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Initiative effort on illegal jobs continues

Backers gathering signatures fear new law will be 'gutted'

By Howard Fischer

CAPITOL MEDIA SERVICES

PHOENIX — Backers of an initiative to punish businesses that knowingly hire illegal immigrants intend to continue gathering signatures, even though the governor has just signed a new employer-penalty law.

Don Goldwater, who chairs the Legal Arizona Workers initiative drive, said Monday that many of those involved in the campaign simply don't believe the measure signed into law last week will ever take effect.

Goldwater pointed out that Gov. Janet Napolitano already has said she wants some changes in the law. In fact, the governor is pushing for a special legislative session before the end of the year.

Napolitano said the changes she wants include such things as exempting hospitals, nursing homes, power plants and other essential services from the risk of being shut down, even temporarily, even if it turns out the operators did knowingly hire workers in this country illegally.

But Goldwater said initiative backers fear changes that go much further.

"They're very concerned that the start of the next legislative session, if not sooner, that the Legislature will convene to basically gut this program," he said.

"People aren't ready to let this thing go," Goldwater added. "They don't have a lot of trust in the Legislature or the Governor's Office to uphold the bill."

Also supporting continued signature-gathering is state Rep. Russell Pearce, the Mesa Republican who crafted the measure signed by Napolitano.

But Pearce said his concern is not limited to legislators who may have second thoughts in the face of business-interest lobbying. He noted that the Arizona Chamber of Commerce and Industry and some legislative Democrats already have vowed to try to have the new law overturned even before it takes effect.

"You can't trust those folks," Pearce said.

"Or maybe you can trust them," he continued. "You can trust them to be very dishonest and spend a lot of money trying to destroy the best tool we have in terms of dealing with the illegal-labor work force and the illegal businesses."

The initiative actually would be stricter than the new law: It would require a judge to permanently revoke any state

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licenses a business has to operate in Arizona after just one conviction of knowingly hiring an illegal immigrant.

By contrast, the legislation says a judge may, but is not required to, suspend a business's license for a first offense of knowingly employing someone not authorized to be in this country. Only on a second offense within three years would a license be revoked.

Pearce said this optional punishment means there is no need for the kind of exemption that Napolitano wants.

Only if a company is convicted of an intentional violation would a judge be required to suspend a license for at least 10 days.

And Pearce said any company that checks job applicants through a federal database has a built-in defense against being convicted.

"Nobody who tries to follow the law is at risk," he said, adding the law will hurt "only those that are trying to game the system, figuring out how to get around and still hire illegal aliens."

But Pearce's fears go beyond what his colleagues might do. He pointed out that attorneys for Democratic legislators as well as for the state Chamber of Commerce and Industry already are threatening to ask a federal judge to block implementation of the law.

"I'm willing to let the bill work," he said. "They ought to be willing to let the bill work too before we start messing with it."

Backers need 153,365 valid signatures on petitions by July 3, 2008, to put the measure on next year's ballot.

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