

TRANSCRIPT PREPARED BY THE CLERK OF THE LEGISLATURE
Transcriber's Office
FLOOR DEBATE

March 29, 2006 LB 239

Section 85-502 addresses residency requirements for tuition purposes only. We are not talking immigration. We are talking education and tuition. The bill does not rewrite federal immigration law, nor do I believe it conflicts with federal immigration law. In fact, it has no impact on immigration. The scope of this bill is very narrow, yet the benefits are great. It is about education, and education, of course, is the responsibility of the state. LB 239 does not take away from other students who wish to attend our universities and colleges. Rather, it levels the playing field for providing...or, by providing the same opportunity for every Nebraska graduate as long as an undocumented graduate provides to the college or university an affidavit stating that he or she will file an application to become a permanent resident as soon as he or she is eligible. What does this bill cost? This is not a full-ride scholarship or free education, or any...of any kind. This is education at the same price every other high school graduate pays. The fiscal note indicates that the impact will be minimal. In addition, although these students will be granted a certain tuition rate, the taxpayers of Nebraska will not be footing the bill for the illegals. Their parents pay taxes and contribute to the economy, just like anyone else. In fact, it is fair to say that this bill may even, in the long run, increase enrollments and, thus, revenues for our institutions of higher learning. Let me give you a little bit of historical background, and I think you all have the green copies on your desks now. I first learned of this issue and the importance of it when reading about the Texas legislature's passage of this law in 2001. Since then, eight other states have followed suit by enacting similar laws. It is important to recognize that those states are from across the political and geographical spectrum. They are, in order of enactment: Texas, of course; California; New York; Utah; Washington; Oklahoma; Illinois; Kansas; and New Mexico. This bill is a continuation of public policy initially addressed by the United States Supreme Court's decision in 1982. The court said in that case that states may not deny undocumented immigrants the right to a free public K-12 education on Fourteenth Amendment equal protection grounds. The court further found that to deny these children the right to attend public schools would punish them for acts of their parents, since the children had no choice in entering the United