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(Not?) Learning from History: Immigration and Arizonan Business Growth

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Schools require history courses, and many of those courses highlight foolish decisions which now seem quite preventable. Such decisions seem especially foolish when those in power made similar mistakes just years prior. Some Arizona business owners and politicians believe that Arizona is poised to make just that type of mistake regarding immigration.

Arizona House Speaker Ben Toma introduced a new measure, H.C.R. 2060 which requires “state, county, and municipal governments to use the federal E-Verify system to check the immigration status of anyone who applies for a license of any kind. It adds a requirement for employers to use the system when hiring independent contractors and subcontractors.”¹ The measure passed the House on bipartisan lines. Unlike most other bills, H.C.R. 2060 would move directly as a 2024 ballot initiative (requiring governor approval) if Senate Republicans pass the measure.²

Toma claims that his bill will “save Arizona billions in welfare benefits annually.”³ Toma also views this bill as part of their project to “stop Arizona from

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¹ Ray Stern, *New Immigration Laws Would Devastate Arizona’s Economy, Opponents Say. The Numbers Say Otherwise.*, AZ CENTRAL (June 25, 2012), <https://www.msn.com/en-us/news/politics/new-immigration-law-would-devastate-arizonas-economy-opponents-say-the-numbers-say-otherwise/ar-BB1j2uGe>.

² Martin Dreyfuss, *Arizona Business Owners Challenge Bill Requiring E-Verify Checks for Jobs, Benefits*, PHOENIX BUS. J. (Feb. 27, 2024), <https://www.bizjournals.com/phoenix/news/2024/02/26/business-owners-challenge-e-verify-bill.html>.

³ *Id.*

becoming like California” and to tell illegal immigrants “if you want to take advantage of Americans, go somewhere else.”⁴

Opponents of the bill claim, among other things, that it will severely damage Arizona’s reputation and economy. They argue that it will both discourage immigration and make it harder for small businesses to find employees.⁵ Democratic Governor Katie Hobbs agrees with Speaker Toma that Arizonans have been damaged by the federal government’s failure to secure Arizona’s borders.⁶ But Hobbs finds that this specific bill would kill jobs, hurt businesses, and “demonize” Arizona communities.⁷

Opponents of the bill are also looking to tie the bill (and its potential consequences) to prior Arizona immigration laws. The most notable bill being the 2010 Arizona statute S.B. 1070. S.B. 1070 required: police to investigate potentially undocumented individuals, police to arrest suspected individuals without warrants, immigrants always carry federal registration papers, and criminal charges for unauthorized immigrants seeking or accepting work.⁸ S.B. 1070 was mostly struck down by a 2012 Supreme Court case.⁹

Arizona Hispanic Chamber of Commerce CEO, Monica Villalobos, claimed that Toma’s plan and other current Republican bills would have “an ‘economic impact of \$2.5 billion’ and could mean ‘30,000 jobs lost throughout Arizona.’”¹⁰ Villalobos argued that the damage would be quite similar to the damage from S.B. 1070 back in 2010. Villalobos cited to a 2010 study which seemed to estimate the total economic loss from S.B. 1070 to be at least a \$250,000,000.¹¹

However, the company which conducted the study—Elliot Pollack & Company—has claimed that the connection between the bill and economic damage was less than clear. For example, Arizona’s legislature reduced the state’s tourism budget around that time.¹² Additionally, the Arizona Tourism Bureau

⁴ *Id.*

⁵ Joe Duhownik, *Arizona Business Leaders Blast Proposed ‘Anti-Immigration’ Laws*, COURTHOUSE NEWS SERV. (Feb. 26, 2024) <https://www.courthousenews.com/arizona-business-leaders-blast-proposed-anti-immigration-laws>.

⁶ *Id.*

⁷ *Id.*

⁸ *Id.*

⁹ *Arizona v. United States*, 567 U.S. 387 (2012).

¹⁰ *Stern*, *supra* note 1.

¹¹ David Hudson, *The Top 5 Reasons Why S.B. 1070—and Laws Like It—Cause Economic Harm*, CAP 20 (June 25, 2012), <https://www.americanprogress.org/article/the-top-5-reasons-why-s-b-1070-and-laws-like-it-cause-economic-harm>.

¹² *Stern*, *supra* note 1.

provided statistics which show an increase in tourists each year from 2010 to 2019.¹³

As H.C.R. 2060 progresses, uncertainty remains about its economic impact while political discussion remains fiery. Throughout this conversation, it remains essential to remember the effects of S.B. 1070 and decide if voting for H.C.R. 2060 will repeat a recent mistake. At the same time, it is also essential to remember that H.C.R. 2060 represents a significant change from the extremes of S.B. 1070. Depending on the bill's progress through the Senate, in 2024, Arizonans may hold the responsibility of either repeating a past mistake or missing an opportunity to stop Arizona from becoming like California.

¹³ *Id.*