

## Handguns in Restaurants

Last year a law was passed that would permit handguns to be brought into establishments that carry a liquor license. After many changes and negotiations to our betterment, the ARA became neutral on this legislation. One key provision of this agreement offered protections to Arizona's liquor licensed establishments. We felt the compromise preserved the restaurant operators' private property rights (addressing the concerns of our membership) and the intent of the legislation. This year a new legislative initiative cropped up that would remove some of these protections, an automatic deal-breaker for the ARA. The ARA has discussed this bill with legislators and while we feel there will be no movement, it is important to reaffirm no changes to the law occur as proposed. We support a single sign posting (next to the liquor license) with additional postings up to the discretion of the business owner and maintaining the legal protections for restaurateurs through an affirmative defense.

## Pro-Business Legislation

*The ARA encourages Arizona legislators to understand the interests of ALL businesses when considering legislation that will impact the business community. The complex makeup of the restaurant industry, on issues such as wage reporting, wage statements, license fees, rest period is often overlooked when crafting legislation that will have an overall impact on the business community.*

### H2280: WAGES; PAYMENT; JOB COMPENSATION STATEMENT

At the time of payment of wages, employers must provide employees with a total job compensation statement that includes an itemized list of the employer's and employee's cost for specified benefits, including insurance, retirement and worker's compensation.

**ARA Stance: Oppose as it places an unnecessary burden on restaurant operators to further break out wage statements.**

### H2294: BUSINESS LICENSE; ETHICS PLEDGE

The form for an employer identification number and transaction privilege tax license must include a business ethics pledge that must be acknowledged by the applicant.

**ARA Stance: Oppose as it mandates that those registering for a business license sign an ambiguous ethics pledge that could ultimately be used against them.**

### H2157: TRANSACTION PRIVILEGE LICENSES; FEES

Increases the fee for a transaction privilege license to \$50, from \$12 (Note: licenses are effective indefinitely unless business ownership or location changes). Due to a potential increase in state revenue, this bill requires the affirmative vote of 2/3 of the members of each house of the Legislature for passage.

**ARA Stance: Oppose as it increases the fee on businesses to apply for a TPT license.**

### H2318: LABOR; REST PERIODS; MEAL BREAKS

Employers must allow employees to take at least one 30 minute meal break during every continuous 8 hours of labor and at least one paid 10 minute rest period during every 4 hours of labor.

**ARA Stance: Oppose as this places an unnecessary mandate on business owners chipping away at the privileges of a "right-to-work" state.**

## Alcohol Issues

*We feel it is the responsibility of the Legislature to ensure the money collected from Arizona's liquor licensed establishments be used to preserve the Arizona Department of Liquor Licenses and Control as they serve a vital function in Arizona's liquor industry.*

### H2444: LIQUOR DEPT; TRANSFER; DPS

Eliminates the Department of Liquor Licenses and Control and transfers authority and responsibility for the regulation of liquor in Arizona to the Department of Public Safety.

**ARA Stance: Oppose as it places all Title 4 jurisdiction including licensing and enforcement under the control of the Department of Public Safety.**

### H2143: DEPARTMENT OF LIQUOR LICENSES; CONTINUATION

The statutory life of the Dept of Liquor Licenses and Control is extended one year to July 1, 2011.

**ARA Stance: Support with the amendment that the length of continuation be expanded to 5 years.**

### S1301: LIQUOR; RESTAURANT LICENSES; INSURANCE REPORT

When a restaurant liquor licensee requests a renewal of its liquor license, it must also submit a copy of a report sent to the permittee's insurance carrier stating the percentage of gross revenue derived from the sale of spirituous liquor. Non-compliance will result in a civil penalty of not less than \$35.

**ARA Stance: Oppose as it places an unnecessary burden on restaurant operators when submitting an application for a renewal of a liquor license.**

## Immigration

*The ARA believes immigration needs to be addressed at the federal level with a comprehensive approach that strengthens the nation's national security, fosters a sustainable workforce, and does not impose onerous burdens or mandates on business owners.*

### H2531: UNAUTHORIZED ALIENS; IMMIGRATION LAWS; ENFORCEMENT

Officials, agencies, and personnel of the state, counties or municipalities are prohibited from enacting policies that limit the enforcement of federal immigration laws to the full extent permitted by federal law. For any legitimate contact made by government officials or personnel where reasonable suspicion exists, a

reasonable attempt shall be made to determine a person's immigration status. If the person is unlawfully present in the U.S., the person must be transferred to the custody of U.S. Immigration and Customs Enforcement or U.S. Border Protection. Also creates the crime of trespassing by illegal aliens, with a fine of at least \$500 for a first violation and at least \$1000 for subsequent violations.

**ARA Stance: Oppose as it creates a stronger immigration enforcement policies for the state and allows the enforcing officer/agency to use "reasonable" methods to determining immigration status.**

#### **H2532: UNAUTHORIZED ALIENS; LICENSING**

The state Attorney General or a county attorney is specifically authorized to take all legal steps to enforce the prohibition against employers hiring unauthorized aliens, including issuing subpoenas. An employer is not entrapped if the employer was "predisposed" to hire an illegal and law enforcement "merely provided the employer with an opportunity" to violate the law, or if law enforcement used a ruse or otherwise concealed their identity. If an employer gets a failed verification result from E-Verify, the employer is required to notify federal immigration officials and the county attorney. A violation is punishable by a civil penalty (amount is unspecified). An employer who does not use E-Verify to verify the immigration status of employees is not eligible for licensing in this state.

**ARA Stance: Oppose as it gives the Attorney General all power to find, enforce and process immigration violations including issuing subpoenas to attain employment records.**

#### **S1070: IMMIGRATION; LAW ENFORCEMENT; SAFE NEIGHBORHOODS**

Various measures related to illegal aliens. No governmental entity in the state may adopt a policy that limits or restricts enforcement of federal immigration law to the full extent permitted. In all contact by government employees with a person where "reasonable suspicion" exists that the person is an illegal alien, the person's immigration status must be verified. A person commits the crime (minimum class 1 misdemeanor) of trespassing by being in the U.S. illegally. A law enforcement officer is authorized to arrest, without warrant, any person the officer believes to be an illegal. It is a class one misdemeanor to stop on a public roadway or for a person to enter a vehicle stopped on a public roadway for the purpose of securing employment to perform work at a different location if the vehicle blocks or impedes the flow of traffic. It is a class one misdemeanor to transport or conceal an illegal alien. It is also illegal to induce an illegal to reside in this state. The state's employer sanctions law is modified to, among other things, authorize the county attorney to perform investigative functions (take evidence, issue subpoenas and order depositions) related to the law.

**ARA Stance: Oppose as it creates an opportunity for increasing state immigration enforcement efforts to the extent that if there is "reasonable suspicion" of someone's immigration status, that status must be verified.**