STATE OF ARIZONA

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June 6, 2006

The Honorable Jim Weiers
Speaker of the House
Arizona House of Representatives
1700 West Washington
Phoenix, Arizona 85007

Re: House Bill 2577: immigration law; employment; enforcement

Dear Speaker Weiers:

Today I vetoed House Bill 2577, a weak and ineffective illegal immigration bill that offers complete amnesty to employers, violates the constitution, and is overwhelmingly opposed by law enforcement and top border elected officials in the state.

Recently, we have made a number of positive first strides in combating illegal immigration. These include finally prevailing upon the Bush Administration to send thousands of federally-funded National Guard members to the border; enacting tough new human smuggling legislation; prosecuting the money launderers who fund illegal crossings; and the recent and on-going arrests by my fraudulent ID task force, including the arrests of over 100 persons suspected of large-scale immigration document forgery. But House Bill 2577 is a step backwards. It offers no constructive new ideas and instead is filled with unworkable or unconstitutional provisions that I have previously objected to or vetoed. Indeed, your failure to work with me to develop a more comprehensive bill, coupled with your unilateral decision to stock this bill full of provisions you know are opposed by our border communities, law enforcement agencies, and me, confirms that you view this bill more as a political game than as a serious effort to protect the border.

Nowhere is this more evident than in the so-called employer "sanction" provisions of this bill. Despite my repeated calls for meaningful employer sanctions, House Bill 2577 offers full amnesty to any employer who hires an illegal immigrant and gets caught. All the employer must do to claim this amnesty is fire the illegal worker within 10 days of receiving a cease and desist order from the Attorney General. Under this bill, an employer that simply complies with the order upon receipt pays no fine, risks no jail time, and can continue with normal business operations as if nothing has happened. Moreover, it is unlikely that an employer will even receive a cease and desist order because the bill fails to appropriate anything close to the estimated $11 million the Attorney General needs to audit annually five percent of all employers in the state, as the bill purports to require.

To make matters worse, this bill ***indemnifies*** any employer against lawsuits brought by employees they fire after a cease and desist order is issued. These remarkable and unprecedented

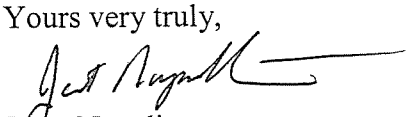
provisions would force the ***taxpayer*** to pay not only any damages that are awarded against the employer, but also the employer's attorneys' fees incurred defending the action. Moreover, the taxpayer would have to pay these fees ***even if the employee who sues was in fact here illegally***. The costs of these overbroad provisions are uncapped and could easily end up exceeding ten million dollars. If anything, these provisions encourage, rather than deter, illegal hiring in Arizona.

Real sanctions are supposed to mean the lawbreaker ***pays*** a penalty, not that he ***gets paid*** by taxpayers. Arizona should never be in the business of defending one lawbreaker (the employer) against a lawsuit brought by another (the illegal immigrant). To do otherwise would be to send a clarion call to crossers and unscrupulous employers alike: "Come to Arizona, where our legislature fosters an illegal underground labor market by holding employers completely harmless for illegal hiring."

I have told you repeatedly that I am willing to work with you to develop comprehensive immigration reform that provides not only real sanctions against illegal hiring but also the resources our local law enforcement needs to play a meaningful role. My budget in particular calls for such funding, and I remain serious about providing it, so long as it is through an appropriate funding vehicle, such as the Department of Emergency and Military Affairs or the Arizona Criminal Justice Commission. In the meantime, I will continue to work with state and local law enforcement, elected officials, the National Guard, and the federal Department of Homeland Security to secure Arizona's southern border.

Without a strong employer sanctions provision, your bill hinders rather than helps these efforts. For these and other reasons, including those set forth in my April 25, 2006 veto message regarding Senate Bill 1157, I have vetoed House Bill 2577.

Yours very truly,



Janet Napolitano
Governor

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cc: Hon. Ken Bennett
Hon. Russell Pearce