

MINUTES OF THE SENATE EDUCATION COMMITTEE.

The meeting was called to order by Chairperson Senator Dwayne Umbarger at 1:36 p.m. on March 20, 2003 in Room 123-S of the Capitol.

All members were present except:

Committee staff present: Kathie Sparks, Legislative Research
Theresa Kiernan, Revisor of Statutes
Judy Steinlicht, Secretary

Conferees appearing before the committee: Susan Tully, Mid-West Director, Federation for American Immigration Reform
Carlos Urquilla, KU Law Student
John Ybarra, KS Advisory Committee on Hispanic Affairs

Others attending: See attached list

HB2145–Postsecondary educational institutions, resident tuition and fees for certain non citizen students

Susan Tully, Mid-West Director, Federation for American Immigration Reform (FAIR) testified in opposition of **HB2145**. FAIR believes that **HB2145** would provide in-state tuition for aliens who have violated federal immigration laws. Susan stated that Attorney Generals from several states have advised that such action would violate federal law, but litigation has yet to be initiated. FAIR does not believe this bill is sound policy. FAIR believes that allowing illegal immigrants into Kansas colleges would deny legal resident students entrance and it would cost the taxpayers approximately \$11,000 for each illegal immigrant allowed into a Kansas college paying in-state tuition rates. FAIR believes **HB2145** would directly violate Federal law in that Federal law prohibits states or their political subdivisions from providing in-state tuition to illegal aliens without also granting the same preferential treatment to all U.S. citizens, regardless of their resident status under state law. FAIR believes the bill constitutes an illegal alien tuition scheme that would violate federal criminal statutes prohibiting the encouragement or inducement of illegal aliens to reside in the U.S., they believe the bill forms an unconstitutional regulation of immigration that is preempted by the Supremacy Clause , and they believe the bill violates federal law regulating the admission, attendance and public support of aliens for study at institutions of higher education. (Attachment 1)

Carlos Armando Urquilla-Diaz, KU Law Student offered testimony in support of **HB2145**. Carlos shared his life story, leaving ElSalvador in 1984 at the age of 14 to avoid being forced into the Salvadorian Army to fight a war he did not understand. He went to school in California and in 1986, California passed a law that allowed him to get a driver's license. This allowed him to work and pay his bills while finishing high school. He was accepted by UCLA and San Diego State University until they found out he was not legal and he was denied entrance into college. In 1990, he received a "green card", joined the Army and served in Desert Storm receiving medals for his service and an honorable discharge. Carlos then joined the Kansas Army National Guard and finally had the opportunity to attend college. He earned his baccalaureate degree in 32 months in 1996 and his masters degree in 1998. He was the Associate Dean of Highland College for 2 years, then Academic Dean of Brown Mackie College in Salina. He was called to active duty as a result of September 11 and his battalion was sent on an overseas mission. Upon his return to Kansas, he was promoted to 1st Lt. in the National Guard, he is the Executive Officer for C Co. 1-137 IN, and he is now a first year law student at Kansas University.

Carlos believes FAIR is incorrect in its statements. The bill is based on graduation from a high school in Kansas or GED credentials, it is not based on residence in Kansas; the bill would not induce immigrants to come to the U.S., they have been coming here for years; the bill is not unconstitutional because it does not regulate the legal immigrant status of undocumented students; this is not an immigration bill, but an education bill; the equal protection law would apply if somehow U.S. citizens and legal residents would be denied equal access to higher education. This bill would not do that. Kansas would not be subsidizing violations of the law because these undocumented students have not committed a crime; they were

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brought here by their parents to give them a better life. Kansas would not educate these undocumented students over their own as they would have to meet all required standards of admissions as everyone else does. Carlos stated that he took an oath 13 years ago to defend this country. This bill is not about a threat to this state or this country. It is about education and progress. (Attachment 2)

John Ybarra, KS Advisory Committee on Hispanic Affairs, (KACHA) spoke in favor of **HB2145**. One of KACHA's main goals is to reduce the Hispanic high school drop-out rate and to motivate Hispanic students to attend academic institutions beyond high school. He finds the Hispanic youth inspiring and resilient. They have overcome challenges of adjusting to a new culture and to learn the English language, while facing racism and discrimination. They have worked hard and many have become class presidents, church and civic group leaders, community volunteers, and are good role models. They are denied a college education. They are not asking for a free ride, just an opportunity to further their education. (Attachment 3)

Written testimony was distributed from Barb Thompson, Kansas Families United for Public Education, Johnson County (Attachment 4); Melinda Lewis, ElCentro, Kansas City (Attachment 5); Janis McMillen, The MAINstream Coalition, MAINstream Education Foundation (Attachment 6); Mike Farmer, Kansas Catholic Conference (Attachment 7); all proponents of **HB2145** and Donna Methe, Concerned Citizen (Attachment 8); as an opponent of **HB2145**.

Meeting was adjourned 2:37 p.m. The next meeting is scheduled for March 24, 2003 at 1:30 p.m. at Room 123S.