

**IMMIGRATION WORKS U.S.A. CALL
TRANSCRIPT**

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FRANKLIN COLEY

TUESDAY, MARCH 29, 2011

MS. TAMAR JACOBY: Hello, everyone. I'm Tamar Jacoby, president of Immigration Works U.S.A. Thank you so much for joining us for this national call.

The subject today is what's been going on in the state legislatures around the country. As I'm sure you all are aware, battles are raging literally from coast to coast. What's at stake are what's really at issue in these battles – there are two kinds of legislation primarily – some are laws that are – are the kinds that we've seen for a few years now that are basically enforcement – immigration enforcement laws based in the workplace, mandatory E-Verify and the like, and the new development following on the Arizona policing – the controversial Arizona policing law of last year, SB1070.

We've seen states across the country make an attempt to pass Arizona copycat bills. We've also seen very dramatic – and in my view, promising and heroic efforts to push back against these legislative efforts in a number of states. In many states that threaten to pass 1070 copycats, the efforts have been beaten back – states like Indiana, Kansas, Colorado that we won't be talking about today, and some other states, efforts to pass – (inaudible) – measures have been beaten back – efforts we won't be talking about today.

The folks that we have on the call – and we are really very, very – I'm always pleased to have the folks we have on the call – but I'm especially pleased today. We have representatives from three states where the battle has been raging and indeed we won't say – we won't necessarily say won because it's – we never want to be premature but where they've been – in several of these cases, interesting breakthroughs, progress, turnarounds are Utah, Arizona and Florida. Florida, again, is the place where the battle is still raging.

From Utah, we have Robin Riggs – he's the executive vice president and general counsel of the Salt Lake Chamber of Commerce, key driver in the Utah Compact which I'm sure many of you have heard about. From Arizona, we have Glenn Hamer, president and CEO of the Arizona Chamber of Commerce and Industry, a key driver of the 60 CEO letter from Arizona that many of you probably heard about and will hear more about today. And from Florida, where we're still very much in the middle of the battle – too close to call, I would say – we have Franklin Coley, the coalition's director of Immigration Works Coalition of Florida – Immigration Works Florida and a partner at the Parquet Development and Parquet Public Affairs firm.

We'll do this in our usual – those of you who've been on the call before. We'll – I'll question each of our participants in order. We'll go Utah, Arizona, Florida, and when we're done we'll – that'll take about half an hour – perhaps a little more – and then we'll open the floor to questions. If you want to ask a question, press Star 1 and you'll get in

the queue – obviously the earlier you press Star 1, the closer to the front of the queue you'll be. So with that, let's just get going.

Robin, thank you so much for being here – Robin Riggs, executive vice president and general counsel of the Salt Lake Chamber. What's been going – having you – what's the – start with the broader context – what was the setting, how did the state come to be considering the tough immigration enforcement bill, what was the bill. Set the stage for us.

MR. ROBIN RIGGS: Okay, thank you. Appreciate it, Tamar, and appreciate being on the call.

It really began almost three years ago. Salt Lake Chamber had originally proposed a Guest Worker Program sometime ago and introduced it to the legislature and there was not a lot of interest. We got a resolution passed, some legislature was on record as early as 2008 of supporting a Guest Worker-type of approach to things, a state-centric Guest Worker approach. But even in that resolution, they acknowledged that the primary driver of this, of course, was the federal government and that anything that state would do would have to be premised on giving permission and (away from ?) the federal government.

So the legislature was on record and so that sort of sat there until Arizona came up and their enforcement provisions and then it just got hot here in Utah. The political delegates here – we have a delegate rather than a primary system in electing – nominating people to run – and delegates got exorcised after Arizona, and so then Rep. Sandstrom who you may or may not have heard of but he was a local House member who then proposed Arizona-type of law for Utah. He got some very serious media attention this past summer. That's when it began.

So we then – the chamber, we sort of fleshed out our Guest Worker ideas that we had proposed earlier and quietly started to work on legislation even as early as last summer and trying to get our friends on board as an alternative to what Sandstrom was pushing publicly. That sort of insider, you know, politics that we play pretty well here in Utah.

MS. JACOBY: Well, in a way, it was kind of a defensive – it was – well, it was initially an affirmative step but then it became a form of playing defense because it was how do we stop the bad thing from happening would be to couple it with something else. Is that it?

MR. RIGGS: Yeah, that was – that was the first impulse. But what happened is – it was very interesting and that was we talked quite extensively here and decided that, you know, a really great side benefit, if not the sole benefit, for something like this would be to at least try to change the tone and tenor of the discussion. Try to get people to talk about other pragmatic solutions rather than just one certain way of doing.

And that's when the idea of the Utah Compact came together. That really originated with us here at the Chamber.

MS. JACOBY: So, tell people what it is – because I think – listeners –

MR. RIGGS: Yeah. It's essentially – we sort of thought of Magna Carta, the – and a sort of a compact of principles that we would as a chamber or as a broader community be willing to support legislation if it adhered to these certain sets of principles. We set forth these principles, things like don't divide families, don't hurt the economy. It's still a federal issue at the end of the day. I mean, there are several of them. I'll be glad to send that out to everybody – I'll be in the Senate tomorrow and –

MS. JACOBY: Yeah, we should probably post it on our side and –

MR. RIGGS: You'll probably have it somewhere but that's the genesis of that was sort of a way to get the discussion to focus on principles rather than specific legislation.

MS. JACOBY: And how many – (inaudible) – in the long run with the Compact?

MR. RIGGS: Yeah, we did. We got signatures and we've got double local church groups, community groups, business communities, business associations, we've got a lot of signatories on it and it really hit. I mean, the press really picked it up here locally and ran with it very, very, you know, big time. And so that immediately started to change the discussion. And that's –

MS. JACOBY: (Inaudible.) Here, let me stop you and ask you a question, because in a lot of states, you know, business folks say, well, we're negotiating behind the scenes, we don't want to go public because we think that will hurt our negotiations, it will hurt our stats – you know, we work with a lot of states and they say better that we don't come out publicly. Did you all have qualms and decisions and discussions about that? Do we go public or stay behind the scenes? Will it hurt our negotiating power? Did that come into this compact?

MR. RIGGS: Yeah, we did. Yeah, in fact, what we did is the Compact, we tried to make sure that it was characterized as something that came from the broader community, not from the Chamber.

MS. JACOBY: Got it, yeah.

MR. RIGGS: So, if you look in – (inaudible) – if you look online and look anywhere where the genesis of this came from, you're not going to Chamber's fingerprints on it. And so we just ran the two parallel tracks – we ran – we kept pushing on legislation but also very, very strongly pushed the Compact forward.

Then in Utah – those of you who don't know the specific religious politics in Utah, you know that this is the headquarters of the Church of Jesus Christ of Latter-day Saints or Mormon Church, and they don't weigh in on politics very often, at least not locally. I mean, there are moral issues, you know, we've probably heard of Prop 8 in California and so forth. They don't – they don't step up much. And so when they do – or if they do, it's big news. Well, they weren't signatories to the Compact but they came out publicly and endorsed it which meant that you've got, you know, 70 percent of the population now raising eyebrows about it.

Okay, now our church leaders like this – (inaudible), like this more pragmatic approach. What is that – how does that play into those more conservative members who have an opposite view? And that almost immediately also changed the discussion a bit in Utah. You, of course, don't have that dynamic in other states but that helped a lot too when the church came out and publicly supported the principles of the Compact.

MS. JACOBY: And so then tell us how did it play out legislatively? I mean, I think a lot of people on the call will know, but what was the actual outcome, what's the package?

MR. RIGGS: Well, what happened is then Sandstrom, of course, was running his bill and he kept pushing toward the legislative session. When the session started, his bill was still the only one drafted. But there were rumors out there that there were other things coming – our Guest Worker Program and so forth. And we were the primary driver of the Guest Worker approach. There was also another approach from a member of the minority party in the Senate, Sen. Luz Robles who also pushed for – not just the Guest Worker but for a sort of overarching permit program that just living here you could stay here and be legal and not have to work.

We didn't support that because we felt it was better to have at least – tied to the workforce but her bill got some media attention as well. So – and – but we're on the same camp in terms of philosophy. We disagreed on that particular aspect of the bills but – and so she helped paved some of the way as well in terms of discussion. So as the session began we had at least two Guest Worker-type of bills or worker permit bills, we had Sandstrom enforcement-only bill, we had another bill that would repeal remnants of the DREAM Act that still exists in Utah, primarily in-state tuition for undocumented children.

And so there was a slew of things out there that we were going to try to approach and to play defense and play offense on some. What happened was in the House of Representatives here, they elected a brand new speaker – the first woman speaker ever – by the way – and she said that she wanted to have the House have the opportunity to present all the bills. She would not stifle anything; she would let everything out to the floor for debate, didn't matter what it was or how onerous, she wanted everybody to have their shot.

The Senate, on the other hand, decided they wanted to have an omnibus, comprehensive approach and so they publicly told the House that, no, we're not going to pass your bill; if you pass them over to us, we'll just throw them into one bill and pass our own. (Laughs.) So you have this interesting House where the Senate dynamic that played more into it almost – not more but almost as much as an immigrant versus anti-immigrant – (inaudible). So –

MS. JACOBY: Lawmakers – don't we love them? (Laughs.)

MR. RIGGS: Oh, yeah, sorry.

So we had an interesting dynamic where the House passed four different bills – all stripes and varieties – over to the Senate. The Senate sat on it for a while and tried to work things through and then eventually the negotiated position was, okay, we'll let Sandstrom keep some version of his, very watered-down and a different number – we don't want the same number, we don't want the same title, so forth. We'll give him that but the rest of it's in the Senate bill, comprehensive bill and the rest of it we'll just kill. And that's what happened.

So essentially you had enforcement-light bill from Sandstrom that ended up passing and then a broader – well, they took the Guest Worker bill from the House and then turned it into the Senate comprehensive bill which included – it repeals most E-Verify requirements in Utah and supplants it with something called U-Verify and then sets up a Guest Worker Program with hopefully waivers and a few other things, but –

MS. JACOBY: So spell that out a little more, because people will have – what does Guest Worker mean, what does waiver mean? Talk about the Nuevo León piece –

MR. RIGGS: Right.

MS. JACOBY: – what – how would it actually work.

MR. RIGGS: Oh, first of all, I'll talk about Guest Worker. The idea would be that because we know that at least in Utah – we're not a border state – so we think the dynamic, the demographics are different. But we believe that most people, most undocumented here probably came here legally in the first place. They came here with mostly work visas and then overstayed, decided not to go home.

So from our standpoint, the idea was, okay, they probably don't have any hardcore criminal content that you might find in other segments of the population. So let's at least give them a chance to perhaps stay working, you know, they don't have a federal visa, let's give them a state visa, as it were, and sort of make them, quote/unquote, "legal" to work. And that's the idea of the Guest Worker Program.

So the Guest Worker Program would include things like criminal background checks, same kinds of things you have to go through for a federal visa, fingerprinting, ID

card, we – if you don't have a Social Security number, we assign you something that's sort of a rough equivalent of it so we can (impose ?) taxes. And they can't have, you know, communicative diseases – I mean, it's just – they go through the process but it's a state process so – (inaudible) – manage it, so –

Hopefully, the idea is to get them out of the shadows – (inaudible) – and in return for that permit, they have to stay gainfully employed within a certain reasonable time and they have to register with the state with their name, address, who their employer is, et cetera, and keep that information up-to-date.

MS. JACOBY: Do they have to go home at any point?

MR. RIGGS: No. It'll be a two-year renewable permit and they can renew it as long as they've got a job.

MS. JACOBY: Got it. And –

MR. RIGGS: (Inaudible.)

MS. JACOBY: – goes – we'll come back in a minute to Nuevo León, but you all – so it's conditioned on a waiver, how would – you know, what are you imagining there and what happens if you don't get a waiver?

MR. RIGGS: Well, the waiver would come because we know, of course, that the federal government has authority over immigration law in the United States but we're – so we think we have to get permission from the federal government allow a state to set up a Guest Worker kind of program.

Two problems with that obviously. First of all, it's federal government under the U.S. Constitution has preeminent authority over immigration law so you could – so this bill, or all these bills would be subject to lawsuit fairly readily and probably lose. I mean, I'm a lawyer and I can figure that out at least, and so – if the federal government decides they want to sue, they will probably win and could say, no, the states can't do this. I mean, they sued on E-Verify issues in other states, so and this is much broader than simply requiring employers to use E-Verify.

So there's the preemption issue that we're worried about, and so that's why we think we need to get waivers. But the wrinkle in that is there's no – there's nothing that we can find in current law that allows Homeland Security, for example, to give waivers to this kind of thing. They can give waivers for visa, quotas in some smaller populations of workers but to allow a state to implement a whole program I don't think is actually even allowed under current statutes. So we'd have to get our congressional delegation to push for congressional action. That's probably what would happen if we weren't successful in getting waivers.

The bill – if we don't get waivers, the bill takes effect. The bill says that if by July 1 of 2013 the Guest Worker Program would be implemented if we don't have waivers by then. So it's kind of – you know, Mexican standoff a little bit. (Laughter.) It could be.

MS. JACOBY: So I mean, is it fair to say – I mean, I like the way you talk about it because it's not like you're saying – you – and you, not you personally, but also the Chamber and Utah, the Compact, you know, you all, in general, because you do reiterate that this is – you understand this as a federal issue. You're not just saying – unlike, you know, for example, let's say Russell Pearce, the legislator driving some of the tough laws in Arizona, or some of the other folks around the country who are just sort of saying they're thumbing their nose at the feds – you all – I mean, your noses are the feds – you're recognizing that the fed had the authority but you're trying to challenge them to step up to the plate. Is that a fair –

MR. RIGGS: Exactly right. In fact, we challenged our more conservative colleagues here in the legislature. They thumb their nose at the feds all the time. I mean, they passed statutes that talk about, you know, taking back public lands that are currently owned by federal government and all kinds of stuff and I said at least be consistent, if you're going to thumb your nose at the feds on one issue, why not this one?

MS. JACOBY: Yeah.

MR. RIGGS: And, I mean, you know, that's – of course, that's just the politics of it. But – and so we got some traction with that kind of argument. We've got some very hardcore, rightwing conservatives voting for this thing.

MS. JACOBY: (Inaudible.)

MR. RIGGS: Yeah, exactly. And so you know, it – but you're right, it is – it really is kind of a message built on steroids, trying to just get the federal government to stand up and take notice and really do something, even if – you know, we don't have any illusions that we're going to get some waiver the next couple of years – I mean, I don't think so – but we want to at least get the buzz going, and it's worked in that sense because we're getting national attention, and we're getting calls from the Obama administration, we're getting calls from Justice Department, we're getting calls from Homeland Security, not for their saying, you know, of course we'll do it but they're interested, they're intrigued, and that's more than we can say for most of any issues we've pushed at them in the past.

MS. JACOBY: Yeah. (Inaudible) – one last question and then we'll jump to Arizona, so to speak.

Just tell us briefly about the Nuevo León piece because we do – a lot of folks on the call as interested in the future, you know, what we used to call future flow component

as much as – (inaudible) – of the people already here. What’s the Nuevo León experiment?

MR. RIGGS: Well, Nuevo León is a state in Mexico that – we didn’t know this until they approached us, but they actually came to Utah and said we have this permission under current U.S. federal law that says that if a state or jurisdiction of some kind – they didn’t say “state” – but a community or a business association, or city, whatever could contract with a specific state in another country like Nuevo León and contract for workers.

Essentially, what Nuevo León has said, look, here’s what we want to do – and they set this up through a private corporation, by the way, in Nuevo León – so this private company is going to assemble essentially the lists of workers they think Utah industries need. And so on their end, they sort of almost pre-qualify them and say, okay, here’s a whole bunch of great drywallers or here’s a whole bunch of great carpenters or whatever it is, and we’ll process their visas for you and then in addition when we send them over, we’ll make sure they come home at the right time so there’s nobody overstaying visas.

They’ve done this in the past without a specific – without being tied to a specific jurisdiction. But in the past, they claim, that their return rate for this kind of approach has been over 90 percent. So the people that they send visas – they send with visas actually come home when they’re told to come home.

MS. JACOBY: And would they come under H2A, H2B, something else, day one?

MR. RIGGS: H2B, mostly.

MS. JACOBY: It’s H2B. H2B, got it, yeah.

MR. RIGGS: And so – in one of the bills passed in Utah simply allows the state of Utah to enter into a contract and negotiations with Nuevo León to start this kind of program. They want to do pilots so this would be a pilot program for Nuevo León to see if it works. And their hope is that if there is a good flow of workers to Utah and a good track record that they can replicate that in other states. And, in fact –

MS. JACOBY: And do you think – sorry –

MR. RIGGS: Go ahead.

MS. JACOBY: Well, no, do you think you’ll get a waiver for that, like – how does –

MR. RIGGS: No.

MS. JACOBY: No – and this under the –

MR. RIGGS: No current federal law allows for that, yeah.

MS. JACOBY: Okay, okay.

MR. RIGGS: So that's the sort of interesting wrinkle that in our package, the bill as well. And, in fact, there's some hope that if this works well enough, we won't – we could even abandon the Utah Guest Worker Program. The problem is it's just limited to the H2B.

MS. JACOBY: And the H2B program just got a lot harder to use.

MR. RIGGS: Right. And we've got other – you know, we've got high-skilled worker in these as well, so – if we get federal government to maybe expand this kind of approach to all work visas then maybe we've got something.

MS. JACOBY: Yeah, got it, got it. It's so interesting. It's so – you know, of course, there're problems, of course there're issues, but for me it's a fantastic political breakthrough. I mean, one of the most conservative states in the country said there has to be a three-dimensional approach, enforcement alone is not enough and start to plan the way. And then that just – you know, kudos, congratulations.

MR. RIGGS: Thank you. And just one more little sidebar. We also got calls from a lot of Republican groups who were saying the same thing – saying things like, finally a red state has come up with a solution.

MS. JACOBY: Yeah, yeah.

MR. RIGGS: And that we can work with politically and we cannot demagogue this issue and we can maybe point to Utah as a way for Republicans to embrace, so anyway.

MS. JACOBY: Don't go away. We're going to have two more segments and then we will – I'm sure there will be lots of questions for you. Thank you, Robin Riggs, so much for being with us.

MR. RIGGS: You're very welcome.

MS. JACOBY: Glenn Hamer, president and CEO of the Arizona Chamber of Commerce and Industry, thank you for being with us.

MR. GLENN HAMER: Thank you, Tamar. Great to be on this call.

MS. JACOBY: So let's start with the basics in Arizona. I mean, we've all been – got immigration news out of Arizona like – it's like potatoes from Idaho. But what's been the latest – what's this year's debate? Give us some context.

MR. HAMER: Well, the context is, I'm sure all the callers know, that Arizona has taken a leadership role on the issue of immigration reform – and “reform” is probably the wrong word. It has not been a three-dimensional approach in Arizona. It's been an enforcement-only approach in the state of Arizona. So to understand where we are today, I've got to go back about four or five years –

MS. JACOBY: Go for it – yeah.

MR. HAMER: – when the state first considered and ultimately passed what was at the time and still stands as the nation's toughest Employer Sanctions Law. That law requires mandatory use of E-Verify as well as very sharp penalties – and we use the word “penalties” in terms of employers who knowingly – and “knowingly” is a loosey-goosey term – who knowingly hire illegal workers, a suspension on the license on the first infraction, the death penalty on the second infraction.

MS. JACOBY: (Inaudible) – you mean, not literal – not literal death penalty.

MR. HAMER: Well, I mean, well no one's going to physically be executed but the business would be put out of business upon the second conviction under the Employer Sanctions Law in Arizona.

We seriously resisted it. We're part of the – we're still part of the legal case that is now pending. The Supreme Court heard arguments on it several months ago. There will be some sort of ruling in the next couple of months, we would expect. The U.S Chamber has been the lead plaintiff on this case; the Arizona Chamber and the Arizona Hispanic Chamber are also plaintiffs from Arizona on that case.

We passed that law. Now, we put a lot effort as a chamber to make certain revisions in the law which did pass the following year. They did not receive nearly the same amount of media attention but basically created a dynamic that if companies in Arizona were in good faith using E-Verify, the odds of any sort of investigation or prosecution going forward was extraordinarily remote and four years into the law there've only been a handful of prosecutions.

Now, I will say I believe per capita, we have a higher rate of E-Verify use than any country – any state in the country – so, you know, there has been – there certainly has been a reaction to that Employer Sanctions Law.

You get to last year, the state passed what we considered the toughest enforcement law in the country SB1070, which I'm sure the callers are well aware of. That piece of legislation had a number of different components, a number of which have been stayed by a federal judge. Some of those – some of the components of the 1070 are, in effect, the provisions that relate to sanctuary – cities are still in effect but most of the provisions that attracted widespread national and international attention are at this point

not in effect, such as the reasonable suspicion stops and checking documents and requiring documentation for those international travelers who happened to be in Arizona.

Now, fast-forward to this year.

MS. JACOBY: Yes. Yeah, yeah, go ahead.

MR. HAMER: Well, what's important to say there is that we were neutral in that on 1070 and the reason why the initial version of 1070 included all sorts of things that would have directly harmed businesses. For example, it would have made it a misdemeanor offence for companies that did not properly keep the I-9s or E-Verify records and we thought it would just be an absolutely atrocious precedent to criminalize paperwork violations. It also included provisions that would have – would have provided county attorneys with subpoena power and we felt could have led to phishing expeditions in businesses across the state.

We were able to get all that stuff knocked out of the bill. Now, I'll be the first to say we did not see – I did not personally see the secondary effects of passing that legislation – the intense media scrutiny, not just nationally but internationally and as a state where tourism is our second largest industry – it employs about 200,000 people – it had a detrimental effect.

So you fast-forward to today there is a feeling in the state among almost all of the chambers, among most business leaders that enough is enough. You know, we recognize that our federal immigration system is broken. I believe everyone would agree with that statement. But we can't – there are unintended consequences when as a state we go it alone. It hurts our tourism industry, it makes it – you know, while we ferociously fought and think it's absolutely wrong for other localities to boycott the state and to not do business with the state, it is – it did become a reality and it has and continues to provide an additional obstacle to a number of Arizona businesses.

And I guess the way I would boil this down, it would be like asking Senate Majority Leader Reid after he'd won his election and returned to Senate Majority Leader, you know, Majority Leader Reid, what's your number one goal for this new Congress? And the Majority Leader saying, we're going to pass healthcare reform. (Laughter.)

We sort of already – you've sort of already checked that box, and given what we've done with employer sanctions, given what we've done with 1070, given the fact that the employer sanctions case, for god's sakes, is front of the Supreme Court and will soon have a decision from the U.S. Supreme Court and that 1070 is now in the Ninth Circuit, if ever there was a time for a timeout, it's now.

So it basically got to a situation in where chambers from across the state – 22 chambers – signed a letter to the legislature, to the Senate president, saying enough is enough, we understand the border – the concern about border security but additional

immigration legislation on the state level, particularly the birthright citizen bills are ill-advised. And then you had, of course –

MS. JACOBY: Tell us what the bills are. They tell us there are four bills, right?

MR. HAMER: Five.

MS. JACOBY: Five.

MR. HAMER: For those keeping score at home and there's – there's a few others lingering which I'm not going to discuss right now. I don't think they're going to go.

But the ones that started really attracting the most attention were SB1308 and 1309 which dealt with Arizona's desire at least on some of our legislators' part to reinterpret the 14th Amendment of the United States Constitution which we believe and the courts have for well over 100 years ruled, grant birthright citizenship.

So there were two different efforts to deal with that. The goal, according to the sponsors, was to try to force the U.S. Supreme Court decision on the true meaning of the 14th Amendment. There were all sorts of issues with that bill. You know, if you want to have a debate on the 14th Amendment, run for Congress. You know, have that debate within the Congress. And there are a couple different – at least a couple of proposals pending there. You know, don't try to sell the people of Arizona a bill of goods that somehow a state-level effort is going to lead to a reinterpretation of an amendment that was passed in the wake of civil war. You know, it's just not – it's –

MS. JACOBY: Don't wish this debate on us in Congress. (Inaudible.)

MR. HAMER: Well –

MS. JACOBY: I mean, I'd rather have it bottled up in Arizona. But let's move right on.

MR. HAMER: Well, yeah, I can understand that, Tamar. We actually did a poll – we were just curious. You know, would people prefer a constitutional amendment that would basically reinterpret the 14th Amendment, or would they prefer a constitutional amendment to balance – that would be a balanced budget amendment?

MS. JACOBY: (Inaudible.)

MR. HAMER: And it is like an 80/20.

MS. JACOBY: Yeah, that's a great question. Yeah, yeah.

MR. HAMER: It's great because it shows the priorities of voters and people is to get the economy going together, not on more obscure immigration, birth-related matters that really aren't going anywhere.

Three other measures – one would have required SB1405, would have required hospitals to determine patient citizenship status during the admission process. We prefer hospitals to focus on keeping people alive, and fortunately that bill went down. There was another bill, SB1407 which requires school districts to verify immigration status of students and report this data to the Arizona Department of Education. That bill also failed. You know, at a time when our budget are just absolutely nailed, we thought having this additional obligation was wrong. And there's nothing – we also know there are court cases that, you know, rightly protect non-citizens in terms of them getting public school education. So it was pointless and expensive and that bill failed.

And then there was Senate president Pearce's SB1611. He put together an immigration omnibus, some people call it 1070-plus. He admitted that he put this bill together over a weekend. Basically it came up, it zoomed out of an appropriations committee and then, you know, a week or two later reached the Senate floor.

It had all sorts of – and by the name “omnibus,” you can imagine it had a whole bunch of things. It provided that it would be unlawful for a person to operate a motor vehicle in Arizona if that person is unlawfully present in the U.S. It would have required a demonstration of lawful presence for obtaining public housing, would have required – this was – this really was extraordinarily problematic – it not only would have required all employers to participate in E-Verify, but it could have led to a suspension of business licenses for companies, not for hiring workers illegally in the country but for not signing up for E-Verify. And we've lost 300,000 jobs in the state of the great recession. There's a lot of businesses, particularly small businesses that probably aren't using E-Verify because they've been – (inaudible) – not hiring.

So the thought to put this additional burden on small businesses – and it really would be on small businesses because the bottom-line in this state is really all the larger businesses and most the medium-sized businesses are using E-Verify. So this bill would have, you know, caused all sorts of headaches for our small business community. All five failed.

MS. JACOBY: (Inaudible.) Okay, so tell us – now tell us the key – the climax of the story here, tell us about the letter and how it got organized and who was on it and how this – what impact it had.

MR. HAMER: Well, one thing I need to stress, I mean, this was a case of the broad base business coalition from the entire state coming together. Michelle Bolton of the Phoenix Chamber, she's the warrior in committees. A lot of these bills had different steps. They were considered by different committees and required different people to testify against them. Michelle Bolton from the Phoenix Chamber did a brilliant job in that.

Tom Franz, the Greater Phoenix Leadership group – it's similar to the Business Roundtable on the state level in Arizona – did a terrific job of getting a number of these big CEOs in town to sign that letter. And then we had similar groups in Tucson and Flagstaff also circulate this letter to their members.

What I found really encouraging and interesting – I mean, this is a controversial topic obviously – the topic of immigration and particularly so in Arizona, to have 60-plus business leaders say, you know, I want to put my name and my company's name on the letter saying enough is enough, that's courage. And what that did is it provided cover and additional comfort to the Republicans who voted against this legislation.

And people need to understand this is – we're dealing with supermajorities in the Senate and the House – 21 Republicans in the Senate, nine Democrats; 40 Republicans in the House, 20 Democrat in Ground Zero for immigration – in a state that is Ground Zero for immigration reform. So to bottle this up in the Senate which is where the president and Sen. Russell Pearce who has been the most – far and away the most active sponsor and facilitator of these immigration-related bills is nothing short of remarkable.

Last thing that I'll say connected to this is for those who read Politico, or who were on the Politico website yesterday, the Senate president made clear this is far from over. So, you know, I'm certainly delighted at what happened a few weeks ago. But we are on DEFCON 5 until the end of this session.

MS. JACOBY: Okay, okay. (Laughs.) Great, great report, Glenn. As usual, I'm not doing my job of moderator very well. We are –

MR. HAMER: (Inaudible), Tamar.

MS. JACOBY: No, no, it's my bad. And it's all wonderful. Sorry. So let's move to Florida, and we will still leave a few minutes at the end for questions. So if you have a question, press Star 1.

So, Franklin – Franklin Coley from Florida, so good to have you on. You are still – you're – unlike these other guys who are coming – not quite maybe not totally done with the battle but kind of coming off a high point in the battle. You are still in the trenches. Tell us about it. What's going on in Florida and what role – you know, what's at stake, what are the bills, what role are you all playing? Let's start with you've got bills coming out of committees, I know, in both the House and the Senate. Tell me a little bit about those bills.

MR. FRANKLIN COLEY: Yeah, we are in the heat of battle and the report that I give today could be very different come Friday. The situation is very fluid here. And what you're seeing in the two House and Senate bills – well, let me say there's a number of bills that have been proposed. But there's two that are looked too as really the vehicles for immigration reform. And the one in the House is closer to the Arizona model and it's

referred to here in the media as the Arizona-like and the one in the Senate has backed off a little bit from some of the Arizona provisions.

They both include the police enforcement component as well as the employer verification component. And the House based is the police enforcement component and probable cause. So if there's probably cause, a law enforcement officer can check immigration status. And the House bill, implement E-Verify, and a timetable July 1st, 2012 for 100 or more employees per business, and then allow 2013 for all employers in the state of Florida.

MS. JACOBY: Okay, and now the Senate – what does it base its policing provision on?

MR. COLEY: In the probable cause, has the same constitutional issues that potentially the Arizona bill does with the due process and all that. So the Senate bill avoids that controversy in the police enforcement component by placing the immigration check at the point of arrest or incarceration.

MS. JACOBY: Ah, okay. Big difference. Okay.

MR. COLEY: So the Senate language is court confinement, jail, prison or other criminal facility. That's when they check immigration status or, quote, "arrest and booking." That's a little safer ground and hopefully the legislation moves in that direction in the House, we will see.

In the –

MS. JACOBY: What about the E-Verify provision in the Senate bill?

MR. COLEY: Yeah, in the Senate they've done something interesting. E-Verify is – it's mandatory that employers by July 1, 2012 either enroll in E-Verify or utilize a beefed up I-9 process and –

MS. JACOBY: All right. So let's step back here and tell the story of this, because – (inaudible) – story, so we had a bill, we had a – a Miami Republican sponsor, right, who first sponsored a straight-up E-Verify mandate. And then what happened to her, Ms. Flores?

MR. COLEY: Yeah, well, you know, she called a number of committee hearings and a number of business groups weighed in and they started to flush out the bill and that's when they came to adopting this beefed up I-9 process in addition to the E-Verify track for employers to verify new hires.

MS. JACOBY: Well, just to be really clear because this would be important to everyone on the calls, kind of a precedent, certainly be important if you're in Florida, so

– (inaudible) – of the state would mandate E-Verify – let me see if I get it right, I’ll try and then you’ll correct me.

The state would mandate E-Verify but there will basically be an opt-out where if you didn’t want to E-Verify – instead of doing E-Verify, you would do I-9 which is probably what you are doing already, but instead of looking at 27 different documents, you would look at one of four, and one of the four are an unexpired U.S. passport, an unexpired foreign passport, a driver’s license, or some sort of national-issued card. So basically if you’re just a worker with a foreign passport, you can show that foreign passport and they’ll fill out an I-9 and you can work. Is that correct?

MR. COLEY: That is correct. And what was interesting in terms of the politics is Sen. Thrasher who is the immediate – (inaudible) – of the Republican Party – (inaudible) – who sits in that committee with Anitere Flores and he spoke up and said, this is actually E-Verify-plus –

MS. JACOBY: Ooh!

MR. COLEY: – because this is an extra layer, and you know, being a REAL ID state, you know, they’re basing their political argument and it’s very tough to get some of these documentations. There – it gives another option. For those unequipped to deal with E-Verify, let’s give them the more traditional option of the I-9 process, so –

MS. JACOBY: But, I mean, it’s a big – I mean, for a small business – obviously we’ve heard many big businesses are using E-Verify and they’re not troubled by going in that direction, but for a small business this would be a considerable important option, right? You don’t have to do E-Verify, you can look at their driver’s license.

MR. COLEY: Absolutely.

MS. JACOBY: Okay. What do we – so then what happened? Then we had a reaction from the – what happened after that?

MR. COLEY: Well, that’s more or less where we are now. And now the Senate Committee – that was just a hearing held in the Senate Committee – Judiciary Committee, they’re going to call this back up after making some revisions for a vote and then it will continue on the committee process, eventually to the Senate floor. The House floor –

MS. JACOBY: Well, the Senate president has weighed in and the Tea Party has weighed in, correct?

MR. COLEY: That is correct. Actually, Sen. Haridopolos who is running for U.S. Senate in the near future here, in a competitive Republican primary, stood up at a Tea Party rally at the Capitol and said, you know, E-Verify now.

So the speaker of the House has also said publicly that he's for E-Verify. So there's some very interesting political dynamics playing out with those that just got elected running an Arizona-style immigration law platform like Gov. Scott and those that will be running for office here in the near future that are going to have to point to their accomplishment in state legislature if they run in Republican primaries.

MS. JACOBY: But I mean, another way you could look at it is it's kind of a reflection of the division within the Republican Party over how tough do we be about immigration because they have one Republican, Ms. Flores, saying, wait a minute, let's have some options, let's have some flexibility, let's have some choices. And then another branch of the party, so to speak, saying no choices, no options, absolutely get tough. I mean, and you know, pretty interesting dynamic, and then can you share with us the news about the Tea Party letter?

MR. COLEY: I will. And to put that in a little – in a 15-second broader context, one in five Floridians are Hispanics and they're Hispanic, European-Hispanic, the Caribbean-Hispanic, there's South American, Central American Latinos, and they're moving into the socioeconomic fabric of the state at all levels, as well as agro tourism being the big economic drivers.

So in terms of the politics of it, it really (broke ?) very strangely and to highlight how strange some of these breaks can be, we within the past couple of days here had Tea Party leaders stepped forward and sent a letter to the Senate president against E-Verify and really basing it off a CATO Institute study and a Campaign For Liberty commentary piece, essentially said that E-Verify had the potential to go on a quote/unquote, "mission sweep."

And you know, it was – gone are the Social Security database design for one thing, now it's becoming a verification and citizen-tracking database and could easily slide into a, you know, big government, Big Brother-type database, and furthermore, you know, why do we want to give Barack Obama and Napolitano, you know, all this ammunition to come after Florida businesses when they can't even lock down the border.

So it was very interesting to see a lot of Tea Party leaders step up and it's really kind of – all the different dynamics and the political scramble that's been playing out has slowed the momentum of the bills. And for our part that's been helpful in helping to flush out some of the potential impacts and implications and push the bills towards a better final product.

MS. JACOBY: Mm-hmm, mm-hmm. And so – would you – that sounds like you're predicting that some of these are going to pass. The question is: how good or bad is it, basically? Is that a fair – is that – am I going too far?

MR. COLEY: Yeah, you know, difficult to look into a crystal ball, but it's going to be very difficult for these lawmakers not to do something in (immigration ?), so as much as we can help get them a victory and make sure that the – you know, it doesn't

place an undue burden on Florida businesses and, you know, that all the potential implications are taken into consideration that's how we're going to make sure the process works and we get a good outcome.

MS. JACOBY: Right, great. Great, great. Three fantastic accounts. I mean, three amazingly good work and three fantastic accounts. I don't think we could – I don't think you all could describe it better. We've got a few minutes, and we have no one in the question queue. Could it be that you're asking – you've done such a good job of explaining that nobody's curious? (Inaudible) – we have few minutes, would you not – would someone not like to ask a question about what's going on in the Utah, Arizona or Florida?

(Inaudible) – plenty people on the call. Question. There we go. Here's a question. Please identify yourself. Go ahead.

Q: Hi, everyone. Thank you for your presentation. This is Wendy. I'm calling from the Immigration Policy Center in Washington and we've been watching everything happening in the states with great interest.

My question is specifically to the gentleman from Salt Lake and he said that, you know, that he'd been – I mean, I've seen a lot of reports where people basically in the state that said they don't think it's going to work – the progressive side, the Guest Worker Program. And that, you know, people are calling you and you're expecting a challenge, et cetera, so are you expecting a challenge from the federal government or just from civil rights groups, and if you can give any more detail at all about what you've heard from the federal government about your – ?

MR. RIGGS: Yeah, good question. We don't know exactly where – I mean, we expect a challenge from someone but we have not received any specific challenge yet. The closest to an actual challenge has come from ACLU who said that they think they will sue because this is clearly a preemption issue. My guess from them though was because the effective date is two years, they may not – they may realize not have a standing quite yet. But we've not received any other specific challenges; we certainly expect them. That's as far as I can tell you.

MS. JACOBY: Okay. Good question, good answer. Anybody else – (inaudible?) I mean, I think it's so – I guess and think it is that you've just explained so well. Well, we're at the 57th minute – oh, here comes a question. Okay, see if you prompt, you wait, they will come. Question, please go ahead.

Q: Hi, this is Steve Austin with Red Gold in Indiana. I would like to ask the gentleman from Florida to address a little bit more the beefed up I-9 option. Did I understand correctly that a foreign passport can be used as verification and if they do not have to have special permission to work but just by having that gives them that permission to be hired? Can you clarify that, please, because I really like that option? Thank you.

MR. COLEY: Yes, sir. Yeah, I think the implication is that if you're providing a foreign passport, then that obviously needs to correspond with the visa to be here legally.

Q: Oh, thank you.

MR. COLEY: Now, how the infrastructure of how – you know, that information would pass through to the appropriate federal agency and that's not detailed in the bill but –

MS. JACOBY: Interesting, (inaudible) – you've got to give – I mean, being a state lawmaker would be a fun job. I mean, they – you know, you get a chance to be creative. Okay. We are at the 59th minute mark. If there's one more question. There is one more question. Let's have this be the last question. Thank you, whoever you are. Please go ahead.

Q: Hi, Tamar. This is Haimi (ph) with the U.S. dairy industry. This question – actually I stepped out for a minute when the presentation on Utah was being done. And I had a quick question about if there could be any additional explanation on agriculture, because there was a lot of – I took – I got the end of the (white ?) one, H1B – and so I didn't know if there was any discussion on agriculture.

MS. JACOBY: Good question.

MR. RIGGS: Yes, there was. The sponsor of the Guest Worker Program, in fact, in the Utah House was a dairy farmer and one of the things – one of the hallmarks of his bill, the Guest Worker bill, is that he allows – he doesn't require E-Verify or any kind of verification on the part of agricultural employers because for them it's such a difficult thing to do. So in Utah, the Guest Worker Program – the Guest Worker card – (inaudible) – simply – once you have it, then there's no longer a requirement for verification on the part of agricultural employers.

And then also –

MS. JACOBY: Because –

MR. RIGGS: Yeah, go ahead.

MS. JACOBY: No, no, please, you.

MR. RIGGS: Well, just – and then – then the other thing that he'd tried to put in there – he'd got put in for ags specifically was 30-day grace period. So if you've got workers, if you need strawberries picked tomorrow, you can hire them and then you have 30 days to get the permit sort of after-the-fact, and then if they don't qualify, you have to fire them and if they qualify, then they're good to go. But that's the 30-day grace period for ag employees.

MS. JACOBY: That's fantastic. This is – (inaudible) – or Bramble?

MR. RIGGS: Bill Wright.

MS. JACOBY: Wright. Wow, he's a dairy farmer. So how – I mean – now, let me ask a slightly tough question. Are you not worried that people will show up from – you know, from Maryland and California and Colorado and all over the country wanting the – wanting a Utah Guest Worker permit?

MR. RIGGS: They did except there is one provision to go through, you have to have already lived or worked in Utah as of May 10th of 2011. (Inaudible) – they've got the best six weeks left.

MS. JACOBY: Okay, okay. (Laughs.) All right, maybe we should advertise. Great. It's such an interesting call. Thank you so much, Robin Riggs from Utah, Glenn Hamer from Arizona, and Franklin Coley from Florida. Good luck as things unfold in the future, and thank you all for being on the call.

MR. RIGGS: Thank you all very much.

MS. JACOBY: Thank you.

(END)