

Tough employer sanctions measure pushed for ballot

By [Mike Sunnucks](#)
The Business Journal

Arizona business may face an iron-fisted employer sanctions ballot measure next year, even if the Legislature and governor can agree on a bill this year penalizing those who hire illegal immigrants.

Immigration hawks have filed initial paperwork to place a referendum on the 2008 ballot that would revoke employers' business licenses on the first offense if caught hiring illegals. That proposal is far more stringent than any being debated at the Arizona Capitol.

Proponents could move forward with the measure regardless of whether the Legislature and Gov. Janet Napolitano pass any new legislation this year.

"I think we will be looking at that," said Don Goldwater, chairman of Legal Arizona Workers, the conservative group pushing the ballot measure.

Goldwater, a former Republican gubernatorial candidate and nephew of the late former U.S. Sen. Barry Goldwater, said Arizona voters are frustrated with the illegal immigration issue and want to see consequences for businesses that hire undocumented workers.

But the first-offense proposal would pose a big problem for small companies and other employers who may inadvertently hire illegals.

"It would just be incredibly damaging to the state's economy," said Glenn Hamer, chief executive of the Arizona Chamber of Commerce & Industry.

Current legislative proposals include fines, license suspensions and, in extreme cases, license revocations for businesses that violate federal laws by hiring undocumented workers.

The chamber and other business groups would prefer the immigration problem be addressed at the federal level, via a guest-worker program and a national employment-status verification system.

But Goldwater said federal immigration plans favored by business interests are flawed because they allow for what he sees as amnesty for the 12 million illegals already in the U.S.

Goldwater's group also is gathering signatures for a second ballot measure, which would rescind local "sanctuary laws" for illegals. It also would allow police officers to ask suspects their immigration status and arrest illegals for trespassing and federal immigration law violations.

Business groups generally have opposed tough sanctions and have looked to water down such

measures to make sure inadvertent hirings do not bring major penalties.

In addition, such measures tend to be unpopular among the state's construction, food service, tourism, maintenance and agriculture sectors, which often tap the illegal immigrant labor pool for low-paying, labor-intensive work.

"There is no guarantee that even in an HB 2779 world, the sanctions initiative doesn't go forward," said Farrell Quinlan, spokesman for the Arizona Employers for Immigration Reform, a nonprofit group representing businesses that back moderate immigration reform.

House Bill 2779 is one of the employer sanctions bills being considered at the state level. That bill would impose fines and other penalties, including business license suspensions, on employers who knowingly hire illegals.

Public opinion polls show support for penalizing businesses that hire illegals, and state voters approved immigration ballot measures in 2004 and 2006 that deny state benefits and services to illegals.

"In the absence of comprehensive reform at the federal level, both (ballot) initiatives have to be considered likely to pass," said Quinlan. "They can be beaten. But a larger and more sustained effort will need to be mounted than was done in 2004 with Prop. 200."

Proposition 200, approved by voters in 2004, denies welfare and other state services to illegals.

Napolitano vetoed a sanctions bill last year, saying it gave businesses a way to sidestep penalties. But the governor has not laid out specifics of what she'd like to see in a sanctions law.

Advocates of the ballot initiative include Rep. Russell Pearce, R-Mesa, and Valley auto dealer Rusty Childress.

Supporters would need to collect more than 153,000 voter signatures on a petition to qualify the sanctions plan for the November 2008 ballot.

In 2006, state voters approved ballot measures denying illegal immigrants public child care subsidies, in-state tuition rates for university and adult education classes, and the ability to get punitive damages via liability lawsuits. Voters also approved measures making English the state's official language and denying bail to illegals charged with violent crimes.

Get connected

Legal Arizona Workers: legalarizonaworkers.com
Arizona Employers for Immigration Reform: www.azeir.com
Arizona Chamber of Commerce & Industry: www.azchamber.com