

## **State panel demands builders act as immigration cops**

St. Louis Post-Dispatch (Missouri)

November 17, 2007 Saturday, THIRD EDITION

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**Section:** NEWS; Pg. A9

**Length:** 560 words

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**Dateline:** JEFFERSON CITY

### **Body**

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A **state panel** voted Friday to crack down on illegal immigrants working at **state**-subsidized construction projects. But it once again delayed action on two O'Fallon projects that triggered the new policy.

The Missouri Housing Development Commission, by a unanimous vote, spelled out tough sanctions for developers who fail to verify that workers at their job sites are in the country legally.

Penalties range from minor fines to a lifetime ban from participating in **state** programs that award tax credits for the construction of housing projects.

The action was endorsed by several officials, including Gov. Matt Blunt, Lt. Gov. Peter Kinder, Attorney General Jay Nixon and Treasurer Sarah Steelman. All are members of the commission and had representatives vote for the new policy.

But critics say the new policy tramples federal **immigration** law and could force developers and contractors to violate privacy laws.

Jim Kistler, president of the Associated **Builders** and Contractors, Heart of America chapter, said his group supports **immigration** enforcement but believes it is a federal responsibility.

At issue is the degree to which developers and contractors can be required to verify **immigration** status, and under what circumstances federally required employment forms should be shared with the **state**.

The new policy requires federal I-9 forms, which authorize work eligibility, as well as 1099 tax forms, to be made available to the **state**. The American Civil Liberties Union has previously said those forms should not be used for that purpose, a concern now shared by contractors.

Pete Ramsel, executive director of the housing commission, said privacy concerns are addressed by ensuring that Social Security numbers are blacked out of the documents.

The new policy goes beyond federal **immigration** law, requiring contractors to not only gather work eligibility documents but also take steps to ensure the information is accurate.

The commission has focused for months on illegal **immigration** after two projects in O'Fallon were reported to have undocumented workers.

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Most recently, several commissioners have sought to withhold roughly \$1 million in federal and **state** tax credits from Hennessey Development. The Clayton company is suspected of hiring a subcontractor that used illegal labor at the Southernside development in O'Fallon.

But the commission has stopped short of imposing sanctions. That was the case again Friday, as the commission opted to wait until federal **immigration** investigations are completed before **acting**.

In a similar move, the commission took no definitive action on the O'Fallon Lakes project, where illegal workers were caught in 2006. The contractor in charge at the time is no longer with the project.

Gundaker Commercial Group, which was a minority partner in the project at the time of the arrests, has taken over and now wants an extra \$4.86 million in **state** tax credits to cover escalating costs.

Ramsel and the commission's staff praised the company for salvaging a half-finished project and rooting out illegal workers.

But Jeff Schaeperkoetter, who represented Nixon at the meeting, criticized the request for more money, calling it a bailout for a company that should have known the development had problems.

The commission fell one vote shy of approving the added tax credits. But it gave Gundaker another month to prove it needs the money.

## Classification

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**Language:** ENGLISH

**Publication-Type:** Newspaper

**Subject:** **IMMIGRATION** LAW (89%); GOVERNMENT GRANTS & SUBSIDIES (89%); ILLEGAL IMMIGRANTS (89%); **IMMIGRATION** (89%); TAXES & TAXATION (88%); EMBARGOES & SANCTIONS (87%); US **STATE** GOVERNMENT (74%); INVASION OF PRIVACY (74%); LOCAL & **STATE** TAXES (74%); SUBCONTRACTING (73%); FINES & PENALTIES (73%); FOREIGN LABOR (73%); HOUSING AUTHORITIES (73%); HUMAN RIGHTS ORGANIZATIONS (73%); PUBLIC HOUSING (73%); REAL ESTATE DEVELOPMENT (73%); SOCIAL SECURITY (72%); US SOCIAL SECURITY (72%); PRIVACY RIGHTS (68%); EXECUTIVES (63%)

**Organization:** ASSOCIATED **BUILDERS** & CONTRACTORS (56%); AMERICAN CIVIL LIBERTIES UNION (54%)

**Industry:** CONSTRUCTION (90%); RESIDENTIAL PROPERTY (88%); REAL ESTATE DEVELOPMENT (73%); HOUSING AUTHORITIES (73%); INFORMATION SECURITY & PRIVACY (68%)

**Person:** JAY NIXON (53%); MATT BLUNT (52%)

**Geographic:** MISSOURI, USA (79%); UNITED **STATES** (92%)

**Load-Date:** November 17, 2007

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