

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

April 13, 2006 LB 239

bring their voice forward and to help us make good decisions. But the real high point for me is when we can act on behalf of a group that doesn't have a voice, that doesn't have a fleet of lobbyists, that doesn't belong to an organization. We're acting on behalf of children who have graduated from our high schools. And I think that's probably the most important thing we can do here, and the thing that I believe is why we're here. Surely, we can work with all these organized groups and with the lobbyists and it's a good and fulfilling experience. But the real fulfillment is in doing the right thing for the people who don't have a voice here. We are the only ones who can be their voice and I urge you to override the veto.

SENATOR CUDABACK: Thank you, Senator Thompson. Further discussion on motion to override? Senator Schimek, there are no lights on. The Chair recognizes you to close on your motion to override the Governor's veto.

SENATOR SCHIMEK: You've all done this to me, you know. I'm very proud of being a member of this Legislature, and I appreciate everything that was said here today. I would like to respond to one issue that just keeps coming up, and you know, I think it's a side issue. I think it's a bogus issue in a lot of ways, because nine states have passed legislation exactly like this. And I know that the Kansas Attorney General has already defended their law in court successfully so far. But I remember that the Attorney General in Utah had issued an informal opinion in 2002 or whenever it was that Utah passed their law. And his informal opinion was that even though their law said that implementation would be dependent on the DREAM Act that they could go ahead and implement it anyway, and he went through all the reasons. Well, I went back and looked at that and discovered that the Attorney General of Utah had actually in 2006 issued a formal opinion, and I want to read to you just a couple of paragraphs from that opinion because I think it solidifies what some of us have been trying to say. He says: Therefore, for two separate reasons, either one of which represents a valid exception to the federal statutes, Utah's tuition law does not violate 8 USC Code 1623(d). First, high school attendance and graduation are not tied to residency requirements, so the eligibility for the exemption from resident