, Padgett, Damschroder

Sens. Armbruster, Blessing, Carnes, Drake, Gardner, Latta, Mumper, Nein, Oelslager, Schafrath, Wachtmann, Watts, White, Spada

Effective date: *

ACT SUMMARY

- Eliminates the requirement that a person who maintains a work camp pay to a municipal corporation, township, or county where the camp is maintained any expense caused by contagious or infectious diseases that originate or exist in the camp.
- Requires a person that employs an illegal alien with a contagious or infectious disease to pay to the municipal corporation, township, or county in which the alien is employed any expense caused by the disease unless the employer has complied with the requirements of federal immigration law and there is no evidence that the employer complied with the federal requirements knowing the alien is illegal.
- Declares an emergency.

CONTENT AND OPERATION

Expenses caused by contagious or infectious diseases

(sec. 3707.15)

Under prior law, a person who maintained a work camp was required to pay to a municipal corporation, township, or county where the camp was maintained

* *The Legislative Service Commission had not received formal notification of the effective date at the time this analysis was prepared.*

any expense caused by contagious or infectious diseases that originated or existed in the camp.¹ (See **COMMENT 1.**) The act eliminates this requirement and instead requires a person that employs an illegal alien with a contagious or infectious disease to pay to the municipal corporation, township, or county in which the alien is employed any expense caused by the disease, except that an employer does not have to pay if the employer has complied with the requirements of federal immigration law unless there is evidence that the employer complied with the federal law knowing that the alien is not legally present in the United States. (See **COMMENT 2.**)

COMMENT

1. A review of current Revised Code sections found only one type of entity that might be considered a work camp--an agricultural labor camp. "Agricultural labor camp" is defined in current law as one or more buildings or structures, trailers, tents, or vehicles, together with any land relating thereto, established, operated, or used as temporary living quarters for two or more families or five or more persons engaging in agriculture (sec. 3733.41, not in the act). Since the current law regulating agricultural labor camps was not enacted until 1974, there is no way to determine whether these are the type of work camps referred to in the statute being repealed.

2. Section 101(a) of the "Immigration Reform and Control Act of 1986" requires employers to complete U.S. Department of Justice form I-9 when they hire a person. The employer must complete section two of the form by examining evidence of identity and employment eligibility within three business days of the date employment begins. If employees are authorized to work, but are unable to present the required document or documents within three business days, they must present a receipt for the application of the document or documents within three business days and the actual document or documents within ninety days. If an employer hires a person for a period of less than three business days, section two must be completed at the time employment begins.

Employees must present original documents to the prospective employer. Employers must record the title of the document, the issuing authority, the document number, the expiration date if one exists, and the date employment begins. Employers must sign and date the certification on the I-9 form. Certification requires the employer to examine the documents and attest that they

¹ "Person" includes an individual, corporation, business trust, estate, trust, partnership, and association (sec. 1.59, not in the act).

appear to be genuine and to relate to the individual. The employer may not specify a particular document or combination of documents that the individual must present. Employers may, but are not required to, photocopy the document or documents presented. These photocopies only may be used for the verification process and must be retained with the I-9 form.

Employers are held to a standard of good faith compliance with respect to document verification. Employers are required to complete form I-9 when they hire a person. Failure to properly complete, maintain, or present for inspection the form may subject a person or entity to penalties. For technical or procedural failures to properly complete the form, federal law provides that if the employer made a good faith attempt to comply, the government must explain the problem to the employer and allow at least ten business days to correct it. If the employer does not correct the failure voluntarily, penalties may be imposed. This provision applies to failures occurring on or after September 30, 1996. (8 U.S.C.A. 1324a.)

HISTORY

ACTION	DATE	JOURNAL ENTRY
Introduced	01-20-99	p. 90
Reported, H. Health, Retirement & Aging	03-16-99	pp. 300-301
Passed House (97-0)	04-21-99	pp. 448-449
Reported, S. Health, Human Services and Aging	05-25-99	p. 476
Passed Senate (33-0)	05-26-99	pp. 498-500
House concurred in Senate amendments (97-1)	06-02-99	pp. 742-744

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