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FLOOR DEBATE

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SENATOR FLOOD: Thank you, Mr. President and members. This is one of those issues, as a state senator, that's "heartwrenching" to think about and "heartwrenching" to make a decision on. And I represent a district that I think arguably has done one of the best jobs in the state of Nebraska bringing new cultures into a community, welcoming them into the community, providing services, and watching them grow into our community colleges, where they graduate and they buy homes and they have second generation families that are looking forward to a life in Nebraska in Madison County, and that...that's what makes this issue so difficult. What we have...and this is not about what your heart tells you to do, but what we have to do as state senators in relationship to the laws of the United States of America, and there is a distinction here. Currently in our state statute, it's Section 85-502: Rules and regulations established by the governing board of each state educational institution shall require, as a minimum, that a person shall not be deemed to have established a residence in this state for the purpose of this section unless, go to sub (5), it says, "Such person, if an alien, shall have established a home in Nebraska for a period of at least one hundred eighty days where he or she is habitually present with a bona fide intention to become a permanent resident alien of the United States and make this state his or her permanent residence, supported by documentary proof." We can do this right now. Our statute is written in a way that you can do this right now, but the federal law comes into play and it says in Section 505 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996, notwithstanding any other provisions of law--and this is federal law--an alien who is not lawfully present in the United States shall not be eligible, on the basis of residence within a state or political subdivision, for any postsecondary education benefit unless a citizen or national of the United States is eligible for such benefit without regard to whether the citizen or national is such a resident. That is very troubling. When we took our oath to serve the citizens of the state of Nebraska, we said we would uphold two constitutions--the United States Constitution and the Nebraska State Constitution. And in Article VI of U.S. Constitution it says: This constitution, and the laws of the United States which shall be made in pursuance thereof, and