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FLOOR DEBATE

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SENATOR CUDABACK: Thank you, Senator Johnson. Senator Wehrbein, followed by Senator Combs.

SENATOR WEHRBEIN: Thank you, Mr. President, members of the body. I'm going to be very brief because I don't want to repeat all the things...good things that have been said. I've had a lot of mail against this, as probably many of you have, but I just want to say that we...and as many of you have recognized, the landscape is changing in Nebraska. It's going to change a lot more in the future, and I think we have to recognize that and react accordingly. In other words, we've got to be realistic. The other thing is, several are saying it's going to take slots away from the education capabilities in our colleges and universities across the state, and even though that may be a problem in the far future, it certainly is not a problem at this point as we are at a fairly low level of concentration or of having students. And so there may be a problem in...a long ways in the future, but as of now there's not going to be any slots taken away from people that are going to college now or will be going in the near future. So with that, I'd like to give the remaining time to Senator Schimek, Mr. Speaker.

SENATOR CUDABACK: Senator Schimek.

SENATOR SCHIMEK: Yes, thank you, Mr. President and members. I rise not in my capacity as an attorney but as a layperson, and will try to explain to you why I think Senator Flood is wrong about what he just stated. There's actually two different parts of federal law that apply here, and the first one is 8 U.S.C. 1621d, and it states, a state may provide that an alien who is not lawfully present in the United States is eligible for any state for local public benefits for which such alien would otherwise be ineligible under section (a) of this section only through the enactment of a state law after August 22, 1996, which affirmatively provides for such eligibility. So they said right in federal law that we could do that affirmatively, and we should if we wanted to. LB 239 would clearly meet these requirements. Then U.S.C. 1623 states, and this is what I think Senator Flood was reading: Notwithstanding any other provision of law, an alien who is not lawfully present in the United