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Voters may be asked to help bar illegal workers

By Howard Fischer

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PHOENIX — A House panel voted Thursday to ask Arizona voters to allow state audits of some companies to ensure they're not hiring illegal workers.

Legislation approved by the Judiciary Committee would require all state and local agencies that issue licenses to audit up to 5 percent of those companies to ensure that all workers are legally entitled to work in this country.

That would include things like licenses for contractors and to serve alcohol. And that, in turn, could target some of the types of businesses that appear to hire illegal immigrants including construction companies, hotels and restaurants with liquor licenses.

But it also would mean audits of barber shops, doctor's offices, real-estate agents and funeral directors.

And all companies, whether state licensed or not, would be subject to investigation of their hiring if they pay their workers in cash and don't comply with various other employment laws.

Companies that knowingly violated laws making it illegal to employ people not in this country legally would be fined \$2,000 per worker for a first violation. But a third conviction within a year would permit a judge to revoke a firm's license to do business in the state.

Rep. Russell Pearce, R-Mesa, crafted the measure so voters will have the last word in November. That is in anticipation that an identical measure opposed by most Democrats will be vetoed by Gov. Janet Napolitano.

The Democratic governor said during her State of the State speech last month that she supports sanctions on companies that hire undocumented workers. But Napolitano has so far refused to say exactly what she has in mind — and whether the language in the other bill meets her standards.

HCR 2044 provides a legal "safe harbor" for employers: They cannot be charged if they use what is now a voluntary federal program that lets companies check online to see whether the person who is applying for a job is, in fact, eligible to be employed in this country.

Representatives of more than a dozen business groups urged lawmakers to defeat the bill.

Rep. Ben Miranda, D-Phoenix, said the measure to dry up undocumented workers ignores the nation's declining birthrate.

"Who's going to fix my air conditioning?" he said. "Who's going to mow my lawn?"

Pearce called that reasoning flawed. "That's the same argument used when we tried to abolish slavery: Who's going to bring in the crops?" he said.

"We have 18 million Americans out of work," Pearce said. "What we don't have is employers willing to pay the wages to lure them to the jobs."

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