



Alabama's new immigration law

No water or power for illegal immigrants

[By Eric Fleischauer](#)

Decatur Utilities now prohibits illegal immigrants from obtaining electric, gas, water or sewer service, an official said Friday.

Stephen Pirkle, DU business manager and chief financial officer, said DU previously required residents seeking utilities to provide identification, but their immigration status was not relevant.

“We did not document or confirm whether or not they were citizens or aliens here legally,” Pirkle said. “Because of the new law, we are now going through the process to confirm that they are either a citizen or an alien here legally.

“If not, we will deny them service.”

In seeking a ruling that the immigration law was unconstitutional, the U.S. Department of Justice claimed that Section 30 would prevent illegal immigrants from obtaining power and water service.

State Attorney General Luther Strange argued in a legal brief he filed in August that the Justice Department’s claim was “misinterpreting, or at least exaggerating” the requirements of the law.

“Its fear that Section 30 would prohibit such aliens from having running water or sewer services, for example, has little basis,” Strange wrote.

Section 30 makes it a felony for illegal immigrants to transact business with the state or its subdivisions.

In the brief, Strange said many utilities are not subdivisions of the state and not subject to Section 30.

Pirkle said DU began imposing the requirement in the last two weeks, but he is not aware that anyone has been denied service based on immigration status.

He said it is not always clear whether a person is an undocumented immigrant or simply failed to bring necessary identification to apply for service.

Pirkle said DU is only requiring documentation of legal immigrant status for individuals and partnerships beginning new service, adding an account to existing service or attempting to restore service after it has been shut off for nonpayment.

“If you’re already a customer and you already have service with us — and there’s no discontinuation of service — we don’t have to do anything,” Pirkle said.

Section 30 of the Beason-Hammon Alabama Taxpayer and Citizen Protection Act requires the state and its political subdivisions to confirm that individuals conducting “business transactions” — which the law defines to mean “any transaction” — are legally present in the United States.

The law makes it a felony for a legal resident to enter into a transaction with the state or its subdivisions on behalf of an undocumented immigrant.

State Rep. Micky Hammon, R-Decatur, the House sponsor of the law, applauded DU for taking the step.

“Our goal was to prevent any business transactions with any governments. It’s just an extension of the goal of the entire bill — to prevent illegal immigrants from coming to Alabama and to discourage those that are here from putting down roots,” Hammon said.

He said he is pleased with the results.

“It seems to be working,” Hammon said. “We’re seeing a lot of illegal immigrants self-deport.”

Hammon said legal residents also need to pay attention to the law.

Conspiracy clause

“We have a conspiracy clause in there,” Hammon said. “Anybody who assists illegal immigrants through any of these processes will also be guilty of a felony.”

In a September decision blocking enforcement of some portions of the law, federal District Judge Sharon Blackburn did not block Section 30. Blackburn said the language of the section was confusing, but she concluded the section at least applied to commercial contracts and licenses. She did not address whether the provision applied to utilities.

Barney Lovelace, a Decatur lawyer who gave a seminar on the immigration law Friday, said he believes both DU and Hartselle Utilities must require documentation of a customer’s immigration status.

“In my opinion, Decatur Utilities and Hartselle Utilities would be considered political subdivisions, as referenced in the act, and would be subject to Section 30,” Lovelace said.

DU’s decision to require the documentation was based on a legal opinion issued to Electric Cities of Alabama, a coalition of the state’s municipally owned electric utilities. Pirkle said DU did not consult with the state attorney general on the issue.

Other municipal utilities in the region include those in Athens, Courtland, Cullman, Huntsville, Russellville and Scottsboro. All are members of Electric Cities, and Pirkle said it was his

understanding that all Electric Cities members are now denying new or restored service to illegal immigrants.

Alabama's 36 municipal utilities serve a million customers, according to the Electric Cities website.

Same in Huntsville

Huntsville Utilities also has instituted a policy of denying service to illegal immigrants, said Bill Yell, its communications director. He said the utility serves about 164,000 customers.

If prospective customers lack the documents necessary to confirm authorized immigration status, "we can't give the service, by law," Yell said.

Representatives of Hartselle Utilities and Athens Utilities did not immediately return calls Friday.

DU plans to require documentation from U.S. citizens only once.

"They won't have to do that every time they transact business," Pirkle said. "For aliens who are here legally, we'll have to continue to verify on an ongoing basis, to make sure the reason they are here has not expired."

The human toll of the policy could be devastating, said Stephen Stetson, a policy analyst for Alabama Arise. He heard about DU's policy Saturday while listening to a radio station playing Christmas music.

"I'm listening to these songs about charity and compassion," Stetson said. "It struck me as a cruel and ironic policy as we head into the coldest months of the year."

Ripple effect?

He feared a ripple effect from the policy.

"People who have their power cut off are going to be among the most disadvantaged," he said. "It's kicking them when they are down."

He worried about the health ramifications of the policy and the impact it would have on immigrants' ability to care for their children, many of whom are U.S. citizens.

"Opponents of the law see it as self-evident that the element of human tragedy is a sign the law is defective. They need to remember the law's supporters see it differently," Stetson said. "It's designed to make life more difficult. By destroying households and families, it's doing that."