

*Via Hand Delivery*

September 6, 2011

Buddy Morgan  
Montgomery Water Works & Sanitary Sewer Board  
22 Bibb Street  
Montgomery, AL 36104-2503

**Implementation of Section 30 of HB 56 / Act 2011-535**

Dear Mr. Morgan:

I understand that the Montgomery Water Works and Sanitary Service Board (“MWWSSB”) recently implemented a new policy requiring all applicants for services to verify their US Citizen or immigration status. A copy of the new policy is attached as Exhibit 1. I am further aware that MWWSSB has denied services to applicants who did not produce the new documents required by this policy.

I am an attorney of record in the lawsuit of *Hispanic Interest Coalition of Alabama, et al. v. Governor Bentley, et al.*, Case No. 11-cv-02484, which is challenging HB 56 / Act 2011-535, the immigration law referenced in MWWSSB’s new policy. This lawsuit is pending in front of Judge Blackburn in the Northern District of Alabama. On August 29, 2011, Judge Blackburn temporarily enjoined HB 56 / Act 2011-535, and directed that the law “may not be executed or enforced.” A copy of that order is attached as Exhibit 2.

I therefore request that MWWSSB comply with Judge Blackburn’s order, immediately suspend its new immigration law policy, and inform its staff that it should stop enforcing this new policy. Please also provide me with written confirmation, by facsimile at 334-956-8481 or by email at [samuel.brooke@splcenter.org](mailto:samuel.brooke@splcenter.org), that MWWSSB will follow Judge Blackburn’s order.

Sincerely,



Sam Brooke  
Staff Attorney

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## Procedures for new services based on the new immigration law

Per Section 30, any person entering into a business transaction with the state or a political subdivision of the state shall be required to demonstrate his or her United State citizenship, or if he or she is an alien, his or her lawful presence in the United States.

The person applying for services must provide government issued documents such as a US State issued driver's license, US military identification, Social Security card or L issued VISA. Services will be denied if documentation is not provided.

### Reference:

Section 30. (a) For the purposes of this section, "business transaction" includes any transaction between a person and the state or a political subdivision of the state, including, but not limited to, applying for or renewing a motor vehicle license plate, applying for renewing a driver's license or nondriver identification card, or applying for or renewing a business license. "Business transaction" does not include applying for a marriage license.

(b) An alien not lawfully present in the United States shall not enter into or attempt to enter into a business transaction with the state or a political subdivision of the state and no person shall enter into a business transaction or attempt to enter into a business transaction on behalf of an alien not lawfully present in the United States.

(c) Any person entering into a business transaction or attempting to enter into a business transaction with this state or a political subdivision of this state shall be required to demonstrate his or her United States citizenship, or if he or she is an alien, his or her lawful presence in the United States to the person conducting the business transaction on behalf of this state or a political subdivision of this state. United States citizenship shall be demonstrated by presentation of one of the documents listed in Section 29(k). An alien's lawful presence in the United States shall be demonstrated by this state's or a political subdivision of this state's verification of the alien's lawful presence through the Systematic Alien Verification for Entitlements program operated by the Department of Homeland Security, or by other verification with the Department of Homeland Security pursuant to 8 U.S.C. § 1373(c).

(d) A violation of this section is a Class C felony.

(e) An agency of this state or a county, city, town, or other political subdivision of this state may not consider race, color, or national origin in the enforcement of this section except to the extent permitted by the United States Constitution or the Constitution of Alabama of 1901.

(f) In the enforcement of this section, an alien's immigration status shall be determined by verification of the alien's immigration status with the federal government pursuant to 8 U.S.C. § 1373(c). An official of this state or political subdivision of this state shall not attempt to independently make a final determination of whether an alien is lawfully present in the United States.

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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ALABAMA  
NORTHEASTERN DIVISION

HISPANIC INTEREST COALITION OF )  
ALABAMA; *et al.*, )

Plaintiffs, )

vs. )

ROBERT BENTLEY, in his official capacity )  
as Governor of the State of Alabama; *et al.*, )

Defendants. )

Case Number: 5:11-CV-2484-SLB

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RT. REV. HENRY N. PARSLEY, JR., in his )  
official capacity as Bishop of the Episcopal )  
Church in the Diocese of Alabama, *et al.*, )

Plaintiffs, )

vs. )

ROBERT BENTLEY, in his official capacity )  
as Governor of the State of Alabama, )

Defendants. )

Case Number: 5:11-CV-2736-SLB

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UNITED STATES OF AMERICA, )

Plaintiff )

vs. )

STATE OF ALABAMA; GOVERNOR )  
ROBERT J. BENTLEY, )

Defendants. )

Case Number: 2:11-CV-2746-SLB

ORDER

This matter comes before the court on the Motions for Preliminary Injunction filed in the above-referenced cases. The court having discussed with counsel its concerns regarding the limited time available to adequately address the numerous challenges to Act 2011-535 [H.B. 56] by the

effective date,<sup>1</sup> it is hereby **ORDERED** that Act 2011-535 [H.B. 56] is **TEMPORARILY ENJOINED**, and may not be executed or enforced. **In entering this order the court specifically notes that it is in no way addressing the merits of the motions.**

The court will issue detailed Memorandum Opinions and Orders ruling on the merits of the pending Motions for Preliminary Injunction no later than September 28, 2011. This temporary injunction shall remain in effect until September 29, 2011, or until the court enters its rulings, whichever comes first.

Done this 29th day of August, 2011.

*Sharon Lovelace Blackburn*

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SHARON LOVELACE BLACKBURN  
CHIEF UNITED STATES DISTRICT JUDGE

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<sup>1</sup>Absent an injunction, the majority of the provisions of Act 2011-535 [H.B. 56] are set to take effect on September 1, 2011.