



**Sub. H.B. 35**

123rd General Assembly

(As Reported by H. Health, Retirement & Aging)

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

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**BILL 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 person has complied with the requirements of federal immigration law.

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**CONTENT AND OPERATION**

**Expenses caused by contagious or infectious diseases**

(sec. 3707.15)

Under current law, a person who maintains a work camp is required to 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.<sup>1</sup> (See **COMMENT 1**.) The bill 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 unless the person has complied with the requirements of federal immigration law. (See **COMMENT 2**.)

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<sup>1</sup> "Person" includes an individual, corporation, business trust, estate, trust, partnership, and association (sec. 1.59, not in the bill).

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## COMMENT

1. The statute amended by the bill was enacted in 1910. Neither the original statute nor the one now in effect defines "work camp," and there is no case law or other authority that gives guidance on what the term means. The only limitation on what might be considered a work camp for the purposes of the statute is that it is maintained by a private individual or organization. Since the statute requires that the expense of a contagious or infectious disease be paid by a "person," the statute does not apply to a government entity.

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 bill). 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 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.)

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## **HISTORY**

<b>ACTION</b>	<b>DATE</b>	<b>JOURNAL ENTRY</b>
Introduced	01-20-99	p. 90
Reported, H. Health, Retirement & Aging	03-16-99	pp. 300-301

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