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

April 11, 2006 LB 239

8 U.S.C. 1623, and this is the language that tends to be the focus of our discussion, and that is whether or not a state, under federal law, has the ability to provide an opportunity to those students who are residents here, or whether or not the Congress intended that the benefit be provided to all Americans before it be provided to those who may be residing in our state as undocumented individuals. The argument that is used against that is the opinion of an attorney from Kansas that is promoting the law of Kansas, and you can go through the process and read the logic, and I believe that this is accurate as I've taken it from their opinion of their attorney, paid to represent those who would support a broad interpretation of federal law. It is inconceivable that a state would...and I'm sorry, this is quoting that opinion: It is inconceivable that a state would grant in-state tuition benefits to a single undocumented student if it meant that that ... if it meant that such would strip its basic residency provision of any meeting...of any meaning, excuse me. No state would grant an undocumented student in-state residency benefits if it meant that anyone in America could claim those same benefits, end quote. The interesting thing about this process is that we have a legislative record, and I think it's important for those of us that have served here, as well as those that will follow us, to look to what that record might be on issues, where there is question on the interpretation of the language. I have had an opportunity to see the Congressional Record that was before the House and the Senate Conference Committee on the Immigration Reform Act of The language from the Conference Committee says that the House recedes from its disagreement to the amendment of the Senate, and agree to the same with an amendment as follows, and the language in the Congressional Record from the House on September 24, 1996, outlines the new language. In that language includes Section 507, which is a section that says, in general, notwithstanding any other provision of law, an alien who is not lawfully present in the United States shall not be eligible, on basis of residence within the state or a political subdivision, for any postsecondary education benefit unless a citizen or national of the United States is eligible for such benefit, in no less amount, duration and scope, without regard to whether the citizen or national is such a resident. Again, the advocates for LB 239 and the advocates for the Kansas law