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CONNECTICUT
GENERAL ASSEMBLY
HOUSE

PROCEEDINGS
2011

VOL.54
PART 9
2762 – 3112

Those voting Yea: 130

Those voting Nay: 0

Those absent or not voting: 21

SPEAKER DONOVAN:

The bill as amended is passed.

Will the Clerk please call Calendar number 207.

THE CLERK:

On page 11, Calendar 207, substitute for House Bill Number 6390, AN ACT CONCERNING ACCESS TO POST SECONDARY EDUCATION, favorable report of the Committee on Higher Education.

SPEAKER DONOVAN:

Vice chairman of Higher Education, Representative Juan Candelaria.

REP. CANDELARIA (95th):

Thank you, Mr. Speaker. Mr. Speaker, I move for acceptance of the Joint Committee's favorable report and passage of the bill.

SPEAKER DONOVAN:

The question is on acceptance of the Joint Committee's favorable report and passage of the bill.

Will you remark?

REP. CANDELARIA (95th):

Thank you, Mr. Speaker.

Mr. Speaker, this bill extends in-state tuition benefits to post secondary students without legal immigration status who reside in Connecticut and meet the following criteria.

First, they have to reside in Connecticut, attend any educational institution in the state and complete at least four years of high school here. Graduate from high school in Connecticut and register as an entering student or is currently a student at UConn, a Connecticut state university or a community technical college, as well as Charter Oak.

People without legal immigration status who meet these criteria that I have outlined must file an affidavit with the college stating that they have applied to legalize their immigration status or will do so as soon as they're eligible to do so.

This bill is for those undocumented children whose parents brought them to our country without proper documentation and no fault of their own. Who have lived most of their lives in this country, in our state. They are our neighbors, friends, our gardeners or maybe our favorite cook at some of our restaurants.

These are some of the many that have been contributors to our growing economy. There is no

social benefit for charging these students higher tuition since a better educated population puts Connecticut in an advantage to other states, and has a positive long term impact on our state's economy, strength and competitiveness.

Students who obtain college degrees in Connecticut are more likely to stay in the state and pay taxes. We currently have ten states that have passed similar legislation, California, Illinois, Kansas, Nebraska, New Mexico, New York, Texas, Utah, Washington and Wisconsin. And as of yesterday, we can add to the state, the state of Maryland.

In-state tuition law has enjoyed a strong bipartisan support in many of these states. These states realize that conversely denying a qualified student effective access to higher education imposes a lifelong disadvantage on that individual and deprives the state of that resident's intellectual capital. These states understands the importance of having an educated workforce and the impact it has on the economy, especially their state's economy.

Maryland understands that educating their children is especially important as sharp increases in the educational attainment of America's global

economic competitors will impact the working sector of Maryland. A majority of the fastest growing industries in the United States demand a more skilled, better educated workforce.

Leading projections in California, for instance, anticipate a shortage of skilled labor by 2025. Connecticut should join the list of states that understand the long term economic impact of such legislation.

Let's ask ourselves a question. If Congress had wanted to ban illegal immigration from receiving in-state tuition, they could have easily done so. But with Federal law, 8 USC 1621, it gives the states the right to provide in-state tuition through the enactment of state law. And that happened after August 22 in 1996.

These children come from low income families. Many of them cannot take advantage of state of federal financial assistance because of their illegal status. This bill does not change that reality. It merely provides them the affordable opportunity to an education at an in-state rate.

For these children, having to bear the cost of out-of-state tuition means that the opportunity for college is impossible.

Mr. Speaker, with that. I move for its adoption.

SPEAKER DONOVAN:

Remark further on the bill. Remark further on the bill.

Representative Tim LeGeyt.

REP. LEGEYT (17th):

Thank you, Mr. Speaker. Good afternoon to you.

SPEAKER DONOVAN:

Good afternoon, sir.

REP. LEGEYT (17th):

Mr. Speaker, I rise today to speak about the bill before us and uh, like Representative Candelaria, I was there for the public hearing and the discussion about this bill in committee. And clearly this is a very sensitive and, many times, emotional issue for families in Connecticut who have children who are -- uh, do not have legal immigration status through no fault of their own.

Uh, and in the public hearing there were quite a few people present who made comments and expressed concerns about this situation that exists. But

frankly, I think that the bill is unclear in its name. This is not a bill about access to post secondary education. It is simply a bill about the cost of post secondary education.

I have a few questions to the proponent of the bill, if you would, Mr. Speaker.

SPEAKER DONOVAN:

Please proceed, sir.

REP. LEGEYT (17th):

Through you to the honorable vice chair of the Higher Education Committee, is it true that undocumented residents are technically not allowed to work legally in Connecticut? Through you.

SPEAKER DONOVAN:

Representative Candelaria.

REP. CANDELARIA (95th):

Mr. Speaker, that's not part of the bill. But the gentleman is correct.

SPEAKER DONOVAN:

Representative LeGeyt.

REP. LEGEYT (17th):

The reason I asked that question, Mr. Speaker, is because part of the argument for this bill is that there's going to be a benefit to the state through the

allowance of these students to have access to a reduced cost to their college education and as a result, they will then turn around and contribute to the economy of our state.

And that is uh, problematic because technically, they don't have the authority to work legally in our state after they've gotten their college degree.

Another question for the proponent, are the uh, these students without legal immigration status, are they being denied the ability to apply and attend college in Connecticut? Through you, Mr. Speaker.

SPEAKER DONOVAN:

Representative Candelaria.

REP. CANDELARIA (95th):

Through you, Mr. Speaker, they're not. Actually, any resident can apply. Through you, Mr. Speaker.

SPEAKER DONOVAN:

Representative LeGeyt.

REP. LEGEYT (17th):

Thank you, Mr. Speaker, and therefore, with that answer, I maintain that this is not about access to post secondary education. That we presently in our state do not restrict the opportunity for someone to

apply to a college, junior college, technical college, community college.

SPEAKER DONOVAN:

Representative Candelaria. Sorry. Sorry, Tim.

REP. LEGEYT (17th):

Mr. Speaker, another question.

SPEAKER DONOVAN:

Please proceed, sir.

REP. LEGEYT (17th):

Are undocumented residents being denied the ability to receive scholarships? Through you.

SPEAKER DONOVAN:

Representative Candelaria.

REP. CANDELARIA (95th):

Through you, Mr. Speaker. It is my understanding that if the scholarship is being provided by a private institution that they can apply. Through you, Mr. Speaker.

SPEAKER DONOVAN:

Representative LeGeyt.

REP. LEGEYT (17th):

Thank you, Mr. Speaker, and so this uh, this access to post secondary education is further benefited by the opportunity for students without

legal immigration status to apply for certain scholarships, and thereby enrich and make it easier for them to attend college.

Another question to the proponent, please. Are undocumented residents being denied the ability to apply for financial aid? Through you, Mr. Speaker.

SPEAKER DONOVAN:

Representative Candelaria.

REP. CANDELARIA (95th):

Through you, Mr. Speaker, yes. Undocumented cannot apply for state or federal financial aid. Through you, Mr. Speaker.

SPEAKER DONOVAN:

Representative LeGeyt.

REP. LEGEYT (17th):

Thank you, Mr. Speaker. Perhaps on that answer we might disagree. I understand that, uh, uh, that uh, residents without legal immigration status cannot apply for federal financial aid, but it's my understanding that state programs are available to them. So we have a situation where -- we have a situation where students with -- without legal immigration status are not restricted in their opportunity to apply to college, they're not

restricted in their ability to receive scholarships, they're not restricted completely from applying for financial aid. And these are some of the benefits that give them access to post secondary education.

Another question to the proponent, if you would. Mr. Speaker, through you, I'd like the honorable chair -- vice chair of the Higher Education Committee to comment on how he balances the fairness of providing a benefit at tax payer expense to students whose resident status in Connecticut is undocumented?

SPEAKER DONOVAN:

Representative Candelaria.

REP. CANDELARIA (95th):

Through you, Mr. Speaker. As OFA has stated in their fiscal report, there is no fiscal impact on this bill. So there is actually no cost to the tax payers of Connecticut. Through you, Mr. Speaker.

SPEAKER DONOVAN:

Representative LeGeyt.

REP. LEGEYT (17th):

Thank you, Mr. Speaker. I appreciate that answer.

I maintain that there are taxpayer expenses, nonetheless, that will be incurred by allowing

students without legal immigration status to attend college in Connecticut.

Another question. Would the good Representative respond -- comment on how he perceives the balance of fairness of providing this benefit to undocumented residents at the expense of documented and legal residents in the state of Connecticut who are also applying to college?

SPEAKER DONOVAN:

Representative Candelaria.

REP. CANDELARIA (95th):

Through you, Mr. Speaker. The impact will not be to those who are legal in the state, Mr. Speaker, um, through you.

SPEAKER DONOVAN:

Representative LeGeyt.

REP. LEGEYT (17th):

Uh, thank you, Mr. Speaker. I'm not sure I heard the whole answer from the good Representative.

SPEAKER DONOVAN:

Representative Candelaria.

REP. CANDELARIA (95th):

Mr. Speaker, as I was saying, there is -- some of these colleges, especially in the community colleges,

there is an open enrollment process and there are slots available. Through you, Mr. Speaker.

SPEAKER DONOVAN:

Representative LeGeyt.

REP. LEGEYT (17th):

Thank you, Mr. Speaker and I appreciate that answer.

And while that may be the case and uh, that there are slots available that would not preclude legal residents in the same situation from having the opportunity to go to college in Connecticut, I think that the focus of this bill is really on UConn. And the fact that students who want to go to UConn benefit from a significant savings if they are -- if they are allowed to have in-state tuition.

The concern about that is that UConn, of course, is full and overflowing with applicants and sometimes four, five, six, seven times as many applicants as they have room for. So if we are to allow this bill to become law and allow students without legal immigration status to apply and get in-state tuition then conceivably that could bump some of the legal residents who have applied and would want to be going

to UConn as well. I think that's a consideration we can't overlook and can't ignore.

Mr. Speaker, in the bill before us, there are -- the new language is Section 9. And I have some questions about that for the proponent of the bill, if you would.

The bill says that there -- that someone who wants to take advantage of this if it passes, uh, needs to have four years of high school in Connecticut and graduate from a high school in Connecticut. What would the proponent of the bill think about a student who -- without legal immigration status -- who has four years of high school in Connecticut but instead for one reason or another gets his or her GED? Would that qualify?

SPEAKER DONOVAN:

Representative Candelaria.

REP. CANDELARIA (95th):

Through you, Mr. Speaker, yes, my understanding is they would qualify under this bill.

SPEAKER DONOVAN:

Representative LeGeyt.

REP. LEGEYT (17th):

Thank you, Mr. Speaker. I don't -- I don't read the language of the bill as allowing that to occur. And absent other considerations, I think that that would be a, uh, problem for someone in that situation.

Mr. Speaker, another question. How about someone who graduates in three years? Some students do that. They are able to complete their high school requirements in three years and the bill requires four. As a matter of fact, there was someone, a student recently in the news who completed their high school in three years and, uh, and, uh, is a student without legal immigration status. Uh, how would the good Representative think that that situation would -- would that allow that person to take advantage of this bill or not? Through you.

SPEAKER DONOVAN:

Representative Candelaria.

REP. CANDELARIA (95th):

Through you, Mr. Speaker. To answer my -- my -- my friend's question, uh, no. They have to attend four years, so three years would not qualify. Through you, Mr. Speaker.

SPEAKER DONOVAN:

Representative LeGeyt.

REP. LEGEYT (17th):

Thank you, Mr. Speaker, appreciate that answer.

How about someone who graduates early or comes in late, halfway through the freshman year, does the good Representative understand the wording about four years of high school level education to mean four calendar years or four academic years? Through you, Mr. Speaker.

SPEAKER DONOVAN:

Representative Candelaria.

REP. CANDELARIA (95th):

Through you, Mr. Speaker, my understanding is actually four calendar years. Through you.

SPEAKER DONOVAN:

Representative LeGeyt.

REP. LEGEYT (17th):

Thank you, Mr. Speaker, appreciate that answer. That would be problematic then for someone who for some reason was out-of-state for the first half of their freshman year and came in late but nonetheless was able to graduate in four years, academic years, uh, but didn't spend four calendar years going to high school in Connecticut.

Another question. Someone who has gaps in their residency. For instance, someone who spends six months out of the year with their noncustodial parent in another state and somehow manages to fulfill the academic requirements of four years in high school. How would that uh, through you, how would that, uh, uh, affect their qualifying for in-state tuition under this bill?

SPEAKER DONOVAN:

Representative Candelaria.

REP. CANDELARIA (95th):

Through you, Mr. Speaker, they would not be eligible.

SPEAKER DONOVAN:

Representative LeGeyt.

REP. LEGEYT (17th):

Thank you. Mr. Speaker, Connecticut provides wonderful benefits for students without legal immigration status. A K through 12 education being the foremost and most valuable. They have the opportunity to apply, attend, qualify for aid and attain a degree at a post secondary institution even though, legally, they may not be able to use the benefits of that degree or education working in

Connecticut without resolving their legal immigration status. And I think this bill creates an unjustified loop hole.

If we take the emotion out and uh, emotion is certainly, uh, a significant part of what this bill is about because if you had had the opportunity to be at the public hearing as I did, all of the people who came, save a couple, were genuine, sincere, appreciative of what the state has done for them, law abiding, wonderful, great potential in those young people who came and many of them spoke eloquently and from positions of accomplishment. And there were some who expressed those same characteristics and said to us, "You know, I was able to find my way without the benefits of in-state tuition and I don't think that it's a proper thing to do." So it was not a unanimous group in favor of this bill that came before us.

When we voted this bill out of committee it only survived out of committee by the narrow margin of one vote. One vote would have caused a tie and then this bill would have taken a different route to get here. I certainly don't think that we're talking about a mandate here. I certainly don't think that we have a huge consensus in favor of doing this and I would

maintain that given all the benefits that this state provides for students without legal immigration status that this step of allowing them to receive in-state tuition would be more than we should do at this point.

Thank you, Mr. Speaker.

SPEAKER DONOVAN:

Thank you, Representative.

Representative Pam Sawyer of the 55th district.

REP. SAWYER (55th):

Good afternoon, Mr. Speaker.

SPEAKER DONOVAN:

Good afternoon, Representative.

REP. SAWYER (55th):

We often get contacted by our constituency on different bills and oftentimes we'll get a sort of what we call a boiler plate "Please don't support this because" and "Please support this other bill because" and the language will be the same. And that's sort of the beauty of emails these days is you can cut and paste and you can send things along.

And as legislators, I think, across the room, we know to look through our emails and we pick out those that have a personal story to them, we pick out those

that have been carefully and thoughtfully written by the sender, and it's original.

In the case of this particular bill where we are looking at access to higher education by people who are not -- not legal citizens of the state nor the country, the ones that I have picked out as -- picked up on and have read very carefully have been those that have been written and had a personal story to them.

And interestingly, the ones that jumped out at me -- and I got repeated ones, were from families who had come to this country and had gained legal citizenship. So you read the story, very usually, very usually a story filled with passion. A story where they have left their homeland, they have come to this country and have a significant pride in becoming an American citizen. And that family tells a story, then, of their child, and sometimes the first in their family to be accepted and to go to college. Or the family that's come here and has gained legal status and the child, their dream for their child is to go to college here legally. Those are the stories that caught my eye and have for the last three years.

I had been ranking member on Higher Education and so I attended, certainly, the public hearings as the ranking member and sat through the entire one. I sat through forums on this particular issue, forums that had many students who came who were very bright and very energetic and who didn't really want to admit that they did not have legal status. And I looked into their eyes, also.

But the story that comes to me and is so very powerful that was repeated over and over again from not just my constituency, but across the state was that of those people who had come and gotten legal status for themselves and their families. And they begged me to vote no on this bill.

So I had to weigh that with what I know from the facts of what is going on in our colleges today. And I'm going to talk just about UConn right now. Others will talk about the other colleges, but I'm going to focus particularly on UConn.

I'm the very proud mom of now two graduates from UConn. And what we know is that it has gained in its status across the country. US News and World Report has put it up as one of the -- in the top 20 universities, public universities in country. UConn's

worked very hard, obviously athletically, we know that we have that great athletic pride, but we also know that scientifically, scholastically and ethnically, this university has worked very hard to put itself forward in the public eye and certainly as the flagship university for us in Connecticut. How often we love to wear our UConn memorabilia, we love to wear the fleece or the hat that says UConn. And it's a great source of pride when we go across the country for traveling.

So what's happened? Well, UConn has really put in over the last 20 years with our help in the Legislature and the tax payers of Connecticut a lot of effort to improve their facilities, a lot of effort to expand and make now a remarkable faculty across UConn's undergraduate and graduate program. From its medical school, its dental school, its school of pharmacy, its school of nursing, its school of engineering, school of business, and then if I don't give -- I'd better stop there before I get myself in trouble because I won't mention the right one -- whether it's the school of arts -- we can go right down the list -- have made themselves a name, an international name, and have expanded with this fame

and with our support and the support across the state, their freshman class.

Currently, they have about 3200 in each of their freshman classes in the last few years. And of those 3,000 only 2000 -- we'll run it up to 3,000 - 2,000 are for in-state tuition. And this is where the plot thickens. We have 2,000 seats. 1,000, the remaining, 1,000 for out-of-state students. UConn has had a phenomenal increase in the number of applicants for those 2,000 seats, in-state tuition.

Now, overall, in the past four years, we've seen it go from 18,000 who applied for these seats, these freshman seats, and it has climbed and climbed and climbed where last year, there was 22,000 people who wanted to come to UConn for those seats. So it's highly competitive and this year, UConn went to a common application form, which is not very, very popular amongst young people and older people when they're applying to college. It makes it easier and you can apply to multiple colleges with this one form. How great is that? So what do you think -- what do you think the increase is, then, on the application -- on the people who want to come to UConn? It's up to 28,000. 28,000 applicants.

We've heard in these hearings the people who came here illegally who wanted the best for their children, who wanted to send their children to school in-state tuition. Those people who came here legally and their fear is that seats will be lost in their eyes to people who are not here legally.

The competition, as I just described is very, very intense. And we've heard in the public testimony, well, you know, how many people do we think that there is that would like this in-state tuition. We don't know. It could be up to 200 students. So how do we say to that student whose family has worked so hard to get them to where they are today, they are legal, they have applied to UConn, that they might lose a seat that they would qualify for to a student who is not here legally? How do we say that?

To me that's where the question lies. It's not about not wanting to educate everyone. If we could, we'd open the doors to everyone. But we know that there are financial considerations. And all we have to do is now look at that budget that's being struggled with right now, from what we've passed to what the Governor's trying to do. And we're looking at significant cuts. And if the Governor's Plan B

right now is significant cuts happen, the UConn faculty will be decimated if the worst case scenario happens. And if you don't think then the competition for these seats isn't going to be even more intense, you need to sit down and just look at some of this math.

Does it come down to fairness? Does it come down to a point of law? Does it come down to the passion and the emotion? Perhaps all three. But I think we have to very carefully go back and look at the number of seats that we have, the rule of law and what is the right thing to do for those students that are here legally and are applying to our flagship university so that they may get the education that they have worked so hard to get.

Thank you, Mr. Speaker.

(Deputy Speaker Aresimowicz in the Chair.)

SPEAKER ARESIMOWICZ:

Thank you very much, Madam.

Representative Noujaim of the 74th, you have the floor, sir.

REP. NOUJAIM (74th):

Thank you, Mr. Speaker. Good afternoon, Mr. Speaker.

SPEAKER ARESIMOWICZ:

Good afternoon, Representative.

REP. NOUJAIM (74th):

It seems to me that I saw just a very few short hours ago, Mr. Speaker, here we are again.

SPEAKER ARESIMOWICZ:

Welcome back, sir.

REP. NOUJAIM (74th):

Thank you, sir, same to you.

Mr. Speaker, Representative Sawyer was just talking about the story. She heard so many stories. The proponent of the bill, my dear friend, Representative Candelaria, also spoke about stories.

Well, I have a story. And sometimes, Mr. Speaker, I look at my story and reflect on it as sometimes in sadness, sometimes pride, and sometimes with a great deal of humility. Because it may come as a surprise to some people right here, my colleagues, I am an immigrant. I am an immigrant and I look around and I see that many of my colleagues on this side of the aisle, on this side of the aisle are immigrants.

The proponent of this bill, just like me, is an immigrant. And we came to this country.

To me, Mr. Speaker, my story is one of the most blessed day of my life, July 16, 1971.

July 16, 1971, I landed at the Kennedy Airport, did not speak a word of English. Well, no, I take it back, I spoke two words of English. I knew how to say "thank you." And somehow I found my way to Connecticut.

I started working at a textile mill on Mill Street in Waterbury, called Fleischer Finishing in Representative Aldarando's district. It was an unbelievable struggle. We were in a basement and in the afternoon the temperature would get to 104 degrees.

I remember, Mr. Speaker, one time I had my lunch in a lunch box. Put my lunch box in the closet, in the cabinet. At lunchtime I opened it up, there was dust on my sandwich that was in a plastic bag. That were the conditions.

I decided I want to do something different, something better for myself. I enrolled to what was then called junior college, what is now post university, right in Waterbury. No one came to me and

said, "I want to give you a break." I became the janitor of the school. Between classes on work-study program. I wanted to earn more money. I started cleaning the (inaudible) Museum at 4 o'clock in the morning before I go to school, before I go to classes.

And I can tell you one experience after experience, and then I got a job at the Sears gas station in Waterbury, where, in the middle of the night, there was no self serve then. Back then, it was, you pump the gas, you check the oil, you clean the windshield and if need be, put in fluid, also and the windshield wiper fluids. All of these things you were expected to do back then, in the middle of the night, under the snow, under different conditions. Very, very bad weather conditions.

No one came to me and said, "I'm going to allow you to go free to school or pay less than what you should be paying." I paid for my education. I paid for my schooling. I did what I was supposed to do in order for me to be here in this prestigious place, with prestigious and honorable people. I did what I had to do.

Mr. Speaker, I applied for citizenship. I had to dunk my fingers in ink, get my fingerprints, and I

drove to Hartford numerous times to apply for citizenship. I paid my fees. I waited my turn. I was interviewed. And then I was sworn in to become an American citizen.

During the swearing ceremony, the judge looked at me and he said, "If a war broke out today between the United States of America and Lebanon which side would you fight on?" I looked him in the eye and I said, "Your Honor, I am an American citizen." That's what I had to do to become an American citizen. That's what I had to do in order for me to get here and to be elected with this wonderful body and with this honorable body.

It was a struggle. It was a true struggle. But if I did not struggle the way I struggled, I would not be here. And no one offered me, no one offered me tuition break. I had to work for every single penny I earned.

So here we are right now saying that we are going to offer students -- and I know they -- it was not the fault of their own. I understand that. I know that. We're saying we are going to offer them an opportunity that someone had to work very, very hard to accomplish. That's what we are saying in here. And I

don't know how right and how fair it is just to hand somebody something without working for it.

July 16, 1971, was probably the best days of my life. I came to this country. And I say thank God for this country, the wonderful land of opportunity that allowed me to be able to get to where I am today, right here, debating a bill as a member of the General Assembly.

But I had to work for it. Nothing was handed to me. Nothing to was handed to me. And Mr. Speaker, having said that, the Clerk has an amendment, LCO number 6226, would you please ask the Clerk to call it and be allowed to summarize?

SPEAKER ARESIMOWICZ:

Will the Clerk please call LCO Number 6226, which will be designated House Amendment Schedule "A."

THE CLERK:

LCO Number 6226, House "A" offered by Representative Noujaim.

SPEAKER ARESIMOWICZ:

The Representative seeks leave of the Chamber to summarize the amendment. Is there objection to summarization? Is there objection to summarization?

Hearing none, Representative Noujaim, please proceed, sir.

REP. NOUJAIM (74th):

Thank you, Mr. Speaker. Mr. Speaker, this is a very simple amendment. The amendment says that anyone who is applying to become a student in a college in the state of Connecticut must prove that his or her parents are tax payers of the state of Connecticut. I move adoption, and, Mr. Speaker, when the call is taken, I would appreciate a roll call. SPEAKER ARESIMOWICZ:

The question before the Chamber is on adoption of House Amendment Schedule "A."

The motion is on a roll call vote.

All those in favor of roll call vote, please signify by saying aye.

REPRESENTATIVES:

Aye.

SPEAKER ARESIMOWICZ:

The requisite 20 percent has been met and when the vote is taken, it shall be taken by roll.

Will you remark further on the amendment, sir?

REP. NOUJAIM (74th):

Thank you, Mr. Speaker, I would like to.

Mr. Speaker, during the public hearings of the Higher Education Committee, the proponent of this legislation on the Senate side came to testify before us, an honorable Senator. I asked him a question about students and how they would be able to afford to pay the -- even the in-state tuition because, obviously, they are not working legally in this state.

And the honorable Senator said they do not require financial assistance, the bill does not call for financial assistance and I understand that. And he continued to say that the parents had worked very, very hard and their parents would be able to support them.

And looking further, Mr. Speaker, and I know the proponent of the -- of the bill spoke about the Maryland law, which was passed very recently. And very, very simply, the Maryland law say that students would have to provide the proof that their parents or guardians are tax payers.

This amendment, Mr. Speaker, is basically modeled after the Maryland law which just passed very recently as the proponent, my colleague, Representative Candelaria said. And what I would like to ask my colleagues to support this amendment by just saying

simply that on line one -- in line 58 before (inaudible) insert one and then in line 61 provide proof for such institution of higher education that such person's parent or legal guardian is Connecticut tax payer. I move adoption, Mr. Speaker.

SPEAKER ARESIMOWICZ:

Thank you very much, sir.

The board is quite full with folks speaking on the underlying bill. So if you'd like to remark further -- if you'd like to remark on the amendment, please raise your hand so I can see you.

Will you remark on the amendment before us? Representative Candelaria, you have the floor, sir.

REP. CANDELARIA (95th):

Thank you, Mr. Speaker. Through you, Mr. Speaker, the underlying bill that's before us today deals with the issue of in-state tuition so I urge rejection of the amendment, Mr. Speaker.

SPEAKER ARESIMOWICZ:

Thank you very much, sir.

Will you remark further on the amendment before us?

Representative Miller of the 122nd, you have the floor, sir.

REP. MILLER (122nd):

Thank you, Mr. Speaker. I rise in support of the amendment. I'm a first generation American and I know what my parents had to go through to get their citizenship. But I also know the state of Connecticut is bankrupt. We are so broke it's not funny. We have a worse debt than the state of California. And incidentally, he, uh -- in his summary, the Representative that spoke about California, well, the people in California are not thrilled about what they're paying for medical and educational costs for immigrants that are illegal.

But I do support this amendment. I think it's something that we should do, especially in these hard times here in Connecticut. When I have people in my district who are having trouble going -- to send their kids to college. They may be losing their jobs. Their kids are being taken out of school to save money. So I think this is a good amendment and I support it and I ask the Chamber to do the same thing. And I thank you, Mr. Speaker.

SPEAKER ARESIMOWICZ:

Thank you very much, sir.

Will you remark further on the amendment? Would you remark further on the amendment?

If not, will staff and guests please come to the well of the House. Members, take your seat and the machine will be opened.

THE CLERK:

The House of Representatives is voting by roll call. Members to the Chamber. The House is voting by roll call. Members to the Chamber, please.

The House of Representatives is voting by roll call. Members to the Chamber. The House is voting by roll call. Members to the Chamber, please.

SPEAKER ARESIMOWICZ:

Have all the members voted? Have all the members voted? Will the members please check the board to make sure your vote has been properly cast.

If all the members have voted the machine will be locked and the Clerk will take a tally.

The Clerk will please announce the tally.

THE CLERK:

On House Amendment Schedule "A,"

Total Number voting: 132

Necessary for passage: 67

Those voting Yea: 50

Those voting Nay: 82

Those absent or not voting: 19

SPEAKER ARESIMOWICZ:

The amendment is rejected.

Representative Noujaim, you still have the floor, sir.

REP. NOUJAIM (74th):

Thank you, Mr. Speaker. I appreciate your consideration.

Mr. Speaker, I'd like to continue on with the story if I may and just shed some light on similar bills that were introduced also in other states.

My colleague, Representative Candelaria -- and I would also like to issue an apology to my colleague, Representative Candelaria, because I said he's also and immigrant but I know he came from Puerto Rico. The moment I said that, it just like -- I should slap myself. But then I caught myself, a little too late. But anyway, welcome to the mainland.

But, Mr. Speaker, Representative Candelaria spoke about the bill in Maryland. Well, the bill in Maryland passed 74 to 66. And also there are numerous states that rejected those similar bills, primarily Arizona, Colorado, Georgia and South Carolina since

2006 when these types of legislation were being introduced.

But I'd like to continue if I may and talk about my story, too. When I came to this country by myself and the Lord has blessed me, I met a woman that is wonderful and thank God three weeks ago, four weeks ago, we celebrated our 39th wedding anniversary and she is the best thing that ever happened to me.

Mr. Speaker, are you listening to me?

SPEAKER ARESIMOWICZ:

Yes, sir.

REP. NOUJAIM (74th):

Thank you, Mr. Speaker. I just want to tell you that she is the best thing that ever happened to me, 39 years ago. I still wake up in the morning and say I'm blessed that she said yes. I don't know how, but she did say yes.

But at any rate, Mr. Speaker, when I -- when I -- see, my colleagues don't know how either. They know her. At any rate, Mr. Speaker, after I became American citizen, I -- the war broke out in Lebanon, it was a very bad situation. Of course, I'm sure everybody knows the history behind it. So I started

bringing my brothers, one after another to this country. And thank God we started a business.

But the good story that I want to tell you know is about my fifth brother and my sixth brother. My fifth brother, Emil, came to this country and my wife and I, by now I had already established myself. I was -- I had graduated from college and I was working for a corporation. I brought in my brother, Emil, to this country and obviously we wanted to send him to school. So we sent him through Waterbury State Technical College -- you are a graduate of Waterbury State, Mr. Speaker, are you? No?

SPEAKER ARESIMOWICZ:

No. No, sir, I am not.

REP. NOUJAIM (74th):

I know someone here is, one of you speakers. But anyway, we sent my brother, Emil, to Waterbury State Technical College. No one offered us a break in his tuition. My wife and I were working very, very hard. And my wife was still going to school during the night and teaching during the day. I was -- I was going to school during the day and working at night so really, my wife and I never saw each other, that's why we had

such great happy marriage in the first few years of our marriage.

But at any rate, what happen is we sent my brother, Emil, to Waterbury State Technical College. No one offered us to give him a break in his tuition. My wife and I paid for his education and then after he graduated from Waterbury State Technical College, we sent him to University of New Haven where he received his bachelor's degree. Right now, my brother, Emil, God bless him, well established, wonderful family. My niece, Pamela, works for General Electric. My niece, Melissa, goes to high school in Waterbury and he's doing a great job. He has a very good, high level position at one of the local hospitals right there in Waterbury.

When he was going to the University of New Haven, no one -- no one offered us help insofar as his education. We paid for it, too.

My youngest brother, Nazir, the sixth brother. We had the pleasure of also bringing him to this country when he was 14 years old. We sent him to Sacred Heart high school in Waterbury. My wife and I paid for him. He went to Waterbury State Technical College, same thing, from there to University of New

Haven. He works for a company called 3M. And God bless him, he's doing really wonderful. He has three beautiful boys and thank God, his wife, and they are doing very, very well. No one offered us any support or help with his education as well.

But, Mr. Speaker, I'd like to tell you that Representative Candelaria and I were talking a few minutes ago. Actually, we were talking a couple days ago. And he and I spoke about an issue which is very important. And based on that, I decided to present an amendment, Mr. Speaker, and I'd like to ask that the Clerk has an amendment, LCO Number 5893. I would like to have the Clerk read it, call it and I would be allowed to summarize.

SPEAKER ARESIMOWICZ:

Will the Clerk please call LCO Number 5893, which will be designated as House Amendment Schedule "B."

THE CLERK:

LCO Number 5893, House "B," offered by Representative Noujaim.

SPEAKER ARESIMOWICZ:

The Representative seeks leave of the Chamber to summarize the amendment. Is there objection to summarization? Is there objection to summarization?

Hearing none, Representative Noujaim, you may proceed with summarization, sir.

REP. NOUJAIM (74th):

Thank you, Mr. Speaker. This bill simply -- this amendment simply states that in exchange for receiving a break on the tuition program and the fees, the financial fees, I would like to ask students to community service in support of their community. I'll call for adoption and when the amendment is called, I would like to request a roll call, Mr. Speaker.

SPEAKER ARESIMOWICZ:

The question before the Chamber is on adoption of House Amendment Schedule "B." The gentleman has requested that when the vote be taken, it be taken by roll call. The question before us now is on a roll call vote.

All those in favor of a roll call vote, please signify by saying aye.

REPRESENTATIVES:

Aye.

SPEAKER ARESIMOWICZ:

In the Chair's opinion the requisite 20 percent has been met and when the vote is taken, it will be taken by roll call.

Would you remark further, sir?

REP. NOUJAIM (74th):

Thank you, Mr. Speaker. Yes, I would appreciate to be able to remark further on this amendment.

Mr. Speaker, the proponent of the amendment, the bill and I were speaking few days ago. And he really demonstrated a great deal of pride. And allow me to tell you how he demonstrated a great deal of pride. He had with him names and biographies of several students who are attending college right now at this time or wanting to go to college. And he spoke about the fact that they are top notch students. He spoke about their grades. He spoke about the status in the community. And he spoke also about the community service. Very important. He spoke about their community service. He said they contribute to the community. They help people. And that is very important for us to help people.

If I look around, everybody in this Chamber has a project. We all have a project. My project in Waterbury is a children's community school. It's an inner city school that really does not a great deal of funds -- does not receive a great deal of funds. It's good to help them. My project in Waterbury is WARC to

help the mentally challenged. These are the people who are underprivileged, the people who are unable to help themselves. It is our duty, our duty as people who have health and prosperity and ability to work, it is our duty to support the underprivileged.

So when Representative Candelaria spoke about community service, it clicked in my mind it is very important for us to ask people to contribute to the community. And this bill simply say that we are asking the students while they are in school to contribute 250 hours per year to some local organization. Could it be the Boy's Club, the Girl's Club, the United Way. Could it be to teach underprivileged children in inner city school. Could it be to tutor English as a second language or any other programs that they would like to do. Simply, they can do some community work, put something back into the community.

I look around me and on both sides of the aisle, everybody, each one of us does something to benefit our community and while those students are attending our colleges for less fees, less tuition, I think it is fair to ask them to contribute to our community and to help the betterment of our community. Because

after all, after all, Mr. Speaker, you know what I always say? I always say the students are our future. Because when you and I get old, Mr. Speaker, I get old before you do, but when we all get old, who's going to take over our society for us but the students? Today's youth are going to be our future. And we need to invest in them, but at the same time, we need to ask them to invest their talent into making our community a better community. And for that, Mr. Speaker, I urge acceptance of this amendment. And I ask my colleagues to support it. Thank you, Mr. Speaker.

SPEAKER ARESIMOWICZ:

Thank you very much, Representative.

Again, the board is filled with people speaking on the underlying bill. If you wish to speak on the amendment, please stand up or raise your hand and I will call on you in the order I see you.

Will you remark further?

Representative Candelaria.

REP. CANDELARIA (95th):

Thank you, Mr. Speaker. Through you. Mr. Speaker, this amendment actually puts a burden on the universities and college to track this information.

And a lot of these kids understand that they still have to pay in-state tuition rate out of their pocket. So these kids work, sometimes, two to three jobs and would not be able to provide the community service.

And because of that, Mr. Speaker, I urge rejection of the amendment.

SPEAKER ARESIMOWICZ:

Thank you very much, sir.

Representative Hovey, you have the floor, Madam.

REP. HOVEY (112th):

Thank you, Mr. Speaker. Mr. Speaker, I rise in support of this amendment. When I was a younger woman, I worked, had a two-year-old, ran a household and did my graduate study and continued to do community service. Where I found the time I'm not quite sure now that I'm an older woman. And it seems like there are just not enough hours in the day. But community service is vital to each and every one of us. It's also vital to the individual who's doing it. It helps develop character and for a young person who is doing community service while they're going to school, it allows them to give a breadth to the resume that is invaluable. It also teaches them some aspects

of character around patience, grace and the work ethic, which never really hurt anyone.

So, sir, I would rise in support of this amendment. I think the lessons that are learned through community service are almost as valuable or more valuable than those learned in academia. Thank you, sir.

SPEAKER ARESIMOWICZ:

Thank you very much, Madam.

Representative Miller, you have the floor, sir.

REP. MILLER (122nd):

Thank you, Mr. Speaker. I rise in support of the amendment. When I look around my area, I see that students from all the high schools are helping to provide community services to some of the cities; Trumbull, Fairfield, Stratford, Milford, Monroe. These kids are doing it on their own. They're not forced to but they do community service and it's a great experience for them to go to some of our cities and help the kids there that really need the help.

And often, many of these students are foreign. The Asian students are always out in front trying to provide community service. I think it's a wonderful experience. Something that -- a little give back will

never hurt. And I would support this and ask the Chamber to do the same thing. Thank you, Mr. Speaker.

SPEAKER ARESIMOWICZ:

Thank you very much, sir.

Representative LeGeyt, you have the floor, sir.

REP. LEGEYT (17th):

Thank you, Mr. Speaker, I appreciate that. I rise in strong support of this amendment.

You know, we have, uh, -- there are many ways to phrase this, but it comes down to we are taught by our parents, our community that we don't get something for nothing. And this bill provides a courtesy, if it's approved, to give students with -- without legal immigration status something that they don't have to do anything to receive. And this amendment would provide some way for them to give back for the courtesy that's being extended to them. It's not necessarily going to be a contribution to the state or to the university who extends them the courtesy of instate tuition, but it will go a long way towards teaching them that we don't get something for nothing. And that's clearly one of the best learnings that can occur in high school, college, elementary school, in life.

And the flip side is that the community is enriched, the college community is enriched and the students themselves are enriched by having the opportunity to give back and provide some community service in appreciation of the receipt of the status of instate tuition. Thank you, Mr. Speaker.

SPEAKER ARESIMOWICZ:

Thank you very much, sir.

Representative Hetherington, you have the floor, sir.

REP. HETHERINGTON (125th):

Thank you, Mr. Speaker. It's a pleasure to see you up there this morning again.

I rise in strong support of this amendment. America is about an opportunity not a gift. And this is very much in that tradition. But moreover, it's an opportunity that doesn't in any way who one's ancestor was, who one's parents were. Ti's an opportunity that one gains through one's own effort. The message of America has always been, in its best days, we don't care who your parents were, you can make whatever you decide to make of yourself. And this is consistent very much with that.

It -- also, I think it will provide the students who take advantage of it in the long run with a strong sense of pride. Someday when they're sitting here for example, they can say, "I went to college and I went out and made my community a better place so I earned that and I can be proud of it and I can tell the story."

So for all those reasons, one, it treats the person as an individual who is given an opportunity, not a legacy. And it's -- it benefits the community, it builds a sense of pride, this is a very good amendment. I would wholeheartedly support it. And I think the students should take advantage of it frankly and will find they share a lot in doing this community service with their fellow students, many of them will be working to go to school. Others will be in school part time because they're working so they can gain an education. I think this is the right message, it provides the right opportunity. I urge -- I urge its adoption. Thank you, Mr. Speaker.

SPEAKER ARESIMOWICZ:

Thank you very much, sir.

The honorable Representative from Stamford, Representative Molgano.

REP. MOLGANO (144th):

Thank you, Mr. Speaker. Good afternoon, sir.

SPEAKER ARESIMOWICZ:

Good afternoon, sir.

REP. MOLGANO (144th):

I rise in support of this amendment. Mr. Speaker, the call to community service, as all of us have heard, comes from the top office of this country. In my lifetime, I've heard President John F. Kennedy when the Peace Corps was started. We have President Barack Obama asking students today to give back to their country when they're going to school.

My personal service has happened because of 9-11, when President George W. Bush asked after that terrible day, what you can do for your community.

I think our request of these students isn't an obligation, it's an honor. And I think that they would jump to the opportunity as all of us here are doing. So I support this amendment, again, not as an obligation , but as in honor to do whatever you can for this great country we live in. Thank you, Mr. Speaker.

SPEAKER ARESIMOWICZ:

Thank you very much, sir.

Representative Srinivasan, you have the floor, sir.

REP. SRINIVASAN (31st):

Thank you very much, Mr. Speaker. I rise in strong support of this amendment. We are not setting any precedent here. Time and time again, we have seen when such kind of services are rendered because we have given them something else in return. As we all know, when we had a shortage of physicians in this country, visas, the J1 visas were given to immigrants, to people who came to this country and they had, for their residency, for the three years of residency that they did, the residency program they attended, they had to give back to this country. They had to serve, they had to work in the United States from anywhere from three to five years, because they were given the visa. This is legal visa status, now, we're not even talking about illegal citizens or illegal immigrants at all.

So when people come to this country legally on the various visas and they're given these residency programs, we request them in return that they give us their services, their medical services in underserved

areas of the country anywhere from three to five years.

Similarly, anybody and everybody who goes into serve in the armed forces, they receive and education and in return they have to be spending this many years in the services. So I find that very amazing that here we are, saying that this illegal immigrants to this country will be given a top notch education at an in-state price and all we are saying in return for those three years or four years that they give back to the communities that they come from in form or community services.

We were told that this is an extra -- you know, work on the part of the schools to maintain records. I don't understand that at all. I mean, are we going to say, these students do not need their grades to be maintained because they have an extra work as far as university is concerned? A part of maintaining their status at the school has got to be what have they given back to the community. So I strongly urge that all our members here strongly support this amendment where these students give back in return to the communities, to the very communities that they come from. Thank you, Mr. Speaker.

SPEAKER ARESIMOWICZ:

Thank you very much, sir.

Will you remark further on the amendment before us?

Representative Betts, you have the floor, sir.

REP. BETTS (78th):

Thank you very much, Mr. Speaker.

Very briefly, I just want to echo and thank Representative Molgano for his comments. He put it so eloquently and it is an honor to do this. I know if I were in their position I would feel greatly honored to be able to participate and helping out people.

It would make me a better person, certainly our community would be better. And I can't think of anything or any reason why anybody would want to disagree with this really, really valid amendment. I urge everybody to support it. Thank you very much.

SPEAKER ARESIMOWICZ:

Thank you very much, sir.

Representative Adinolfi, you have the floor, sir.

REP. ADINOLFI (103rd):

Thank you, Mr. Speaker. I, too, rise in support of this amendment for a few reasons that I think would

benefit the students involved if they do this extracurricular work.

I was an engineering management for about four years. In that period of time, I hired a lot of students just out of college. And when I looked at the resumes, either engineering resumes or manufacturing engineering resumes of the courses they took, they all looked the same. They got As, they got Bs, they got Cs. But one thing I did look for is the individual that gave that extra effort, did that extra thing. And I would always give that individual a preference over the one that didn't do public service or get involved in the community. So I think that passing this amendment would actually give these students an asset and help them get a job or a better job when they complete their schooling. Thank you, Mr. Speaker.

SPEAKER ARESIMOWICZ:

Thank you very much, sir.

Will you remark further on the amendment before us? Will you remark further on the amendment before us? If not, staff and guests please come to the -- oh. Hang on one second.

Representative Thompson, you have the floor, sir.

REP. THOMPSON (13th):

Thank you, Mr. Speaker. My light was on and I'm sorry that there was a malfunction somewhere along the line.

However, I did want to speak on this because it is very close to me and I suggest that the amendment may not go far enough. But it may be going in the wrong direction.

As a young man, I -- after high school, I had an opportunity to go to college and I joined the Marines. Not the best year to join the Marines, it was 1950 and there was a place named Korea waiting for you in the Marines. And sure enough, about six months, seven months after I was enlisted, I found myself a member of the first Marine division in Korea. And there were a lot of other young people at that time that went into the service.

However, when I came home from my service in the Marines, my family consisted of a younger sister and an older sister. Our parents had passed and we made our home with my mother's sisters. My older sister had been educated and she was a teacher. My youngest sister was still in high school.

My older sister being a leader in her own way was away for a couple of weeks when I arrived at home. She came to see me as soon as she got home and we sat down. And she said, "Well, Jack, what are you going to do now?" And I said, "Well, I've been home two weeks. I think I'll see some of my friends and get a job." And she said, "No, you're going to go to school." And I said, "Really?" And she said, "Well, you have the opportunity to go to school. You ought to call your coach" and so on and so forth.

Well, to make a long story short I qualified for the GI Bill. And I went off to college in Vermont. And I met a young man from New York, as I was from New York. He grew up in Brooklyn and he had attended Xavier High School which was one of the teams I used to compete against in school. And I grew up on Staten Island.

Well, the two of us became fast friends. We drove back and forth or traveled back and forth when one of us could afford a car. We drove back and forth from New York to Vermont. Both of us had summer jobs. He worked hard. I had the GI Bill and so on.

Well, he had gone to a military academy. He father was a truck driver and he had some scholarship

assistance through that scholarship high school. He was very interested in my service in the Marines, but I certainly didn't do anything to encourage him. But the first thing he did after graduating from college was enter the Marine Corps, became an officer. And he had a talent, he spoke several languages, Irish kid, spoke German, French.

And the Marines recognized that talent. They sent him off to the Institute of Foreign Languages, I guess out in Monterrey, California. We kept in touch. He was not only my roommate, he was also best man when I got married and we remained in constant contact.

Some distance between us. Well, Don was sent to the Language Institute, he became fluent in Chinese and headed up a unit, an intelligence unit and he was stationed in Hawaii. And felt, boy, what a great life.

Well, he contacted me one time and he was on his way, he said, to the Far East, he was going -- and then to the Middle East. And he was going to spend some time in Okinawa, I believe, and -- but then he would wind up in Vietnam. And his tour, he thought, would be three or four months on this assignment. And

I assumed it was again, through his connection through his language through the intelligence unit.

Well, that fall, in 1964, I had a call from his wife -- or rather, I think it was his wife's brother that called me first, that Don was on a mission as an advisor to the South Vietnamese Marines unit and there was a report that a helicopter had gone down with personnel on it and Don was dispatched with this unit off to attempt to rescue. Well, they were jumped by the Viet Cong and Don disappeared from the face of the earth. We kept -- or we got involved with the POW/MIA unit. And it turned out that there was a great deal of interest in Don, but nobody knew where he was, he was still missing.

Well, eventually, to make a long -- very long story shorter, Don was captured by the Viet Cong. There's a book written about him now. The first Marine captured in Vietnam by the Viet Cong. And stories about Don's experience in that episode came back. In fact, there was an official from the State Department who, like Don, had been in Vietnam and was also jumped on a mission of mercy and wound up in the same camp as Don. Well, it was learned that Don had escaped at one time, was recaptured when he stayed

with the fellow servicemen, prisoner, and was returned to captivity. So he had made quite an impression on his -- when he entered there he was a captain. And he had certain responsibilities. They're mostly officers there and he was looked to for leadership and he assumed the responsibility although there were other prisoners who had seniority and of a higher rank. But he was a leader, he had this gift of languages. Ad I later learned he had picked up some Vietnamese.

In any event, Don eventually died in the prisoner of war camp. And stories about him came back to the United States. The next thing I know, I was invited to the launching or christening of a new destroyer in Bath, Maine that was going to be named after Don. In the meantime, he continued to be promoted although he had died some years earlier. And since his fate was unknown, he wound up being Colonel Donald Cook.

I'm getting to the amendment, please be patient. I've never talked publicly about this contact in my life.

But to make a long story short, shorter, I was contacted by his family that Don, because of his status as a prisoner of war and even after his death,

his wife was eligible for different benefits. And this one benefit that the POWs and the MIA groups were seeking and that was a salary adjustment for these missing persons who are prisoners of war.

So I wrote to my Senator, Tom Dodd, my Congressmen, Mim Dedierio, they both replied and both went to work on this issue along with congressmen and people from all over the nation. And Don's widow soon qualified for that additional assistance.

Well, it would seem to me that like myself, I had an opportunity to go to college, I got through four years of college on the GI Bill. And I had scholarship assistance. I think Don had four children all under eight when he disappeared and I would think that they should be well taken care of and I believe they were over the years. Nothing is going to replace him.

But what I'm suggesting is why qualify this through this amendment, why qualify it that way? There are -- I knew kids that went to school with me when I was in college that didn't have a penny.

There's a kid, Edward Smith, he's a millionaire now, didn't have a penny. But worked and had support and had programs and so on. And I think any kid that

has the ability to go to college and is willing to donate time through the community service should be able to qualify for that kind of assistance. This is not going to break the bank, believe me.

But it broadens opportunities for kids simply because their families may not be able to afford assistance, may not be able to help them and there's probably a lot of you sitting here now today who have had that experience of working your way through college. But to qualify it simply on the basis of the immigration status, it's unfortunate that we have to do that. Of course, I'm sure somebody will be saying, "Well, I'm a good guy. I've gone to school, I've done well in high school. And I don't have the go to get by, I'll figure out a way to go and qualify for scholarship assistance, maybe lucky and get a job." And I'm sure many of you have experienced that.

So I'm saying let's not qualify it this way. Let's sit down and draw an operational plan that will address this issue of the kid who doesn't have the opportunity to qualify for this particular program, but is well worth the effort of us to put some -- to invest in him because he's capable or she's capable and so on.

So I don't believe this is putting -- there will be red and green up there. I think we should all be voting for kids having that opportunity, not because they've immigrated to this country and our immigration laws are a little bit out of date or out of touch.

But Don was a Congressional Medal of Honor winner, ladies and gentleman. He won the Medal of Honor, we owe his family, we owe his kids the assistance that we are capable of providing. But it shouldn't be limited in that way.

So I'm sorry I went on and people are now waving to me. I'm going to sit down, but I had -- I just had to say that. Hew as a friend, best man, he died in the service of our country. He left four children and there are kids like that all over our country, who've had stories like that and immigration policy is just one of those stories that falls short in recognizing some kids' needs.

So I ask you to put aside, maybe withdraw this amendment. Let's sit down and plan a bigger -- that would include these kids or to pass it, let's sit down and go beyond it.

SPEAKER ARESIMOWICZ:

Thank you very much, sir.

Will you remark further on the amendment before us? Will you remark further on the amendment before us?

Representative Noujaim, you have the floor, sir, for the second time.

REP. NOUJAIM (74th):

Mr. Speaker. Thank you, Mr. Speaker. Here you are.

Mr. Speaker, I'd like to extend sincere gratitude to Representative Thompson because when he first started talking about it he said essentially, this amendment does not go -- don't go far enough. And I felt he was going to amend the amendment to make it like 500 hours per year instead of 250. but I still would be very happy with the 250.

But however, I must say, Mr. Speaker, that Representative Thompson spoke about having a GI Bill and having scholarship which means that somebody helped him and somebody helped his friends. And that is a good thing. And I'm very appreciative of that and congratulations. I mean, here is a story that will make you cry. And these are the things that we need to do in our community to help our community.

So putting something back into the community is very important.

And Mr. Speaker, just to let you know, something that happened a long time ago, when I tell you we all have a story.

When I turned 16, my father, God rest his soul, my father was like 97 pounds but he was a disciplinarian, principal of a school, it was really unbelievable, unbelievable. He told me when I turned 16, he said, "Son, the only thing we leave -- when we all leave this world, the only thing we leave behind is our reputation. And make sure that your reputation is spotless." And Mr. Speaker, that's what we need to do. Put something to leave a reputation, to have -- to have deeper footprint in the sand on this earth that is like the sand. To put a deeper footprint into it. Just help people who need help.

And I tell you a story that always -- kind of like -- I love this story because it is so good. I told you a few minutes ago about the children's community school.

I go to the children's community school and I read to the kids all the time. I love to do that. I don't sit in a chair. I sit on the floor with them

and sit down and read to them. And then I usually autograph the book and I give it to them and say, put it in your library.

And one time, Mr. Speaker, when I was reading to the kids and after I wanted to give them the book, it happened to be Dr. Seuss. One of the third-graders raised his hand and he says, "We already have this book." I mean, a third grader make you look that small. But that's what we need to do. Put something back into our community. And to help the students, this is not demanding them. They are not -- we're not asking them to be convicts, we are not saying to them you have to report it and you have to do it otherwise you will go to jail.

What I'm saying in this amendment, Mr. Speaker, is the fact that honorably we need to put something back into our community. And that is very important.

So I urge my colleagues -- and this is not a Democratic side of the aisle or Republican side of the aisle. This is a humanity. That's what it is, a humanity. Not because we are Democrats, we vote no on and because we are Republicans we vote yes. This is supporting our community. This is not helping the Republicans' underprivileged students or the

Democratic underprivileged students. This is helping (inaudible) students, helping people who we don't even know how they vote or we don't care how we vote. Just helping humanity and that's what we need to do, Mr. Speaker. I urge that everyone supports this amendment. Thank you.

SPEAKER ARESIMOWICZ:

Thank you very much, sir.

Representative Coutu, you have the floor, sir.

REP. COUTU (47th):

Speaker, it's an honor to be here today.

I want to talk briefly about some soldiers that I have in my unit in New York City who are earning citizenship as we speak. They're serving -- some are going to be deployed in the next two years to Afghanistan, Kabul and other cities. And they are earning their citizenship. So what's wrong with having some potential students who are really here by all means under an illegal status?

I know firsthand what legal and illegal is. My family had to spend eight years to earn citizenship for my wife. So it's something that is cherished by most citizens in America. And I have some extreme concerns that this can just sort of become something

almost given for granted, just for being here. You don't get here, cross the border and become an illegal citizen unless you've broken the law. One way or another you broke the law.

So to have illegal citizens contribute 250 hours of volunteer service when there's other people trying to earn citizenship that are risking their lives for our country, to me, this makes sense. And this is why we're here, to enforce the laws of the land. And 250 hours is minimal to earn citizenship for this country and to begin the process of earning citizenship.

Thank you, Mr. Speaker.

SPEAKER ARESIMOWICZ:

Thank you very much, sir.

Will you remark further? Will you remark further on the amendment before us?

If not, staff and guests please come to the well of the House. Will the members please take your seats. The machine will be open.

THE CLERK:

The House of Representatives is voting by roll call. Members to the Chamber. The House is voting House Amendment, Schedule "B" by roll call. Members to the Chamber, please.

SPEAKER ARESIMOWICZ:

Have all the members voted? Have all the members voted? Please check the board to ensure that your vote has been properly cast.

If all the members have voted, the machine will be locked and the Clerk will take a tally.

The Clerk will please announce the tally.

THE CLERK:

On House Amendment Schedule "B."

Total Number voting:	136
Necessary for adoption	69
Those voting Yea:	51
Those voting Nay:	85
Those absent or not voting:	15

SPEAKER ARESIMOWICZ:

The amendment is rejected.

Representative Noujaim, you have the floor, sir.

REP. NOUJAIM (74th):

Mr. Speaker? Oh, thank you, Mr. Speaker, here we are again.

Mr. Speaker, Mr. Speaker, there's a lot of noise in the Chamber, could you please --

SPEAKER ARESIMOWICZ:

There is a lot of noise in the Chamber making it difficult for Representative Noujaim to continue. Please keep the talking to a minimum. If you have conversations, please bring them out in the hall.

Please proceed, sir.

REP. NOUJAIM (74th):

Thank you, Mr. Speaker. Mr. Speaker, if you remember about an hour ago we joked about the fact that when I came to this country as a young man, I wanted something better for myself. And I bettered myself and thank God, through hard work, I attained a good position within our community and I had the honor to become a member of the board of St. Mary's Hospital in Waterbury. It's an institution that I -- that I care for and care about a lot.

St. Mary's Hospital, Mr. Speaker, has about 66,000 Medicaid and Medicare visits every year to the emergency rooms. So they take care of inner city people who are unable to take care of themselves and it is a pleasure and an honor for me to have served on St. Mary's Hospital board of directors for a period of time.

During my time at St. Mary's Hospital, Mr. Speaker, I found doctors who are immigrants. Doctors

who came to this country from India and Pakistan and the Far East and the Middle East and quite honestly, some of them from Lebanon, my native country, Mr. Speaker. And I'm very proud of every one of them.

And, Mr. Speaker, what those folks have in common is the fact that when they came to this country they had someone sponsor them. And in my case, Mr. Speaker, I had met the woman who took a chance on me and said, "I am willing to put my name on a piece of paper to say that this is an affidavit of support for this person." In this case, that was me who became her husband. Thank God for that, Mr. Speaker.

So when we are all come to this country, we come to this country and we have somebody who vouch for us and say, "Yes, this person is going to be a good citizen, this person is going to be a person who is going to be good for the community, good for the economy, to better our way of life right here in our country."

So with that in mind, Mr. Speaker, I do have an amendment, LCO 5868. I would like the Clerk to call it, ask the Clerk to call it and I'll be allowed to summarize.

SPEAKER ARESIMOWICZ:

Will the Clerk please call LCO Number 5868, which will be designated House Amendment Schedule "C."

THE CLERK:

LCO Number 5868, House "C" offered by Representative Noujaim.

SPEAKER ARESIMOWICZ:

The Representative seeks leave of the Chamber to summarize the amendment. Is there objection to summarization? Is there objection to summarization? Hearing none, Representative Noujaim, please proceed, sir.

REP. NOUJAIM (74th):

Thank you, Mr. Speaker. Mr. Speaker, this amendment is very simple. It simply states that a person who would like to enter a institution of higher education and who is undocumented would simply find a sponsor to fill out an affidavit of support in his or her behalf.

Mr. Speaker, I move adoption and when the roll is taken, I would appreciate a roll call.

SPEAKER ARESIMOWICZ:

The question before the Chamber is on adoption of House Amendment Schedule "C." The gentleman has

requested a roll call vote so the question now before the Chamber is on a roll call vote.

All those in favor of the roll call vote signify by saying aye.

REPRESENTATIVES:

Aye.

SPEAKER ARESIMOWICZ:

The requisite 20 percent has been met and when the vote is taken it will be taken by roll.

Will you remark further on the amendment, sir?

REP. NOUJAIM (74th):

Thank you, Mr. Speaker, I would. It's a very simple amendment that does not cost money, it does not cost time. It just verify and validate the status of a person, saying that "Yes, someone will support me. Someone would look in my eyes and see the potential of being a good citizen." It's as simple as this.

Just like, long time ago, back in 1972, somebody looked in my eye and said this person has the potential of being a citizen of this country. At the time, did not know anything about being a legislator but thank God for that, too.

Mr. Speaker, it's simple amendment and I urge my colleagues on both sides of the aisle to vote for it. Thank you, Mr. Speaker.

SPEAKER ARESIMOWICZ:

Thank you very much, sir.

Representative Candelaria, you have the floor, sir.

There you are, sir.

REP. CANDELARIA (95th):

Thank you, Mr. Speaker. Mr. Speaker, through you, I believe that this amendment is in the preview (sic) of the federal government so I urge my colleagues to reject it and I wish that these kids will be as lucky as my colleague and do find a sponsor some day, but at this particular moment, I urge rejection. Thank you.

SPEAKER ARESIMOWICZ:

Thank you very much, sir.

Will you remark further on the amendment before us?

Representative Kupchick, you have the floor, Madam.

Here you go, Madam, you should be all set now.

REP. KUPCHICK (132nd):

Thank you, Mr. Speaker. I rise in support of this amendment. I have a great deal of respect for my colleague and now friend, Representative Noujaim.

Like Representative Noujaim, I come from a family of immigrants as well and what I really wanted to really touch on this eve -- this afternoon was, you know, as a freshman legislator, we sat here for, I don't know, 11, 12, 13 hours last night and there were numerous amendments offered by my colleagues. And there were some pretty good ones, actually. And I watched amendment after amendment after amendment be introduced and then I looked up at the board and watched all of them come down on party lines. And then -- and we're going to watch this one do the same thing.

And I just -- I'm having trouble as an individual understanding why that is. I don't understand why good ideas are rejected out of hand because they're introduced by someone who is not the same party affiliation. And I can't imagine that the Connecticut residents who are watching us on CTN or on the computer think that this is what should be happening in their Legislature. I just feel like we should be working together and if there's a good idea that we

should work together, um, and I would really urge support for this amendment because I think, um, it goes in line with the federal law and I think, um, it's worthy of consideration. Thank you.

SPEAKER ARESIMOWICZ:

Thank you very much, Madam.

Would you remark further on the amendment before us?

Representative Coutu, you have the floor, sir.

(Deputy Speaker Orange in the Chair.)

REP. COUTU (47th):

Thank you, Mr. Speaker. Thank you, Madam Speaker.

I have a question for the proponent of the amendment. Through you.

SPEAKER ORANGE:

Please proceed, sir.

REP. COUTU (47th):

Um, just trying to clarify. Does this mean that the student would have to have a approved sponsor? Through you.

SPEAKER ORANGE:

Representative Noujaim.

REP. NOUJAIM (74th):

Thank you, Madam Speaker. It's good to see you out there, Madam Speaker.

SPEAKER ORANGE:

It's good to see you, too.

REP. NOUJAIM (74th):

And thank you for your service. And through you, Madam Speaker, I think what my colleague, Representative Coutu is saying by approved sponsor meaning someone who is already a resident, alien resident or citizen of this country. Is that correct, through you, Madam Speaker?

SPEAKER ORANGE:

Representative Coutu.

REP. COUTU (47th):

That's correct, Madam Speaker.

REP. NOUJAIM (74th):

Thank you, Madam Speaker, the answer, then, is yes. Through you.

SPEAKER ORANGE:

Representative Coutu.

REP. COUTU (47th):

I think it's very important that -- I thank the gentleman for his answer.

If anyone has ever been in a position to be a sponsor for somebody who's here traditionally on a visa status, meaning they came to America legally. This is a honor but it's also something that you have to take with the potential for consequences. If your person that you're sponsoring does something wrong you could get in trouble. You are liable for that person and their actions and their behaviors. So I think it is very important to have something addressed in our legislation because in many ways, I question if the overall legislation throughout this whole bill and where it's placed in our statutes has conflicts with federal rules in general. Everything, including under the definition of being a legal citizen, an illegal citizen and the benefits that they derive by earning citizenship.

So if we're on one hand saying we need to follow the federal rule because -- and we don't need this amendment in this legislation because federal rule covers some of the laws related to non immigrant status or alien status, there's many terms to define people who are here illegally. I think we should also

have clear description and make sure we cover our own situation.

And the second part of my concern is by not approving this amendment, if any of you have ever been involved in administration with educational institutions. In my past capacity, I actually had to advise hundreds of soldiers, airmen, Marines, seamen on how to go to school and how they could get their degree. And the administration process is very complex. And many times it's confusing. And last year, we had to actually pass a bill to clarify what is a DD214 so then potential soldiers who get kicked out of the Coast Guard Academy don't get to go to the University of Connecticut for free.

So it's very important to have clear rules especially when we're dealing with potentially illegal immigrants going through our schools and having the same rights as citizens of the great state of Connecticut and our country.

And this makes it very clear that if you don't have a sponsor, it's a red flag. You could be here for just national security issues. With the 9-11 situation, the whole federal government reformed the way students are tracked throughout our educational

system. I don't know how without having a sponsor we are going to be able to track citizens, illegal citi -- illegal immigrants who are going to be in our schools and at the same time, we mandated that we track anyone who is here on any visa status because of the potential threat of a terrorist act. It only takes one. One student. And you know what, some of those students who look the best and live the perfect life and they're your neighbor, they're the ones that could be the potential threat. And if they're here illegally and they don't have a sponsor, how do we know? How does the administrators at the schools determine if this student -- in what capacity they're here, how do they track them? This is a very complex issue and I am extremely concerned in the direction we're going, not being able to track students.

This will be a mandate on our universities, too. That's another part of this. Not having a clear description of what's required to get into a school, like a sponsor, you are mandating that the administration office has policies in place and the personnel in place to listen to a student who comes in and says, "I lived here for a few months and my family has been here for three years but I don't have a

sponsor, but I want to go to college." So because of those reasons I think this is probably the most important amendment that we've talked about so far. It makes complete sense and actually protects not only the institution but in many ways some issues relating to public safety and security of our schools, our campuses and our country. Thank you, Madam Speaker.

SPEAKER ORANGE:

Thank you, sir. Will you care to remark further on the amendment before us, on the amendment "C"? If you care to remark would you please just kind of raise your hand the board is full. Okay. Thank you very much.

If not, staff and guests please come to the well of the House. Members, take your seats. The machine will be open.

THE CLERK:

The House of Representatives is voting by roll call. Members to the Chamber. The House is voting House Amendment Schedule "C" by roll call. Members to the Chamber.

SPEAKER ORANGE:

Have all the members voted? Have all members voted? Please check the board to determine if your

vote has been properly cast. And if so, the machine will be locked and will the Clerk will please take a tally.

And will the Clerk please announce the tally.

THE CLERK:

On House Amendment, Schedule "C."

Total Number voting: 174

Necessary for passage: 68

Those voting Yea: 50

Those voting Nay: 84

Those absent or not voting: 17

SPEAKER ORANGE:

Thank you, Mr. Clerk, the amendment fails.

Will you care to remark further, Representative Noujaim?

REP. NOUJAIM (74th):

Thank you, Madam Speaker.

Madam Speaker, I would like to summarize for a second, if I may. And by summarizing by no stretch of the imagination it means that I am the minority leader. I'm only summarizing what I have presented.

And Madam Speaker, if I may, I presented -- I presented real live stories. Stories that happened to us every day. And of the Chamber, not only to myself

from my own real life story but probably from the life story of some of my colleagues as well who immigrated to this country and have the honor to serve here with us.

Madam Speaker, it would have been an honor and a pleasure to have one of those amendments receive the word, friendly amendment. Because they are not difficult amendments, they are not asking the impossible. They are not party line amendments. They are simply amendments that are realistic. And they are -- they are -- at precedents in some way, factored with the fact that the Maryland bill specifically stated, specifically stated that the applicants must prove that their parents are tax payers of the state of Connecticut.

So what we are presenting in here, Madam Speaker, are real live stories that happened to us, to each and every one of us. Realistic stories.

Madam Speaker, I cannot tell you how sad I am and how disappointed that I am that have to push that red button and vote no on this bill. I could easily have voted yes and supported the bill because the children are our future. I say it all the time. I say it on my TV program, I put it on my website, I take pictures

with students. I bring students right here to the capitol. So Madam Speaker, we invest in students. And for me, especially an immigrant, to vote no on this bill is going to be a very difficult decision. It's going to be a very sad decision, but unfortunately for me, it's something that I must do.

Madam Speaker, in all conscious, based on my experience, based on my struggles when I first came to this country, it is very difficult for me to vote yes on this bill when I know what I had to do in order for me to become an American citizen.

And Madam Speaker, I close by telling you that I have piece of paper that I have in my safety deposit box at the bank. And it says that the realization paper. And it says 1770 -- 1776 to 1976, I have a commemorative citizenship paper. This is one of my most precious, precious possessions. To become an American citizen and to live in this country and to have the opportunity that we all have in here. It is going to be very difficult for me to vote no on this bill. But unfortunately for me, I must do that and I urge rejection. Thank you, Madam Speaker.

SPEAKER ORANGE:

Thank you, sir.

Will you care to remark further?

Representative Cafero.

REP. CAFERO (142nd):

Thank you, Madam Speaker. Just for the clarification of the Chamber, this is not a wrap up speech.

Ladies and gentlemen, there are bills come easier for some to decide up on than others. Last night, for instance, was a no-brainer for me. Today, not so much.

This is a tough one because there are so many issues that are competing. Because at our core, we're human beings. We have blood that flows through our veins, we have a heart. And a lot of what we're talking about today affects children. Children who through no fault of their own find themselves living in a place with no knowledge in some cases of how their parents got here but they're here. And they're enrolled in school and they have hopes and they have dreams and they want to go on to college. So when you hear that and you think about that, that's what makes the matter so difficult.

Before we get to that however, and at the core of every piece of legislation -- because, ladies and

gentlemen, after all, we are legislators. It is our job to make sure that the problem we're trying to solve, the issue that we are attempting to address is done so narrowly, precisely as possible, does not have unintended consequences. So before we decide as to whether or not the substantive issue is something we will vote in favor of or against, it behooves us as legislators to look at the piece of legislation that we are being told will result in justice being done for some members of our society who live here in Connecticut.

So with that, Madam Speaker, I have a few questions to the proponent of the bill.

SPEAKER ORANGE:

Please proceed, sir.

REP. CAFERO (142nd):

Thank you, Madam Speaker, through you, lines 49 through 61, Representative Candelaria, are basically the essence of this bill. Would you agree? Through you, Madam Speaker.

REP. CANDELARIA (95th):

Through you, Madam Speaker, that's correct.

SPEAKER ORANGE:

Representative Cafero.

REP. CAFERO (142nd):

Thank you, Madam Speaker. That being the case, I'd like to focus attention and have a few questions with regard to those lines. First of all, for the edification of the Chamber and forgive me, Representative, if you've already indicated this. The -- line 49 and 50 reference a person, quote, other than a non immigrant alien as described in Section 8, USC 1101 A-15 shall be entitled to classification as an instate citizen.

Through you, Madam Speaker, what is a non immigrant alien as described in blah, blah, blah? Through you, Madam Speaker.

SPEAKER ORANGE:

Representative Candelaria.

REP. CANDELARIA (95th):

Through you, Madam Speaker. A non immigrant would be an individual that comes to this country temporarily and has no plan of staying. Through you, Madam Speaker.

SPEAKER ORANGE:

Representative Cafero.

REP. CAFERO (142nd):

Thank you, Madam Speaker.

Madam Speaker, I'd like to call the gentleman's attention to line 52, wherein it gives a litany of the qualifications for a person to be qualified for in-state tuition.

And the first one labeled I, says resides in this state. Now, in previous existing chap -- lines within this bill that we are actually changing to make this bill, it refers to "domicile" and in this case it refers to "residing" in the state.

For the edification of the Chamber, through you, Madam Speaker, can you explain the difference in why that is made -- that distinction is made in this section?

SPEAKER ORANGE:

Representative Candelaria.

REP. CANDELARIA (95th):

Through you, Madam Speaker. "Domicile" will refer to the individual's true, fixed and permanent home. "Resides" means continuous and permanent physical presence within the state. Through you, Madam Speaker.

SPEAKER ORANGE:

Representative Cafero.

REP. CAFERO (142nd):

Forgive me, my fault. And that was very rude of me. I just had an emergency conversation. Can you repeat that? Through you, Madam Speaker.

SPEAKER ORANGE:

Representative Candelaria.

REP. CANDELARIA (95th):

Yes, Madam Speaker. The applicant's domicile is talking as their true, fixed and permanent home. Reside means continuous and permanent physical presence within the state. Through you, Madam Speaker.

SPEAKER ORANGE:

Representative Cafero.

REP. CAFERO (142nd):

And through you, Madam Speaker, why was the distinction and the use of words made -- residence in this case -- "resides" in the case of the essence of this bill and "domicile" in other sections thereof? Through you, Madam Speaker.

SPEAKER ORANGE:

Representative Candelaria.

REP. CANDELARIA (95th):

Just one second, through you, Madam Speaker.

Through you, Madam Speaker, the way I interpret the language is "domicile" meaning fixed home within this state. Now, you have students that may have parents that are divorced and they might live in another state. So "reside" is more of a stringent and meaning continuous. They have to have continuous and physical -- ah, permanent presence within the state. Through you, Madam Speaker.

SPEAKER ORANGE:

Representative Cafero.

REP. CAFERO (142nd):

Thank you, Madam Speaker, and through you, see, that's where I have difficulty. I happen to be a Connecticut resident 53 years. There's other people that have been longer and some less. But we all had to start at zero. Maybe some person moves or is transferred say from Massachusetts to Connecticut. And they come in on June 1st. That's their first day of residency. They could say with pride on that day, "I am now -- I just closed my home, I moved in the house, I lived in Massachusetts, I am now a resident of the state of Connecticut. I just bought my house."

So I guess, depending on the individual the amount of time that person resides in this state varies from literally a minute to their entire life.

In Section 9 of the bill, that is the essence of the bill, for someone to qualify for in-state tuition one of the qualifications means that you have to reside in the state. There is no period of time that you needed to reside in this state, it just says you need to reside in the state. I guess I would ask is there a reason that there was no period of time put in as to why the length of time a person needs to reside in the state? Through you, Madam Speaker.

SPEAKER ORANGE:

Representative Candelaria.

REP. CANDELARIA (95th):

Through you, Madam Speaker. Because -- and the bill also states that the student has to attend at least four years of high school in the state. Through you, Madam Speaker.

SPEAKER ORANGE:

Representative Cafero.

REP. CAFERO (142nd):

Through you, Madam Speaker. Does the bill require that the residency in the state and the

attendance in high school be consecutive? Through you, Madam Speaker.

SPEAKER ORANGE:

Representative Candelaria.

REP. CANDELARIA (95th):

Through you, Madam Speaker, that is the correct assumption.

SPEAKER ORANGE:

Representative Cafero.

REP. CAFERO (142nd):

Through you, Madam Speaker, and with due respect to the proponent of the bill, it is just that, an assumption. Because the bill doesn't require that. In other words, I could have attended high school in the state of Connecticut for four years, received a degree there from, moved out-of-state for ten years and moved back and on that very first day I'm in, I'm eligible or considered a resident for purposes of this statute. And so long as I meet the other criteria, I am able to receive in-state tuition, having been back to the state for a day. Is that correct or do I have that wrong? Through you, Madam Speaker.

SPEAKER ORANGE:

Representative Candelaria.

REP. CANDELARIA (95th):

Through you, Madam Speaker, when we talk -- within the bills when we talk about resides, meaning, and I'll go back to that again, meaning continuous and permanent physical presence within the state. The establishment of residence is not effective by temporary absence for short periods of time. Through you, Madam Speaker.

SPEAKER ORANGE:

Representative Cafero.

REP. CAFERO (142nd):

Through you, Madam Speaker, ladies and gentlemen of the Chamber, we have many laws on our books that require a period of time for someone to either be resident or before someone could get a divorce or before somebody is eligible for something. And we actually say in our statutes that so-and-so must -- the person must be a resident for X years, Y years, four months, five months, six months, whatever. And the reason for that is that residence can be for a day, a minute. It is subjective in that someone says, "I reside in Connecticut. I reside in Connecticut." This doesn't have any time limit. All it requires is

that you declare your residency in Connecticut. One can do that by moving in an hour before.

And the reason in our other statutes that we require a time limit, to Representative Candelaria's point is because it shows an intent to make Connecticut your permanent home, not just to avail yourself of a certain service that we might have here, there or elsewhere, but that this individual is not only received a high school diploma in this state, but has the intent to make Connecticut his permanent home as evidenced by some past history.

This bill doesn't make that requirement.

Through you, Madam Speaker, there are numerous requirements -- forgive me, allergies -- where's the doc, he's an allergist. There are numerous requirements to qualify for instate tuition that are enumerated in Section 9. Are all of them required? In other words, it's not either or or one or another? They all have to be met for someone to be eligible for in-state tuition? Through you, Madam Speaker.

SPEAKER ORANGE:

Representative Candelaria.

REP. CANDELARIA (95th):

Through you, Madam Speaker, the Representative is correct.

SPEAKER ORANGE:

Representative Cafero.

REP. CAFERO (142nd):

Thank you.

You know, I notice in number 4 -- through you, Madam Speaker, number, uh, Roman numeral small I, small V, that one of the requirements is that the person is registered as an entering student or enrolled in a public institution of higher education in this state. Is that correct? Through you, Madam Speaker.

SPEAKER ORANGE:

Representative Candelaria.

REP. CANDELARIA (95th):

Through you, Madam Speaker, yes, he is correct.

SPEAKER ORANGE:

Representative Cafero.

REP. CAFERO (142nd):

And through you, Madam Speaker, by virtue of that sentence, it makes an assumption and I will stand corrected, that the individual has already been accepted to university or institution of higher

education because they have to be either registered or entering or enrolled already. Is that correct?

Through you, Madam Speaker.

SPEAKER ORANGE:

Representative Candelaria.

REP. CANDELARIA (95th):

Through you, Madam Speaker, that's correct.

SPEAKER ORANGE:

Representative Cafero.

REP. CAFERO (142nd):

Thank you, Madam Speaker.

Now, having three kids, 25, 22 and 18, my wife and I have been through the horrors and rigors of the college application process. And it varies from school to school. And we have such a thing called rolling admissions. And frankly, rolling admissions is a process by which a university accepts applications and then admits students as their applications come in depending on whether they meet other qualifications.

And prior to doing that -- and I know University of Connecticut is one of these colleges -- prior to doing that for budgetary planning purposes, they have a number in mind of how many out-of-state students

they must take or need to take and how many in-state students they need to take. In fact, in various public institutions of higher education in other states, they actually have a statutory limit upon which you need to accept no more than X percent of out-of-state or no more than XY percent of in-state.

So in a process that has rolling admissions, whether we currently have them in the state of Connecticut or not, the University of Connecticut in my example will start accepting in-state, out-of-state, in-state, out-of-state. And they reach -- they're full. They fill up the class, the freshman class. And within that class there's a percentage of in-state students and out-of-state students. And the university has to do that because it's a budgetary planning exercise as well because out of obviously, out-of-state students pay more money in tuition than in-state students.

So this bill -- forgive me, Madam Speaker -- this bill seems to ignore that process. Meaning that the student who wants to be treated as an in-state student for tuition purposes needs to already have been accepted to university, enrolled in the university as an entering freshman or attending the university. In

many cases the decision to accept that student to university is based upon whether he or she is in-state of out-of-state. If that is the case, and again, I will be glad to be stand corrected, how does the law or the bill as written, how would it justify or work in the circumstances as I described if I happen to be correct? Through you, Madam Speaker.

SPEAKER ORANGE:

Representative Candelaria.

REP. CANDELARIA (95th):

Through you, Madam Speaker. If I understand the question correctly my assumption is that, um, these kids will originally be accepted based on their academic performance so they will have met that requirement to enter the university. Then at that point after that, it will be determined if they qualify for the in-state tuition. Through you, Madam Speaker.

SPEAKER ORANGE:

Representative Cafero.

REP. CAFERO (142nd):

And Through you, Madam Speaker, it has been my experience -- and Representative, I would be glad to be stand corrected, that a university must, must make

a balance when they create their freshman class, they must have a balance of in-state tuition students and out-of-state tuition students. Sometimes it's required by statute, but most importantly it's necessary for budgeting purposes.

In the bill before us, it presupposes the individual would be accepted to university without being designated yet in-state or out-of-state.

So in other words, when this individual applies to school in a rolling admissions process, how does the school treat that individual at that point? in-state or out-of-state? They can't treat them as in-state because they've yet to meet the criteria just listed in Section 4, meaning they are not them currently registered or enrolled as an entering student in a public institution of higher education. Through you, Madam Speaker.

SPEAKER ORANGE:

Representative Candelaria.

REP. CANDELARIA (95th):

Through you, Madam Speaker, there is a window when the school will determine in-state or out-of-state tuition. Through you, Madam Speaker.

SPEAKER ORANGE:

Representative Cafero.

REP. CAFERO (142nd):

Through you, Madam Speaker, is that window referenced in this paragraph?

SPEAKER ORANGE:

Representative Candelaria.

REP. CANDELARIA (95th):

Madam Speaker, it's not referenced in the specific paragraph, but, um, through all the appli- -- many students are accepted through the university and there is a window of those who have been accepted who will accept the schools offer so there is a time frame specifically within there. Through you, Madam Speaker.

SPEAKER ORANGE:

Representative Cafero.

REP. CAFERO (142nd):

Well, I'll tell you, based on the way this law is written, I'd hate to be that kid who makes -- accepts admittance to a school not yet knowing whether or not he or she will be considered in-state or out-of-state and based on the language in the bill in this section that I just referred to, it sounds like that decision is made after, not beforehand. And that might

influence the college that the kid applies to. Obviously, if I'm going to be treated as an in-state student, I'm going to apply to certain schools and choose not to if I'm going to be treated as an out-of-state student. But I don't know that until I get admitted. And that certainly is vague at best and what I would consider a drafting flaw in this bill.

Through you, Madam Speaker. There's a Section B in paragraph 9 that talks about if such a person is without legal immigration status, such person files an affidavit with an institution of higher education stating that he or she has filed an application to legalize his or her immigration status. That's pretty clear to me. An affidavit is a sworn statement under oath, saying, "By the way, I don't have legal immigration status now but I have made application therefore." I get that, pretty clear. But the paragraph goes on to say or the person will file such application as soon as he or she is eligible to do so. Through you, Madam Speaker, what does that mean?

SPEAKER ORANGE:

Representative Candelaria.

REP. CANDELARIA (95th):

Through you, Madam Speaker, what that means is either -- like my colleague, Noujaim, had mentioned -- Representative Noujaim -- they find a sponsor. That could be one possibility or the other is there is a change in the federal immigration law. Through you, Madam Speaker.

SPEAKER ORANGE:

Representative Cafero.

REP. CAFERO (142nd):

I appreciate the gentleman's answer, but ladies and gentlemen, what this person will be doing to qualify for in-state tuition is signing an affidavit that says I might have -- I might be without legal immigration status but as soon as I can, promise, swear to God, hope to die, I will do so when I'm eligible. That seems rather subjective, don't you think? It doesn't say shall do so within a certain period of time of becoming eligible. It doesn't really even define what eligible is. It seems somewhat subjective. And what's most subjective is "as soon as," "as soon as." Somebody might feel that even though the federal law has passed to make them eligible to file for legal residency it's not right in their life at the time. They're just not up for it.

Rather not do that right now. Life's a little nuts. Going to put it off for a few years.

Folks, we're talking about bestowing a benefit on someone who does not have legal immigration status and if we're going to do that, if we're going to do that we have to narrowly craft this piece of legislation.

Because the reality of it is, folks, that some people will win and some people will lose. Our public universities in the state of Connecticut only have -- they have limitations on the amount of people they can accept.' And they have limitations on the amount of in-state tuition students they could accept. So they have to unfortunately make decisions. You get in, you don't. You get in, you don't. And we're changing that law to allow a group of people who heretofore were not going to benefit from in-state tuition and this law is now going to allow them to benefit from in-state tuition. And that means giving a limited pie of resources, there are some people who are, do have legal immigration status that will not get into that school. Winners, losers. Tough stuff, but we have to make the rules. And we have to make the rules as narrow as possible.

In this particular piece of legislation we're saying the rules are you need to reside in Connecticut. We don't say how long, we don't ask you for any intent. It could be a day, an hour, a week. We don't say what.

Secondly, we say that if you don't have legal immigration status you promise, swear to God, hope to die to apply for it as soon as you can. But that's up to you.

Because we're doing such a serious thing, because we are dramatically changing our state policy with regard to who gets in as in-state and who doesn't, I would only ask that we narrowly, properly, distinctly craft that piece of legislation.

Ladies and gentlemen, that has not been done here. It is subject to interpretation. And as we are learning when things are subject to interpretation to that degree, when they are written that vaguely, there are unintended consequences.

The proponents of this bill have in mind that some kid, through no fault of his own, who finds himself growing up in the state of Connecticut, who attends high school, who graduates high school, who gets into a public university, give the kid in-state

tuition. I get that. Pretty simple stuff. That's not what this says. That's not what this says. As a legislature crafting and drafting laws we have to be about drafting legislation that accomplishes what we want it to do. Not drafting legislation so vaguely or poorly that it could have unintended consequences. That is my concern with this piece of legislation. Thank you, Madam Speaker.

SPEAKER ORANGE:

Thank you, sir.

Will you care to remark further? Will you care to remark?

Representative Willis, you have the floor, ma'am.

REP. WILLIS (64th):

Thank you.

I rise to -- okay. Thank you.

I seem to be having trouble with the buttons today.

Thank you, Madam Speaker.

I rise to support this legislation. This legislation has been before us in the Higher Education Committee twice before. This bill proposal is about opportunity and access to an education for children. In every sense, these children and students are

Connecticut residents. They have resided in Connecticut for most of their lives. They have attended and graduated from Connecticut schools. Their parents work here. They pay taxes here and in many cases, they own property here.

Some of these students even will eventually gain legal status through backlogs of immigration and securing their residency. It is not the policy of the United States to hold children responsible for the actions of their parents. This was decided in 1982 in Plyler versus Doe. The US Supreme Court decided at that time that the 14th Amendment states that we may not deny to undocumented school age children the free education provided to children who are citizens of the United States or legally admitted aliens.

In this case the Court found that there was no logical basis for denying these children access to education. H.B. 6390 is a logical extension of that practice and those laws of the land.

The young people who've been affected by this bill have been living in our state for many years. And in no part determining whether or not to enter this country. That was a decision made by their parents. Most of these young people when you hear

these stories, they don't find out that they're undocumented until they say at 15 or 16 years of age and they want to take their PSATs or they want to get a driver's license or they want to take their SAT and they say, "Mom, Dad, I need my social security card so I can -- so I can take that test." And that's when they find out.

It's also a reason why some students in some areas we see high dropout rates. Because once these students realize that there is no future for them in education, they drop out of school and get jobs. That's the reality out there.

I've heard several comments about illegal immigrants versus an undocumented immigrant. Again, this was not a decision that they made, but that of their parents. There is no criminal intent here. They did not intentionally break the law. Therefore they are not illegal.

We also had some comments about our universities and colleges. Our community colleges and our CSU, state university systems have adequate spaces and slots for additional students. In fact, this bill would have a positive impact on the state's finances, because it would generate more tuition dollars.

Because right now, the cost is prohibitive and these students cannot pay the out-of-state rates. It just makes it beyond reach.

We also talked about being denied access to the University of Connecticut. The university every year takes -- every class is about 2,800 students. But in order to get those 2,800 students, they may accept 3,500 students. You never know -- the schools do not know who is going to accept and who is not. They don't know who is going to accept that is in-state and who is going to accept that is out-of-state. So there has to be a margin in there. So they're not preventing someone in there because there is room for flexibility.

Remember, the University of Connecticut, even if they're paying in-state rates is still beyond the reach of most of them. We are probably talking about maybe one or two students that could possibly be in that. We are only talking about, based on what other states have experienced, probably somewhere in the neighborhood of 250 to 300 total that would be taking advantage of this in-state rate.

So no one is being denied slots, no one would be denied slots and there's plenty of opportunity here.

Financial aid. It's been said many times that these students, not only the high cost is a barrier but they're not eligible for any financial aid. Federal, in order to get state, you have to fill out the FAFSA forms as we all know, so you can't -- you're not eligible for state as well.

So the opportunity and the affordability factor is just not there. It is about access.

Community Service. I think that was a great -- it was actually -- we discussed this. And one legislator said here on the floor it's an opportunity -- education is an opportunity, it's not a gift. Well, if that's true then it should be for all students. We would all benefit, all of our students would benefit from having a community service requirement. So we shouldn't single out one group or cohort of individuals.

In terms of military service. It really has hit me that the military does not question your immigration status. If you are an undocumented immigrant you can serve in the military. In fact, we have undocumented not only injured but killed in our recent wars in Iraq, Afghanistan.

And as I said before this is a revenue generator.

We are a nation of immigrants. And therefore we should welcome. In every sense these children are ours. We should not be punishing these children for the sins of their parents.

With that, Madam, I thank you very much. And I urge everyone's support of this legislation.

(Deputy Speaker Kirkley-Bey in the Chair.)

SPEAKER KIRKLEY-BEY:

Thank you, Madam.

Will you care to remark?

Representative Candelora.

REP. CANDELORA (86th):

Thank you, Madam Speaker, and good afternoon.

SPEAKER KIRKLEY-BEY:

Good afternoon, sir.

REP. CANDELORA (86th):

If I may, just a couple of questions to the proponent of the bill?

SPEAKER KIRKLEY-BEY:

Please proceed, sir.

REP. CANDELORA (86th):

Thank you, Madam Speaker.

I just wanted to expand a little bit upon the comments that Representative Cafero had made regarding the application of Section 9 and how it incorporates into the existing law.

In lines 49 through 50 essentially, the benefit of in-state tuition is being conferred upon any person, and then we have a litany of qualifications, one being the residency, another being a four years of high school. Nowhere in the first part do I see anything that speaks to a person's status as a citizen. And I was wondering, Madam Speaker, through you, why that is?

SPEAKER KIRKLEY-BEY:

Representative Candelaria.

REP. CANDELARIA (95th):

Through you, Madam Speaker, can he repeat the question one more time, please?

SPEAKER KIRKLEY-BEY:

Representative Candelora.

REP. CANDELORA (86th):

Sure. I guess maybe more direct. Why didn't we in line 49 just state -- you know, an undocumented immigrant or an illegal alien shall be entitled to in-state tuition if they meet these four requirements?

You know, residency, four years of schooling, enrolled in a higher education, through you, Madam Speaker.

SPEAKER KIRKLEY-BEY:

Representative Candelaria.

REP. CANDELARIA (95th):

Through you, Madam Speaker, basically this is how we have outlined this section of the bill. Through you, Madam Speaker.

SPEAKER KIRKLEY-BEY:

Representative Candelora.

REP. CANDELORA (86th):

Thank you, Madam Speaker. So as I read this section then, an individual can receive benefits if they meet this requirements, one being residency of the state, one being that they've attended four years of high school, that they've graduated from high school and then, finally, that they've been enrolled in an institution of higher education. So if somebody meets those four requirements, they'd be entitled to apply for in-state tuition benefits under this section? Through you, Madam Speaker.

SPEAKER KIRKLEY-BEY:

Representative Candelaria.

REP. CANDELARIA (95th):

Through you, Madam Speaker, that's correct.

SPEAKER KIRKLEY-BEY:

Representative Candelora.

REP. CANDELORA (86th):

Thank you, Madam Speaker.

Under current law as I read this, sections -- and it's in the bill under Sections 4 through 8, currently individuals are given in-state tuition based upon not only their residency in the state, but there is a determination of -- a distinction of whether they're emancipated or unemancipated.

And if I am a 17-year-old, my parents are United States citizens, they've lived in Connecticut for 50 years and I've completed four years of high school education in Connecticut and received my diploma, would I be entitled them under Section 9 to apply for the benefits of in-state tuition? Through you, Madam Speaker.

SPEAKER KIRKLEY-BEY:

Representative Candelaria.

REP. CANDELARIA (95th):

Through you, Madam Speaker, if I understand the question correctly, the gentleman is correct.

SPEAKER KIRKLEY-BEY:

Representative Candelora.

REP. CANDELORA (86th):

Thank you, Madam Speaker.

And under Section 9, there's no distinction between whether I am emancipated or unemancipated from my parents in determining residency. So would I therefore then be entitled to these benefits and I would not be required to fall under the -- would I not be required to fulfill the satisfactions under the bill of whether I'm emancipated or unemancipated in order to receive in-state tuition benefits? Through you, Madam Speaker.

SPEAKER KIRKLEY-BEY:

Representative Candelaria.

REP. CANDELARIA (95th):

Through you, Madam Speaker. Based on this specific section, plus you have to be 18 and older and have attended one of our schools for the last -- for at least four years as high school level or the equivalent and then you will definitely qualify for in-state tuition. Through you, Madam Speaker.

SPEAKER KIRKLEY-BEY:

Representative Candelora.

REP. CANDELORA (86th):

Thank you, Madam Speaker.

And just to pose another hypothetical. If I was a -- my parents were a, you know, United States citizen, I as well. I graduate from a high school within Connecticut. I attended it for four years. I take a couple years off to work. I'm now 21 years of age and I applied for enrollment at UConn. Under Section 9, would I be entitled to apply for the benefits of in-state tuition under that section? Through you, Madam Speaker.

SPEAKER KIRKLEY-BEY:

Representative Candelaria.

REP. CANDELARIA (95th):

Through you, Madam Speaker, um, even through UConn, they have their own rules that establishes residency. Through you, Madam Speaker.

SPEAKER KIRKLEY-BEY:

Representative Candelora.

REP. CANDELORA (86th):

Thank you, Madam Speaker.

I didn't hear the answer entirely.

So I understand that UConn has its procedure for determining residency, but my question would be would I be able to cite to Section 9 and say I attended

school for four years, I graduated, I'm 21 years of age, I'm renting an apartment in Hartford, therefore I reside in Connecticut and I'm entitled to the benefits under Section 9? Through you, Madam Speaker.

SPEAKER KIRKLEY-BEY:

Representative Candelaria.

REP. CANDELARIA (95th):

Through you, Madam Speaker, that is correct. If you're a resident, you graduated from high school in Connecticut and your reside in Connecticut, yes, you would qualify.

SPEAKER KIRKLEY-BEY:

Representative Candelora.

REP. CANDELORA (86th):

Thank you, Madam Speaker.

And I ask that -- and this is where my dilemma comes in. In sections -- in lines 10 -- or excuse me, um. Yeah, in Section -- in Section 3 of this bill, we distinguish between an unemancipated individual and an emancipated individual. And under the definition, we've defined an emancipated person as somebody who's attained the age of 18 years of age. And once they've attended that -- attained the age of 18, they're

treated differently for the purposes of in-state tuition.

So that I think the policy behind that is when we have people that have come from out-of-state and they've enrolled in our institution after living here a year, they can't just say, "I'm a resident in the state of Connecticut." And so there's a factual finding by the schools, a determination of whether or not an individual's been emancipated.

And in those situations like in Section 3, there's a six month consecutive residency requirement. And so I'm wondering how we reconcile these two provisions with each other if an individual is making application under Section 9 versus making an application under Section 3 of the existing law? And I -- I'm not sure if the good gentleman could reconcile that with me, for me. Through you, Madam Speaker.

SPEAKER KIRKLEY-BEY:

Representative Candelaria.

REP. CANDELARIA (95th):

Through you, Madam Speaker. Madam Speaker, in trying to answer the gentleman's question, Section 9 is specifically is directed to those students who are

undocumented. Section 3 of the bill is specifically applied to any legal resident of the state that happens to be emancipated. Through you, Madam Speaker.

SPEAKER KIRKLEY-BEY:

Representative Candelora.

REP. CANDELORA (86th):

Thank you, Madam Speaker.

I -- and I appreciate that, but my problem is that under lines 49 through 50, the plain reading of the language is that an individual, any individual can invoke the benefits of Section 9. They don't necessarily need to be an undocumented immigrant, they just need to be a person. Regardless of where they reside. And then if they meet these other criteria they can receive this benefit.

And my guess is that the reason why we've drafted it this way is because of current federal law and how that law has been interpreted. Because under 8 USC, Section 1623, if the state confers a benefit on an undocumented immigrant, we would have to give that benefit to every US citizen. And so if this particular provision, Section 9, only applies to undocumented immigrants, we're running the risk in

Connecticut of having to give the benefit to every United States resident under federal law.

And this was the exact issue that a case in California had decided. And so, I can appreciate the attempt to draft this legislation in order to not invoke that federal legislation, but I think in doing so, we're creating a dilemma for our college institutions. Because they don't know when a student is applying to their schools now, when they're going to fall within Section 9 or whether they fall within Sections 1 through 18.

And as I read Sections 1 through 8 there is no requirement that individuals first be enrolled in the schools prior to invoking these benefits. So as I understand it, UConn and all of our state schools up front in the application process require individuals to sign affidavits stating their residency. Because current law right now, requires residency to get in-state tuition. And they can ask that question up front because these individuals don't need to be enrolled students in order to determine their eligibility.

Under Section 9 we're adding a new twist here. We're requiring that in order for the person to invoke

the benefit under this law, they have to first be enrolled or accepted into that institution. So I'm not sure now how our university systems is going to even be able to differentiate when an individual can apply for these benefits, because as I read this, an individual now can apply in the state of Connecticut, they don't have to invoke any type of affidavit for residency, they don't need to apply for instate tuition on the front end. They could just apply for in-state tuition on the back end under Section 9. And I think as I understand it, our university system does have this quota where they accept X amount of in-state and X amount of out-of-state. Well, individuals who live in-state certainly as we've heard it and I think the OFA report has stated this or the bill analysis under OLR and if it didn't, it stated it in previous years, that at UConn we have a competitive pool. And so in-state tuition, in-state children are typically shut out of that pool. Well, what we've done here now potentially is it could be advantageous for in-state students to not disclose their residency upon application. And I don't think there's any requirement that they submit an affidavit of residency until after their application process is over.

Because as I read Section 9, they could just wait until after they're enrolled.

And then these universities don't have a way of telling necessarily who is going to ask for in-state tuition and who isn't. And I don't think they can just look at the application and say, well, the person is from North Branford, Connecticut, so we're going to assume they're going to go through the in-state tuition. We can't assume that because if a parent wants to play this game and roll the dice and say, "I'm going to risk this, and create a situation where my child is going to have the best odds of getting in, if I have to spend a little bit more money maybe, I'll do that." So they apply generically as an out-of-state student. They get accepted. Now, under Section 9 they've met that last requirement of being accepted or enrolled in a university. And I would them contend that at that point in time they can make application as an in-state resident.

It sounds like maybe that could be a little farfetched, but I don't think so. It certainly is a loophole that we're potentially creating under this statute. And my concern for that is we're turning ourselves inside out to try to get around federal law.

And the problem with doing that is we're creating a problem for our university system and we're eroding, potentially, their process in being able to determine how much money they're going to bring into their coffers. And the reason that we're doing this is because on the flip side, if we clearly just state in Section 9 that illegal or illegal immigrants or undocumented immigrants are entitled to in-state tuition benefits if they meet some criteria, which is the intent of this legislation, if we just say that we then potentially become a victim, clearly, to a federal violation.

But the way this bill is still drafted, we're still potentially going to be a victim of a federal lawsuit. Because of the many states that have adopted -- I think there's roughly ten that have adopted this type of language, there is only one state that has determined on the merits whether or not a state could do this without invoking the penalty of having to give in-state tuition benefits to every -- uh, every United States citizen. So everybody in UConn would have to get in-state tuition benefits. And the concern for that is that it's a big price tag.

Now, the California court had said that the California law was okay. They did not violate -- that particular provision, they did not violate the federal law because we weren't basing the benefit on residency. But prior to that decision their court of appeals ruled the other way. So it's not as if we're on safe ground here. There is no Second Circuit decision and no Connecticut Supreme Court decision that has ruled on this matter. So this would be new, uncharted waters for the state of Connecticut.

And the Office of Fiscal Analysis has stated that if we are wrong and we have to give out-of-state students the benefit of in-state tuition it's going to cost the state of Connecticut 45.8 million dollars. For UConn its 37 million, for CSU, it's 7.8 million and for CCU it's one million. It's a big price tag. It's a big gamble.

And Madam Speaker, I'm just not ready to take that risk for the state of Connecticut. Putting the policies aside, it is very clear that the federal government has crafted legislation to try to prevent what we're doing here today. And we're going through legislative gymnastics to try to prevent us from triggering or invoking that penalty under that federal

law. And I just don't think it's prudent for us to do.

And I certainly can appreciate the public hearing testimony, the individuals that came up and testified seeking to get this in-state tuition benefit. And certainly, you know, if you serve on the Appropriations Committee especially, you hear a lot of testimony that really gets to you emotionally. And it makes it very difficult to say no to an individual. And that makes this decision all the more harder. And I think many of us have probably contemplated this bill a lot harder than many others because to say no is to deny somebody a benefit. But ultimately we come back to the same problem, is number one, we're potentially violating federal law by doing this.

The second piece of the puzzle is that these individuals want to go through our school system and better their lives. Certainly possibly of no fault of their own because maybe their parents brought them here. But some people could be here intentionally that they illegally came to the United States and stayed maybe longer than their visa allowed and we're going to allow those people, too, to get in-state tuition benefits. The bill doesn't differentiate

between those individuals that might have been moved here as a baby unknowingly by their parents versus an individual that may have come here at the age of 15 in violation clearly of maybe a visa that they had and they stayed longer and went through our public school system. We're going to give those conscious law breakers a benefit as well.

But also, the problem with this piece of legislation is the investment that we're making, arguably, is that these individuals are going to graduate from these institutions and become a productive part of our workforce. The dilemma here is that under current law, these individuals cannot get a job, not only in the state of Connecticut or anywhere in the United States. And so at that point in time what do we do next? Are we going to tell our employers just turn a blind eye and hire these people in violation of federal and state laws? Or are we going to tell them, just hire them under the table and pay them under the table and nobody is the wiser.

As I extend out the public policy in this piece of legislation, it's truly problematic for me. Because especially with the economy that we've been faced with in the past couple of years, I've had

constituents come up to me, especially in the construction industry and they tell me, "I can't make ends meet, I can't bid on projects because I'm trying to comply with the laws and we have contractors that are hiring people illegally, paying these individuals less than minimum wage as required by law, they're being paid under the table and nobody is the wiser."

And that's a problem, not just for the guy, the employer that's trying to abide by the law and make a decent living in the state of Connecticut, but it's also a problem for these bad employers who are extorting a population, underpaying them.

And I'm concerned with the public policy that we're sending here today is really confusing to the general public. Because I think if this was just a bill about giving an in-state tuition benefit to an individual that was brought here by their parents and raised here in Connecticut by their parents. And unknowingly through no fault of their own they receive their education and now they can't get a benefit that other residents in Connecticut get, I think we'd be having a different debate. But this bill certainly goes much farther than that.

And I'm also concerned with the fact that the current populations, the current residents that we have in our school system continue to tell us that we're having trouble finding jobs when they were graduating from higher education. Right now, I read somewhere that the unemployment rate for recent college grads is as high as 25 percent. And so I think, you know, as what's been stated, we're trying to help these individuals go to college, get an education and become productive members of the workforce. I think that there's something that we could do here today that would not only help businesses in the state of Connecticut but help every student that is in our higher education system.

And so with that, Madam Speaker, the Clerk is in possession of LCO 5939. And I ask that it be called and I'm allowed to summarize.

SPEAKER KIRKLEY-BEY:

Will the Clerk please call Amendment 5939, which will be designated House Amendment -- the Chamber will stand at ease for a moment.

(Chamber at ease.)

SPEAKER KIRKLEY-BEY:

Will the Clerk please call LCO 5939, which will be designated House Amendment "C" -- "D."

THE CLERK:

LCO Number 5939, House "D" offered by Representative Candelora.

SPEAKER KIRKLEY-BEY:

The Representative has asked leave to summarize. Is there any objection? Is there any objection?

Hearing none, please proceed, sir.

REP. CANDELARIA (95th):

Thank you, Madam Speaker.

Madam Speaker, we heard today the discussions about trying to offer an opportunity for individuals to receive higher education and to improve the workforce in the state of Connecticut. This amendment takes us one step further in that it affords these students that are accepted into higher education to, after they graduate, to have their income taxes segregated for the purposes of allowing them to buy their first home in the state of Connecticut. This is known as our Learn Here, Live Here initiative that has been touted by this side of the aisle for the last few years.

So what it does is that when an individual would graduate from an institution of higher education, when they begin working, their income tax, a portion of it, would be segregated into a separate non lapsing account over the period of ten years. And those individuals would be allowed to use that money at some point in time to purchase their first home. I think it's an important step to be able to not only, as the underlying bill does, afford additional benefits for people to achieve higher education, but it would also give an opportunity for those individuals to be able to purchase a home when they enter the workforce.

So with that, Madam Chair, I move adoption and I ask that when the vote be taken it be taken by roll.

SPEAKER KIRKLEY-BEY:

Motion on adoption. Would anyone remark further? Excuse me, Representative.

Representative Candelora, we have a motion for a roll call vote, let me do that first.

All those in favor of a roll call vote please indicate by saying aye.

REPRESENTATIVES:

Aye.

SPEAKER KIRKLEY-BEY:

The 20 percent has been met.

Representative Candelora, will you remark, sir.

REP. CANDELORA (86th):

Thank you, Madam Speaker.

SPEAKER KIRKLEY-BEY:

Oh - Representative Candelora, please proceed.

SPEAKER KIRKLEY-BEY:

Representative Candelaria.

REP. CANDELORA (86th):

Thank you, Madam Speaker.

Madam Speaker, as we've heard through this testimony, the underlying intent of the bill is for the purposes of trying to allow individuals to have the benefit of a higher education for the purposes of being able to later on pay taxes in the state of Connecticut and become a productive member of our workforce. What this amendment does, it -- it solves a necessary problem in the state of Connecticut. We've heard far too long that our students are getting a great education but they're moving out-of-state because there's no opportunities and housing is unaffordable. And so what this amendment does is it makes it more affordable for those students. So if they're making the decision of, you know, it might be

easier for me to move to South Carolina because the housing market is a lot cheaper, I could find a job a little bit easier, so thanks for the education, Connecticut, but I'll see you later.

This program will say, you know what, we're going to invest a little bit more in your future. If you stay here, you find a job here, move in with your parents for a couple of years, endure that and we're going to take your income tax and we're going to put it aside for you. And rather than put that income tax toward all the litany of programs that we have in the state of Connecticut, we are going to specifically invest it in the students of Connecticut, our youth.

Just recently, our census came out and we saw that for the first time, Connecticut, the median age has reached 40 for the first time in history. And that should concern all of us in this Chamber because as the population in Connecticut ages so do -- and it goes up, so do Connecticut's expenses. It costs more as our population ages, undeniable, we've known that.

Our social programs go up, our health care goes up. It behooves us to keep our younger generations here. And so this amendment goes a long way to accomplish that goal. It's had a public hearing.

It's been spoken on favorably in years past. It's been discarded because it's been said we can't afford it.

Well, this is a non lapsing account that pays for itself because the income taxes are going into it. Granted, we're going to have that initial loss of income tax. But you know what, we've already hiked up the income tax on most people in the state of Connecticut. We have a surplus, a billion dollars, the Governor's acknowledged that for the next biennium. Why not take a little bit of that tax hike on the little guy and let's put it into this account so that the children of that little guy can be able to use it to buy a home? Thank you, Madam Speaker.

SPEAKER KIRKLEY-BEY:

Thank you, Representative Candelora. When I called on the person with whom -- the bill, I thought you had finished your summarization. I apologize.

Representative Candelaria, you have the floor, sir.

REP. CANDELARIA (95th):

Thank you, Madam Speaker. Through you, a question to the proponent of the amendment.

SPEAKER KIRKLEY-BEY:

Prepare yourself, Representative Candelora.

Please proceed.

REP. CANDELARIA (95th):

Through you, Representative Candelora, is there a fiscal note on this amendment? Through you, Madam Speaker.

SPEAKER KIRKLEY-BEY:

Representative Candelora.

REP. CANDELORA (86th):

Thank you, Madam Speaker. Yes, there is a fiscal note. The OFA has determined that in years 12 and 13 there's no fiscal impact because the bill takes effect in the out year. And for fiscal year 14, there is a 100- to $200,000 impact for DRS for the purposes of administering the program. Through you, Madam Speaker.

SPEAKER KIRKLEY-BEY:

Representative Candelaria.

REP. CANDELARIA (95th):

Through you, Madam Speaker, so what is the actual fiscal impact this will have on the state? Through you, Madam Speaker.

REP. CANDELORA (86th):

Thank you, Madam Speaker. The actual fiscal impact to implement the program is contained in the last paragraph of that fiscal note and it's approximately 100 million dollars per year. Through you, Madam Speaker.

SPEAKER KIRKLEY-BEY:

Representative Candelaria.

REP. CANDELARIA (95th):

Through you, Madam Speaker. Is, uh, -- is this amendment part of the fiscal note, is that part of the budget that we currently passed? Through you, Madam Speaker.

SPEAKER KIRKLEY-BEY:

Representative Candelora.

REP. CANDELORA (86th):

Thank you, Madam Speaker. I think the question was was it part of our underlying budget. The answer would be no. This particular legislation was not incorporated as I understand it in that budget bill but we certainly haven't done implementers yet.. Through you, Madam Speaker.

SPEAKER KIRKLEY-BEY:

Representative Candelaria.

REP. CANDELARIA (95th):

Thank you. I thank the gentleman for his answers.

Madam Speaker, I urge my colleagues to reject this amendment. One, because it has a huge fiscal note, one that we did not incorporate in the budget that we currently passed. I think it will have a detrimental impact on the state's revenue. So with that, I reject the amendment. Through you.

SPEAKER KIRKLEY-BEY:

Thank you.

Is there anyone else who would like to speak on the amendment?

Representative Davis, you have the floor, sir. They're trying to find you.

REP. DAVIS (117th):

Thank you, Madam Speaker.

As the youngest member of this Chamber, I stand in strong support of this amendment. I could sit here all night long and tell stories about personal friends of mine that have left this state, many times because of the high costs of living. Many times simply because we have very little to offer them as far as jobs go, as far as culture. Many of them leave the state without even having a job to go to. They just

leave, they go to Boston, they go to New York, a lot of them are actually going to Denver, areas outside of the Northeast, because there's a lot more to offer there than what the state of Connecticut has.

Well, here's an opportunity for us as the state of Connecticut to reinvest in our youth, tell them to stay here in Connecticut. This is our opportunity to grow our state for the future. Because right now as the census numbers have just come out, we've seen a seven percent drop in our population between the ages of 25 and 35. We've seen the elderly population over 65 grow ten times. And in fact, the population under the age of 65 has decreased over the last three years.

So it's a situation where how are we going to pay for all these services? How are we going to even pay for in-state tuition for illegal immigrants if we don't have anybody feeding into the pool? And we need to keep young people here in the state of Connecticut so that we can keep businesses here. Because the only way businesses will stay and create jobs is if they have people that work in those jobs. The only way that we have people that work in those jobs is if they can stay here. And they can stay here through this package, the Learn Here, Live Here package because

they'll have an opportunity to reinvest their money into buying a home, setting roots, growing a family here in the state of Connecticut.

So, Madam Speaker, I stand in strong support of this amendment and encourage all of my colleagues here this evening to vote in favor of it.

Thank you, Madam Speaker.

SPEAKER KIRKLEY-BEY:

Thank you.

Will you remark further on the amendment?

Representative Rebimbas, you have the floor, ma'am.

REP. REBIMBAS (70th):

Thank you, Madam Speaker. Good afternoon. If I may, through you, to the proponent of the amendment?

SPEAKER KIRKLEY-BEY:

Representative Candelora, prepare yourself.

Representative Rebimbas, please proceed.

REP. REBIMBAS (70th):

Thank you, Madam Speaker.

To the proponent of the amendment, my understanding is the purpose of this amendment to entice newly graduates of our secondary institutions

to stay and live in the state of Connecticut? Through you, Madam Speaker.

SPEAKER KIRKLEY-BEY:

Representative Candelora.

REP. CANDELORA (86th):

Thank you, Madam Speaker, yes, it is.

SPEAKER KIRKLEY-BEY:

Representative Rebimbas.

REP. REBIMBAS (70th):

Thank you, Madam Speaker. And to the proponent of the amendment, I believe your argument in support of this amendment was because of the perceived or an actual brain drain that we're having in the state of Connecticut where we have either our children or students who come or are in the state of Connecticut being educated that are leaving the state of Connecticut. Is that correct? Through you, Madam Speaker.

SPEAKER KIRKLEY-BEY:

Representative Candelora.

REP. CANDELORA (86th):

Thank you, Madam Speaker.

Certainly the public hearing testimony supported that, absolutely. Through you, Madam Speaker.

SPEAKER KIRKLEY-BEY:

Representative Rebimbas.

REP. REBIMBAS (70th):

Thank you, Madam Speaker.

No further questions to the proponent of the amendment, but Madam Speaker, I would submit to this body here this afternoon that the -- thus far the only opposition I heard to this amendment was to the fiscal impact that the set up -- that there would be a fiscal impact to the state for the administration of this program. What I would counter that argument with is all of the revenue that we would have as a result of the implementation of this program.

So, Madam Speaker, I would argue that if we were, in fact, to keep our graduates in the state of Connecticut, the understanding is then they would live in the state of Connecticut. And this amendment goes directly to the purpose of enticing them to purchase property in the state of Connecticut. That is personal property taxes that would be paid to the state of Connecticut.

Of course, the intent thereafter is that they actually have a job in the state of Connecticut. So

then they would be paying income taxes in the state of Connecticut, additional revenue.

I would also submit, through you, Madam Speaker, that not only would someone then have property and a job, of which they're paying real estate taxes and income taxes, but we can probably safely assume that they would need a vehicle to travel around the state of Connecticut. So that's personal property taxes that then would also be provided as revenue to the state of Connecticut.

Not to mention that if you're actually living in the state of Connecticut you would have to eat, clothe yourself and then we would certainly hope that then that person would want to create a family in the state of Connecticut.

So for any of the minimal fiscal impact that this amendment may have in setting up this program, I would submit to the body here today to seriously consider voting for this amendment because what it actually creates is additional revenue and hopefully addresses the issue that we have had in trying to keep our children and our students in the state of Connecticut.

Thank you, Madam Speaker.

SPEAKER KIRKLEY-BEY:

Thank you, Representative.

Will you remark further on the amendment that is before us? Will you remark further? If not -- oh.

I have the hardest time saying your name -- Srivasi? I'm getting there.

REP. SRINIVASAN (31st):

Thank you, Madam Speaker.

In the opening remarks of the bill that we're discussing -- of course, I know we are at the amendment. But I just want to comment on in the opening remarks of the bill that we're discussing here today, the co-chair of the Higher Education Department talked about the purpose of this particular bill. And one of the goals, he had four goals that I've jotted down. I'm sure there are more than that. But I've jotted down four of the goals that he had talked about. And one of them was to re -- through this process of this higher education, we will entice the generation of students graduating to stay back in our state, to stay back in Connecticut. That was one of the goals that was outlined earlier in the afternoon.

What this amendment does is exactly that. By allowing these students this extra latitude that we are giving them. By purchasing their homes, we are

enticing them to make Connecticut their homes and that is why, Madam Speaker, I strongly urge that this entire floor consider supporting this amendment.

Thank you.

SPEAKER KIRKLEY-BEY:

Thank you, sir.

Is there anyone else?

Representative Klarides, you have the floor, ma'am.

REP. KLARIDES (114th):

Thank you, Madam Speaker. We got my name right today, though. It's getting better.

Madam Speaker, I also rise to support this amendment. This has been a concept that our caucus has come up with and supported for the past few years.

When we debate the budget and all the issues involved with making a budget for this state, one of the things that comes up day after day is the population decline in the state of Connecticut.

Now, obviously, there are many reasons for that, but one of them is the fact that people move out of the state because they can't afford to live here. And we talk about our brain drain, that we do have the best and the brightest in the country but a lot of our

kids cannot afford to stay here. And this concept was something that we came up with to stop that. Or at the very least, help it along.

I think that whether you support the underlying bill, whether you support a budget, no matter what side of the aisle you're on, this is one of those things that we look at and we say, you know what, we're thinking out of the box and we're being creative. We're trying to find a way to keep kids in this state, keep them living here, keep them working here. I urge my colleagues' support.

SPEAKER KIRKLEY-BEY:

Will anyone else care to speak on the amendment that's before us, House Amendment "D"? Anyone else?

If not, staff and guests please come to the well of the House. The machine will be opened. The members take your seats.

THE CLERK:

The House of Representatives is voting by roll call. Members to the Chamber. The House is voting House Amendment Schedule "D" by roll call. Members to the Chamber.

SPEAKER KIRKLEY-BEY:

Have all the members voted? Have all the members voted? Please check the board to make sure your votes have been properly cast. The machine will be locked and the Clerk will prepare the tallies.

The Clerk will please announce the tally.

THE CLERK:

House Amendment Schedule "D."

Total Number voting: 136

Necessary for passage: 69

Those voting Yea: 50

Those voting Nay: 86

Those absent or not voting: 15

SPEAKER KIRKLEY-BEY:

House Amendment "D" fails.

Will you remark further on the bill that is before us?

Representative Candelora.

REP. CANDELORA (86th):

Thank you, Madam Speaker.

Madam Speaker, I can't support this bill for a number of reasons. As Representative Cafero, I think, demonstrated, there certainly is problems with the bill, how it's written and how it would be applied

through the university system with this additional exception that we are carving out.

But Madam Speaker, my other dilemma in this particular legislation is when I think of my constituency and what I've heard from my constituency.

SPEAKER KIRKLEY-BEY:

Excuse me, Representative.

Quiet down.

REP. CANDELORA (86th):

Thank you, Madam Speaker.

SPEAKER KIRKLEY-BEY:

Quiet down and take your conversations in the hall. The Representative is giving his opinion of the bill. Please proceed, sir.

REP. CANDELORA (86th):

Thank you, Madam Speaker.

When I hear from my constituents -- there certainly right now, you know, very upset and concerned about the taxing and the spending that goes on in the state of Connecticut. And I think at times they get real disillusioned of the way we spend our money. And they're very critical.

And frankly, I have a hard time explaining to them that I'd be supporting a measure investing our

tax dollars in a group of individuals that whether it's through their fault or not are in the state of Connecticut illegally, cannot legally pay taxes and that their students who are going through the education system -- and these individuals that are working hard and paying taxes and supporting our educational system through their taxes are now going to have to compete with these individuals.

And I've heard from many, many constituents who are outraged and who are concerned. And I think it's also why they become disillusioned to the entire process. I have a hard time going home to tell them that I've just raised their taxes or, you know, this assembly raised their taxes -- I voted against that bill, but the state of Connecticut has just raised their taxes and then on the other hand saying, we need these programs we have to protect the safety net, we have to protect our residents.

But here we're going to extend another benefit that not only may cost places like UConn additional money, but it also may expose the state of Connecticut to a roughly 50 million dollar lawsuit because if an out-of-state resident decides that they want that in-state benefit and they want to bring a lawsuit, which

they're entitled to do under federal law, and claims that they're being discriminated against, they certainly have that ability and I can't predict how a court in Connecticut is going to rule. I don't think anybody here could predict, especially that -- we had two cases in California. The lower court went one way and the higher court went the other.

So I don't think it makes much sense for us to be going down this path today. And therefore, I must oppose the underlying bill.

Thank you, Madam Speaker.

SPEAKER KIRKLEY-BEY:

Thank you, Representative.

Representative Ackert, you have the floor, sir.

REP. ACKERT (8th):

Thank you, Madam Speaker.

Just prior to getting and having the honor of serving here in the House, I served four years as a trustee for the community colleges. During those four years, I served in Academics and Policies and reviewed many, many of the budgets that were proposed to the community colleges.

And unfortunately over the years, we know how many cuts that came down to the Education Department

that were, in essence, reduced staff and also asked for all students that go to the community colleges to pay increased rates. It was an unfortunate measure that the trustees had to make, but it kept as many of the full time positions available for them to be our teachers.

The fiscal note on this says zero. And through you to the proponent of the bill I would like to ask how that can be possible that there's no fiscal note? Through you, Madam Chair.

SPEAKER KIRKLEY-BEY:

Representative Candelaria, prepare yourself, please answer the Representative.

REP. CANDELARIA (95th):

Through you, Madam Speaker. As a former trustee you must be aware that many of our community college and CSUs have a lot of slots available. Also, the University of Connecticut as well as the CSUs, they can adjust their ratio of in-state and out-of-state to reflect that. And that's why we have no fiscal impact. Through you, Madam Speaker.

SPEAKER KIRKLEY-BEY:

Representative Ackert.

REP. ACKERT (8th):

Thank you, Madam Speaker.

I just did some quick notes and some thoughts on that. The only way to make up the amount of money -- because out-of-state students pay more than in-state students is to reduce the amount of in-state students as opposed to the out-of-state students, actually reducing open slots. And if we had come up with a number as one of our good representatives mentioned, it's going to be about $250,000. I agree with that number approximately. My understanding is right now there's between 80 and 100 of un -- I should say -- and it took me -- to use the term illegal aliens that are in our school system now. And if I took the number of 250, the note actually comes to 1.55 million dollars in difference in fees. That's 1.55 million dollars from a 3,400 year student to a 10,400 year student for out-of-state. I'm not sure how that would be made up in our community college system because right now we have 58,000 students in the community college system that are -- and 35,000 additional uncertified students -- or certificate students.

Right now we do not have any open slots due to the economics of Connecticut in our community colleges and many of the community colleges are turning away

students, some of them the only opportunity to attend those schools.

So some of the remarks, I can't see how this cannot have a fiscal note. And I do at this point disagree that it would not create reduced slots. And in our community colleges where a lot of families are diverting to get education at an affordable cost, that there would be any slots available that we would be able to -- for our students.

To go along with that, through you, to the proponent of the bill, Madam Speaker, why do we have -- what is the justification for in-state tuition? Through you, Madam Speaker.

SPEAKER KIRKLEY-BEY:

Representative Candelaria.

REP. CANDELARIA (95th):

Through you, Madam Speaker, to make it affordable and accessible.

SPEAKER KIRKLEY-BEY:

Representative Ackert.

REP. ACKERT (8th):

Thank you, Madam Speaker.

I always valued it as, um, with my student, my daughter graduated from Eastern Connecticut State

University. My son should be shortly graduating from Manchester Community College. My daughter will soon be attending UConn as a grad student. I always thought it was because of the investment I made as a resident of Connecticut and a tax payer that that was kind of my "Keep your child in Connecticut because you have invested in this state and we appreciate that." I believe we have a value in being a resident and a tax payer of the state of Connecticut.

One final question, through you, Madam Speaker.

SPEAKER KIRKLEY-BEY:

Please proceed, sir.

REP. ACKERT (8th):

I also have a concern with the affidavit portion of this. And the concern is for the student filling this out. If a student fills out an affidavit stating that they are not a resident of this country and it goes into a file in our schools, could it possibly be, maybe through an Freedom of Information Act request that this information is given to somebody that may look to, unfortunately, possibly, deport that student? Through you, Madam Speaker.

SPEAKER KIRKLEY-BEY:

Representative Candelaria.

REP. CANDELARIA (95th):

Through you, Madam Speaker. For our student confi -- confidi -- confidentiality agreements, it would be very difficult to extract this record for FOI. Now, the federal government under ICE can actually request a copy through the courts. Through you, Madam Speaker.

SPEAKER KIRKLEY-BEY:

Representative Ackert.

REP. ACKERT (8th):

Thank you for that response.

It is with some -- I guess, I should say, I always look at college being accessible to all.

And I believe that we have that now. I do believe that we will have a fiscal note on this and I do believe that some Connecticut residents may lose the opportunity to go to college. And I struggle with the decision but I believe I will not be in support of this bill. Thank you, Madam Speaker.

SPEAKER KIRKLEY-BEY:

Thank you, sir.

Representative Rowe, you have the floor, sir.

REP. ROWE (123rd):

Thank you. Good afternoon, Madam Speaker.

SPEAKER KIRKLEY-BEY:

Good afternoon, sir.

REP. ROWE (123rd):

A few musings and then maybe a question or two, but, um, I think we have a well intentioned proposal here. I think there's little doubt about that. And I do think that there would be good that would come out of this legislation were it to become law. I think you'd have otherwise good, solid, law abiding, deserving youth have access to a top shelf education that they wouldn't otherwise have access to.

But -- and I think many people have articulate that all that comes with a price. And it's a price that I don't think, on balance, works in this bill's favor.

If I could ask a couple questions briefly through the proponent, please.

SPEAKER KIRKLEY-BEY:

Representative Candelaria, prepare yourself.

Representative Rowe, please frame your questions.

REP. ROWE (123rd):

Thank you very much. Through you, there was a little colloquy before about the actual price. And I've been here most of the afternoon, maybe I missed

it, but can you tell us what the current in-state versus out-of-state tuition is?

SPEAKER KIRKLEY-BEY:

Representative Candelaria.

REP. CANDELARIA (95th):

Through you, Madam Speaker. Are you implying for all our systems? Through you.

REP. ROWE (123rd):

Well, for those that the bill to whom or to which the bill would apply. Primarily, UConn, I guess, is what we're talking about.

SPEAKER KIRKLEY-BEY:

Representative Candelaria.

REP. CANDELARIA (95th):

Through you, Madam Speaker, to answer the gentleman's question. UConn specifically, in-state tuition, it's $10,416. The CSU system -- and we're talking about specifically a commuter, for the CSU, it's $8,043. And the community college is $3,406. Through you, Madam Speaker.

SPEAKER KIRKLEY-BEY:

Representative Rowe.

REP. ROWE (123rd):

Thank you. Forgive me, we were talking about in-state tuition for a commuter on that and if so -- can I have the out-of-state number as well? Forgive the compound question, but I think it's coherent.

SPEAKER KIRKLEY-BEY:

Representative Candelaria.

REP. CANDELARIA (95th):

Through you, Madam Speaker, I apologize. I misunderstood. Again, for UConn, in-state rate, $10416, out-of-state, $26880. The CSUs, $8043, out-of-state, $18,408. And the community college, $3,406 versus -- one second. And for out-of-state for the community colleges is $10,178. Through you.

SPEAKER KIRKLEY-BEY:

Representative Rowe.

REP. ROWE (123rd):

Thank you. That was the question that I had asked.

So we're looking at, for UConn anyway, about a $16,000 difference, a $10,000 difference and a $7,000 difference roughly between in-state versus out-of-state. I think that's important for us to have as a baseline understanding.

Through you, also, and Representative Willis may have referenced it before, but do we have any anticipated number of students that we expect to avail themselves of this legislation and be accepted into our state universities? Through you.

SPEAKER KIRKLEY-BEY:

Representative Candelaria.

REP. CANDELARIA (95th):

Through you, Madam Speaker. Approximately 250 new students that would actually be revenue for the university systems. Through you, Madam Speaker.

SPEAKER KIRKLEY-BEY:

Representative Rowe.

REP. ROWE (123rd):

But they -- you say revenue for the university, but these are already -- these aren't new slots necessarily, these are already existing slots that are being filled by citizens. I'm getting a shaking of the head. Through you.

SPEAKER KIRKLEY-BEY:

Representative Candelaria.

REP. CANDELARIA (95th):

Through you, Madam Speaker. These are students that are not currently in college so it would be totally new. Through you.

SPEAKER KIRKLEY-BEY:

Representative Rowe.

REP. ROWE (123rd):

Okay, I understand that, but I'm talking about the available slots in the system we're not cre -- this bill doesn't create new slots within the system. Through you.

SPEAKER KIRKLEY-BEY:

Representative Candelaria.

REP. CANDELARIA (95th):

Through you, Madam Speaker, no, this is an open, open process.

REP. ROWE (123rd):

And -

SPEAKER KIRKLEY-BEY:

Representative Rowe, through the Chair.

REP. ROWE (123rd):

Yes, through the Chair. Thank you. And maybe that segues into a next area.

Based upon your last response, am I correct in understanding that -- let's say you're right, it's 250

students. Would there now be 250 fewer citizens, whether they're in-state or out-of-state, that are able to avail themselves of our state university system?

SPEAKER KIRKLEY-BEY:

Through the Chair.

REP. ROWE (123rd):

Indeed.

SPEAKER KIRKLEY-BEY:

Representative Candelaria.

REP. CANDELARIA (95th):

Through you, Madam Speaker. The answer is no.

SPEAKER KIRKLEY-BEY:

Representative Rowe.

REP. ROWE (123rd):

Thank you. Through you, why?

SPEAKER KIRKLEY-BEY:

Representative Candelaria.

REP. CANDELARIA (95th):

Like I said earlier. The reason is that we have open enrollment in our system. Through you.

SPEAKER KIRKLEY-BEY:

Representative Rowe.

REP. ROWE (123rd):

Thank you. I understand that we have open enrollment but we don't have unlimited enrollment, correct? We have X number of spots available and as I think I understood from your previous response, right now we're educating X number of students. We're not going to be educating X plus 250 students if this bill passes. We're still going to be X students, in which case, I would think that those 250 students are going to fill slots that are currently being held by citizens. That was my question. Through you. And am I correct?

SPEAKER KIRKLEY-BEY:

Representative Candelaria.

REP. CANDELARIA (95th):

Through you, Madam Speaker. I disagree. We have 12 community colleges. We have four Connecticut state universities, UConn, we have Charter Oak. We're not talking about 4,000 students. We're talking specifically about 250 students.

Another thing that we need to actually look at when we have these kids accepted -- when they're accepted it's based on their academic achievement. It doesn't matter whether they could pay in- or out-of-state tuition. We're not even talking about tuition

at all. It's about their academic achievement.

Through you, Madam Speaker.

SPEAKER KIRKLEY-BEY:

Representative Rowe.

REP. ROWE (123rd):

Thank you. Thank you for the answer.

Can I ask you about the so-called anchor babies? And -- and -- and by that I mean children that are born in this country to otherwise illegal immigrants, but by virtue of being born in the United States, they gain citizenship. Would this legislation apply to them in any manner? Through you?

SPEAKER KIRKLEY-BEY:

Representative Candelaria.

REP. CANDELARIA (95th):

Through you, Madam Speaker. The answer is no.

SPEAKER KIRKLEY-BEY:

Representative Rowe.

REP. ROWE (123rd):

Thank you.

So would this not -- would this only allow the children of illegal immigrants, not born in the country to avail themselves of in-state tuition? In other words, I think what you just told me was that

the bill doesn't apply to children that are born in the United States by -- of illegal aliens. So if it doesn't apply to them, through you, am I correct that it only applies to children born of -- born out of this country? That would seem to be the only logical consequence of that. Through you.

SPEAKER KIRKLEY-BEY:

Representative Candelaria.

REP. CANDELARIA (95th):

Through you, Madam Speaker. The answer is yes.

SPEAKER KIRKLEY-BEY:

Representative Rowe.

REP. ROWE (123rd):

Okay. Thank you.

I'm not sure that's fair to the anchor babies, but nevertheless, it is what it is.

Maybe -- and as I said, I do think there is -- there is -- uh -- a real, for the most part, good intention behind this. And I think this would bear some good fruit. But even if you assume it's a good idea and it will bear the good fruit, it seems that there are going to be difficulties in implementing it. I mean, even a simple question as -- there was an earlier discussion about taking the SATs. Would the -

- I'm going to ask you a question and I know he's not ready so maybe I'll just ad lib for awhile.

SPEAKER KIRKLEY-BEY:

Representative Candelaria, prepare yourself.

Representative Rowe, proceed.

REP. ROWE (123rd):

Thank you. Um, I was -- I was going to ask some questions about the implementation of it and potential difficulties. And the first one I was going to ask is maybe simple and maybe not too bright a question, but consider the source, I suppose.

Do -- does -- does an -- an undocumented -- an illegal alien child, do they have the ability to get a social security number? Through you.

SPEAKER KIRKLEY-BEY:

Representative Candelaria.

REP. CANDELARIA (95th):

Through you, Madam Speaker. I'm not a professional in immigration law, but I believe they cannot. Through you.

SPEAKER KIRKLEY-BEY:

Representative Rowe.

REP. ROWE (123rd):

Thank you. It seems to me that would be a big problem in even applying to take the SATs, for example. Would the gentleman or the chairman know if when you apply to take the SATs you need -- you need to fill out a form that -- that's inclusive of your social security number? Through you.

SPEAKER KIRKLEY-BEY:

Representative Candelaria.

REP. CANDELARIA (95th):

It is my -- through you, Madam Speaker, it is my understanding that they do ask for it for identification purposes but it's not required. Through you.

SPEAKER KIRKLEY-BEY:

Representative Rowe.

REP. ROWE (123rd):

And how about the same question on your UConn or your in-state application? Is it the same, that it's asked for but not required, if you know, through you?

SPEAKER KIRKLEY-BEY:

Representative Candelaria.

REP. CANDELARIA (95th):

Through you, Madam Speaker. It is my understanding that the application does ask for social security number.

SPEAKER KIRKLEY-BEY:

Representative Rowe.

REP. ROWE (123rd):

I'm sorry. Could I trouble you to repeat that question, please.

REP. CANDELARIA (95th):

It is (inaudible) on. Through you, Madam Speaker. It is my understanding that it does -- the question is there. It asks for a social security number.

SPEAKER KIRKLEY-BEY:

Representative Rowe.

REP. ROWE (123rd):

Thank you. Several years back when this -- I think identical or near identical proposal came out, LCO had a report and they talked about the affidavit that would be required under the bill. And it indicates to what the affiant, to what the applicant must certify or attest. And it also indicates that in filing the affidavit the applicant would need to submit high school transcripts. Obviously, that's

easy enough if he went to -- he or she went to a high school, but copies of his parents' tax filings and other documentation and such. Do you anticipate there being problems that a potential applicant under this legislation, an illegal immigrant, simply doesn't have available the documentation that a citizen would have in doing everything that citizens need to do to properly apply? In other words, provide tax returns. Presumably, if they're undocumented, if they're illegal, they're not paying taxes. Social security numbers as we talked about, drivers licenses and such, in terms of implementing it, isn't that going to be a difficulty? Through you.

SPEAKER KIRKLEY-BEY:

Representative Candelaria.

REP. CANDELARIA (95th):

Through you, Madam Speaker. My assumption is that they will face some difficulty. But also, my understanding is that some of these undocumented illegals, the government provides them with a TIN number so that they can pay state and federal taxes. Through you.

SPEAKER KIRKLEY-BEY:

Representative Rowe.

REP. ROWE (123rd):

Thank you.

You now, I didn't talk yesterday on the bill so I don't know if I have an hour that I was able to yield myself from yesterday, but won't because I know we have things going on later tonight. But just, sort of, to wrap up -- and I appreciate very much the gentleman's responses.

Some quick thoughts and I'll again reiterate that -- that there's some merit here. This bill does have some merit and would, as I say in my opinion, bear fruit, but at a cost that just outweighs it and outweighs it considerably. I'm -- I'm still not of the mind that we would not be taking seats away from citizens, that we would not be taking spots in our education system away from otherwise intelligent, deserving, legal, taxpaying residents.

And that means something to me and I think it means something to a lot of people, that citizenship has its privileges and the -- you know, the taxes alone that have been paid which allow us to offer a UConn education at $10,000 rather than $26,000 for example.

That's because of the taxes, by and large, that the parents of these in-state students have paid. So they're availing themselves of the benefit of their labor and their taxes and that's not something that the 250 or however many that would avail themselves under this legislation -- it's simply not something that they have.

They may have very compelling, beautiful, extraordinary stories, but that doesn't, in and of itself, justify passing the bill.

I think -- and I didn't go into it too well, frankly, but I think there are profound problems in implementing this. Representative Candelora talked about how this really would be contrary to federal law and the real profound consequences that -- that may be visited upon us because we -- in all likelihood, would be in violation of federal law or at least that issue hasn't been sufficiently vetted.

So I guess in sum, you know, we're going to -- we're going to pass legislation far worse than this. We have and no doubt we'll continue to do that. So this won't be the worst thing we do this session by a long shot. Nevertheless, on balance, it's not the right idea. It's certainly not the right time and

it's not appropriate to penalize the citizens at the expense of the non citizens. Thank you, Madam Speaker.

SPEAKER KIRKLEY-BEY:

Thank you, Representative.

Representative D'Amelio, you have the floor, sir.

REP. D'AMELIO (71st):

Thank you, Madam Speaker and good afternoon to you.

SPEAKER KIRKLEY-BEY:

Good afternoon, sir.

REP. D'AMELIO (71st):

You know, Madam Speaker, when I found out that we were going to be doing this bill today, it kind of rattled me in a way. Every year we've done this bill in the past but, you know, when you see what goes on in this building and you see the intent of certain legislation, you know, this is really -- one that I really struggle with.

And you know, like many of us, we all have a story. My story begins with my parents who are Italian immigrants. They came to this country for a better life and a better opportunity. My grandparents which I owe so much to are basically -- my grandfather was my age, he was 47 years old when he sold

everything he owed -- owned in Italy and brought his entire family here to America, not knowing the language, not knowing what to expect. But there was a reason for him to do so. Because his country couldn't provide the opportunities for his children that this country could provide.

And you know, sometimes I'm in -- I'm totally amazed that I'm serving in this Chamber with my background, coming from Italian immigrant parents. So when we have legislation like this -- and really -- it really tugs at me. You know, through the years we've had several family members from Italy come and visit. You know, they come on a visa, it's a temporary visa, sometimes the length of stay is for like a year or better. And I see how hard it is for them to have to return back to their country. Because they see the opportunities that we have here and that they don't have over in the old country. And it's very difficult.

And many times it's worse for the younger members of our family that come over to go back. But they have to go back because the law doesn't allow them to stay here, unfortunately.

You know, when I followed this debate, I watched the public hearing. There was a gentleman that was testifying that really caught my eye and I felt what he was going through. His name was Diego (inaudible). I know I didn't say his last name right, but he's a student at Norwalk Community College. He graduated valedictorian of his class. He was accepted both at Cornell University and UConn. But because of finances he wasn't able to attend those universities. And he mentioned how his family is struggling to keep him in a community college. These are really life cases. And they weigh heavily on me.

But you know, when I have to look at really what I need to do here today -- and it's a very difficult decision for me, I have to look at why I'm here. And I'm here to represent people from my district. And I've had -- I've posed this question at every town meeting that I've held and every office hour that I've held. And I even asked this question through a mailer and for me it was overwhelmingly that my district is not in support of this piece of legislation. It makes it even harder for me because I know that this is an opportunity for people in the state of Connecticut to become productive citizens and I don't fault this

legislation for being here before us because I understand the need for it. But there are so many implications like that were brought out during this debate that we have to think about.

So I just wanted to share my comments on this legislation on how I feel about it so that I could feel better about myself. But I am going to not support this legislation today because the people that sent me up here overwhelmingly don't support it. So thank you for that, Madam Speaker, I appreciate the time.

SPEAKER KIRKLEY-BEY:

Thank you, Representative.

Representative Hwang, you have the floor, sir.

REP. HWANG (134th):

Thank you, Madam.

SPEAKER KIRKLEY-BEY:

They're scrolling through all the names here.

REP. HWANG (134th):

Thank you, Madam Speaker.

SPEAKER KIRKLEY-BEY:

You're welcome.

REP. HWANG (134th):

I want to applaud Representative Candelaria for his work on this matter and for me, I'm extremely torn about this issue.

As a first generation immigrant this is deeply personal for me in that I became a naturalized citizen at the age of 18. I still remember that naturalization ceremony. It was very special when I pledged allegiance to the United States for the first time as an American citizen. I remember the civic and history classes that I had to take to prepare for that test. And ask any recently naturalized citizen about that test and they'll remember the pride and the history of what this country meant in taking that test.

We as citizens are afforded the right to political, religious and economic freedom unlike anywhere in this country. And we're encouraged to live out the American dream. I appreciate the merits of this bill to allow bright, ambitious and potentially economic viable contributing members into our community. And to allow these people to pursue the American dream of economic achievement and economic security. And having read and listened to the compelling testimony through the hearings and

through reading all of the various stories, wonderful success stories, some of them emotionally uplifting, some of them economical and some of them as it relates to fairness.

Unfortunately, it is the issue of fairness that I find it difficult to support this bill. I find myself as a legislator, sworn to uphold the laws of our state and our country, that allows and recognizes the illegal status of allowing these beneficiaries to gain an education. I support the fact that we want them to get an education. But again, we have to recognize the law. The law states it is illegal. They are not American citizens.

And I hope this body will join me in helping these young people to expedite the process to become American citizens. I think that's something we should be talking about in this Chamber, to help them fast track the process to become American citizens and enjoy all the rights and privileges that this country affords them. Not simply to recognize that they are a part of the process even though they are in an illegal status and look the other way. We have a responsibility as lawmakers to insure that we are doing the right things.

And I offer again, I would hope that this body would ensure that we can make sure and fast track these people to become part of the American dream, not live the dream and be on the periphery.

Ultimately, I will vote against this bill out of respect for my parents and so many other great immigrants that came into this country. Immigrants who contributed so much in making this country great, that those same immigrants who made an earnest and a sincere effort to attain the American citizenship. They went through hoops and obstacles to live out the American dream.

I would encourage all of these people that we're trying to help and support -- and I want to do that. But I would hope that they'd take it a step further, hopefully with our help, to be able to do it the right way, become an American citizen. To me, it was well worth the effort and I applaud my parents and I'm very grateful for all the work that they did to do this.

I thank you for your time, ma'am.

SPEAKER KIRKLEY-BEY:

(Inaudible.)

Representative Sampson, you have the floor, sir.

REP. SAMPSON (80th):

Thank you, Madam Speaker, and good afternoon.

SPEAKER KIRKLEY-BEY:

Good afternoon, sir.

REP. SAMPSON (80th):

It's been a long afternoon and many of us I'm sure are lacking in the sleep department. So please forgive me if I retread over some area that we've touched before. I have a few questions for the proponent of the bill, if I may.

SPEAKER KIRKLEY-BEY:

Representative Candelaria, prepare yourself.

Representative Sampson, please proceed.

REP. SAMPSON (80th):

Thank you, Madam Speaker. And through you, Madam Speaker, I want to start by trying to clarify exactly who the bill applies to.

Clearly someone who is born outside the US to illegal immigrants is an illegal immigrant themselves. But if someone is born here in the US to illegal immigrants, are they a US citizen or are they an illegal immigrant?

SPEAKER KIRKLEY-BEY:

Representative Candelaria.

REP. CANDELARIA (95th):

Through you, Madam Speaker, they were born in the United States they are considered US citizens.

REP. SAMPSON (80th):

Thank you, Madam Speaker.

So as far as the bill is concerned, the bill would not have anything to do with those folks whatsoever. Is that correct? Through you, Madam Speaker.

SPEAKER KIRKLEY-BEY:

Have you framed your question?

REP. SAMPSON (80th):

Yes, I'm asking if someone who is a US citizen by virtue of being born in the US, although having parents of, uh, that are illegal aliens, would they be, uh, uh, addressed in some part of this bill?

SPEAKER KIRKLEY-BEY:

Representative Candelaria.

REP. CANDELARIA (95th):

Through you, Madam Speaker, if I understand the question correctly, yes.

SPEAKER KIRKLEY-BEY:

Representative Sampson.

REP. SAMPSON (80th):

Through you, Madam Speaker, can you describe in what way? I guess -- what -- let me just -- I'll reframe the question. What I'm trying to do is clarify what status individuals the bill directly applies to. You could be a citizen, you could be an illegal alien, you could be someone who has a visa, you could be a resident alien. I'd like to just clarify exactly who the bill applies to. Through you, Madam Speaker.

SPEAKER KIRKLEY-BEY:

Representative Candelaria, you have the floor.

REP. CANDELARIA (95th):

Through you, Madam Speaker. The bill applies to a person without legal immigration status. Through you.

SPEAKER KIRKLEY-BEY:

Representative Sampson.

REP. SAMPSON (80th):

Thank you. Through you, Madam Speaker, so it applies only to illegal aliens, no one else? Through you, Madam Speaker.

SPEAKER KIRKLEY-BEY:

Representative Candelaria.

REP. CANDELARIA (95th):

Undocumented as well, through you.

SPEAKER KIRKLEY-BEY:

Representative Sampson.

REP. SAMPSON (80th):

Through you, again, Madam Speaker, and I'm sorry. I don't mean to -- I'm just trying to simplify this as much as possible for my own benefit and for the rest of the Chamber and anyone listening.

Can you tell me is there a difference between someone who is an illegal alien or someone who is undocumented? Through you, Madam Speaker.

SPEAKER KIRKLEY-BEY:

Representative Candelaria.

REP. CANDELARIA (95th):

Illegal -- through you, Madam Speaker. This is my understanding. I consider a person that's undocumented would be a child that is born, brought into the United States illegally by their parents without -- through no fault their own. That would be considered undocumented. Whereas the parent, knowingly came into the country illegally, would be an illegal alien. Through you, Madam Speaker.

SPEAKER KIRKLEY-BEY:

Representative Sampson.

REP. SAMPSON (80th):

Thank you, Madam Speaker.

And I thank the gentleman for his answers. Let me just follow up one last time. And I have a great deal of respect for the varying use of some of the language here, but for the purposes of the law it seems to me from your response that there is no difference between illegal or undocumented. This is the same thing. We're talking about those folks that are in this country illegally, is that correct? Through you, Madam Speaker.

SPEAKER KIRKLEY-BEY:

Representative Candelaria.

REP. CANDELARIA (95th):

Through you, um. I mean, it's how you interpret it. Through you, Madam Speaker. The children that came with their parents came with no illegal intent. Through you, Madam Speaker.

SPEAKER KIRKLEY-BEY:

Representative Sampson.

REP. SAMPSON (80th):

Thank you, Madam Speaker. Again, I -- forgive me, Madam Speaker, I don't want to beat a dead horse. I just want a straight answer. Does this bill apply

to anyone outside of illegal aliens? And you can call them undocumented aliens if you like or undocumented immigrants, but what I'm referring to is the same thing. Someone who is in this country outside the law. Thank you, Madam Speaker and through you.

SPEAKER KIRKLEY-BEY:

Representative Candelaria.

REP. CANDELARIA (95th):

Through you, the answer is yes.

SPEAKER KIRKLEY-BEY:

Representative Sampson.

REP. SAMPSON (80th):

Thank you, Madam Speaker. Okay. So I have a follow up question then. Does the proponent of the bill know whether to not it is legal for a Connecticut business to hire an illegal alien? Through you, Madam Speaker.

SPEAKER KIRKLEY-BEY:

Representative Candelaria.

REP. CANDELARIA (95th):

Through you, Madam Speaker. Through you, Madam Speaker, my understanding that that's a federal issue.

SPEAKER KIRKLEY-BEY:

Representative Sampson.

REP. SAMPSON (80th):

Through you, Madam Speaker, not withstanding whether it's a federal or a state issue, is it your understanding that it is illegal for a Connecticut business to hire an illegal alien or, as you might put it, an undocumented immigrant?

SPEAKER KIRKLEY-BEY:

Representative Candelaria.

REP. CANDELARIA (95th):

Through you, Madam Speaker, the gentleman is correct.

SPEAKER KIRKLEY-BEY:

Representative Sampson.

REP. SAMPSON (80th):

Thank you once again, Madam Speaker. It would seem to me that the purpose of the bill before us is to assist in having illegal aliens or undocumented immigrants obtain an advanced education, presumably for -- or at least in part for the purpose of helping them obtain a job. Which just strikes me as odd because we just established that this bill only applies to those individuals and clearly, they would be putting an employer in the position of hiring someone who is an illegal alien.

So I don't know if there's a conflict there, but it seems to me that it doesn't make a lot of sense. That we would have to approach the situation from a different direction first and -- but, that being said.

I guess the other part of what I wanted to say this afternoon is just in regards to what is just. And there's been a lot of conversation about who would be displaced and who would get preference. And anytime there's a bill before this body that has the ultimate end in picking winners and losers, I think that we have failed in some way, shape or form. I think the goal should be to provide equal opportunity to each person as much as possible. And in this case, while the intent might be laudable that we are trying to help out folks in unfortunate circumstances, we are doing it at the expense of others who have gone through the process lawfully.

So I will be voting no on this bill.

And I just want to make one more comment. Earlier today we heard that there have been illegal aliens serving in our US military and some have been killed in action. Now, I spent quite a few minutes this afternoon on the Internet trying to find evidence of this and I could find nothing. What I did find is

that all of the services of our military; Army, Navy and so forth, all very specifically on their websites make it clear that the requirements to become an enlisted soldier in our military -- you must be a US citizen or a permanent resident alien.

So while in fact, there may be illegal aliens in our military, it's certainly not the policy decision that is making that happen. And I just thought we should clear that up. I've also confirmed that with the Office of Legislative Research and I'd be happy to circulate this if anyone requires it. That's all for my comments for today, Madam Speaker. Thank you very much.

SPEAKER KIRKLEY-BEY:

Thank you very much, sir.

Representative Fritz, you have the floor.

REP. FRITZ (90th):

Thank you, Madam Speaker. I've been waiting a bit of a long time. But I have to stand and -- before you today to tell you when this bill has been before us in the past I have always voted against it.

However, I feel that this legislation has tightened up a great many of the questions that remained in 2005 and before that.

I'm pleased that Representative Candelaria clearly stipulated that the student must be a graduate of a Connecticut high school and must have attended for four years. We talk about the achievement gap and I would submit to you that this addresses that problem at the highest level. It is also a job funnel.

Briefly I would like to comment on what Representative Sawyer said today. It troubles me greatly that in weighing the options between students that have lived in Connecticut all their lives and students from out-of-state, students that are residents of Connecticut whose tax payers dollars or parents' dollars and family dollars have gone into the coffers to support UConn are not given precedence over out-of-state students. There's something wrong with that picture. Do I think that's a different story with regard to these students who came here and who through no fault of their own were not made citizens. I certainly do.

I believe that this is the way we have to go. And I don't want to hear about people losing Connecticut, leaving Connecticut. Some young people, well, I hate to tell you all six of my kids came back.

Also how come then we didn't lose a congressman in the census? The people are still here.

I'm most happy to support this bill. I think it's necessary at this time. I don't think we need to throw away another generation. Thank you, Madam Speaker.

SPEAKER KIRKLEY-BEY:

Thank you, Representative Fritz.

Representative Nardello, you have the floor, ma'am.

REP. NARDELLO (89th):

Thank you, Madam Speaker. Madam Speaker, it's been interesting listening to everybody's stories and I'm actually quite amazed at the number of immigrants that actually sit in our Chamber. And since -- I am one of them as well and there are many that join me as fellow immigrants. And I have to say that one of the reasons that my father moved us here from Italy was to get an education. And he told me when I was quite young that he was able to go to school to the third grade. And after the third grade he could no longer go to school because his family had to pay for that education and they couldn't afford that education. So therefore he never wanted his children to experience

that. And that is a story that has stayed with me to this day.

He also instilled in me the belief in the power of education to transform lives. An I have to believe it because I'm standing before you today. And my mother and father worked in a factory all their lives. They had a very different life than I have had.

I think as a society we are judged by our values. And I believe that we must not only talk about our values but we have to live our values. If we really value education then we need to take every step possible to insure that every child has an opportunity. I listened to some of the arguments today and I think that what I must acknowledge is that students who have been accepted to UConn must meet certain standards. So they have to be accepted to the University for us to even have this discussion or any other state university for that matter.

And so if a student has taken the time to do the work and has met the standards then they deserve an opportunity for that higher education. The student will not get a free ride through this legislation. This bill is about making education affordable. I don't know how many of you remember, but when I was in

school you could go to Southern Connecticut State University for $300. And I still remember the fact that I chose a profession that I had to go to a private school, I couldn't go to a state school. And my dad said, "Why? This is so much more expensive. You can go to a state school. It's only $300." Well, we all know it's a lot more than $300. It was much more affordable and as the years have passed it is much less affordable. And if education isn't affordable then you have a dream that's unfulfilled.

So for each child to fulfill their potential, for each child who fulfills their potential we create a contributing member of society. It's an investment that will be paid to us in generations to come and in their children. We can't afford to turn our backs on students who are only asking for a chance.

I realize, by the way, that we all come to this room with different experiences that bring us to different conclusions and I respect everybody else's. And I know that some people have come to different conclusions today. And again, I respect yours, but I would ask that people consider the fact that, again, if we want to live our values and if we really believe in education we need to give these students a chance

and I ask the rest of the members to support this legislation today.

SPEAKER KIRKLEY-BEY:

Thank you, Representative Nardello.

Representative Smith, you have the floor, sir.

REP. SMITH (108th):

Thank you, Madam Chair and good afternoon or early evening.

SPEAKER KIRKLEY-BEY:

Good afternoon, sir.

REP. SMITH (108th):

Madam Chair, it seems like there's a -- somewhat of a disconnect here in this Chamber in the sense that legislation is proposed and it's discussed, but it doesn't seem like we can connect from one aisle to the next and make a piece of legislation, better legislation, through some proposed ideas. And that's what concerns me the most, Madam Chair, is because what we're doing here today, as we all know, is we're about to pass some legislation. And that legislation will go into those books and lawyer and non lawyers will have a chance to read that legislation and determine what it says.

And nothing gets at my -- well, nothing bugs me more, I'll say it that way, than to have a piece of bad legislation out there. Because as you know and I know and everybody in this Chamber knows, poor legislation results in litigation. It allows attorneys to take a look at it and ask, well, what does this mean. What is meant by this legislation? And if it's not clear in the wording we have litigation.

So what we've been trying to do and we've tried to do last night and yesterday, what we've tried to do today with some amendments is to make this legislation workable, not because we don't believe in the legislation. You heard several of the members from the Republican caucus indicate that they could support this legislation, applaud the idea, understand the idea, yet, when we tried to make a piece of legislation, in my mind, better, it seems to be heard certainly, with all due respect, but there's that disconnect. We can't make it better. And what happens then is that this piece of legislation leaves this building and then becomes law.

So I am concerned about that and what I'd like to do today is to point out some of the flaws in the

legislation that we've heard already somewhat and maybe emphasize it a little bit more. Not for the purpose of trying to in any way embarrass or undermine the proponent of the legislation. That is not my intent whatsoever.

I appreciate the gentleman's efforts in bringing this forth. I understand the reason behind the legislation. The sole purpose -- I'd like to point out some of the flaws, Madam Chair, is so that we know what we're doing here today. And we know what's going to come back to haunt us if this bill gets passed the way it is.

I think had we worked together on this piece of legislation we could have had a fine piece of law. Something we could be proud of as a Chamber, proud of as a caucus on both sides. But we failed to do that. So I'm going to ask if I may, through you, Madam Chair, ask the proponent of the bill a few questions.

SPEAKER KIRKLEY-BEY:

Representative Candelaria, prepare yourself.

Representative, please proceed, frame your question.

REP. SMITH (108th):

Thank you, Madam Speaker. Through you to the gentleman, the proponent of the bill, I believe I heard you state earlier today -- and I tried to sit through most of this testimony that Section 9 of this bill only applies to undocumented persons. Is that correct?

SPEAKER KIRKLEY-BEY:

Representative Candelaria.

REP. CANDELARIA (95th):

Through you, Madam Speaker, correct, that's the intent of Section 9.

SPEAKER KIRKLEY-BEY:

Representative Smith.

REP. SMITH (108th):

Thank you, Madam Speaker and through you again to the proponent of the bill, if you could just show me and perhaps anybody in the Chamber where it does say that in Section 9. Through you, Madam Speaker.

SPEAKER KIRKLEY-BEY:

Representative Candelaria.

REP. CANDELARIA (95th):

Through you, Madam Speaker, if you look at line -- if you look at line 57 where it -- the phrase is "such persons without legal immigration status, if

such person files and affidavit" that gives the intent -

SPEAKER KIRKLEY-BEY:

Representative Smith.

REP. CANDELARIA (95th):

-- of -

SPEAKER KIRKLEY-BEY:

I'm sorry.

REP. CANDELARIA (95th):

-- Section 9, through you, Madam Speaker.

SPEAKER KIRKLEY-BEY:

Representative Smith.

REP. SMITH (108th):

Thank you, Madam Speaker and this is kind of what I was getting at in my opening statement to the Chamber is that if that is the intent of this bill perhaps we should just state that that's the intent and actually write that in here somewhere. Because the way it reads now, it says "any person." Now, any person is any person. It could be a non immigrant, it could be an immigrant, could be a citizen, could be an out-of-state resident.

So my next question to the proponent of the bill is does this section apply to out-of-state residents?

SPEAKER KIRKLEY-BEY:

Representative Candelaria.

REP. CANDELARIA (95th):

Through you, Madam Speaker, the answer is no.

SPEAKER KIRKLEY-BEY:

Representative Smith.

REP. SMITH (108th):

Thank you, Madam Speaker. And I again would ask the proponent where in Section 9 does it state that because as I read it, it says according -- in accordance with 8 USC 1621D, a person. Now, a person is anybody whether they live in Connecticut or whether they live in Massachusetts or Rhode Island, New York, any state in this great union. So if we're going to limit this to only non -- undocumented persons then I think we should state that but, through you, Madam Speaker, where in Section 9 does it state that it does not apply to out-of-state citizens?

SPEAKER KIRKLEY-BEY:

Representative Candelaria.

REP. CANDELARIA (95th):

Through you, Madam Speaker, if the gentleman looks at the requirements of Section 9, they have to reside in the state, attend any educational

institution in the state and complete at least four years of high school level education in the state, graduated from a high school in the state or the equivalent thereof and register as an entering student or enrolled at a public institution. Through you, Madam Speaker.

SPEAKER KIRKLEY-BEY:

Representative Smith.

REP. SMITH (108th):

Thank you, Madam Speaker for that answer and I thank the gentleman for his answer.

If that is true then I'm just wondering if we could take a quick look at Section 2 of the bill. And my question to the proponent is -- an unemancipated person's home or his parents' domicile. Is that correct?

SPEAKER KIRKLEY-BEY:

Representative Candelaria.

REP. CANDELARIA (95th):

Through you, Madam Speaker, the gentleman is correct.

SPEAKER KIRKLEY-BEY:

Representative Smith.

REP. SMITH (108th):

Thank you, Madam Speaker and through you, so if the unemancipated minor who lives in Massachusetts moves to his uncle's house in Hartford for the last year of his high school is he eligible under this bill?

SPEAKER KIRKLEY-BEY:

Is that a question, sir?

REP. SMITH (108th):

Yes. Through you, Madam Speaker.

SPEAKER KIRKLEY-BEY:

Representative Candelaria.

REP. CANDELARIA (95th):

Through you, Madam Speaker, the answer is no, he's not eligible.

SPEAKER KIRKLEY-BEY:

Representative Smith.

REP. SMITH (108th):

And what if he lived with his uncle for two years would he then be eligible under this bill? Through you, Madam Speaker.

SPEAKER KIRKLEY-BEY:

Representative Candelaria.

REP. CANDELARIA (95th):

Through you, Madam Speaker, if his domicile, his fixed domicile is in Massachusetts, he would not qualify, through you.

SPEAKER KIRKLEY-BEY:

Representative Smith.

REP. SMITH (108th):

Well, the question I'm asking, Madam Speaker, is where he has domiciled as far as he's concerned in the state of Connecticut because he's now living with his uncle, but his parents reside in Massachusetts but they're having a bad relationship so he's moved to Connecticut to live with his uncle. He's lived there for two years of his high school career, would that then make him eligible under this bill? Through you, Madam Speaker.

SPEAKER KIRKLEY-BEY:

Representative Candelaria.

REP. CANDELARIA (95th):

Through you, Madam Speaker. Under Section 9 it would have to be four years. Through you.

SPEAKER KIRKLEY-BEY:

Representative Smith.

REP. SMITH (108th):

Thank you for that answer. So Madam Speaker, if my understanding is correct, if this youngster moved from Massachusetts to his uncle's house in Hartford and his parents remained in Massachusetts, but attended four years in the state of Connecticut, graduated with his high school degree, he then would then be eligible under this bill. Is that correct, through you, Madam Speaker.

SPEAKER KIRKLEY-BEY:

Representative Candelaria.

REP. CANDELARIA (95th):

Through you, Madam Speaker. If the -- my assumption that he is correct. If the uncle is in fact now his guardian. Through you.

SPEAKER KIRKLEY-BEY:

Representative Smith.

REP. SMITH (108th):

So if that is correct then Section 9 would apply both to citizens from another state as well as citizens from this state as well as non documented aliens? Is that correct? Through you, Madam Speaker.

SPEAKER KIRKLEY-BEY:

Representative Candelaria.

REP. CANDELARIA (95th):

Through you, Madam Speaker. If I understand the gentleman's question correctly, if that person moved from another state into this state and we have to look at the university's own policies which has a section that clearly states what is considered domicile and also, the parents. Who is the supporting parent when it comes to the financial aid, then that would be a totally different question. Through you, Madam Speaker.

SPEAKER KIRKLEY-BEY:

Representative Smith.

REP. SMITH (108th):

I'm not sure I heard the entire answer, Madam Speaker, but I think I have the intent of it.

What I thought I heard the good gentleman state earlier that Section 9 only applied to undocumented aliens and now through the scenario I just raised, we've concluded that Section 9 would also apply to an individual who once lived in Massachusetts, still has his parents living in Massachusetts, lived with his uncle for four years, graduated from high school in Hartford, he then would now be eligible under this bill. Is that correct? Madam Speaker, through you.

SPEAKER KIRKLEY-BEY:

Representative Candelaria.

REP. CANDELARIA (95th):

Through you, Madam Speaker. Can he repeat the question?

SPEAKER KIRKLEY-BEY:

Could you repeat the question, sir?

REP. SMITH (108th):

Yes, I can, Madam Speaker. It probably will come out a little differently but I'll try.

Through you, Madam Speaker, I believe the good gentleman said earlier that Section 9 only applies to undocumented aliens. We just went through the scenario where if we have a youngster living in Massachusetts with his parents, moves to -- the youngster only moves to Hartford, graduates from Hartford after having attending four years in Hartford High School, he is now then eligible under Section 9. Is that correct? Through you, Madam Speaker.

SPEAKER KIRKLEY-BEY:

Representative Candelaria.

REP. CANDELARIA (95th):

Through you, Madam Speaker, if I understand the question correctly then, Section 9 only applies again to undocumented. In that particular case, if he has

established his domicile in Connecticut and attended a Connecticut college my assumption is that he's a state resident. Through you, Madam Speaker.

SPEAKER KIRKLEY-BEY:

Representative Smith.

REP. SMITH (108th):

Thank you, Madam Speaker. And I'm just wondering where the good gentleman can point that out in this bill because when I'm reading the bill I don't see it. The way I read it -- I look at Section 2, it says the domicile of an unemancipated person who in my scenario is just that type of person is that of the parent. So his domicile is the state of Massachusetts but he's been residing in the state of Connecticut for four years and attended high school there and graduated. So my question then is he eligible under Section 2? Is he eligible, perhaps, under Section 3? Is he eligible under Section 9? Or he's not eligible at all? Through you, Madam Speaker.

SPEAKER KIRKLEY-BEY:

Representative Candelaria.

REP. CANDELARIA (95th):

Through you, Madam Speaker. The section that he's referring to is currently at (inaudible).

Section 9 is actually the new law that we tried to introduce through this bill. Again, if he has -- he resides in Connecticut based on Section 2, continuous physical presence in the state, my assumption is that he does qualify. And if he graduated from four years of Connecticut high school.

SPEAKER KIRKLEY-BEY:

Representative Smith. Did you hear the answer to the question?

REP. SMITH (108th):

Madam Speaker, I did not. If the good gentleman could repeat it, please.

SPEAKER KIRKLEY-BEY:

It was yes.

REP. SMITH (108th):

You know, I was having so much fun up here, but I'm told my time is limited so I'm just going to -- I'm going to wrap it up, Madam Speaker, by stating this. There are some questions in the bill as to which section applies. I understand Section 9 is a new section but we have Section 2 and 3 and et cetera already a part of the bill and they have to work together to make the bill somewhat intelligent so people looking at it from the outside trying to define

whether they apply, whether they're eligible, whether they're ineligible. Does it work for them? And that's really the whole purpose of my questions to the good gentleman, the proponent of the bill was just to show that had we taken the time and drafted this a little bit better, we could have a fine piece of legislation. And because we do not have that fine piece of legislation before us today, I cannot support it. I thank you for your time.

SPEAKER KIRKLEY-BEY:

Thank you, sir.

Representative Shaban, you have the floor.

REP. SHABAN (135th):

Thank you, Madam Chair.

I rise in opposition to the bill, but for in addition to the reasons you've already heard, I want to flag a major legal flaw in the entire legal underpinning of the challenged section here, challenge 9 is problematic. Section 9 starts off saying in accordance with 8 USC 1621D, we're going to do yada, yada, yada. Well, if anyone has taken the trouble to read 8 USC Section 1621D, you'll note that that section in the US code doesn't permit us to do what we're trying to do today.

Well, here we go again. We did this last night. We've done it with some other legislation. There's some other legislation coming down the pike. We are picking and choosing what federal legislation we decide to follow. Either we're in or we're out. Are we preempted or are we not.

I personally like the assertion of state rights. In the immigration context, however, it's pretty clear that federal law preempts state law. In fact, for some of the reasons my colleague mentioned earlier. If you read Section 1621 and you go down two sections, Sections 1623 or Title 8 actually penalizes states for doing what we're trying to do today. That's what my colleague was mentioning before.

There's a fiscal note attached to this, rest assured, of at least 45 million dollars. LOC has looked at it. If we give in-state tuition to non documented aliens or however you want to categorize them, then we have to give in-state tuition to everybody else. Read -- it's a two sentence statute, 8 USC 1623. You cannot base your statute on 1621 and say we're good under federal law but ignore the section that's a half a page down the road or half a page down the book. We cannot pick and choose. We

are establishing bad precedent about whether or not this state is going to follow federal law or not.

I myself disagree with this law on a number of reasons but we cannot escape the flaws with the legal underpinnings. So based on that, Madam Chair, this Chamber cannot support this bill because we are perpetrating an act or we are trying to pass an act that is not supported by applicable law. Thank you, Madam Chair, Madam Speaker.

SPEAKER KIRKLEY-BEY:

Representative Tong, you have the floor, sir.

REP. TONG (147th):

Thank you, Madam Speaker.

I appreciate the arguments that have been made about the legalities and the language and the interplay between state and federal law. But I want to bring it back to the people in this room and the people who are sitting here and our experiences and what we know in our families and what we know from our lives.

My father was nearly deported before I was born. He fled war-torn China during that country's civil war and by a series of miracles, my dad found his way to America. He found his way to the Hong Kong Kitchen on

Blue Hills Avenue in Bloomfield. And there he was a cook in a Chinese restaurant, he met my mom, they got married and they opened a place on Park Street in Hartford.

Now, one day a rival Chinese restaurant owner, we think, literally, back in those days, dropped a dime on my dad. And immigration officials came there in the early '70s, and they said, "You know, Mr. Tong, we eat here a lot, we love your restaurant, but we found out that you're here on a tourist visa that has expired. And you've got to go."

So my dad, understanding the situation that he was in, he prepared to leave. He and my mom were getting ready to close down their restaurant and go back to Canada, which is where he came from and to end his dream, to end his journey in this country. And one night he was driving home from that restaurant in Hartford and he said to himself, I can't give up on this. I just got started. This is going to happen for me and my wife and our family. So he decided to sit down and write a six page handwritten letter to the President of the United States, President Richard Nixon, a Republican president. And he just went about his business as in an act of desperation he sent that

letter off and he thought, "Nothing will ever come of it. I'll prepare to voluntarily self deport and go back to Canada."

The week before my father and my mother were planning to leave this country for good, that same INS agent that first came to see my father walked back into our restaurant on Park Street and handed my father a letter from the Attorney General of the United States. And it said, "Mr. Tong, the President has received your letter. We welcome you to this country, please go to the back of the line to pursue citizenship and wait your turn, but we welcome your contribution. We welcome your dreams. We welcome what you want to do here in this country." And because of that, a few years later, I was born an American.

So as I listened to everybody here, I guess the question is, what's really the difference? What's the difference between the kids we're talking about who are covered by this bill and me? Is the difference that Richard Nixon gave us a break? I guess that's a difference. Is the difference that I was born an American? Yes, that's a difference. But it's a very slender shade of difference.

The difference is I've had a chance at a college education. I've had a chance to grow up here in Connecticut, to be raised in a great many towns actually. And now it's a great opportunity to live in Stamford and to stand here and to have a job, two jobs, now three.

And I agree with my good colleague from New Canaan that American is about opportunities, not gifts. But if I had been born a few years earlier, before my father had come here. If Richard Nixon had not given my father a chance, I would not have the opportunities that I've known.

Now, I probably would have still been raised in this state. I probably still would have gone to school. I probably still would have gone to high school. But then I would have run out of road. And I most certainly would not be standing here.

This, I think, for all of us should not be a matter of principle or of cost. It's not about bright line legal rules. Frankly, it's not even a tough spot. The budget was a tough spot. But this is beyond that. It's more than tough spots. This is a moral issue. It's a matter of commitment to our kids, kids that live in this state. We've heard people talk

passionately about their lives, about their families, about how they grew up. And we know that this story is not limited to Tongs or Candelarias. It's about all of us. It's about Noujaims, it's about D'Amelios, it's about Nardellos, it's about Hwangs.

And that's the point. This bill is not about undocumented or illegal people. It's not about criminals. It's about people just like us who because of circumstance, because of history, because of opportunity, are one half shade different than we are, who just haven't caught the same break that my father did or that I have.

And so before we vote on this bill, let's think about that. Let's think about our stories, about what binds us, about how all of us share a piece of this story. About how this is about our families and our kids in this state going to school here, living here, growing up here. Because for me this bill is about who we are and about who we ought to be.

Thank you, Madam Speaker.

SPEAKER KIRKLEY-BEY:

Thank you, Representative.

Representative Coutu, you have the floor, sir.

REP. COUTU (47th):

Thank you, Madam Speaker.

Madam Speaker, every day of every year there are literally tens of millions of people across the world who want to come to American to live the American dream. Every day of every year there are tens of millions of people who are waiting in a line, legally, trying to get citizenship to be an American citizen, to live in the greatest nation on the earth because we have law and order and we have rights.

And this is not really an issue about immigration. This is an issue about citizenship and some of the rights that you get with being a citizen for this great state. And for the past decade I had to experience this in multiple parts of my life.

But the most important to me was the experience of six years trying to obtain citizenship for someone who was here legally and that person became my wife. So this is a very important issue for my family. I have a lot of experience in this area and my wife proudly had the right to vote for me for the first time when she got to vote. It was a great experience.

But there's other rights associated with being a citizen of this country. And time and time again it seems we just push that aside. I have soldiers

serving in the United States military going on foreign soil who are going through the system right now to earn citizenship. You cannot be an illegal citizen and be in the military. Because if that were the case there'd be no security clearance, there'd be many problems with that situation. So the comment made before was wrong.

There was many comments that I questioned. One of which was relating to -- and it's addressed in this piece of legislation that basically an illegal immigrant could file such and app -- file some documentation saying that they will do their best to try to apply and become a citizen. On what basis are they filing this paperwork? They're not citizens. They really don't have to -- that has no really, authority to file some document, they're here illegally. There's no basis for that. So I don't understand that.

But through you, Madam Speaker, I have two questions for the proponent and we're going to wrap this up soon because I know we're short on time.

SPEAKER KIRKLEY-BEY:

Representative Candelaria, prepare yourself for questions.

Representative, please proceed.

REP. COUTU (47th):

The first question is relating to in the first part of Section 9. There's something that's been said over and over, four years, but in here, it says or the equivalent, which is a GED. I just want to verify if someone gets their GED it's the same equivalent of the four year high school.

SPEAKER KIRKLEY-BEY:

Representative Candelaria.

REP. CANDELARIA (95th):

Through you, Madam Speaker. That's correct.

REP. COUTU (47th):

And I ask that question just because it's very important. Because it was brought up -- kids. How can we not dare think of the kids who are left behind. Because if you get a GED you don't have to be a kid. You can come to this state for a few months, get your GED and then you have rights that somebody who lived here for 50 years and moved across our border because the parent or the mother got a job, they are not going to have a right to pay in-state tuition, a citizen of this country, somebody who's been a resident of this state for 20 years but an illegal immigrant is going

to have that right because they came here and they went to school and got their GED.

Secondly -- I'll wrap this up. I just have a lot of concerns with this. I think we're really taking away some of those precious rights that you earn when you become a citizen of this country. We're not following the law of the land. I think this is potentially unconstitutional with the statute we pointed to at the federal level. And I believe this could be challenged in court. And that's why it hasn't passed in any other state and it's not a law in any other state in America.

So Madam Chairwoman -- thank you very much, Madam Speaker.

SPEAKER KIRKLEY-BEY:

Thank you, Representative.

Representative Hetherington, you have the floor, sir.

REP. HETHERINGTON (125th):

Madam Speaker, in the interest of time, I'm going to pass, thank you.

SPEAKER KIRKLEY-BEY:

Thank you, sir.

Representative Perillo, you have the floor, sir.

Oh, all right then.

Representative Mushinski, you have the floor, ma'am.

REP. MUSHINSKI (85th):

Thank you, Madam Speaker.

A few years ago when my younger son was applying for colleges he learned that two students in his high school, (inaudible) high school in Wallingford were going to be stopped in their effort to attend college. These students had excellent academic achievement. They grew up in Wallingford, they attended our local schools all the way through as they grew up. They are the offspring of foreign born parents who live, work and pay taxes here in town. These students learned at the last minute that they were not citizens. They didn't know. And that meant that they would have to pay more than double the cost of tuition of the other students. They could not pay it. My son said to me, "That's not right, Mom." And it isn't. These are local kids,. They studied hard all through school. They got good grades. This bill requires them to file an affidavit stating that they are applying for citizenship now that they know they're not citizens. This is fair. It requires them to start on the path

to legal status and allows them to attend college at an affordable price.

Representative Hwang stated that the students should be citizens first. But the reality is they can wait up to 15 years to gain their legal status. They would then be in their mid-thirties. These students would have postponed their dream to be college educated and would not be educated to take their place in supporting our local economy unless we do something and pass this bill today.

Please join me in supporting students like this who work hard and pass this bill.

(Speaker Donovan in the Chair.)

SPEAKER DONOVAN:

Thank you, Representative.

Representative Morris.

REP. MORRIS (140th):

Thank you, Mr. Speaker. Very briefly, I rise to support this bill. I don't want to reiterate a lot of things that were said, but certainly with the requirements that a student has to complete four years of school, high school and be on a path towards

citizenship makes a big difference. We've already spent the money. We have already invested the money for four years whether within the state of Connecticut we've invested that money or within our localities, we have invested that money in each one of these students' lives. It is important for the future of the state of Connecticut that we invest in our human infrastructure. It would not make sense to stifle the potential of what can be our best and our brightest by not allowing them to not have the same level playing field at least in going to one of our colleges. Thank you, Mr. Speaker.

SPEAKER DONOVAN:

Thank you, Representative.

Would you care to remark further? Care to remark further? Representative Cafero.

REP. CAFERO (142nd):

Thank you, Mr. Speaker. For purposes of wrap up.

Ladies and gentlemen of the Chamber, we've heard so many stories, real stories, true stories about the type of person that we were hopeful that this bill was geared towards. The child of an illegal immigrant, who through no fault of their own finds themselves in this country without proper documentation. And as a

result, according to our current rules cannot be considered a resident of the state of Connecticut for purposes of in-state tuition.

That person, sometimes real, sometime hypothetically described as someone who pays taxes, who owns property, who might not make a lot of money and therefore but for this bill will be denied an opportunity to go to college. That is what we are told the purpose of this bill is.

And yet when we look at the language of this bill, it tells a very different story. And we are about passing legislation. Legislation that will be interpreted by people we've never met that will be in front of legislatures for years to come. Legislation that becomes part of our story. Part of the laws and pages in the Blue Books.

And what did we learn about this piece of legislation? First of all, let me say this, just in case the public is confused. Sometimes there's a misconception that unless we pass this bill, someone who is not a legal resident of the state of Connecticut cannot go to college. False. False. Every illegal alien can go to college in the United States of America and in the state of Connecticut.

That's not the issue here. No one has been denied admission to a school of higher education in Connecticut because they're an illegal immigrant. We have never done that. The issue is whether that student pays out-of-state tuition or in-state tuition. It comes down to money.

Not an insignificant reason, but that's what it comes down to, money. So the legislation that is supposed to solve that problem, first of all, we learn doesn't even require that to avail yourself of it you need to be an illegal alien, an illegal immigrant. As a matter of fact, if some kid who graduates from high school in June has his parents move to Massachusetts because of a job transfer, as long as he gets admitted to the University of Connecticut he can claim that he's entitled to in-state tuition, even though his parents have moved to Massachusetts. And it has nothing to do with whether or not he's an illegal immigrant. That's the way this bill is written. That's the way this bill is written.

In addition to that, we require residency, but we don't require any time to be associated with that residency. So unlike so many other of our statutes, which require a certain length of time of residency to

prove the point that this person intends on staying here for longer than a temporary or a short period of time, we don't require that here. All you have to prove is that you're a resident of the state, for one minute, one hour, one month, one week. That's it and you're in. You're in.

We also learned that this bill requires for you to be eligible, that you have to be enrolled in, registered as an entering student. We're putting the cart before the horse here. Because many times in our -- as I described before -- in our current higher education system, we have rolling admissions. And therefore the status of whether you are a resident and entitled to in-state tuition has to be established prior to you being admitted to the school. This bill doesn't call for that because it's written improperly.

And finally, as one of the requirements, it says that a student that cares to be eligible for this needs to sign an affidavit saying that he or she will do all that's necessary and file an application to become a legalized citizen as soon as he or she can and as soon as he or she is eligible. Very subjective open ended requirement.

This requirement doesn't say anything about money. It doesn't say, we'll help you out if you're poor. It has no income criteria to it. So you could be an illegal immigrant who has all the money in the world, all the money in the world and you're eligible for this. And remember folks, when one person gets in-state tuition status at one of our public universities, one person does not. There's winners and there's losers. So before we even get to the substance -- because as I said before, I think most of us, whether you're going to vote for this or not, have a soft spot for the kind of student that was described by so many here. And you would assume, assume that the piece of legislation we're about to vote on is specific to that person, applies to the very person that we want to help. It doesn't. It does not because it's written too broadly, too vaguely and is subject to abuse.

Now, you might say, "Oh, what's the big deal. So somebody gets in that shouldn't." Remember, folks, when someone gets in, someone gets denied. There's a winner and there's a loser. We're changing the rules here that might be very, very unfair to a lot of people. It's for that reason, ladies and gentlemen,

I'm voting against this piece of legislation. Thank you, Mr. Speaker.

SPEAKER DONOVAN:

Thank you, Representative.

Representative Sharkey.

REP. SHARKEY (88th):

Thank you, Mr. Speaker. Mr. Speaker, I think we've heard today a lot of compelling stories about our own families, our own experiences with the fact that we are an immigrant nation. And whether our parents came here legally or illegally, we are all here and all benefit from the beauty that this country and this state provides all of us.

What I'm concerned about, though, is the perception that many out in the public might have about the children that we're talking about. There's been a lot of discussion about the question of illegal versus undocumented. The children that we're talking about, the young people that we are talking about are not illegal. They have done nothing illegal. They are here by virtue of something that perhaps their parents have done. Why are we afraid of these people? What is it that we are afraid of? These are our children. This is our community. Whether these folks

are counted as part of our census, we count on them for our military service, we do all kinds of things to count these people as part of our community. Yet for this particular purpose, not quite so much. Not quite so much. What we're saying is that these children are not really the same as the rest of our children. We're saying that they should not have the same rights to a less expensive education in our institutions of higher learning because they're not quite ours.

Now, we're not changing the makeup of our public institutions. We're not changing the numbers. We're not changing the quotas for in-state versus out-of-state people. We are requiring that if you go to any of our institutions of higher learning, you still have to compete. You still have to compete with other kids throughout the state and from without the state for your place in that institution of higher learning.

The only difference, though, is whether your parents are here legally or not. Now, in my opin -- in my opinion, we have to also look at reality. I mean, this issue I think as the minority leader has indicated speaks to the heartstrings of all of us. I think we all have heard the stories that compel us to want to do the right thing.

But there is another element of this which we have completely ignored, I believe, in this debate. And that is the reality that many of these ethnic groups that may be subject to legal or illegal status within this state, that is the portion of our population that is growing the most. In the last ten years, the Hispanic and Latino community in our state has grown by 50 percent, 50 percent. The Asian population in our state in the last ten years has grown by 65 percent as opposed to the African American community which has only grown by 17 percent relatively speaking and the white population which is actually declined slightly in the last ten years by .3 percent.

This is our future. These are our children. These are the children that we need to embrace, encourage, make them part of our future. Because the reality is they are our future.

Now, we hear a lot about the brain drain. We hear a lot about -- we in fact, had an amendment today that encouraged in-state students to, if they complete a college education, we should bend over backwards to provide them, spend money hand over fist, to provide them with housing and to provide them with all kinds

of incentives if they just stay in our state. These are the people that we are desperate to keep in our state. They are our future. We have to give them every opportunity to succeed and to be part of our community, not just today, not just tomorrow, but for 20 years from now and to continue to contribute to our community. Because we're all one community. These are our children and we need to give them that chance.

Thank you, Mr. Speaker.

SPEAKER DONOVAN:

Thank you, Representative.

Will staff and guests please come to the well of the House. Members, take your seats. The machine will be open.

THE CLERK:

The House of Representatives is voting by roll call. Members to the Chamber. The House is taking a roll call vote. Members to the Chamber, please.

SPEAKER DONOVAN:

Have all the members voted? Have all members voted? Please check the roll call board to make sure your vote has been properly cast.

If all members have voted the machine will be locked. The Clerk will take a tally.

Clerk, please announce the tally.

THE CLERK:

House Bill 6390.

Total Number voting: 140

Necessary for passage: 71

Those voting Yea: 77

Those voting Nay: 63

Those absent or not voting: 11

SPEAKER DONOVAN:

The bill is passed.

Representative Sharkey.

REP. SHARKEY (88th):

Mr. Speaker, I would move for the suspension of our rules for the immediate consideration of Senate Joint Resolution 47.

SPEAKER DONOVAN:

The question on the floor is for suspension of our rules for the immediate consideration of Senate Joint Resolution 47. Is there any objection? Representative Cafero.

REP. CAFERO (142nd):

Mr. Speaker, I do not object to the suspension of the rules.

SPEAKER DONOVAN:

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Under "Favorable Reports," Calendar page 18, matter marked "Order of the Day," Calendar Number 506, File Number 352, substitute for House Bill 6390, AN ACT CONCERNING ACCESS TO POSTSECONDARY EDUCATION; Favorable Report of the Committee on Higher Education.

The Clerk is in possession of amendments.

THE CHAIR:

Senator Bye. Good afternoon, ma'am.

SENATOR BYE:

Good morning, Madam President.

THE CHAIR:

Good afternoon.

SENATOR BYE:

Oh, good afternoon, Madam President.

THE CHAIR:

Soon evening.

SENATOR BYE:

Madam President, I move acceptance of the Joint Committee's Favorable Report and passage of the bill.

THE CHAIR:

Acting on approval of the bill, will you remark further?

Senator Bye.

SENATOR BYE:

Thank you, Madam President.

I -- I think I'd written "good morning" on my comments, thinking they might start in the morning, but I should have known better.

Madam President, this is one of those days when I'm so honored to be able to stand in the Circle and bring out a bill of this significance. As a life-long teacher and someone who has promoted education, the idea that we can pass a bill to give access to higher education to graduates from our high school at in-state tuition prices is a very exciting day for me.

Some of you around the Circle may remember, in 2007, this bill was debated in a very respectful way in this Chamber, and I had the pleasure over the past week of reading the transcript of that debate that was very respectful.

I want to start by thanking Senator Looney for his leadership on this issue and his testimony before my committee which made it very clear why this is so important.

I'd also like to make the point that this is not about federal immigration reform; we can't control that in this Circle. But what our federal laws have said is that -- are that, indeed, the states can make

a determination as to whether or not students, undocumented immigrants can pay in-state tuition or that they can't pay in-state tuition. And we're saying today in Connecticut with this bill -- at least what I'm saying, and I hope my colleagues will join me -- is that we believe undocumented immigrants who've attended our high schools for four years and graduated should be given access to higher education.

I think it's important to describe how this bill works and some of the limits on how can get in-state tuition. I just stated that the students would need to attend high school in Connecticut for four years and graduate from high school. The ten other states that have this law only require three years; so this would be, actually, the strictest standard in the nation for -- for states that grant in-state tuition. They also have to sign an affidavit promising that they will pursue legal residence in the state.

Having sat through this debate on the Higher Education Committee, I want to clear something up, because we talk about this as if we're giving a benefit. This is not a benefit. This is something the students are asking, I want to pay to go to college. It's not a give-away. It's not a free ride.

The students need to compete for those spots. It's not a grant. Those sort of benefits would actually be disallowed under federal law.

In addition, Connecticut would not be a leader. States like Texas, Utah, Kansas, Illinois, California, Washington, Wisconsin have all passed similar laws. And many of you know our federal government has considered the Dream Act.

Those states that have passed this have actually found a positive impact on their fiscal side. Utah found a $2.3 million-a-year gain in revenues; Massachusetts, two-and-a-half million dollars, and Colorado, over a million-dollar-a-year in revenue.

And those of you who've been following this know that the fiscal note on this bill that came out of the Higher Education Committee was zero. There was no fiscal impact. That's because students are asking to pay the cost. They're asking to pay the costs that their other graduates of Connecticut high schools are paying.

If you listen to the list of states that are offering this to their residents, they're not blue states, they're not red states, both states, Republicans, Democrats who believe that an educated

citizenry is important for their state to compete. They also have all been required to pay for K-to-12 education for undocumented immigrants in their public school system, and they want to see those dollars put to good use and help students take that next step.

In our public testimony, we didn't hear that this would be a burden on taxpayers or schools, we heard just the opposite. We heard the chancellors of our state university system and presidents of our community colleges tell us that this was important. Several of them came to the Capitol, and didn't just write to us, because they believe it's so important for their students.

The Catholic Church, that does so much good work in our urban centers and throughout the state, and works with undocumented immigrants, helping them on the path to residency came and said -- Michael Culhane said, Please support this bill.

The courts around the country have ruled that this is not a harm to other students who are residents legally and do not have -- and pay in-state tuition; it's ruled that there is no harm to them. Because, again, all these students are asking for is access and to pay tuition.

I -- I went out to visit Western State University when I was -- Western Connecticut State University when I touring, listening to some concerns about consolidation. And two young women, Anna and Maria Comilly -- Camilia Bortolleto spoke to me and spoke to some of my colleagues who were there. And they went through high school. They took the AP classes; they had A's. They had no idea that they were undocumented. They applied to Western, in the town where they had lived for nine years, and came to realize only later that they would have to pay out-of-state tuition. And so they've become real advocates. They are now graduates from Western Connecticut State. And when they came to testify, they said, My parents paid taxes in Connecticut, my whole life, and I am -- I'm not considered a resident. I've lived here nine years, in Danbury.

I'm not standing here before the rest of you in the Circle saying that illegal immigration is right; I'm saying it's wrong. But these students, most of them don't even know that their parents came here without Visas. We shouldn't punish the children because their parents came to this country seeking a better life.

I have a feeling today, Madam President, that we'll hear some personal stories about how our families have come here. And in the debate in 2007, it was Senator Harp who stood up and said she believes that there was amnesia going on in the Circle during the debate. And she wondered how many of us have roots in relatives who came here without the proper documentation. So now it's my turn.

My great-grandfather came to the United States from Ireland on an indentured servant contract. He arrived in Boston, went to work in the mills, lived in a tenement, and he couldn't take it. The conditions in the mills were deplorable. He was living in squalor, near Boston Harbor, and he took off on that contract. And he went to Nashville, Tennessee, and he opened the H.L. Grimes' store. And this is, as the story has been told to me, the store was very successful.

And my grandfather, who I call "Pappy," Pappy is -- is how I grew to love politics. His children, my grandfather, Charles Driscoll Grimes, was named after the parish priest that they admired so much and helped to -- helped them when they started out in Nashville. And Charles Driscoll Grimes went to Vanderbilt

University, and this is how he came to Connecticut. When he finished at Vanderbilt, he went to Yale Law School.

And Pappy is how I got interested in politics, because he loved Richard Nixon. It might surprise those of you in the Chamber to hear that. I'm only -- was pleased -- I was very sad when he died, but he died before the impeachment of Richard Nixon. He was a legal resident, but his forefathers came here without proper documentation and stayed. And that's why I'm standing here before you.

I -- I'll wrap up by going over my main points again. Our schools have the capacity for these students; that's why there's no fiscal note. We have room. The students are asking to pay. There's no negative fiscal impact. It doesn't affect access for legal residents. They still have access to these schools, and when there's a competition, they're competing on a level playing field for that space.

The students who are perhaps being denied access, because a difference between in-state and out -- out-of-state is three times, and you're looking at $8,000 for in-state versus $25,000 for out-of-state, puts it out of reach for many students.

So they're here and I believe they're better here in Connecticut. We've invested in their education, as an educated work force. They've earned their space at that college by their performance. There's no marginal cost to the state.

I think this is a compassionate law, trying to give people a leg up, like many of our families were provided a leg up. And then, you know, it's not like you get the leg up and then you work hard and then you make it; it takes a break sometimes so that you can use your hard work to make it.

And since I've mentioned Nixon, I'm now going to mention Ronald Reagan, because Ronald Reagan offered amnesty to 2.7 million undocumented residents. And in 1984, what he said is that I believe in the idea of amnesty, amnesty for those who have put down roots and lived here, even though some time back then they may have entered this country illegally. He had a compassionate policy. I believe this is a compassionate law, and I believe if my friends around the Circle and colleagues will join me, we can make a difference in the lives of these students.

Thank you, Madam President.

THE CHAIR:

Thank you, Senator.

Will you remark further?

Senator Prague.

SENATOR PRAGUE:

Thank you, Madam President.

Madam President, I rise to strongly support this bill. There is nothing to gain by denying these young people a chance to get an education. They have to compete, like any of the other kids. They have to have the good grades. They have to be able to prove that they're worthy of acceptance at the schools that they apply to. They don't get scholarships. They don't get any of the federal benefits. Most of them work hard to save their money to be able to go to college, because without a college degree today, there's not very much you can do and be successful.

So these kids have -- are not asking for anything that all the other kids in our state who have graduated from a four-year high school are asking for. They want the chance to compete, to be accepted at a college to get an education to become productive members of our society.

And I think that this is so critically important for the future of this state and really for the future

of this country. We want educated people. We want people who can contribute to our society, and the only way you can do that, Madam President, is to have a college education.

I hope this Circle will sincerely consider the consequences of the positive part of this bill. To deny these kids the opportunity to go to college is really unconscionable. I'm hoping that my colleagues will support this and realize that they're giving young people a chance to make a life.

Thank you.

THE CHAIR:

Thank you, Senator.

Senator Boucher.

SENATOR BOUCHER:

Thank you, Madam President.

Madam President, I want to commend the Chairman of the Higher Education Committee who so eloquently made the case for addressing this particular issue. But in doing so, she did remark about a very special person that many of us still admire and reflect on his policies with regards to this issue. And it highlights the central issue and problem and why this issue so rankles the sensibilities of the public out

there. These are one of those bills that people really are upset about and just shake their head, and they believe it. You know, it is a road less travelled. We are embarking on many pieces of legislation this year that seem to go against federal law.

And when President Reagan created the program of amnesty, he was addressing it at the proper level, at the federal level. The problem with this bill is it doesn't address the central problem we have, and that is our immigration policies and our immigration laws.

Yes, we should allow more people to be able to immigrate to this country, but we should do it in a legal manner, a way in which they can be vetted; that you can check and have a background check if there was illegal activities that preceded them; that they had a sponsor, whether it was a family member or it was an employer. And, yes, we all have some compelling stories.

I, likewise, have a compelling story. My brother, at seven, and myself, at five, and my mother and father left a little farm in Central Italy to come to this country. They sold every single thing they had, my father, with a fifth-grade education, and my

mother, without one day in school. But on the ship's log it did state that he had a sponsor. He had a job, a low-level factory floor job at Uniroyal in Naugatuck. Remember when they used to be there, when Connecticut was the engine of manufacturing? That has changed considerably.

But also on that log was a family member's sponsorship as well, my two uncles, who once ran a dairy farm in Wallingford, on North Farms Road, and the other one, an apple orchard. And they did what many families have done, and that is sacrificed every single thing they had to get an education for their children, because they believed in a better life for them. And they did -- I think they did very well in that regard. But I think this is what has most people in the public eye very concerned about doing something that is explicitly illegal, when so many have had to go and jump through so many hoops to get here to access our educational system and our way of life.

One of the things that was stated in this bill was that this is not a benefit. Well, it is a benefit. When you look at the difference in tuition at UCONN, through an OLR report on March 23rd, just this year, it clearly stated that the very difference

between in-state tuition and out-of-state was nearly $10,000 a year. And if its cost-neutral because they're not going to admit others, then it certainly changes the competition for that benefit; it's a huge benefit. It can make all the difference between going to a good school or not for families right now that are in tough financial shape, especially those that have gone through so many hoops to get here legally.

UCONN has 22,000 applications a year and of those 3,000 are in-state -- or 2,000 are in-state and 1,000 are out-of-state. So the competition would be between those that are here legally and those that are not. And the bumping part of this really is of a concern. It's about equity. It's about fairness, notwithstanding the fact that we are trying to enact something that is federally illegal, something that should be and rightfully addressed at the federal level. We should have a Dream Act. We should allow more people to come here, but we should do it in a manner that is fair, that has oversight.

This is not about access, by the way. Some people might characterize this as access. It's not; it's a matter of money. It's how much you get to pay. Luckily, we do not close our doors to anyone in this

state, whether they're here legally or illegally. But it does make the process much more competitive.

One of the other issues that has been raised about this bill is that in Connecticut we have certain laws on our books that explicitly prohibit an employer from knowingly employing an alien who is not entitled to lawful residence in the United States. And violation of these provisions is punishable by a fine not less than $200 and not more than $500 or any subsequent offense by a penalty of a Class A misdemeanor.

So we are going to be giving a class of individuals a benefit, a substantial benefit which over four years could be over four -- $40,000. And at the end of that day, they would not have access to a legal position, a job, unless they were to have a sponsor.

In this bill, if I might ask through you, Madam President, a question to the proponent of the bill.

THE CHAIR:

Please proceed.

SENATOR BOUCHER:

On line 52, where it states (a) if such person resides in this state, attended any educational

institution and completed at least four years, when we talk about "residency," are we talking about the same six-month residency that is in this bill, in the beginning of this bill? Is there is a residency requirement? Through you.

THE CHAIR:

Senator Bye.

SENATOR BYE:

Through you, Madam Chairwoman, the requirement is that they attend a high school in Connecticut for four years and graduate, and that they sign an affidavit. Through you, Madam President.

THE CHAIR:

Senator Boucher.

SENATOR BOUCHER:

So there is a residency of four years at one of our high schools.

THE CHAIR:

Senator Bye.

SENATOR BYE:

Through you, Madam Chairwoman, the requirement is that the student attend a high school in Connecticut for all four years and graduate. Through you, Madam

President.

THE CHAIR:

Senator Boucher.

SENATOR BOUCHER:

Thank you, Madam President.

Also, one of the other very troubling aspects of this bill -- and we're still not quite sure how this would work and how the federal government would interplay with this -- that is that if the person is without legal immigration status, such person files an affidavit with such institution of higher education stating that he or she has filed an application to legalize. In other words, they have to affirmatively say and declare that they are here illegally. Through you, Madam President.

THE CHAIR:

Senator Bye.

SENATOR BYE:

Through you, Madam President, they have to affirm that they will apply for citizenship.

I'm sorry; I left the bill page, so I want to read it properly. Thanks.

They have to sign an affidavit stating that he or she has filed an application to legalize his or her

immigration status. Through you, Madam Chairwoman.

THE CHAIR:

Senator Boucher.

SENATOR BOUCHER:

And through you, Madam President, how would they go about doing that? Would they have to have a sponsor or marry someone? What are the -- what are the parameters, and is there a time limit? In other words, is it open-ended? Could they -- do they have to do this within two years of graduation; do they have to do this by the end of their four years of college? Through you, Madam President.

THE CHAIR:

Senator Bye.

SENATOR BYE:

Through you, Madam President, it's my understanding that it's upon application, because it's a requirement of applying as an in-state student. Through you, Madam President.

THE CHAIR:

Senator Boucher.

SENATOR BOUCHER:

Thank you, Madam President.

The concerning aspect of -- is not that they actually then document their status, it is that there is -- it's a total open-ended, talking about legalizing their status -- or will file such an application as soon as he or she is eligible to do so. So now that confuses me with the answer that I just received. Through you, Madam President, I was under the understanding that they would do so at the time of registration, but here it does leave it wide open that they do not have to file an application until he or she is eligible to do so, and that there's the question. Through you, Madam President.

THE CHAIR:

Senator Bye.

SENATOR BYE:

Through you, Madam President, as I understand it, they need to sign an affidavit that says that they will do that. Through you, Madam Chairwoman.

THE CHAIR:

Senator -- Senator --

SENATOR BYE:

Madam --

THE CHAIR:

-- Boucher.

SENATOR BYE:

-- President. Excuse me.

THE CHAIR:

That's okay.

Senator Boucher.

SENATOR BOUCHER:

And thank you, Madam President.

Madam President, typically when something like this is written in statute, there's usually a parameter, a time parameter to say that they will do so at a certain point in time. And if they do not do so, then typically -- and it might not be a bad idea -- they may have to pay back the difference between in-state and out-of-state tuition. Here, this could -- is -- sounds to me like it is, you know, not -- there's no date-certain that they have to apply, certainly if they're not eligible to do so. Through you, Madam President.

THE CHAIR:

Senator Bye.

SENATOR BYE:

Through you, Madam President, I -- I believe I've -- I've answered to the best of my ability at this

point. It's my understanding they need to sign that affidavit upon application that they will seek citizenship.

Thank you, Madam --

THE CHAIR:

Senator --

SENATOR BYE:

-- President -- President.

THE CHAIR:

-- Boucher.

SENATOR BOUCHER:

Thank you, Madam President.

Madam President, leaving that open-ended certainly makes a person wonder if this would be an issue that could certainly attract individuals that might not have this benefit in other states, particularly in the Northeast, putting our own college students here that reside legally or our legal immigrants at a -- at a disadvantage for and through the application process.

It does leave the question about whether or not they are required to have a sponsor. I don't see that in the language. That would be really a -- one of the very few ways, the only way that I know that you could

gain legal status would be (1) to have an employer sponsor you; (2) to have someone that you're married to that is a legal resident of this country, a citizen. And I believe that -- why, through you, Madam President, was there not a more-specific, detailed reference to this? Through you.

THE CHAIR:

Senator -- Senator Bye.

SENATOR BYE:

Through you, Madam President, I -- I thank the gentlewoman for her question.

This has been a provision in all other ten states that have passed in-state tuition. And I'd also like to add that federal law says that states can provide this in-state tuition to its undocumented immigrants, and it's up to the states to decide this one way or the other. And they've -- that's been backed in court every time. So it does meet federal law. It's not about federal immigration status; that's a whole other -- that's a whole other thing. But the federal courts have ruled that states can rule and vote on whether or not they provide undocumented immigrants in-state tuition, and that's what this bill is -- is affirming for the State of Connecticut, if it passes and is

signed by the Governor. Through you, Madam President.

THE CHAIR:

Thank you, Senator.

Senator Boucher.

SENATOR BOUCHER:

Thank you, Madam President.

I do thank the gentlewoman for her answers to these questions. I do believe that this still raises a very difficult point about the ability to legalize their status and the time frame in doing so.

If, through some patience on the good Chairwoman's part, if she could answer a few other questions, with regards to Connecticut's CAPS and KIDS program and the funding of this, and if these individuals be -- be eligible for these grants.

THE CHAIR:

Senator Bye.

SENATOR BYE:

Through you, Madam President, and -- and I thank the gentlewoman for her question, because that is something I meant to address in my opening comments and blew right by.

One of the challenges that undocumented immigrants face is that they do not have a Social

Security number and cannot apply for financial aid. When I applied for my children, I could fill out a financial aid application and get subsidized loans. Most of us around the Circle who have had children go through college probably relied on financial aid and subsidized loans. These are not available to undocumented immigrants, because they cannot apply because they do not have a Social Security number. So it makes those state and federal scholarships out of reach for those students. Through you, Madam President.

THE CHAIR:

Senator Boucher.

SENATOR BOUCHER:

Thank you, Madam President.

Madam President, the answer to this question highlights further why this is a problematic issue and initiative at the state level, that it really does need some federal changes to really make it work well.

Through you, another question about if an undocumented -- excuse me -- illegal resident student applies to our state colleges and they are -- they are competing with other students in Connecticut, would -- and they are of equal merit and have equal grades,

could they conceivably bump them? Pardon me.

THE CHAIR:

Senator Bye, will you answer slowly so the Senator can get her breath?

SENATOR BYE:

Sure. I -- I think I get the whole question. Through you --

THE CHAIR:

Thank you.

SENATOR BYE:

-- Madam President, I appreciate the question.

The Chancellor of our Connecticut State University System came and testified before us that in the case of the Connecticut State University System, it would not deny access because they had space. And it was a similar question from -- answer from the community colleges.

I would say that our most competitive schools, the University of Connecticut, and they testified that only two students in the last class of applications met this status and would be impacted by this, so that's two a year out of a thousand spots. And those two would have to compete on equal footing with other

residents of the state to get in. So it's based on merit, who would get that in-state tuition.

My son is an admissions officer at the University of Chicago. And probably most of my colleagues around the Circle know this; colleges accept hundreds more students than will attend. It's a -- and sometimes maybe they expect 500 fewer to show up and they all say yes and they find a way to accommodate those students. So I think characterizing college admissions as a, you know, one-for-one process is not exactly accurate. I understand the sentiment and I understand where the question is coming from, because Senator Boucher wants to make sure that all of our residents have access to those spots and a fair competition for those spots. So at this point, the only place it would have an impact is UCONN and those -- UCONN is estimating two spots out of a thousand.

And if I may, Madam President, I'd also like to address this idea of waiting for the federal law to come along, because Senator Boucher has brought that up a couple of times. And I think what Connecticut is trying to do here and what the other ten states that have passed this are trying to do is prepare for federal immigration reform. Unfortunately, it has not

been forthcoming. It is not something that our federal government has been taking on. And when they do and in the Dream Act, this is addressed. But until then, we're looking out for our state's economy and our students here to be able to contribute as much as possible as they grow older and -- and live in the state.

So I believe passing this would make our state conform to the Dream Act, when and if it ultimately passes. And then I believe when there is a path to citizenship and we have immigration reform as a country, it will also be easier, but it will work with that as well. Through you, Madam President.

THE CHAIR:

Thank you, Senator.

Senator Boucher.

SENATOR BOUCHER:

Thank you, Madam President.

Madam President, I -- I believe the discourse highlights how we're putting the cart before the horse, again engaging in legislation that is contrary to federal law and not pushing hard enough on a federal level to make sure that these states are accommodated. There's a lot of things that we can do

through our Congressional leaders and Senate leaders to make this issue a priority and bring it to pass, rather than having us do something illegally.

Through you, may I ask a further question, Madam President? With regards to this language, have the good Chairmen considered that they should possibly add language to this bill to at least give those students that are here legally or may be legal immigrants, if they are of equal merit, priority with regards to those in-state tuition slots? Through you, Madam President.

THE CHAIR:

Senator Bye.

SENATOR BYE:

Through you, Madam Chairwoman, I believe that the college application process is a very competitive process. And though two students may look equal, admissions counselors make decisions all the time to admit one over the other, for a multitude of reasons, trying to build the best class possible. So we are -- this bill simply looks to have a level playing field for all students. Through you, Madam Chairwoman.

THE CHAIR:

Senator Boucher.

SENATOR BOUCHER:

Thank you, Madam President.

Thank you for the answer. I think this issue of equity and fairness does resonate very strongly with the public, and this is one of, again, the sticking points and why this is not readily acceptable by the general public at large.

Through you, Madam President, what happens to a student with in-state tuition that is undocumented and during the course of their education has committed a crime; would they be having to pay back the difference between their in-state and out-of-state tuition? Through you, Madam President.

THE CHAIR:

Senator Bye.

SENATOR BYE:

Through you, Madam Chairwoman, any student that commits any act would have the same consequences as any other student; I -- I -- I don't see that it would be different. I know that if students get in trouble on campuses or commit crimes or steal there, they often get expelled. And I don't think that's any more likely to happen with an undocumented immigrant than

it is with Connecticut's -- any other graduate at Connecticut high schools. So it's, again, equal treatment for both. Through you, Madam Chairwoman.

THE CHAIR:

Senator Boucher.

SENATOR BOUCHER:

Thank you, Madam Chairman.

I agree that, certainly from a criminal aspect, everyone is treated equally, we hope, in this country by the law. However, we are giving an explicit benefit, something that is unique, not commonplace in this country. And this benefit should be, I believe, withdrawn, if in fact they get into some serious trouble. And maybe that's one of the areas of this bill that could be addressed, maybe even this afternoon sometime.

THE CHAIR:

Senator --

SENATOR BOUCHER:

And my -- my last question, through you, Madam President, and then I'll pause for a while to give others an opportunity to speak. And I'll probably be talking to you again with regards to an amendment or

two, to try to make this bill slightly better in highlighting some of the issues we have.

Through you, Madam President, what happens if -- is there any consequence should they not legalize their status, as been stated on their affidavit? Through you, Madam President.

THE CHAIR:

Senator Bye.

SENATOR BYE:

Through you, Madam Chairwoman, there is not a penalty that's stated in this bill. It is a requirement that they complete that affidavit.

And -- and I'd also like to return to just this idea of in-state status being a benefit and say, once again, that federal law explicitly defines it as not a benefit and a policy that is left up to the state. In U.S. Code 1621(c)(1), it does not meet the criteria of a benefit. Through you, Madam Chairwoman.

THE CHAIR:

Thank you, Senator Bye.

Senator -- Senator Boucher.

SENATOR BOUCHER:

Thank you, very much, Madam President.

I would beg to respectfully disagree as a central point of this discussion that, in fact, this is definitely a benefit. It is something that students from outside the state do not receive. It is a substantial amount in our larger institutions.

And I understand that there might be 200, 300 -- maybe four -- that could essentially take advantage of this right now. And though the fiscal note does not reflect this, it only makes common sense to know that if someone, you have two or three hundred individuals that are currently paying out-of-state tuition and they were to immediately be granted in-state tuition, there would be a revenue loss to the state at that time, possibly not going forward but certainly at this time.

And it should also be made clear that we do have open access to education. This is a matter of money. It is a substantial benefit, I would maintain. And there are areas of concern in this bill that once enrolled in a college and a student drops out, is -- there's no mechanism for individuals or the state to recover or the schools to recover the difference in that.

Likewise, if there was a -- a substantial criminal activity, that would not allow us to have any recourse. So I do feel that there's a number of areas that could be improved on this bill, and I look forward to the continuing debate this afternoon.

Again, I thank the good Chairwoman for her answers to my questions.

Thank you.

THE CHAIR:

Thank you, Senator.

Will you remark? Will you remark?

Senator Suzio.

SENATOR SUZIO:

Thank you, Madam President.

Through you, Madam President, if I may, to the proponent of the bill?

THE CHAIR:

Please proceed, sir.

SENATOR SUZIO:

Thank you.

I was listening with great interest to the discussion about the federal law and the -- the questions raised by my associate, Senator Boucher, and

I wanted to pursue that a little bit further; perhaps you could explain to me.

There is a federal law, specifically 8 USC 1623, which basically states that when a state offers benefits to an alien, they must offer the same benefits and the same values to any U.S. citizen, regardless of their residency. Is that -- have -- does that have implications for this particular bill? Would Connecticut be forced to offer in-state tuition to any and all residents of the United States, whether they live in Connecticut or not, according to 1623, please? Through you, Madam President.

THE CHAIR:

Senator Bye.

SENATOR BYE:

Through you, Madam President, that's been one of the best parts of working on this law is figuring out U.S. Codes and understanding how it all works together. Though -- though I'm not a lawyer, I can tell you that this bill is drafted and will be implemented in a way that does not make it necessary for Connecticut to offer in-state tuition to all residents of the United States, because there are other criteria, and those other criteria being must

attend high school in Connecticut for four years and graduate. So that becomes the -- part of the standard, not residency. Through you, Madam President.

THE CHAIR:

Senator Suzio.

SENATOR SUZIO:

Thank you.

And through you, Madam President, so do we have opinion of counsel stating that 1623 would not affect the -- or have financial implications for this bill, should it pass, and the state would not be compelled to offer in-state tuition to any resident in the United States? Through you, Madam President.

THE CHAIR:

Senator Bye.

SENATOR BYE:

Through you, Madam President, if you'd just give me one minute to find the spot.

Certainly I can tell you, from the case law I've read, in every case this law has been upheld in the other states. And it is -- and if you look at the OLR Research Report, 210-R-0497, it also reviews some of

those laws, and so because it's crafted as the other bills were crafted, this will not open us up.

And we certainly have talked to plenty of counsel about the language in this law and making sure that the code, the 16 -- U.S. Code 1623 does not come into effect because we have other restrictions and other requirements to be eligible for in-state tuition as an undocumented immigrant. Through you, Madam President.

THE CHAIR:

Senator Suzio.

SENATOR SUZIO:

So through you, Madam President, we are certain that if this law passes we would not have to offer the same benefits to other citizens of the United States, regardless of whether they reside in Connecticut or not? Through you, Madam President.

SENATOR BYE:

Through you, Madam President --

THE CHAIR:

Senator Bye.

SENATOR BYE:

-- there is no private cause of action under 1620 through -- 1623, and the bill has been crafted to protect from exactly what Senator Suzio is asking

about. And it is an excellent question, through you, Madam President.

THE CHAIR:

Senator Suzio.

SENATOR SUZIO:

Thank you, Madam President.

Through you, if I may, again. Section 9 of the proposed bill states that to be eligible, a student must have, quote, completed at least four years of high school-level education in the state. Through you, Madam President, would someone who starts in the sophomore year of high school here in CT and completes their education with three years and gets their four-year degree, would that student be eligible for this program? Through you, Madam President.

THE CHAIR:

Senator Bye.

SENATOR BYE:

Through you, Madam President, no.

THE CHAIR:

Senator Suzio.

SENATOR SUZIO:

Thank you.

And through you, Madam President, if a student entered in the middle of the freshman year of high school and completed their education and got a four-year diploma in the Connecticut high school but did not -- they basically entered through the middle, in the middle of their freshman year, would they be eligible for the benefits of this bill? Through you, Madam President.

THE CHAIR:

Senator Bye.

SENATOR BYE:

Through you, Madam President, no.

THE CHAIR:

Senator Suzio.

SENATOR SUZIO:

Thank you, Madam President.

Furthermore, on Section 9, it states in Subitem (iii), graduated from a high school in the state or the equivalent thereof. What would be qualifying as the equivalent thereof in lieu of getting a high school diploma after completing four years of high school in Connecticut?

THE CHAIR:

Senator Bye.

SENATOR BYE:

Through you, Madam President, I could imagine a case where a student completed four full years of high school but did not complete all the requirements to graduate and maybe needed to take a test to get a -- a GED. But that's, you know, thinking on my feet. They would have graduated. They'd have a degree, and they would have completed four years of high school.

THE CHAIR:

Senator Suzio.

SENATOR SUZIO:

Through you, Madam President, I'm a little bit troubled by the ambiguity inherent in that phrase, "the equivalent thereof." It seems to open a pretty wide door for a very wide interpretation. And if, indeed, the proponent of the bill is a little bit ambiguous about it, then I wonder how it might be interpreted. I would -- would appreciate it if the proponent could perhaps elaborate a little bit more about what the thinking is on this phrase, the equivalent thereof.

THE CHAIR:

Senator Bye.

SENATOR BYE:

Through you, Madam Chairwoman, I've just confirmed with Majority Leader Looney, and first of all, I want to be clear. It says graduated from a high school in the state or the equivalent thereof. The intent of that language was for perhaps there are prep schools, you know, Choate or Loomis, and that would be the equivalent thereof versus the diploma from a public high school. They may have a different degree, through you, Madam President.

THE CHAIR:

Senator Suzio.

SENATOR SUZIO:

So, through you, Madam President, would someone who did not graduate and get a high school diploma, having attended high school for four years but not getting their diploma, would they not be eligible to participate in this program; or if so, what would the conditions be for them to participate in the program?

THE CHAIR:

Senator Bye.

SENATOR BYE:

Through you, Madam Chairwoman, the language says that the student graduated from a high school in this state. So they would need to graduate from the high school, through you, Madam President, and attend four full years of high school.

THE CHAIR:

Senator Suzio.

SENATOR SUZIO:

Then, through you, Madam President, just to clarify, so a GED or an equivalency diploma would not qualify for benefits under this bill? Through you, Madam President.

THE CHAIR:

Senator Bye.

SENATOR BYE:

Through you, Madam President, I am not a hundred percent sure of the answer to that because I guess I'm not an expert on education. I'm not sure if getting a GED from the West Hartford School System after having completed four years at Conard or Hall would mean that you had the equivalent of a high school diploma. So I'm not a hundred percent sure on that.

But -- but I think the bill is very clear that it says they graduated from a high school in the state

and completed at least four years of high school level education in the state.

THE CHAIR:

Senator Suzio.

SENATOR SUZIO:

It's through you, Madam President. As a proponent of the bill, would you care to elaborate on this particular topic as -- as to the legislative intent, given the ambiguity of this phrase? Through you, Madam President.

SENATOR BYE:

Through you, Madam --

THE CHAIR:

Senator Bye.

SENATOR BYE:

Through you, Madam President. I'm sorry --

THE CHAIR:

(Inaudible.)

SENATOR BYE:

-- for not waiting.

The legislative intent of this bill is that the student would have attended four full years of high school in Connecticut and graduated from a high school in Connecticut. That is the legislative intent. That

legislative intent is the strictest standard in the United States of any bill like this that has passed. Through you, Madam President.

THE CHAIR:

Senator Suzio.

SENATOR SUZIO:

Thank you.

Through you, Madam President, in your testimony a short while ago, Senator Bye, you mentioned some comparative figures, if I recall. You quoted, if I'm accurate, that the -- I think you were referring to the average in-state tuition being $8,000 versus $25,000 per year. Is that correct or could you clarify what you were discussing then? Through you, Madam President.

THE CHAIR:

Senator Bye.

SENATOR BYE:

Sure. Through you, when I looked on the web site last evening, UCONN in-state tuition $8,256, next year, and out of state is $25,152. Through you, Madam President.

THE CHAIR:

Senator Suzio.

SENATOR SUZIO:

Thank you.

And through you, Madam President, thank you, Senator Bye.

Would you care to give the comparison for the other public colleges and the community colleges in Connecticut? Through you, Madam President.

THE CHAIR:

Senator Bye.

SENATOR BYE:

Through you, Madam President, certainly. The in-state tuition for Connecticut State University -- I'm sorry -- the out-of-state tuition is $6,600 and the in-state is $2,062, though their tuition and fee formula is a little complicated. It also has student fees that are significant; I just did tuition.

And community technical college, in-state is $132 a credit and out-of-state is $396 a credit. So in all cases, the difference, it's about three times as costly to come as an out-of-state student, through you, Madam President.

THE CHAIR:

Senator Suzio.

SENATOR SUZIO:

Thank you.

Through you, Madam President, can you tell me -- through you, Madam President, to Senator Bye -- can you tell me how many students currently attending Connecticut public colleges would qualify for this, the benefits under this bill? My understanding is quite a few of them did testify at the public hearing about this, and so I would be curious to know how many students who are currently attending public college in Connecticut might benefit from this program, if this bill should pass. Through you, Madam President.

THE CHAIR:

Senator Bye.

SENATOR BYE:

It's through you, Madam President. The estimate is that about 200 students would benefit.

I -- I think the important thing to keep in mind is that for these students, paying out-of-state tuition is not within reach, so the state would be getting the in-state tuition from students who otherwise would not be attending if they had had to pay the out-of-state tuition price. Through you,

Madam President.

THE CHAIR:

Senator Suzio.

SENATOR SUZIO:

Thank you.

And through you, Madam President, the figure, 200 students, that is representing the -- the current number of students who might be eligible or already attending Connecticut public colleges; it does not represent the potential usage of the program, should the bill pass? Through you, Madam President.

THE CHAIR:

Senator Bye.

SENATOR BYE:

Through you, Madam President, that -- that is an estimate, though, you know, I have some anecdotal evidence on this. I -- I am married to a high schoolteacher who -- who teaches college preparatory classes at a very large high school, has about 120 students a year, has been teaching for over 35 years. It was her estimate that maybe, for example, UCONN, three of those students over the past ten years would be able to benefit from this, but they were students who did not attend UCONN because the price was out of

reach. So, you know, there are some, but it's still a small number out of -- I -- I believe there are something like 111,000 students in our higher education system in Connecticut right now. Through you, Madam President.

THE CHAIR:

Senator Suzio.

SENATOR SUZIO:

Thank you.

And through you, Madam President, Senator Bye testified to the fact that, quote, there -- I believe if I got it correct -- that, quote, there's no marginal cost, should this bill become law. Through you, Madam President, would you care to elaborate on that, Senator Bye?

THE CHAIR:

Senator Bye.

SENATOR BYE:

Sure. Through you, Madam President, in this building we rely on the Office of Fiscal Analysis to look at what the potential costs are to the state when we implement a bill. And -- and we often stand up and wave that and say, This is adding money; this costs money; we can't do it.

Our Office of Fiscal Analysis spoke with our university systems and University of Connecticut and said if this was instituted, how much would it cost our higher education system? And the Office of Fiscal Analysis came back to us and said there is no cost here.

So having, again, sat through the public hearings and thought about this a lot, what that fiscal analysis report is telling us, that we are asking students to pay. We are asking students to pay what it costs. We're asking them to pay to go to our in-state colleges. They've attended K-to-12 for free, and that's by federal law and the Supreme Court. And when they get to college we say you have to pay; you have to pay in-state tuition.

So our Office of Fiscal Analysis said there would be no additional cost to the state, and as a State Senator, that's what I rely on for my fiscal information about the impact of bills. Through you, Madam President.

THE CHAIR:

Senator Suzio.

SENATOR SUZIO:

Thank you, Madam President.

And through you, Madam President, I noticed since I've joined this august body that some of the terminology is interesting to me. And I've noticed that sometimes there's been talk of when -- of revenue foregone rather than cost; when we don't tax somebody, that's a revenue loss. And I wonder if we look at this in terms of that perspective, there may not be an actual marginal cost in terms of hiring more teachers, but there is potentially a revenue loss.

Was there any discussion from that perspective, through you, Madam President, as far as revenues foregone or revenues lost, should the bill become law, considering the number of students who might take advantage of the program and the disparity between in-state and out-of-state tuition costs? Through you, Madam President.

THE CHAIR:

Senator Bye.

SENATOR BYE:

Through you, Madam President, to my colleague, Senator Suzio, yes; you know, that -- that was a discussion. And I think ultimately what was decided and why there is no fiscal note is that the out-of-state tuition costs without any access to

financial aid are out of reach for students. And so these students are not accessing at all now and thus paying nothing. It's not as if the students are coming and paying the $25,000 of out-of-state tuition. So what you have is students are paying versus no student, and since we have space at our CSU system and community college, this is a -- a -- this is a neutral in Connecticut.

But as I stated in my opening comments, other states have found this to be a fiscal gain, such as Utah, Massachusetts, and Colorado. It's through you, Madam President.

THE CHAIR:

Senator Suzio.

SENATOR SUZIO:

Thank you, very much, Senator Bye.

And through you, Madam President, as I read the testimony of people who supported this bill, including Senator Looney, for example, and the American Federation of Teachers, there was a reference, and over and over again, to basically the benefits our state would get by having students better educated and living here and working here in Connecticut.

I'd also noticed that there was a report issued by the Department of Labor and Higher Education, quote, Building Connecticut's Work Force, in which approximately one-third of the graduates of Connecticut public colleges did not stay and work in Connecticut. That's a pretty significant number of our graduates, although you could argue the other way, the glass is two-thirds full instead of one-third empty. But, still, a considerable number of our college graduates from our public schools don't stay in Connecticut, and therefore Connecticut does not necessarily benefit from the high -- the level of education that they've attained.

Was there a discussion at all as this bill was developing as far as requiring beneficiaries of the program to stay and work within the state for a certain period of time after graduating from a Connecticut university or a college? Through you, Madam President.

THE CHAIR:

Senator Bye.

SENATOR BYE:

Through you, Madam President, no, there was not.

THE CHAIR:

Senator Suzio.

SENATOR SUZIO:

Thank you, very much, Madam President.

I would like to -- Madam President, the Clerk has an amendment, and I would like to offer LCO 6895.

Will the Clerk please call the amendment.

THE CHAIR:

Mr. Clerk.

THE CLERK:

LCO 6895, which will be designated Senate Amendment Schedule "A." It is offered by Senator Boucher of the 26th district, et al.

THE CHAIR:

Senator Suzio.

SENATOR SUZIO:

Mr. -- Madam President.

THE CHAIR:

That's okay. The --

SENATOR SUZIO:

Sorry --

THE CHAIR:

-- voice is getting deeper.

SENATOR SUZIO:

-- about that. Have I --

THE CHAIR:

It's okay.

SENATOR SUZIO:

-- been calling you "Mr. President?"

THE CHAIR:

Sir --

SENATOR SUZIO:

My apologies.

THE CHAIR:

-- not a problem, sir.

SENATOR SUZIO:

I move adoption and seek leave to summarize.

THE CHAIR:

The question is on adoption. Will you remark, sir?

SENATOR SUZIO:

Yes, Madam President. I believe a -- it's an important element of state policy that the state benefit from its policies and not just engage in altruistic policies. And I'm certain that that's an important consideration for the people who have been the proponents of this bill.

This amendment would require that beneficiaries of the program would have to stay and work within the State of Connecticut for four years -- we've getting some feedback here -- for your years. And -- and that, to me, would -- maybe I'm talking too loud; I'll talk a little more quietly.

To me, wise state policy takes into consideration not only the benefits of the citizens who participate in its programs but the benefits for the state as a whole. And therefore, if we're going to encourage -- and I do agree with the idea that an educated Connecticut work force is to the benefit of Connecticut, if it stays in Connecticut. And I would, therefore, would like to see this bill amended to reflect a requirement that the beneficiaries of the program stay and work in Connecticut for four years after graduating and receiving the benefits.

THE CHAIR:

Thank you.

SENATOR SUZIO:

Thank you, Madam.

THE CHAIR:

Thank you, Senator.

Will you remark? Will you remark?

Senator Bye.

SENATOR BYE:

Through you, Madam Chairwoman, I would urge rejection of this amendment. I believe that throughout bringing out this bill and talking about it, I've been talking about a level playing field and having the same rules apply for all students who graduate from our high schools. This would create, I think, a restriction of trade.

I would -- I would also say that, in general, undocumented immigrants tend to stay closer to their families anyway, but that's not something we can put in policy. We have to make Connecticut a place where our young people want to stay, and I would argue though many leave, that there are many around this Circle who left Connecticut for years and then came back when they decided to have a family and send them to school. So I would urge rejection of these -- this amendment.

I think what we're looking for is a bill that puts all students on a level playing field, through you, Madam President.

THE CHAIR:

Thank you, Senator.

Senator Looney.

SENATOR LOONEY:

Thank you, Madam President.

I also rise in opposition to the amendment. I think that it is harshly and unnecessarily punitive in its impact, because in saying that a recipient would have to be required to work in the state not less than four years following such person's graduation, it presumes that a person might be able to get employment immediately upon graduation. We know that is not -- that is not the case, even for -- for students who have -- who have many advantages throughout their academic career. So this would be, in effect, adding a period of perhaps open-ended restriction on someone who was in good faith looking to secure an education and prepare himself or herself for work thereafter.

As we know, the full benefits of this, of the underlying bill will fully and truly be available and the people will be able to -- to make full use of their educations, primarily only when the federal government does pass the -- the Dream Act at some point to allow for full integration of these students into -- into our society. And, of course, the purpose of the underlying bill is to make sure that -- that

when that happens, they will be able to do so immediately.

What this amendment will do, in effect, would put a burden on someone who may not, in fact, have the capacity to comply with this amendment, even if he or she wanted to. So I would urge rejection of the amendment.

THE CHAIR:

Thank you, Senator.

Will you remark?

Senator McLachlan. Good afternoon, sir.

SENATOR McLACHLAN:

Good afternoon, Madam President.

Through you, a question to the proponent of the amendment, please?

THE CHAIR:

Please proceed, sir.

SENATOR McLACHLAN:

Thank you, Madam President.

Senator Suzio, the issue you bring forward, I want to thank you for suggesting that we look at this idea a little differently. Is it your understanding that the State of Connecticut currently restricts benefits to students following their graduation from a

university? Through you, Madam President.

THE CHAIR:

Senator Suzio.

SENATOR SUZIO:

Through you, Madam President, if -- if you're referring to benefits, you mean subsidized tuition or do you -- I'm not clear of what the good Senator McLachlan refers to as "benefits." Through you, Madam President.

THE CHAIR:

Senator. Senator McLachlan, will you reframe the question, please.

SENATOR McLACHLAN:

Thank you, Madam President; will do.

I -- it's my understanding that the State of Connecticut offers students of our universities certain programs that require them to remain here in the State of Connecticut for work, following graduation. Is that your understanding, through you, Madam President?

THE CHAIR:

Senator Suzio.

SENATOR SUZIO:

Yes, that currently is my understanding of -- of the situation, at least on some of the programs the state offers. Through you, Madam President.

THE CHAIR:

Senator McLachlan.

SENATOR McLACHLAN:

Thank you, Madam President.

And through you to the proponent of the underlying bill, the Chair of the Higher Education Committee, I have a question, through you, Madam President.

SENATOR LOONEY:

Madam President?

THE CHAIR:

And Senator Looney.

SENATOR LOONEY:

Yes, Madam President, a point of order. Since an amendment is pending, I believe only questions relating to the amendment are appropriate. Any questions to the proponent of the bill will be appropriate when we are back on the bill, after consideration of the amendment.

THE CHAIR:

That's true, sir.

Senator McLachlan, is this towards --

SENATOR McLACHLAN:

Thank you.

THE CHAIR:

-- the amendment?

SENATOR McLACHLAN:

Thank you, Madam President.

And recognizing our Majority Leader's comment, I -- I misstated. Actually, my question is about the amendment and how it relates to the underlying bill. Through you, Madam President.

THE CHAIR:

Then proceed, sir.

SENATOR McLACHLAN:

Thank you, Madam President.

Senator Bye, I wondered if you could share with us the -- your understanding of current state programs that are available to students where there are benefits provided to students and then further restrict them to work in the State of Connecticut upon graduation for a certain period of time.

THE CHAIR:

Senator --

SENATOR LOONEY:

Madam President?

THE CHAIR:

Yes, Senator Looney.

SENATOR LOONEY:

Yes, Madam President.

The point -- the point of order maintains that it would be appropriate for the Senator to address --

THE CHAIR:

(Inaudible.)

SENATOR LOONEY:

-- those questions to the proponent of the bill when the bill is under consideration, not the amendment, which was brought forth by Representative Suzio and was sponsored by Senator -- Senator Suzio -- was sponsored by Senator Boucher and Senator Frantz.

THE CHAIR:

Senator McLachlan.

SENATOR McLACHLAN:

Thank you, Madam President.

Thank you, Majority Leader Looney.

I will try to stay focused on the point of this amendment, which is we believe in a -- a back and forth between the proponent of the amendment that there are benefits provided by the State of

Connecticut currently that require a student who accepts benefits through their education, that they remain in the State of Connecticut for a given period of time for work, and that those programs already exist. And so therefore it is appropriate that this body entertain a similar type of restriction, as this clearly is a benefit to students of Connecticut; and, therefore, I believe we're saying it's a double standard.

If I'm not mistaken, the Chairperson of the Higher Education Committee stood to object to this based upon fairness. And I believe the Majority Leader stood to object to this amendment for a similar objection of fairness, and yet the State of Connecticut currently operates that way in our education system, whereby we are granting certain benefits to students and expecting them to stay in Connecticut upon graduation and work here. And that's what I believe Senator Suzio is attempting to pass with this amendment. And so I'm perplexed that we're having objections to the way that the State of Connecticut currently operates, because that's what this amendment seeks to do.

So that was why I was trying to elicit further information from the Chairperson of the Higher Education Committee, to clarify what programs are available. I do believe that that information would be important for members of this Circle to make an educated decision on whether or not this amendment before us is appropriate.

Thank you, Madam President.

THE CHAIR:

Thank you, Senator.

Will you remark further?

Senator Suzio.

SENATOR SUZIO:

Madam, I just wanted to make certain that I was asking for a roll call vote.

THE CHAIR:

So ordered.

Will you remark further?

Senator Welch.

SENATOR WELCH:

Thank you, Madam President.

A few questions for the proponent of the amendment, if you please?

THE CHAIR:

Senator Suzio, prepare yourself.

Proceed, sir.

SENATOR WELCH:

Through you, Madam Presidents, how long does it take one to become a U.S. citizen or a legal immigrant from an undocumented status? Through you, Madam President.

THE CHAIR:

Senator Suzio.

SENATOR SUZIO:

Through you, Madam President, I actually cannot answer that question, Senator Welch. I don't know what the requirements are to attain that status.

THE CHAIR:

Senator Suzio, is this on the amendment, sir?

SENATOR WELCH:

Yes, it is, Madam President.

THE CHAIR:

Thank you, Senator.

SENATOR WELCH:

Yes.

THE CHAIR:

Please proceed.

SENATOR WELCH:

And -- and -- and just to clarify it for the Circle, my -- my question is if we are going to require an individual to reside in the State of Connecticut for four years after graduating from a Connecticut State institution and it be employed here, it would presume at some point that that person has met the legal status to be employed here.

And so my question, through you, Madam President, I guess changes to this: And that is, how does your amendment ensure that an individual who graduates, who is an undocumented student taking advantage of this statute who then graduates can work, indeed those four years, upon graduation? Through you, Madam President.

THE CHAIR:

Senator Suzio.

SENATOR SUZIO:

Through you, Madam President, it's my understanding that the bill, itself, the underlying bill, itself, requires the student who would benefit from this program to apply for residency status. And although the bill, itself, I don't believe is clear as to when that must occur, but once the process is initiated, I would assume that between four years of college education and working in the state four years,

eight years would be more than enough time to attain citizenship status, assuming the students stay within the laws. Through you, Madam President.

THE CHAIR:

Senator Welch.

SENATOR WELCH:

Thank you, Madam President.

And -- and if I could just clarify that, it -- it requires them to file a certification that they have applied or that they will apply as soon as he or she is eligible. So I -- I fail to see that this amendment will actually be one that we can enforce, absent some type of clarity that one would be able to work four years upon graduation from a state institution.

Thank you, Madam President.

THE CHAIR:

Thank you, Senator Welch.

Senators, will you remark further?

Senator Frantz.

SENATOR FRANTZ:

Thank you, Madam President.

A question to the proponent of the amendment; I believe I do stand in favor of it at this point,

through you.

THE CHAIR:

Please proceed, sir.

SENATOR FRANTZ:

Through you, Madam President, I -- I share the same concern but I still don't think we should give up on -- on the whole concept. And maybe if in clarifying language in the future we put in something such as provided citizenship is granted within that four-year period or before that four-year period starts, in other words when the student is still at school, they should be required to stay in the State of Connecticut and -- and work for four years or run -- run their business or whatever the case.

So my question for you is: Is there -- is there another way to -- to get that language or that condition in there, at this point, through a future amendment?

THE CHAIR:

(Inaudible.) Sorry; Senator Suzio.

SENATOR SUZIO:

Through you, Madam President, you're speaking to the newest member of the Chamber here. I'm learning what the amendment process is and how it goes, so I'm

not clear about what would have to be done. And I -- I do any there are some other and underlying ambiguities in the -- in the proposed legislation that I hope will be clarified as this debate evolves today.

But with respect to the proposed amendment, I tried to keep it as simple as possible, just focusing on the one issue of the state, in effect, being paid back by requiring the student beneficiary to remain in and work within the state for at least four years after graduation.

THE CHAIR:

Senator Frantz.

SENATOR FRANTZ:

Thank you.

And through you, Madam President, just a -- a couple of quick comments about the amendment, which I think is a good one, even if it's not perfectly worded; it doesn't take care of all the different contingent scenarios that a student might run into.

One -- one of the biggest problems we face as a state is that our young people who are educated here in the state leave. They go to greener pastures in other states, so they start their enterprises there or they go to work for larger corporations, some smaller

situations, whatever the case might be. And they are our greatest treasures. They represent the future for the State of Connecticut, future employment opportunities, future cultural contributions, philanthropic, et cetera, and yes, future revenues to the State of Connecticut also. So I'm deeply concerned about losing them, and I think one more little carrot or stick, whatever you want to consider this, to keep more students who are educated here in Connecticut here for the longer haul, to make it a much greater state, give it much greater prospects, going forward, is certainly a good one.

Certainly in economic development, whenever a benefit of any sort is given to a private enterprise, when it comes to the State of Connecticut, one of the absolute uncontested and undisputed questions -- requirements is that we require that company to be in the State of Connecticut and to remain here for a certain period of time. Sometimes it's specified as a 7-to-12 year period; sometimes it's as much as 10-to-15 years. And you can't tie them up forever, but that seems like a pretty meaningful period of time. It also -- most of these arrangements carry with it a caveat, a condition that if you do not

create or retain the jobs that you have claimed you can retain and create, in fact, there's a claw-back provision. So while I don't think you're asking this amendment for a claw back provision for a student that goes through this program under in-state tuition, it -- it does give them a condition that, in fact, keeps them here in the State of Connecticut and allows them to contribute back in a much more meaningful way to the State of Connecticut.

So I understand the essence of -- of -- of your amendment here. I think it's a very good one, and I stand very much in favor of it and would ask the rest of the Chamber to vote in favor of it.

Thank you, Madam President.

THE CHAIR:

Thank you, Senator Frantz.

Senator Kissel.

SENATOR KISSEL:

Thank you, very much, Madam President; great to see you this afternoon.

THE CHAIR:

Same here, sir.

SENATOR KISSEL:

Just a question -- a couple of questions regarding the amendment, through you, to the proponent of the amendment.

THE CHAIR:

Senator Suzio.

SENATOR KISSEL:

Thank you.

My first question has to do with this is -- this has a work requirement for four years here in the State of Connecticut, and I'm unclear as to whether this is full-time employment or would part-time employment be covered? Through you, Madam President.

THE CHAIR:

Senator Suzio.

SENATOR SUZIO:

Well, the underlying legislative intent would be full-time employment, if I -- but I -- I admit that the wording is ambiguous in that respect, through you, Madam President.

THE CHAIR:

Sorry. Sorry, Senator Suzio.

SENATOR SUZIO:

That's no problem, Madam President.

THE CHAIR:

Senator Kissel.

SENATOR KISSEL:

Thank you, very much, Madam President.

And again, through you, given the fact that the -- the language is broad regarding the parameters, would an individual that perhaps worked one day a week for 52 weeks still qualify if they, indeed, worked once a week for four years? Through you, Madam President.

THE CHAIR:

Senator Suzio.

SENATOR SUZIO:

Yes. And through you, Madam President, I would say that that would -- could be an interpretation of the -- the way this amendment would be applied in the situation where somebody worked or had a job that they worked part-time, one day a week for four years, given the way the -- the amendment is drafted, that that would be satisfying the -- the language of the proposed amendment. Through you, Madam President.

SENATOR SUZIO:

Senator Kissel.

SENATOR KISSEL:

Thank you, very much.

And I appreciate this because we're -- we're acutely aware right now that we're facing 9.1 percent unemployment in the State of Connecticut. When you add in the underemployed, we're probably hovering somewhere around 17 percent, maybe even a little north of that. And so certainly even if an individual wanted to -- to comply with this, they may have a hard time just finding a job. And so we wouldn't want to necessarily put them in this position of penalizing them when they're actually doing everything that they can do to get gainful employment, although I agree with Senator Frantz and the other proponents of the amendment, as well as Senator Suzio, that we -- we lose here in Connecticut our 21-to-35 year olds. Actually, it is a category where we lead the nation in the loss of young people. And with an aging population and the concomitant societal burdens that that places on our state government, we need those young taxpaying citizens to be employed, gainfully employed here in our -- our state.

Another question, through you, Madam President is compliance. Assuming an individual is out there, has a job, is attempting to comply with this, would we send out individuals to inspect whether there's

compliance or how would the individual notify the state that they are, indeed, in compliance? In other words, would they file an affidavit once a year or -- or how would that all work, through you, Madam President?

THE CHAIR:

Senator Suzio.

SENATOR SUZIO:

Well, I believe that probably the easiest way to implement this or make it effective would be anyone who is employed and working in the State of Connecticut would be subject potentially to the state, Connecticut State Income Tax. So there would be some income tax filings that would be available potentially for someone who is earning income, working in the State of Connecticut, which could be produced as evidence that they were working and employed in the State of Connecticut. And it would be satisfactory; it would -- would satisfy the requirements of the proposed amendment to this bill. Through you, Madam President.

THE CHAIR:

Senator Kissel.

SENATOR KISSEL:

Thank you, very much.

I guess my concern with merely using an income tax return for the State of Connecticut as evidence, it could be evidence, but whether it would be dispositive would be -- let's say -- let's say you're -- you're summer, field help. My first job, at 14, was picking tobacco. It was -- it was a very grounding process. Anyone in our neck of the woods understands how laborious that is, but you really have a different perspective on the rest of your life when your first job is sitting in a muddy row picking tobacco at six o'clock in the morning. But that -- that typically took the summer months and then is done. And so you would be able to report income for those three months but you would not be gainfully employed, perhaps, for those other nine months.

So would there be any other methodology in assessing whether an individual is, indeed, working steadily for that four-year period of time as opposed to intermittently? Through you, Madam President.

THE CHAIR:

Senator Suzio.

SENATOR SUZIO:

Well, there could be other forms of documentation that could be introduced, such as anyone who is gainfully employed and legitimately, legally employed would be getting pay remittances or stubs from their employer. So there would be documentation that could be made available in that -- through that manner to show not only that they were employed during the period of time but they were consistently employed or during the -- the -- the time period within the four years during which they were employed. So there could be -- there -- there'd be numerous sources of documentation to buttress or support the fact that they were working in the State of Connecticut, as would be required by this proposed amendment. Through you, Madam President.

THE CHAIR:

Senator Kissel.

SENATOR KISSEL:

Thank you.

And -- and another question is since this, the underlying bill is dealing with, I guess for lack of other terminology, illegal immigrants or individuals that don't have proper documentation -- I'm not exactly sure what's the politically correct

terminology, at this point in time; it seems to be sort of a fast-moving target -- but my constituent and I chat about it, it's "illegal ımmigrants." I mean, with have laws; comply with the laws. If you're not complying with the laws, you're illegal. It doesn't necessarily carry with it disparaging nuances; but just it's an ease of -- of -- of discussion.

And my question is -- is that ıf we're talking about extending in-state tuition to illegal immigrants or undocumented individuals, is it lawful for -- for an employer to hire those individuals here in the State of Connecticut? Through you, Madam President.

THE CHAIR:

Senator Suzio.

SENATOR SUZIO:

I believe it is lawful as long as the employer collects the -- the information that's required to engage someone employment. So they would have to collect certain identification related to that person. And to the best of my knowledge, that information could be produced by someone who is here as an alien or illegal alien as well. Through you, Madam President.

THE CHAIR:

Senator Kissel.

SENATOR KISSEL:

Thank you, very much, Madam President.

And -- and the other thing that I know is in the underlying bill, in Subsection 9, there is a requirement that the individual has filed an application to legalize his or her immigration status or will file such an application as soon as he or she is eligible to do so. So perhaps in a perfect world, that would have already been accomplished so that when they finally graduate college, they'll have that proper status here in the United States.

That concludes my questions to the proponent of the amendment. I thank Senator Suzio. I'm happy to stand in support of this amendment. It seems to me a little bit of common sense.

And also, for my constituents that are concerned with the underlying bill, one of their concerns is that, you know, they're here lawfully. They work hard. They pay taxes, and they -- they realize that our -- our -- our public treasure is limited. They're not happy, necessarily, with the one-and-a-half-billion dollar tax increase that was found in the -- in the budget that so recently passed the Legislature

and was signed into law, and they realize that it's very difficult for themselves to make ends meet. And so there's a fundamental feeling of justice as to whether the bounty and the benefits of being a citizen here in the State of Connecticut should necessarily extend to those individuals that might be here illegally.

And so to the extent this helps bridge that gap and address those concerns in a meaningful way such that the public treasure is being used as a benefit to illegal immigrants or the children of illegal immigrants and that in return for that reduced tuition cost and other reduced expenses that they are -- that these individuals will then turn around and at least work in our state for four years, I think makes the underlying bill more palatable to the majority of my constituents. And with that, I'm happy to support it.

Thank you, Madam President.

THE CHAIR:

Thank you.

Will you remark further? Will you remark further?

Senator Boucher.

SENATOR BOUCHER:

Thank you, Madam President.

Madam President, I rise to really support this -- this amendment and this concept. I think it addresses some of the concerns that I previously discussed, with regards to having a sponsor, having a path, a real path to a legal status. Given that the bill leaves that so open-ended and that by -- and, by the way, we do require work in the state for various benefits that we give for other programs, other educational programs, both in the health care field and the teaching arena and many fields where we do have a requirement if they get a substantial benefit from the state, that they have to work a certain number of years here.

This would give great incentive to the individuals that are -- during their four years of college, to seek an employer that would sponsor them and give them that path to legal citizenship. And at the end of the day, it would be a great benefit both to the State of Connecticut and to the student.

As my honorable colleague, Senator Kissel just stated, Connecticut is -- has lost and is losing the 18-year-old to 34-year-old and in the greatest numbers in this country. It is our brain drain. We talk

about that a lot. And it is a very sorry tale for the future of Connecticut's economy. And anything we can do to encourage the best and the brightest to stay here, we should certainly attempt to do that, not too withstanding, because of the problem that we currently have. If we were not incentivizing someone through this amendment by requiring the four years, then that student runs into problems with both federal and state law.

Previously I mentioned that our Connecticut Constitution put in statute, as of October 1, 1992, that -- that no employer shall knowingly employ an alien who is not entitled to lawful residence in the United States. Well, that was updated to September 21, 2010. In there, in Section 31-51(k)(1), there is a statement very clearly stating no employer or agent or representative of an employer shall employ an alien not entitled to lawful residence in the United States. For the purposes of this regulation, lawful residence is the legal presence within the United States in compliance with any and all applicable laws, regulations administered and enforced by the U.S. Immigration and Naturalization Service, permits issued by the U.S. Department of Labor and

other agencies and instruments of the United States having jurisdiction over the control of this particular statute. This definition includes temporary as well as permanent residence by aliens provided, however, that the alien concerned has been given official permission to work by federal agency, commission or instrumentality having jurisdiction to do so.

So there are ways to get a sponsorship to find a path to legalization. I think this amendment would be a great incentive to do that. It also helps us address the question of the lack of time frame of any requirement to gain legal status. Again, we don't want to be spending a great amount of state resources putting and pitting students, good students, one against each other, from a matter of fairness, that many of them are on long waiting lists for some of our -- our best universities in Connecticut at the expense of someone that does not have legal status here.

So I -- I do rise to stand in support of this amendment. I think it's appropriate. We have many precedents prior to this of requiring some sort of a work program after receiving some -- some substantial benefit for the State of Connecticut. And I think

this would address some of the concerns stated previously.

Thank you, Madam President.

THE CHAIR:

Thank you.

Will you remark further? Will you remark further?

Senator Suzio.

SENATOR SUZIO:

Madam President, I would urge my fellow Senators to vote for adoption of this amendment for two reasons. One is I think it's a reasonable expectation of state policy that not only its citizens benefit from its policies but that the state, itself, benefit. To provide a benefit without any expectation, whatsoever, seems to me to be imprudent and unwise policy. And particularly in light of the fact of the -- the data that I was citing before that was put out by the State Department of Labor and Higher Education, the Higher Education Building Committee's Work Force report which noted that nearly one-third of the students who attend Connecticut state universities and colleges leave the state after graduating; in other words, a very significant number of the students do.

It would seem to me that Connecticut is being shortchanged by those students who would take advantage of this program and then potentially leave the state without working here at all and without us getting the benefit of the higher education that they have received on a subsidized basis from the state.

So, number one, I think -- I think it's prudent. It's reasonable for the state to pursue this policy. And number two, it is not unique. As has been pointed out by some of my fellow Senators today, the state has many programs which have conditions attached to them for the beneficiaries. My colleague, Senator Frantz, pointed out how tax policies frequently are done in that way for companies that come to the state and get tax breaks; they have to stay here so long. They have to provide certain employment, et cetera.

It's done in terms of student programs right now, I believe the veterinary program, where we subsidize the tuition of students who are attending veterinary schools out of state in return for them coming back and practicing here in the state. So this is not discriminatory or -- or unique in its own respect; it's consistent with state practices and policies and

procedures that have been followed for years on a widespread basis.

It seems to me that's the hallmark of a state policy that's wise and prudent. Altruism is a wonderful and good thing, but the state cannot afford to be just purely altruistic. We do have to balance the books every year, and therefore having a benefit program which would require the beneficiaries to come back to and contribute back to the state after they've received the full benefits of the state's largess, I think, is a reasonable and prudent thing.

I would urge every one of my fellow Senators to vote for this amendment.

Thank you, Madam President.

THE CHAIR:

Will you remark? Will you remark?

Seeing none, we'll have -- if you -- if not, would the Clerk please announce a roll call vote. The machine is open.

THE CLERK:

Immediate roll call has been ordered in the Senate. Will all Senators please return to the Chamber. Immediate roll call has been ordered in the Senate. Will all Senators please return to the

Chamber.

THE CHAIR:

Have all members voted? They have not; here comes one. Have all members voted? All members have voted. The machine will be locked.

Mr. Clerk, will you please call the tally?

THE CLERK:

Motion is on adoption of Senate Amendment Schedule "A," LCO 6895.

Total number voting	35
Those voting Yea	12
Those voting Nay	23
Those absent and not voting	1

THE CHAIR:

The amendment fails.

Senator LeBeau.

SENATOR LeBEAU:

Thank you, Madam President. Good afternoon.

THE CHAIR:

Good afternoon, sir.

SENATOR LeBEAU:

I would like to stand in support of this bill, and I stand both as Chairman of the Commerce Committee and Vice Chair of the Higher Education Committee; I'm

proud to be both. I'm proud to serve on both those committees. And I think this is both right for higher education and right for the State of Connecticut in terms of our economic growth.

It -- actually in the last, on that last amendment, I was listening to the debate, and some of the arguments for this bill were actually being made, because we do not want to throw away our most valuable assets. Some of the students who are -- have been rejected or would be rejected or they're not going to be rejected but cannot afford to attend the University of Connecticut or even -- or our state university system -- or even our community colleges are the very best students in the state.

There was at least one student I remember, during our testimony in Higher Education who came to our committee, and he was the valedictorian of his class but cannot get in-state tuition. We shouldn't throw away, as it's been mentioned, some of the most innovative people that we need for an innovative economy, for the creative economy, for future revenues, for opportunities for cultural advancement, technology, and technological advancement.

It's been said that this is not an issue of access. I would disagree with that because cost is access; money is access. When I graduated from high school, there were two schools I could go to; it was -- I graduated in Western Massachusetts -- there were two schools that I had -- I could go to. It was either going to be the University of Massachusetts or Westfield State College, because that was the only school I could afford. And I feel like other students are in the same situation today.

I mean, look at it. It's already been mentioned, $40,000 -- dollar cost differential between the University of Connecticut in-state and out-of-state costs. Community colleges, I believe the number is 130 versus approximately a $390 per credit; almost more than three times, more than three times the cost to attend a community college. And for these children, for these children, the children of undocumented immigrants, they're mostly poor. They're not going to have the opportunity to -- they're not going to be able to pay the in-state costs. So this is right for us.

And let me go back and just -- I just said -- let me repeat that again. For these children, they're

here for -- through no part of their own, no fault of their own. They were brought here.

What are you supposed to do at the age of 13, say, Ma, I'm not going? That's -- let's -- let's get real about this. These are kids. You're going back from, you know, this -- so you're saying at least four years in high school. But many of these children are or were brought here at ages of two, three, six, five, six, seven. No, Mom, I'm not going? What are the choices that they have today? So let's not punish these children; let's give them the opportunity.

We know that the -- there's going to be very minimal cost to our state. They're going to be -- there really are not that many students who would fall into this category, but it is only fair that we do this. Let's do the right thing today and vote for this bill.

Thank you, Madam President.

THE CHAIR:

Thank you, Senator.

Senator Kissel.

SENATOR KISSEL:

Thank you, very much, Madam President.

I just have some questions to the proponent of the bill.

THE CHAIR:

Senator, please proceed, sir.

SENATOR KISSEL:

Thank you, very much, Madam President.

The first thing is in the definitions offered in Section 9, and it's actually not even a definition but the terminology, one set of terminology I'm not familiar with.

In Section 9, what we're doing is we're -- we're doing a carve-out for -- I guess the way it's worded is folks that do not have legal status. But it says that within that area, we're carving then another group out that would not benefit from this, and that's nonimmigrant aliens. And I'm not sure (a) why or (b) who are nonimmigrant aliens, and why wouldn't we extend this benefit to nonimmigrant aliens if we're extending it to everyone else? Through you, Madam President.

THE CHAIR:

Senator Bye.

SENATOR BYE:

Oh, through you, Madam President, if -- if the Chamber could just stand at ease while I --

THE CHAIR:

The Senate will stand at --

SENATOR BYE:

-- research this a little.

THE CHAIR:

-- ease at this point.

(Chamber at ease.)

SENATOR BYE:

Madam President?

THE CHAIR:

The session is back in order. The Senate is back from -- in session.

Thank you.

SENATOR BYE:

Thank you, Madam President.

After conferring with our attorneys, is that those -- that particular class of individuals can establish a domicile and apply for in-state tuition.

THE CHAIR:

Senator Kissel.

SENATOR KISSEL:

Okay. So the carve-out for nonimmigrant aliens is because nonimmigrant aliens can already do something where they could get in-state tuition. Perhaps they would fall under, you know, maybe one of the other, previous sections that are enumerated in the bill?

THE CHAIR:

Senator Bye.

SENATOR BYE:

Through you, Madam President, it was established in Toll v. Mareno. The Supreme Court deferred to the Maryland State Court of Appeals that G-4 aliens are not precluded from establishing domicile, so that they can establish a residence and be considered in-state residents.

It is fairly complicated area of law, but that is why they are not a part of this bill which addresses -- which addresses the undocumented immigrants. Through you, Madam President.

THE CHAIR:

Senator Kissel.

SENATOR KISSEL:

Thank you, very much.

Okay, through you, Madam President, and, again, just trying to clarify the -- the underlying bill, would that be why in the first several sections of the bill, which I assume mirror current law, it says "domicile," and then in this section, rather than using domicile, it uses "resides in this state," and that the terminology domicile carries with it different rights and responsibilities as opposed to simple residence? Through you, Madam President.

THE CHAIR:

Senator Bye.

SENATOR BYE:

Through you, Madam President, yes, domicile has a different meaning.

But I just also want to be very clear that what makes these students eligible for in-state tuition is that they have attended a high school in Connecticut for four years and graduated from that. That is the critical piece, not simply having a residence in the State of Connecticut. Through you, Madam President.

THE CHAIR:

Senator Kissel.

SENATOR KISSEL:

Thank you, very much.

And I know that and -- and I appreciate Senator Bye clarifying that that's one of the linchpins to Section 9, which is a new section, in that I believed it was characterized when Senator Brye -- Bye first brought it out to the floor, that it's one of the highest thresholds in our nation amongst those states that have passed similar legislation.

Although, through you, Madam President, would it be safe to say that the number of states that have passed similar legislation is less than half? And I think it's less than 20; I'm not sure of the exact number. And if the Senator knows, that would be great as well. Through you, Madam President.

THE CHAIR:

Senator Bye.

SENATOR BYE:

Through you, Madam President, yes, a number is ten, Senator Kissel.

THE CHAIR:

Senator Kissel.

SENATOR KISSEL:

Thank you.

And so this is one of the toughest laws, if not the toughest laws extending these benefits to those that are not here legally, of the ten, and we would be 11 and through that -- through you, Madam President?

THE CHAIR:

Senator Bye.

SENATOR BYE:

Through you, Madam President, unless another state is considering and beats us, but it's my understanding that we would be the 11th state. Through you, Madam President.

THE CHAIR:

Senator Kissel.

SENATOR KISSEL:

Thank you.

And another question I had is in comparing Section 8, which appears to be current law, with Section 9. Section 8 says that if you don't -- if -- if you've only been here for a certain period, if you live in another place, it appears, a student that is from another state but they go to high school for three years, they can get in-state tuition, whereas we're creating a higher threshold of four years for these nonlegal residents. And I'm just wondering why

three for out-of-state and four for in-state, and was that just so that our proposal here is a little tougher because these folks are, indeed, not here legally? Through you, Madam President.

THE CHAIR:

Senator Bye.

SENATOR BYE:

Through you, Madam President, as I understand the history of this bill, you know, it developed like many good pieces of legislation and -- and there were compromises along the way. And I think that some of -- some people felt more comfortable supporting it with four full years of high school, and that's why we have that provision. Through you, Madam President.

THE CHAIR:

Senator Kissel.

SENATOR KISSEL:

Thank you.

That concludes the questions that I have of Senator Bye at this time, and I very much appreciate where she's coming from on this piece of legislation.

On many, many bills, we're -- we're united in this Chamber. How many bills in any given session go on a Consent Calendar? But, again, this is one that

my constituents feel both strongly about, and I would say that the vast majority of folks that I talked to are not in favor of. And I don't believe that's because of any maliciousness or ill will or -- or even a feeling of parsimoniousness on their part; I think it comes down to something more akin to fundamental fairness.

And I understand this proposal and its supporters' position, and I -- and I appreciate the perspective just recently articulated by Senator LeBeau, that on the one hand you have a group of individuals that perhaps through no fault of their own are with families or loved ones that are here illegally. They've gone through the school system, and why do they get punished, effectively, by not being able to avail themselves of in-state tuition, whereas others can.

Senator LeBeau articulated that in most of these situations, we're talking about kids, young people, although if they're applying to college, they're probably close to 18. I know that it's probably not likely that anybody would be entering college at younger than 17, unless they're quite brilliant; then my guess is that this whole in-state, out-of-state

wouldn't even come into effect, because if you're that smart, colleges are just going to scoop you right up.

So why do most of my constituents, in my belief, oppose this kind of legislation? And I think it comes down more to a frustration with national policy regarding immigration and fundamental justice. And when I say that, as much as we can characterize the children of illegal immigrants as perhaps innocent to the process, there's almost this notion that it's unfair to those who do comply with the laws to grant equal benefits to those family members who don't. And it's pretty much as simple as that.

And it's a visceral, gut feeling that, again, I believe most of my constituents share is that if you're there in Hartford making laws, why are you carving out exceptions for certain groups of individuals? Doesn't that send a signal that the laws need not be followed? And it's a difficult issue because we don't have control over immigration policy as a state. That is fundamentally a national issue, and the good folks in Arizona are fighting the federal government as to whether they can actually take that issue and run with it. And whenever I watch the --

the good Governor of Arizona in her colloquies with President Obama, I mean, there's a real tension.

This appears in our state in some instances, but it's certainly not at such a heightened level as it is in other states that actually border, whether it's Mexico or perhaps even Canada; I -- I don't know. My guess is that there are border issues with individuals crossing over, depending on if you live in those Northern communities. But it tends to be even more heightened with -- with our Southern-tier states to the -- to the extent that it has created violent problems and problems for their correctional facilities, problems with social service networks and everything else, such that when the argument comes forward that, oh, we've got all these negative repercussions because of a national policy that seems to be unenforced, and now you want to superimpose a carrot or a benefit on top of that, and people just, they -- they get very frustrated by that.

And then the other thing that you lay on top of that to -- to make it a more, even more-heightened debate is you have areas that are sanctuary cities or even -- I don't know if there's anything such as a sanctuary state -- but entire jurisdictions,

political divisions, subdivisions that say by their elected leaders, we're not going to enforce the immigration laws; I mean, if someone gets arrested, we're not going to report that to the federal government. We're effectively going to have that kind of tension, and we're going to run with it in another direction.

So you have states like Arizona moving in one direction, and the federal government seems to clamp down really hard on those folks. But then, on the other hand, if it's, for lack of a better term, a more liberal policy, City of San Francisco, for example, where they have taken council votes and their policy is we're not going in that direction, we're running in another direction, and the federal government seems to turn a blind eye to that, then my constituents say that's not fair and there's a disconnect.

And what's good for the goose is good for the gander; either you're going to respect federal policy or you're not, or you're going to enforce it across the board or you're not. But there can't be this disconnect where implicitly government turns a blind eye over here but government clamps down over there, especially when the get-tough policy is the one

that the federal government clamps down on and the far more lenient policy is the one that doesn't seem to have any kind of reining in.

There are signals that that may be changing. I know that President Obama quite recently had a speech down -- I think it was in Texas -- indicating that he wanted to move forward with an immigration policy. And there are strong feelings all over that issue. There are competing philosophies regarding that entire issue. You have some elements of a business community that clearly benefit, clearly benefit by a lax immigration policy, and that strikes my constituents as fundamentally unfair.

At the same time, there are individuals, because the rules regarding entering our nation seems to be lax, take advantage of that and sometimes take an advantage of that for nefarious purposes, drug dealing and all sorts of other criminal activities; illegal importation of handguns, whether it's in, into our country; all sorts of problems. And that's why this issue, if it was in isolation, probably would not engender the kind of attention here in Connecticut that it does. But because it is not an issue that's in isolation, because it's an issue that people look

at in the context of a national policy that is adrift, heightened tensions, especially in Mexico, sanctuary cities where the federal government turns a blind eye, and states that feel that they want to do something more, Texas, Arizona, and other Southern-tier states bordering Mexico, where the federal government actually marches into court and says you can't do that, then it's reasonable for my constituents to say, well, what are you doing in Hartford? And if you're going to weigh into this battle, why are you necessarily weighing in to the, for lack of a better term, the lenient side or the let's-turn-a-blind-eye side or let's-extend-a-benefit side, albeit to the children of -- and folks that are here illegally?

But at the same time, when amendments are offered as far as legal-immigrant status on driver's licenses and things like that where we actually have federal requirements that we're racing up against to try to comply with, this Legislature doesn't seem to be in any rush to -- to move in that direction.

And so at this point in time, on balance, while I understand the good intentions of the proponents of the bill, and I certainly don't feel hard-hearted towards these young people, and while I understand

there may be some slots available in our community colleges and our state university system, and while we've been told that there's only two young people of illegal immigrants in the University of Connecticut, it still strikes me that should we open up this window, we are sending a signal that at least as far as the State of Connecticut goes, when it comes to this issue, we're going to weigh in on one side as opposed to the other.

And -- and I believe that, if anything, we should at least be even-handed in how we address immigration issues. We do have that -- these things of identification, driver's licenses complying with other federal requirements, and it would be nice if we actually paid as much attention to those things as we do to this.

So I understand the proponents' perspective. I think that, you know, to the extent these -- these young people are able to make the most of their lives, that's a good policy, but I have to look at this in the context of the overall national picture. And at -- and when I do do that, and I listen to my constituents, I will be voting no on this bill when it comes to a vote.

Thank you, Madam President.

THE CHAIR:

Thank you.

Will you remark further?

Senator Frantz.

SENATOR FRANTZ:

Thank you, Madam President.

What a -- what a wonderful problem to have, when you think about it. You build a house of quality in the woods and people will always -- they'll always beat a path to get to that house of quality. We've got a waiting list at UCONN. I know that other institutions within the CSUS organization have some waiting lists as well. And we have a lot of young people in the State of Connecticut apparently who want to further themselves and improve their prospects in life by going to college or some form of college. And that is something that I think we ought to salute.

The only problem with this bill, Madam President, is that it involves a cost. And I know proponents will say that the Office of Fiscal Analysis has come out and said there is no fiscal note associated with this. It -- it's something we have to pay very, very close attention to as Legislators, as the makers of

public policy in the State of Connecticut, because what might not be a cost today may tomorrow be a significant cost.

To use an example on the national level, the OMB, Office of Management and Budget, in Washington, DC, for example, when it came to the issue of Medicare, back in 1965, estimated that that program would cost $12 billion by the year 1990. In fact, that program ended up costing, in 1990, $110 billion, off by a factor of almost 10 or a thousand percent.

That tab went up to 260 billion in 2002, 600 billion in 2008, 20 percent of our national budget. Well-intentioned program; we love it. It's going to be bankrupt by the year 2018 or 2019. That's an extreme example, but I think it should make us all as Legislators in this Chamber pay very, very close attention to the fiscal analysis that is done for these various bills.

This one, I think, is very well intentioned but it does potentially involve a cost. In fact, it's almost guaranteed that it will be a cost in the future if, in fact, what the proponents of the bill want to put into place, in fact, is put in place, because they think it will end up inviting more and more people to

take advantage of the -- of the opportunity, that aren't necessarily in the State of Connecticut right now, thinking longer term. And that's something that we have to be very cognizant of.

Connecticut, thankfully, is one of the most -- most generous states in the entire Union with respect to health care benefits and other benefits outside of health care. And that draws a lot of people to the State of Connecticut. Yes, it also retains a lot of people and companies and partnerships in the State of Connecticut to stay here. But we have to ask ourselves the question, in five years and ten years, instead of -- I think it's the 205 students that they point out in the bill analysis, OLR points out with respect to UCONN -- instead of 205 students, you know, will there be two -- 2,500, in -- in 10 and 15 years? Will there be 20,000?

So we know next year and the year after that, there may not be a cost, because the numbers are so small in relation to the capacity that these different institutions have. And statistically, mathematically, yes, because the numbers are small and because you can spread around the students into these different

institutions and different classes, importantly, there is no incremental cost on the margin.

But if you have three times that amount, ultimately you have to have more professors, more teachers, more facilities, and that not only -- not only requires a greater investment in the fixed assets of a -- of an -- of an institution but it also requires more manpower in -- in the form of support as well as professors and teachers.

So even if -- even if there isn't a cost right now, and even if there isn't much of a cost in year three, we know that there is something other than a financial cost that we have to face as well, and that is of the issue, it has to do with the issue of displacement. Who is getting knocked out of the process? It may not be the best student coming from one of the best high schools in the State of Connecticut, it may be a kid who has worked very hard, who is in the middle of his or her class, has done a good job but not a great job, really wants to go to UCONN, really wants to go to one of the CSUS institutions but isn't able to do so because there is another person who gets essentially priority on the in-state tuition discount.

And -- and, you know, we, I think, should be asking ourselves, you know, isn't this the way we should be looking at it? It's a discount. It's an incentive to people. Aren't we trying to, by having this two-tier system -- and -- and we're talking big bucks here. We're talking $10,000 versus roughly $27,000 for UCONN alone. A 2.7 delta, 2.7-X delta, that's difference; that's something that's big, especially when you start multiplying it by a base of an expanding group of students.

Again, not that we don't want to do the very best for these, these youngsters who are trying to do the right thing, trying to increase their standing in society, trying to make a living and -- and presumably trying to give back to the State of Connecticut and give back to their families and create a better place; that's a wonderful, wonderful thing to do.

So if there are no cost considerations, if there are no displacement issues, if there are no questions about the eligibility for criteria -- eligibility for citizenship and -- and they, in fact, have gone out and have expressed or at least shown that they will be applying for citizenship, and if there's no doubt about these students being wonderfully -- wonderful

kids and -- and -- and going into the school system and university system with the best of intentions, then yes, it's a good bill. The problem is that there may ultimately be these costs, and we have to pay very, very close attention to that.

So, with that, Madam President, may I ask the proponent of the bill a question?

THE CHAIR:

Please prepare yourself.

Please proceed, sir.

SENATOR FRANTZ:

Thank you.

Through you, Madam President, Senator Bye, in -- in your opinion, do you think that -- that this bill might in three years, five years, ten years -- pick a number -- do you think it would invite the unintended behavior or behavior that we're not necessarily considering here in this Chamber today in terms of people trying to take advantage of that by moving to the State of Connecticut, planning for the long term?

THE CHAIR:

Senator Bye.

SENATOR BYE:

Through you, Madam President, I thank the gentleman for his question.

As we often hear in this Circle, you know, Connecticut has a very high cost of living. Many of the states that provide the same benefit, with a less strict standard of three years of high school, offer this same benefit; for example, it might cost a third as much to purchase a home in Texas. So I don't believe this would be the state of choice because of the high cost of living here for someone that's an undocumented immigrant that may have trouble finding work because of some of those challenges, that they would necessarily choose Connecticut over other states with a stricter standard. Through you, Madam President.

THE CHAIR:

Senator Frantz.

SENATOR FRANTZ:

Thank you.

Through you, Madam President, to you, Senator Bye. Through you, Madam President, was it ever considered in the making of the language of this bill the consideration of a limitation on the number of people percentage-wise or numbers-wise that might be

able to take advantage of this in-state tuition discount?

THE CHAIR:

Senator Bye.

SENATOR BYE:

Through you, Madam President, no, because though in the way that Senator Frantz is talking about it as a discount, that would assume that these undocumented immigrants were going to pay in-state tuition and instead pay -- were going to pay out-of-state tuition and instead pay in-state tuition. That's exactly the crux of the problems. The post-secondary education is inaccessible because of this cost, so they're students who will be paying for their education as in-state students. So we did not consider limiting it.

And I appreciate the gentleman's concerns about the fiscal impact, but it is my impression that it would not have an additional fiscal burden. And I think when you do the math that way, you take out the multiplier effect of having a work force that's highly educated and having students who are now on the road to citizenship who will have associate's and bachelor's levels degree. And I think that's why we as a state invest in higher education; there's a

multiplier effect to that investment and something that makes us different than other states and a place where people do come to do business because of our highly educated work force. So I think it builds on the strength of the state, and I don't anticipate that there will be a long-term fiscal cost because of the fiscal analysis report. Through you, Madam President.

THE CHAIR:

Thank you.

Senator Frantz.

SENATOR FRANTZ:

Thank you.

And Madam President, I might just say, generally speaking, I wish there was a -- a different way to do this, because this is clearly a very emotional issue. People in every district throughout the entire State of Connecticut is up in arms one way or the other over this whole concept. And in a way, I -- I can't blame them, because as Senator Kissel articulately pointed out, this relates to the national issue, which is not being resolved. And if we had a direction that we were clearly going in as a nation, I think people would be able to -- to relax a little bit about the issue and understand the merits of -- of the

underlying bill here. But I wish there was a way that we could, as a state or through private philanthropy, come up with the resources to pay or at least subsidize the tuition of the -- the sons and daughters of illegal immigrants. But unfortunately, we don't.

If the bill fails today, maybe that's something that we could look into, because I think there is definitely value to taking these younger students and -- and somehow ushering them through the higher education system and paying if not full price, something close to full price, coming up with the funding somewhere else as opposed to ultimately taxpayers' money, if, in fact, we get down the road and we find that many people are taking advantage of -- of this and there is, in fact, a true cost.

An additional, more technical question, through you, Madam President.

THE CHAIR:

Please proceed, sir.

SENATOR FRANTZ:

Thank you.

Through you, in Line 50 of the bill, it excludes from in-state tuition any nonimmigrant alien as described in whatever, one -- 1101(a)(15). Does that

exclude people who are here on a tourist or a visitor visa?

THE CHAIR:

Senator Bye.

SENATOR BYE:

Through you, Madam President, no, that does not.

THE CHAIR:

Senator -- Senator Frantz.

SENATOR FRANTZ:

Okay, that does not, through you, Madam President.

So what would the exclusion of -- so would that exclusion apply to someone who entered as a nonimmigrant tourist but then overstayed their visa?

SENATOR BYE:

Through you --

THE CHAIR:

Senator Bye.

SENATOR BYE:

-- Madam President, yes.

SENATOR FRANTZ:

That would --

THE CHAIR:

Senator Frantz.

SENATOR FRANTZ:

-- apply. Okay; thank you.

Okay. The -- the remaining questions I have are -- are just very technical in nature, and I will assume that the answers are going to be decent ones to me.

But just a final -- a final comment on -- on the bill. I think it is very well intentioned, and it's a -- it's a problem that we deal with in a lot of different areas, the whole concern of illegal immigration in the United States of America as well as the State of Connecticut. How do you deal with them? We're all very concerned that various regions, various municipalities may turn into sanctuary cities because of perhaps being overly generous to illegal immigrants or their offspring.

And -- and so, again, I wish there was a different way to take care of the needs of this particular class of student, which is a very admirable one because they want to continue their education. It sounds like a great group of kids. I wish there was a different way to support that, and there may very well be, if we're faced with that proposition in the

future. However, due to the fiscal concerns and due to the emotionality of the issue, I cannot stand in support of the bill today.

Thank you, very much, Madam President.

THE CHAIR:

Thank you.

Senator Kane.

SENATOR KANE:

Thank you, Madam President.

Through you, I have a number of questions to the proponent of the bill.

THE CHAIR:

Prepare yourself.

Through you.

SENATOR KANE:

Senator Bye, I know it's been awhile since you gave your opening remarks in regard to the bill, but I took a few notes in regards to your comments and wanted to pose a few questions to you in regards to them.

You -- one of the first things you said is this is about access, and then I heard another person, another Senator mention access. And I don't quite understand that because this is not about access, I

don't believe, and I -- I want you to address this for me, because everyone has access to the school system, to the secondary school system. Everyone has access to Central Connecticut and Southern Connecticut, Western, Eastern, UCONN. How can one stand here and say that it's about access when everyone has the same access? Through you.

THE CHAIR:

Senator Bye.

SENATOR BYE:

Through you, Madam Chairwoman, I'd like to rely on some of my background in Early Childhood Ed, which I think can help explain this, because when I would do quality assessments of classrooms, you would have to talk about whether a material was available for a child or accessible for a child, and they were considered two very different things. If -- if the standards said sensory material had to be available for the child, that meant it could have been way up high and they couldn't reach it, but it was available. It was only considered accessible if the child could access it easily. And so the accreditation standard made a very clear distinction between something being available and something being accessible, with the

word "accessible" meaning easy to access, versus available. So from my background as a quality assessor, access is the perfect word in this case, through you, Madam President, because it means it's easily accessible versus simply available. Because it's available to anyone to apply to Central Connecticut State University, but if they can't afford to pay, it's not accessible to them. So that is how I interpret the word accessible, through you, Madam President, in a convoluted way.

THE CHAIR:

Senator Kane.

SENATOR KANE:

Thank you, Madam President.

So through you to -- to Senator Bye, then that means your very comment means that these individuals can't afford higher education. Through you.

THE CHAIR:

Senator Bye.

SENATOR BYE:

Through you, Madam Chair, yes. The cost puts it out of reach for the students, through you, Madam President.

THE CHAIR:

Senator Kane.

SENATOR KANE:

Thank you, Madam President.

So then, through you, these individuals earn less income than other individuals? Through you.

THE CHAIR:

Senator Bye.

SENATOR BYE:

Through you, Madam Chairwoman, these individuals have a difficult time accessing higher education. The students who graduate from our high schools who are not undocumented immigrants, we as a state, as -- have decided that they will pay a different fee, because they are residents of Connecticut; this says we want to provide the same for undocumented immigrants who live in the state. Through you, Madam President.

THE CHAIR:

Senator Kane.

SENATOR KANE:

Thank you, Madam President.

No, I know what -- I -- I understand what the bill says. My question to you is you're implying that these individuals don't make as much income as other individuals; that's why they can't have access. So,

through you, is that true; yes or no?

THE CHAIR:

Senator Bye.

SENATOR BYE:

Through you, Madam President, that -- that is not my implication, because one could argue that residents who are not undocumented immigrants would not have access to Central Connecticut State University at the out-of-state tuition rate as well. It -- it -- it simply puts it out of reach. So what we're trying to do is say we want to put it in the same reach for undocumented immigrants who've attended our schools and graduated from high schools as we do for undocumented immigrants. I'm not implying that they necessarily have less means than some of our other residents. Through you, Madam Chairwoman.

THE CHAIR:

Senator Kane.

SENATOR KANE:

Thank you, Madam President.

Well, I disagree because if -- if the -- the crux of this bill is to provide access to these individuals at the in-state rate, that assumes that they cannot get access at the out-of-state rate. So that implies

that they don't have the income to afford the out-of-state rate. Through you.

THE CHAIR:

Senator Bye.

SENATOR BYE:

Through you, Madam Chairwoman, I -- I understand Senator Kane's point and -- and the point that he is trying to make. I just don't agree with the premise. I believe in-state tuition makes the cost more accessible to both undocumented immigrants and residents of the State of Connecticut. So it makes it more accessible to everyone, and that's why we have an in-state tuition for our residents. Through you, Madam President.

THE CHAIR:

Senator Kane.

SENATOR KANE:

Thank you, Madam President.

The out-of-state residents pay a higher rate than in-state residents, so does that assume that they have a greater income than these people that we're talking about here? Because how are they able to access our colleges at an out-of-state rate when these individuals, according to your testimony or your

comments, if you will -- not testimony; I shouldn't say that -- says that they cannot. So do -- have we looked at the economic factor that says, well, out-of-state -- out-of-state residents can afford it, the access at the higher rate but these individuals cannot? Through you.

THE CHAIR:

Senator Bye.

SENATOR BYE:

Through you, Madam Chairwoman, I can't say what anyone makes who applies to school, in or out of state. But certainly, for example, Central Connecticut State University would be less excessive -- less accessible to a family from Massachusetts making the same income as a, say, similar familiar from Connecticut wanting to apply to Connecticut State University Systems. So it would be more difficult for that family to attend from out of state. I -- I don't know how much money anyone makes who applies to our colleges, but that's the point is to make it more -- more accessible to graduates of our high schools.

THE CHAIR:

Senator Kane.

SENATOR KANE:

Thank you, Madam President.

So to that point, if it's about access, why not give the same rate for everyone? If we're going to offer it for in-state residents and illegal residents, why not offer it to all residents or nonresidents, out-of-state residents? Why not offer the same rate? If it's about access and we want people to access our -- our colleges, our universities, why not offer the same rate to everyone? Through you.

THE CHAIR:

Senator Bye.

SENATOR BYE:

Through you, Madam Chairwoman, this state over the years has decided to have a public policy that gives different tuition rates for students that live in Connecticut. I wasn't here when that was voted in and when those budgets were approved, but I believe those investments are meant to continue our investment in the education of our students, past high school. And -- and I would argue that one of the things that differentiates us from other states is the number of residents we have with bachelors and masters degrees, so this state has decided to invest in that public policy and try to continue to support our students

with access to our high-quality educational institutions. Through you, Madam President.

THE CHAIR:

Senator Kane.

SENATOR KANE:

Thank you, Madam President.

I -- I appreciate the -- the policy and -- and the historic ramifications of it, but my question to you is why not offer the same in-state rate to everyone? If these individuals are not residents of the State of Connecticut, in fact they're illegal, then why not offer the same rate? Why not have one rate? Why don't we propose an amendment, Senator Bye that -- that says we have one rate; why have different rates? Through you, Madam President.

THE CHAIR:

Senator Bye.

SENATOR LOONEY:

Through you, Madam President, could I ask the kind Senator to repeat his question?

THE CHAIR:

Senator Kane.

SENATOR KANE:

No problem. Thank you, Madam President.

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Through you, my question is that if we have an in-state rate and an out-of-state rate, and taking under consideration that these individuals we speak about are illegal residents, so they're not legal residents, so in theory they would be the same classification as someone who is an out-of-state resident, because they're not a resident. So why not have one rate? Why not have an in-state rate? Why have two different rates or three different rates; why not just have one rate for our colleges and universities? Through you.

THE CHAIR:

Senator Bye.

SENATOR BYE:

Through you, Madam President, my answer would be similar. This is a policy decision that we have made.

And -- and I think one other point that I -- that I had not made earlier is that when you're looking at other residents of Connecticut -- and even residents from Massachusetts may be applying to our institutions of higher education -- they have access. We as a country, again, have student loans that are supported by the federal government. We have financial aid kicks and caps for residents of Connecticut, and we do

a lot to make our colleges more affordable for students. None of those are accessible to the undocumented immigrants, so whatever they pay, they pay full fare.

I know for my three children, we've paid about 50 percent because of financial aid and loans that have made out-of-state options more accessible to us, so even that family coming out of Massachusetts can have access to that, to reduce the out-of-state tuition cost to the family. Through you, Madam President.

THE CHAIR:

Senator Kane.

SENATOR KANE:

Thank you, Madam President.

And you're right that the illegal residents or illegal aliens are not allowed any benefit under federal law. But we're not speaking about federal law -- I will get into the federal law in a minute, actually -- but we're not speaking to the federal law; we're speaking to this law, right here in front of this Chamber, which is going to change the rate for illegal residents or not even residents, illegal aliens.

So my question to you is not about federal law, my question to you is about our law that we're going to change, we're going to create or change right now, is: If these individuals are not in-state residents, then why not have one in-state rate for everyone? Through you.

THE CHAIR:

Senator Bye.

SENATOR BYE:

Through you, Madam President, and maybe it's the preschool teacher in me, but it -- it -- I just feel a little offended referring to any human being as "illegal," but that I understand what Senator Kane is asking, and I don't know that my answer changes a lot. We've decided that for residents of our state, we will offer an in-state tuition; that's been a long-standing habit.

What this bill is trying to do is to say for students who have been to our high schools, you've been through our schools, you're here, you're going to stay. We want to offer you a path through our higher-education system that is accessible to you.

So I understand the question but -- but the answer doesn't change, through you, Madam President.

THE CHAIR:

Senator Kane.

SENATOR KANE:

Thank you, Madam President.

I will use the term "undocumented."

SENATOR BYE:

Thank you, Senator Kane.

SENATOR KANE:

But the fact remains that they are obviously here illegally, and that's why they're undocumented. So, you know, we can use any number of descriptions.

But let me -- let me get off that for a minute, because I think I've made my point that basically when we're talking about access, we are saying that these individuals don't get the access otherwise, yet we don't have any economic data that says that they make less or make more or have different incomes than individuals who have that same access. And then, secondarily, because they're undocumented, they're not residents of the State of Connecticut, why not have the same rate for all nonresidents?

So my next question to you is it -- yeah, I've got a lot more, so --

SENATOR BYE:

Okay, thanks.

SENATOR KANE:

My next question to you, isn't -- and since you -- we -- we brought it up and we talked about federal immigration reform and -- and its -- and I think you mentioned this is not something we can control as a legislative body. However, federal law does state that undocumented individuals are not allowed any benefits unless the states make a legislative change, themselves. So in -- in one breath we say, well, we can't change immigration reform, but here we are making a change to immigration law. Through you.

THE CHAIR:

Senator Bye.

SENATOR BYE:

Through you, Madam President, I know what Senator Kane is referring to. And basically the way I interpret it is the federal government has said to the states, you get to decide this question; it's up to you. And that's been upheld in -- in many court cases. So the way the law works is it says states

have to affirmatively provide such eligibility, which is exactly why we're standing here today having this debate. Through you, Madam President.

THE CHAIR:

Senator Kane.

SENATOR KANE:

Thank you, Madam President.

Well, I would argue that we are changing federal law because we are making a statutory change here on the -- on the state level.

You also talked about that it is not a benefit, but I -- I can't get -- grab my arms around this one because it certainly is a benefit. If -- if an individual would normally pay X and now are paying Y, then that decreased amount, that lessened amount is a benefit. Through you.

THE CHAIR:

Senator Bye.

SENATOR BYE:

Through you, Madam President, my understanding of U.S. Code 1621(c)(1) says in-state tuition is not a benefit as defined by federal law. And then it go on to -- it goes on to state what benefits are. It's a status. We're giving undocumented immigrants a

status, and that's how the federal law looks at it, not a benefit. Through you, Madam President.

THE CHAIR:

Senator Kane.

SENATOR KANE:

Thank you, Madam President.

But wouldn't that status come with a benefit? You know, in sales they always taught us features and benefits, you know, so this feature provides a benefit. Through you.

THE CHAIR:

Senator Bye.

SENATOR BYE:

Through you, Madam President, if Senator Kane calls it a benefit, he's allowed to think of it as a benefit. I think of it as -- as a -- a status that allows them to attend college in the same way that their classmates are attending college, by paying the tuition.

So they still have to pay, and they have to pay so much that there's no increased cost to the State of Connecticut. And I think that's a part of this bill that has been, I think, misrepresented sometimes in the public. We're simply asking them to pay the cost.

There's no increased cost to the State of Connecticut, according to the Office of Fiscal Analysis. We're asking them to pay tuition. Through you, Madam President.

THE CHAIR:

Senator Kane.

SENATOR KANE:

Thank you, Madam President.

That actually gives me a lead into my next question, which is in regards to the fiscal impact. How many individuals, undocumented individuals attend our secondary or colleges and universities? Through you.

THE CHAIR:

Senator Bye.

SENATOR BYE:

Through you, Madam President, the estimate that I've heard is that this bill could affect about 200 students. So that said, I do not know how many currently attend our state universities out of our -- there are 120,000 students attending. It's a small, small percentage. And when UCONN --

SENATOR KANE:

Okay.

SENATOR BYE:

-- gave us the exact number, they estimate it would be two-to-four students per year. So that would put it at maybe 12 students at UCONN, when we accepted 11,000 a year. So with about, you know, that's -- that's a lot of students. It's a small, very small number; so two-to-four out of 11,000 in the upcoming class, about one-tenth of one percent or two-tenths of one percent. Through you, Madam President.

THE CHAIR:

Senator Kane.

SENATOR KANE:

Thank you, Madam President.

And -- and that's fair. Let's -- let's say it's 200.

You know, I served locally in -- in my local Town Council in -- in Watertown for six years. I -- we always would have certain items that would come up on the agenda, and we would ask whether it's for the greater good. You know, let's say it's a water/sewer, water and sewer project for a local community or -- or, you know, let -- something for the -- for the --

the school for tennis courts, what have you. Is it for the greater good?

So through you to Senator Bye, is something -- the legislation that's going to affect 200 individuals, in your mind, for the greater good for the State of Connecticut? Through you.

THE CHAIR:

Senator Bye.

SENATOR BYE:

Through you, Madam President, I think every single student that we provide a high-quality education to in our state is a benefit to our state. It's a long-standing tradition in Connecticut that we're very proud of our education system. It's why people move here. It's -- it's why they stay, and I think 200 more highly educated residents of the state or 200 more living here with that education versus without is definitely a public benefit. Through you, Madam President.

THE CHAIR:

Senator Kane.

SENATOR KANE:

Thank you, Madam President.

Well, I was on the CSU web site and it said that applications are up 18 percent and that first-time applicants increased six out of the past seven years. And there, out of Connecticut residents, 20 -- over 23,000 applicants had applied; 15,844 were offered admission. So, through you, are we now reducing that number by 200? Through you.

THE CHAIR:

Senator Bye.

SENATOR BYE:

Through you, Madam President, are you talking across the whole CSU system?

A VOICE:

Yes.

SENATOR KANE:

Through you, Madam President, yes.

THE CHAIR:

Senator Kane.

SENATOR KANE:

Yes.

SENATOR BYE:

Through you, Madam President, and in the 200 number, I also include community colleges, which actually have the largest number. And I'm sorry I

don't have a breakdown. I tried to get numbers ready for today, but I think it's fair to estimate that maybe a hundred of those would be CSU, and that's probably an overestimate. So a hundred out of 20-how-many thousand, through you, Madam President.

THE CHAIR:

Senator Kane.

SENATOR KANE:

Thank you, Madam President.

What I -- what -- yeah. What I said was 23,000 applied; 15,800 were offered admission. So -- and -- and then 7,359 are actually enrolled. So I guess my question to you -- and you're right, throw in the -- the -- the community colleges. I went to community college, myself, and through Central Connecticut; so I went through that same school system. So throw in those figures, and basically are we taking away spots from Connecticut residents, seeing that the applications have been up six out of the last seven years, for 200 individuals who are undocumented and nonresidents of the State of Connecticut? Through you.

THE CHAIR:

Senator Bye.

SENATOR BYE:

Through you, Madam President, my -- my answer to that would be that it is a -- a very large number of applicants, a very small number of undocumented applicants, and that they would need to compete at the same level. They would need to get in above others. That seemed like well over a 50 percent acceptance rate, so it would be students that would need to have better grades, better SATs, and have a reason to get in over the others. I have, you know, better numbers on UCONN, but that's my answer related to CSU. Through you, Madam President.

THE CHAIR:

Senator Kane.

SENATOR KANE:

Through you, Madam President, would they be part of the affirmative action numbers that we have as well? Is there -- are there affirmative action numbers that require a certain number of -- of minority applications? Through you.

THE CHAIR:

Senator Bye.

SENATOR BYE:

Through you, Madam President, we probably have some affirmative action, but -- but I'd like to remind the Senator that one of our large undocumented populations are Irish, and we have a lot of Bosnians. And certainly in West Hartford we have a large Russian population. So I have no idea what the race of the undocumented immigrants who apply would be, because it crosses a lot of racial and ethic boundaries. Through you, Madam President.

THE CHAIR:

Senator Kane.

SENATOR KANE:

Well, I -- I just -- thank you, Madam President.

I just want to make sure we're not taking away spots from our minority students which, you know, we don't want to take away those spots as well, let alone the -- everyone else.

You also said that there would be no harm to Connecticut students, and -- and somehow in our conversation I think there would be harm to Connecticut students because I think we agree that there will be a certain number of spots, and that's going to be lessened.

You mentioned how some of these individuals didn't know that their parents came here without visas, yet you spoke about your grandfather's story; Pappy, I think you called him and -- and he -- he worked in Boston Harbor. And -- and you have that whole story. I have similar stories about my family coming over and -- and so how could these individuals not know that their parents are undocumented? Through you.

THE CHAIR:

Senator Bye.

SENATOR BYE:

Through you, Madam President, I can tell you, you know, at least one personal story from a -- a student in West Hartford that did not know. What happens is families that are here undocumented are anxious and, you know, are afraid that something could happen and they could be, you know, deported. And so they don't want their children to be telling folks at school that their parents are undocumented, so they don't want the children to be lying, and so they don't -- they don't mention it.

And certainly the twins that we met at Western Connecticut State University, neither of them knew

until they literally applied to Western Connecticut State University. I don't -- I don't always know the reasons why and -- and certainly, you know, you and I clearly grew up in families -- well, I think -- where the family history was part of our, what we understood about our families. But for these families, for different reasons, a lot of them have no idea that they're undocumented residents. Through you, Madam President.

THE CHAIR:

Senator Kane.

SENATOR KANE:

Thank you, Madam, Madam President.

I -- I -- yeah, I don't know. I mean, you gave a very warm and -- and -- and heartwarming story, and I'm sure all of us can talk about stories from their families. I have to believe that every individual knows their family history, and they know how their parents got here in this country and how -- what the struggles they -- they were -- came from.

How do you -- how does one become a legal or documented resident? Through you.

THE CHAIR:

Senator Bye.

SENATOR BYE:

Through you, Madam President, I'm sure there are a multitude of ways, that this bill, it simply takes that as is and says we accept that these members of our community have graduated from our high schools, are undocumented residents, and that we will allow them to pay their tuition at our -- through our -- in our university systems. Through you, Madam Chairwoman.

THE CHAIR:

Senator Kane.

SENATOR KANE:

Thank you, Madam President.

So I guess my question is: If these individuals have the ability to become documented and to become legal, why aren't they? Through you.

THE CHAIR:

Senator Bye.

SENATOR BYE:

Through you, Madam Chairwoman, I don't understand a lot about federal immigration and -- and immigration, some of the reforms that have been proposed, but I do know that it takes several years,

at a minimum, to go through to become a legal resident. And I know that it costs a lot of money in legal fees, and it's not an easy path. And there are a lot of -- there's a lot of fear and misunderstanding out there.

I think one of the positive parts of this bill is it says to students who now do know they're undocumented residents, if I go to one of our state universities as a graduate of a Connecticut high school, then I will seek this path. And they have to state that affirmatively and sign on the dotted line. So hopefully this bill will provide a path to citizenship, and -- and I would -- again, I'm not familiar, so familiar with immigration, but my guess is that if you had a four-year degree and have been successful in school, it might help you in that application to be a legal resident. Through you, Madam President.

THE CHAIR:

Senator Kane.

SENATOR KANE:

Thank you, Madam President.

Couldn't we make it that when these individuals are freshmen in high school, so they have four years

to get through the high school program, that their families, their parents become residents, through you?

THE CHAIR:

Senator Bye.

SENATOR BYE:

Through you, Madam President, at any time, any resident could start that process. Through you, Madam President.

THE CHAIR:

Senator Kane.

SENATOR KANE:

Correct. No, I'm saying -- thank you, Madam President.

And in regards to this bill, wouldn't it make sense that these individuals in order -- and that'd be great if -- because now they are truly in-state residents; they're not undocumented residents. They are in-state residents. They are showing their ability to become a citizen. They're showing their willingness to prepare or to play on an even playing field, as you mentioned earlier. They're showing a willingness to be legalized in this country. They're showing a willingness to become citizens of our state and our great country. Wouldn't it make sense to --

to -- to prep it -- preface that as a freshman in high school -- because you said it takes a number of years to become documented -- why not give them that incentive at -- at the freshman year? And then, sure, once you graduate high school, you get in-state tuition rate. Through you.

THE CHAIR:

Senator Bye.

SENATOR BYE:

Through you, Madam President, I think, you know, and some of my answers, I -- I know Senator Kane doesn't agree with me, but I've stated that students aren't aware that they are even undocumented immigrants until they apply to college.

That said, in addition, I -- I try to picture -- you know, I have a junior in high school now -- I try to picture her at 13-and-a half or 14, as she was entering high school, signing some legal document. You know, we're talking about kids here, and what we're trying to do with this bill is to offer postsecondary education that they can access it like the rest of their high school friends who have graduated from high school and done well enough to apply and done well enough to win admission when

compared to other students who apply to the same school. Through you, Madam President.

THE CHAIR:

Senator Kane.

SENATOR KANE:

Thank you, Madam President.

I guess my question is more philosophical, that I would assume -- and correct me if I'm wrong -- that all of us would want to incentivize individuals for becoming citizens and becoming documented and becoming legal. And I would -- I would imagine that if this bill and -- doesn't do that. This bill gives you a benefit -- we can argue that -- for not being documented.

Why wouldn't we make this legislation -- I think everyone would pass it unanimously if that were the case -- why wouldn't this proposal give people incentive to become documented, to become legalized, to become citizens and then give them that same in-state tuition benefit that -- that my children, your children and -- and everyone else? Through you.

THE CHAIR:

Senator Bye.

SENATOR BYE:

Through you, Madam President, I -- I think that this bill gets at part of one -- one of the things that Senator Kane is going for because, in fact, this bill makes in-state tuition contingent upon agreeing to seek legal residency. So it is a requirement in the bill; it's not as early as Senator Kane would like it, but I believe the proponents of the bill, and certainly I, believe that that's an important thing in the bill. And it's been important in the other ten states that have passed such legislation. So you only get it if you agree. So it's contingent upon it, which I think is an important point, through you, Madam President.

THE CHAIR:

Senator Kane.

SENATOR KANE:

Thank you, Madam President.

Agreeing to seek; is there a way to police that then afterwards to, you know, well I -- I sought -- I sought it but I failed? You know, through you.

THE CHAIR:

Senator Bye.

SENATOR BYE:

So, through you, Madam President, I believe when you file an affidavit, you know, that is a statement that you're agreeing to comply with a law, and it's a serious legal matter. So I think that is a -- that is a -- an ask that's important and that they file as soon as eligible. So they're signing on the dotted line that that's what they're going to do, and that's partly how we do business in this country is you sign on the dotted line and say I agree to this, and it's a contract. So they're agreeing. And -- and many parts of our law depend on a signature and an agreement. Through you, Madam President.

THE CHAIR:

Senator Kane.

SENATOR KANE:

Thank you, Madam President.

And are there consequences of that signature, meaning afterwards? I've signed the document; now what? Through you.

THE CHAIR:

Senator Bye.

SENATOR BYE:

Through you, Madam President, the bill simply says that they sign an affidavit that says they have

filed or will file, as soon as possible, an application. Through you, Madam --

THE CHAIR:

Senator Kane.

SENATOR BYE:

-- President.

SENATOR KANE:

Thank you, Madam President.

But I guess my question is the second half of that. I've signed the affidavit; now what? Now what's the consequence if I don't fulfill my part of the agreement, through you? Because in a contract, there's two parts to the agreement, so I would imagine there has to be an effect later. It's through you.

THE CHAIR:

Senator Bye.

SENATOR BYE:

Through you, Madam President, I do not have an answer for that question. It's simply they have to sign an affidavit. It's something we're asking them to do; it, again, made people more comfortable with agreeing to this provision in the law. Through you, Madam President.

THE CHAIR:

Senator Kane.

SENATOR KANE:

Thank you, Madam President.

And, sure, I'll agree with the provision, but if there's no consequences to the provision, then so what. You know, I mean, it -- it -- there's no teeth in it unless there's some type of consequence for it. They have to either pay it back; they have to -- you know, there has to be something in the provision. But, you know, sure, anybody would sign up for that deal right away.

I thank Senator Bye for answering my questions. I -- I appreciate your candor, and although I think philosophically we will be different on this, I do appreciate your opinion and your comments.

But, Madam President, I will listen to the rest of the debate, but I still have some very serious questions in regards to the -- to the action of this bill.

Thank you.

THE CHAIR:

Senator Leone.

SENATOR LEONE:

Thank you, Madam President.

I rise today in support of this legislation, and I want to articulate some of the reasons why. You know, it is said that it's a small world out there because in our 21st Century, with our modes of transportation, you know, we can bump into people in far-off places and say, oh, what a small world. But if one were to travel on local roads or walk across this country, you -- it would be beyond clear that that is not the case.

And what that point comes to underscore is that there's plenty of room to accommodate everyone in this great country and also in this state. You know, we must never forget, this country is a land of immigrants. The state is a land of immigrants, and almost everyone here can trace their lineage of their ancestors with some kind of immigrant roots.

And -- and it brings to mind, to me, a political cartoon I had come across when I visited Ellis Island when I went back to trace my ancestry. And in that cartoon, to -- and this is going back about a hundred years, when there was high anti-immigration fervor. And at that time it was a lot of the Irish; there was a lot of the Italians, and a lot of other immigrants from -- from Europe. And -- and basically the cartoon

had Europeans walking down the gangplank off a ship with their pole and their little hammock over their shoulder, and at the bottom of the plank were three officials waiting to greet them. And those three officials were against immigrants, saying, stop, you're not allowed entry into our country; we don't want you here. But their shadows of those three officials were depicted, and their shadows were basically their ancestors. Their shadows depicted their ancestors with that pole and that hammock over their shoulder, indicating that they came from the same -- same concerns that those families were trying to do, to come to this country to better themselves, to provide an opportunity for their -- for their children and their future.

And I can tell you, quite frankly, from a personal standpoint and even from people that I know, both documented and nondocumented people live in -- in this state and in this country. You don't leave your country because you want to. You leave because you have to, because you have no choice, because things are so bad, you don't have any alternatives.

And you can go back generations, and I would say for generations to come, that those are the reasons

why people come here. And what parent wouldn't sacrifice their future for their children, even when they know they may be doing something that could affect them down the road? When the alternative is death, at the extreme, or no jobs, no future, and the hopes and the opportunity or in the chance, the possibility of getting something in a foreign land to make your child and your children a productive citizen, to continue your lineage, to continue your family's name, I don't think any people, any person would negate that.

And when we say about costs, the fiscal costs -- and it's been argued back and forth on what the costs are, the fiscal costs, the potential costs -- I would argue that there are costs for not doing something like this. Because what do we do to these kids, to these families that are trying to better themselves, trying to be a productive citizen, trying to become a taxpayer to be part of who we are, to contribute to our economy? But, no, let's stop that from happening so that we drive them underground, we make them part of the shadow of faceless economy. They don't pay into our tax system; they become part of the social burden, and it becomes part of the political rhetoric

that brings out extremist views instead of addressing the problem.

And we can -- we can talk about federal law. And you're right, federal law should address this issue. But federal law has shirked their responsibility many times over on this, because of the political battles back and forth. And there have been many Presidents that have tried to do this, and for whatever reason, their bases said no.

And I believe in -- President George W. Bush tried to affect this and put some of the ownership on the employers, when he was Governor of Texas, because he could see directly what was happening there in terms of immigration, anti-immigration, the impact on business. And it made sense; have an employer check the facts. Check the rolls, and if they're hiring an illegal or an undocumented person, then they should -- they should pay. But you know what? Those businesses says you can't do that; it will kill our business. We won't have people to do the businesses that you're accustomed to. So from a business perspective, he had to scale back; he had to cater to his base. And yet the problem continues. We're not addressing the issue.

So now we're at the state level, where we have an opportunity. We can't fix the total immigration law, but we can take care of the kids that are here -- through no fault of their own, sometimes not even knowing that they are undocumented, as was stated earlier -- that they should be able to look towards a better future, become part of our productive society, pay into our system.

And there have been many cases of immigrants, documented or nondocumented, that have contributed to this society with great achievements, great medical achievements, great intellectual achievements, things that we have become stronger for and as a result of. It's this diversity that makes Connecticut and the United States as strong as it is, this intellectual diversity from multiple cultures, this conflagration of a lot of thought from a lot of perspectives. And, yes, there are -- there are disagreements. There's cultural disagreements, but in the end we're all striving to become better as a -- as a state, as a country, as a society.

And we shouldn't vote out of fear for this legislation but out of compassion. Again, as a parent, you want to do what's right for your kids; you

want to give them every opportunity to do so, and that would argue that for a kid that finds out they're -- they're undocumented. And it's been documented, as well, that when this has happened, we then deported them, sent them back to their country of origin when (a) they might not even know the language, don't have any friends there, potentially don't even have any family there, and let them fend for themselves over there. I would argue that that's cruel and unusual punishment to do that to a kid, when all they know is the United States, their friends and their family here in Connecticut.

So I think we need to make every effort possible, some form of a legal way to get to a path to citizenship. Maybe not for the parents; we can make them pay their dues, but for these children that didn't do anything wrong, to do something in that extreme? They're signing documents. They're paying into the system. They have to compete.

And, again, this is not revenue to the state at the higher cost, the out-of-state cost, because if they can't afford in-state cost, they were never going to pay out-of-state cost; so zero is zero dollars to the state if they're not going to go to school. You

can't calculate these 200 people at this higher-cost level, that that was revenue coming to the state or you can even put a sure finger on it. They were not going to be able to pay it, even at the in-state level, because they don't get financial aid. They're not allowed to go there. And, again, we're driving them into the shadow economy.

So I believe that we have room in this state for these kids, these 200-or-so kids out of how many thousands? And I can argue, many kids that don't get into school, whether they're documented on nondocumented, whatever their economic issue is, there's plenty of kids that are documented that don't want to go to school, don't have the economic reasons to go to school. Should we bar them as well? Here you have bright minds, valedictorians, salutatorians; they want to -- they want to contribute. And we're allowing them not to, and so that's a life lost. That's an opportunity lost. That's on education lost.

And an education is our great equalizer to a better future, not just for the individual but for all of us. How many of us here, on how we got here to be on this floor of the Senate Chamber, we look back at our individual histories and how we got here, not

every person got here solely on their merits and their benefits. You had help along the way, through family and friends, sometimes blatantly in front of you and sometimes from behind; you didn't even know about it. We should give these kids the same benefits, the same ability to become better, productive citizens.

I think we can shape the policy of the federal government by trying to pass something like this, because then it at least shows them a path on how they can get it done. And as with any big bill that addresses an issue -- and -- and yes, any legislation that comes here addresses an issue that affected somebody. So we can argue whether it's fair or we're carving out for a person, but it's -- it could be as mundane as when someone is running a red light and then we have to create a red-light bill or cell phone and texting, we create cell phone texting bills; right? So every issue is because of something that happened in the past. We can always argue the fairness on and the equity of every bill that comes up here.

So I -- I kind of put that aside. I'm kind of looking at it from a productive-society standpoint. How can we allow these kids to be productive,

contribute to our society, contribute to our state? And if they get their education here, it's been documented that they will stay here, kids that will go to school here. Most kids, whatever colleges they go to, they're going to stay within their immediate area. Why would we want to drive them out?

And immigration, documented and nondocumented is a growth factor. And for states that are in decline, these people are our lifeblood. And there are many states that are -- would love to have more people come into their state, but not in such a way that it's a -- it's an onslaught. And so issues like Arizona or San Francisco, whether one is more liberal or one is more conservative and how the government, the federal government treats one over the other, I think that's a -- that's a pendulum that swings back and forth over time, whoever is in office. But even so, no one has ever addressed it. I think it's time now for the states to make a stand, to bring up a proposal that can be worked on.

And if we pass this legislation, we'll see what the effects are shortly. If it's something critical, that it's hurting our other students or hurting this state, we can address it again and then we can either

revise it, repeal it or make some other kind of changes to make it workable. But at least then there's a model that the federal government can work with in making a path toward citizenship, either for those kids or even other families.

And I can tell you from another personal standpoint, how can we make this or why hasn't it been made so that we address their path to citizenship at an earlier age? Well, I've helped constituents try and navigate the federal issue of -- of an immigration naturalization path to citizenship. And, quite frankly, the process is so broken, it's been neglected for so long, that there's no alternative but to do what they're doing.

You can't do it in any meaningful way to get to path to citizenship. They want you to take up and -- and -- and leave and then come back; I mean, that sounds great. We would love to do that, but you're not going to get rid of 15 million people. You're not going to get rid of families that are established here. You're not going to get rid of these kids that want to be here and contribute as a U.S. citizen, and for all in facts they are. They're Americans; that's

all they know. It's the language they speak. It's the culture that they've grown up with.

So I think Connecticut has a role to play on a national level. I think we can lead. I think we have a way that we can show that it could be done. Are there -- is there room to make better changes? Sure, but I say we should do that as we move forward, not looking backward or saying no to every solution that comes up and do this out of fear. I would argue that that's not the way to go, Madam Speaker, and I urge my colleagues to support this legislation.

THE CHAIR:

Thank you, Senator.

Senator Guglielmo.

SENATOR GUGLIELMO:

Thank you, Madam President. I don't have any questions for Senator Bye. I just want to make really a statement. I'll be fairly brief.

I am going to use the terms "legal" and "illegal" because -- and I don't mean that in a criminal way. When I say illegal, there are things that are illegal that are not criminal -- you can jaywalk and go through a red light -- but I think when you say "legal," you mean it's that someone has followed the rule of law and the procedures.

That's legal. When they have not done it, it's illegal, and I think those are acceptable terms.

I am the grandfather of two legal immigrants, one from China and one from Guatemala. I've been to both places. We went down with my daughter and son-in-law to pick them up. China -- probably better organized in the way they handle the kids than Guatemala.

Elizabeth was in an orphanage for two years. The cities in China are fairly modern. I don't think that any of us would want to live there, but, you know, better than the rural areas. The rural areas are back hundreds of years. No central heat, no plumbing, washing their clothes in the river, water buffalo roaming around chickens -- back hundreds of years.

Guatemala is poor, both in urban and in the rural areas, but in the urban areas you'll -- when you land you'll notice right away there's street kids and these kids will come up to you and try to sell gum and candy, shine your shoes. Some of them actually live in the dump and they survive by -- by picking at the dump for food and other items. The kids actually fight for spots at the airport and at street corners to sell the candy and the gum. Bigger stronger kids get the best spots. It's

violent, it's dangerous, it's survival of the fittest. There's no safety net.

So I guess my whole point in that is I know why people want to come here. I understand that. I get it. You don't -- I don't blame the parents of the folks who are here illegally for trying to get here because where they came from is just -- has so much less opportunity. But I also know the difference between legal and illegal. I also know from the inside, when you go through the process of bringing children here legally, it is expensive. It is stressful. It took over a year in each case, from the time that you put in the application because you're dealing with bureaucracies in China, bureaucracies in Guatemala. In Guatemala they take about six weeks off around Christmas time. They're all gone.

The policy changes. Government changes its attitude toward adoption on and off so you get a lot of stress. It costs 20, 25, $30,000 to do an adoption legally, 25, 30,000. I met these people in the hotels in China from all over the country, some from Connecticut. I met them in Guatemala in the hotel. They're constituents of all the people in this room, and some of those people who went through the legal process are not wealthy. They are -- one was a State police officer, one worked in one of their

nuclear power plants as a manager. These people made significant personal sacrifice to bring these children here legally. Significant personal sacrifice.

Some of them -- one lady had all grown children and she went and adopted a young Chinese girl. There's a young intern right here in this building whose mother and father adopted two youngsters from the Ukraine. He's their youngest, or he was their youngest until they adopted the other two. They are not wealthy people. They just made a personal sacrifice to do it legally.

So I guess if, as Senator Bye and Senator Leone said, there's nobody who doesn't want to give these kids the opportunity, nobody. Why would you want to do that? We're all from that kind of stock. Why would I want to deny anybody? But the fact of the matter is, the truth of the matter is that there are limited slots at the State universities. There's limited -- amount of dollars that we have for the -- State of Connecticut to provide education for kids. So if -- if it was some magic -- system where we could just -- had unlimited slots and we had unlimited money, by all means, but make no mistake about it, in this process there are winners and there are losers.

To hear some speak about it, this is a win-win. If it was a win-win then it would be on the Consent Calendar,

wouldn't it? It's not a win-win. There are losers. So I guess -- some people say, "Why punish the kids who came here illegally?" Good question. Why would you punish them? But I would rephrase it a little bit. Why would you punish the kids of parents who made the sacrifice to bring them here legally, because that's your choice.

Somebody's going to lose in the -- this system we're going to -- it's going to pass and the Governor's going to sign it, I understand that, but there are losers, so if you're going to vote for this, please understand that there will be losers.

And I guess -- I guess I don't really understand why my Elizabeth and my Andrew have the possibility of being a loser in this system when their parents did the right thing. I think the -- way we're going about this is unwise and I think that it's unfair. Thank you, Mr. President.

(Senator Coleman of the 2nd in the Chair.)

THE CHAIR:

Thank you, Senator, for your remarks.

Would you care to remark further? Senator Welch.

SENATOR WELCH:

Thank you, Mr. President. There's no doubt that this bill is compassionate, yet I struggle with some of the logic that we use when we present this solution to the difficult challenges we face with our immigration policy, whether it be on a national level or on a State level.

But before I get to that, I just want to pause and reflect on this debate because what it reminds me is how great this country is. That this country is the greatest country in the world, that people would risk life and limb, that they would pile into boats, that they would climb under fences, whatever it takes for the opportunity to be here in America. And that's just a powerful thought. May God bless America, from now, and may our days be bright and beautiful in the future.

I have a number of concerns with respect to this bill, some of which are financial and a number of which have to deal, as I said, with the logic that we're using as we propose this solution, and if I may just start with the financial concerns that I have. As I've listened to the debate I've come to understand that it is legal for an undocumented student to apply to a post-secondary State institution and to be admitted, but if I could just confirm that, through you, Mr. President, to the proponent of the

bill.

THE CHAIR:

Senator Bye.

SENATOR BYE:

Through you, Madam President. Can the kind Senator repeat his question? I'm sorry, Senator Welch. I heard most of it, but I want to make sure I answer it accurately.

THE CHAIR:

Senator Welch.

SENATOR WELCH:

Thank you. Again, through you, Mr. President. I just want to confirm that it is currently lawful for an undocumented student to both apply and to be admitted to a State post-secondary institution. Through you, Mr. President.

THE CHAIR:

Senator Bye.

SENATOR BYE:

Through you, Mr. President, yes.

THE CHAIR:

Senator Welch.

SENATOR WELCH:

Okay. And I have a few more questions for the proponent if I may, through you, Mr. President. Can they

also get scholarships as the law currently stands? Through you, Mr. President.

THE CHAIR:

Senator Bye.

SENATOR BYE:

Through you, Mr. President. Though they cannot apply for federal financial aid, private citizens and private foundations can award them scholarships as a, you know, a college could choose to as well. Through you, Mr. President.

THE CHAIR:

Senator Welch.

SENATOR WELCH:

Thank you for that answer. And, again, shifting gears just a little bit. As I currently understand it from the debate, we think that there are about 200, give or take a few, undocumented students that we know of within our State post-secondary education system. Is that correct? Through you, Mr. President.

THE CHAIR:

Senator Bye.

SENATOR BYE:

Through you, Mr. President, yes.

THE CHAIR:

Senator Welch.

SENATOR WELCH:

And again, through you, Mr. President. How many of those 200-plus -- are any of those 200-plus paying in-state tuition? Through you, Mr. President.

THE CHAIR:

Senator Bye.

SENATOR BYE:

Through you, Mr. President, no. And through you, Mr. President, just a clarification if I may, Senator Welch. Two hundred is a number that would be anticipated to -- to enter and use in-state tuition if this bill were to pass. Through you, Mr. President. I just want to be very clear.

THE CHAIR:

Senator Welch.

SENATOR WELCH:

Okay, then -- then just to help my understanding further. Do we know how many currently are -- undocumented students are in the State Systems? Through you, Mr. President.

THE CHAIR:

Senator Bye.

SENATOR BYE:

Through you, Mr. President. No, I do not know that number.

THE CHAIR:

Senator Welch.

SENATOR WELCH:

I've hear a number of -- of Senators kind of question the fiscal note and I don't know to what extent that I've had clarity that is sufficient for me to get my mind around right now, but if I can approach it from a different way.

I understand this bill was raised in 2007, or a similitude of this bill was raised in 2007, and I believe the proponent of the bill was within the General Assembly at that time so hopefully she might be able to answer this question, Mr. President. Was there a fiscal note attached to that bill? Mr. President, through you.

THE CHAIR:

Senator Bye.

SENATOR BYE:

Through you, Mr. President, I was a member of the General Assembly, but this -- I was not on the Higher Education Committee, so if I can pause for a moment I'm sure I can get an answer to that question. Through you, Mr. President.

THE CHAIR:

Senator Welch, do you want an answer to your question at this moment?

SENATOR WELCH:

Yes. Yes, please, Mr. President.

THE CHAIR:

The Senate will stand at ease.

(Chamber at ease.)

THE CLERK:

The Senate will come to order.

Senator Bye.

SENATOR BYE:

Through you, Mr. President. I apologize to Senator Welch. I still do not have an answer. I would say, you know, the fiscal note we have this year is -- there is no fiscal impact, but I -- I don't have the 2000 bill -- 2007 bill before me. Through you, Mr. President.

THE CHAIR:

Senator Welch.

SENATOR WELCH:

Thank you, Mr. President. If I may, is this bill the same bill as it was last year? Through you, Mr. President.

Or 2007?

THE CHAIR:

Senator Bye.

SENATOR BYE:

Through you, Mr. President, the bills are very similar.

THE CHAIR:

Senator Welch.

SENATOR WELCH:

One of the challenges that I have is something that we've heard a number of the Senators wrestle with, and that is if we're expecting 200 people to benefit from this when they otherwise would be paying a rate of $20,000 per year, now they're going to pay $8,000 a year, that there ought to be some kind of fiscal note, or some fiscal impact.

But -- but setting that aside, one of the questions I have for this body is we just passed a budget which reduced a significant benefit that we provide to our United States citizens that are Connecticut residents, and -- and that is by reducing the appropriation for the Connecticut -- Independent College Student Grant Program. A question through you to the proponent of the bill, Mr. President, and that is do you know how much we reduced the expenditure or the appropriation for that program? Through you, Mr.

President.

THE CHAIR:

Senator Bye.

SENATOR BYE:

Through you, Mr. President. If memory serves me and -- and I'm happy to be corrected if there's a member of the Circle who has the exact number, it was reduced by about $10 million. Through you, Mr. President.

THE CHAIR:

Senator Welch.

SENATOR WELCH:

Thank you, Mr. President. That -- that does sound about right. And so I'm challenged by the thought that we would decrease that benefit to citizens and residents of these United States and this state, and yet offer this benefit to those undocumented students within our state.

Another point that I am perplexed by with respect to this bill is what -- do we really appreciate and understand the real implications of this for those undocumented students. And -- and if I can ask a few questions with respect to this line of thinking, through you, Mr. President.

The first would be, do -- do we know what percentage of undocumented students or undocumented workers who apply

for United States citizenship actually get it? Through you, Mr. President.

THE CHAIR:

Senator Bye.

SENATOR BYE:

Through you, Mr. Chairman. No, I do not know that percentage and I'm very focused on this bill which is about Connecticut policy. As I've stated before, I'm not an expert on federal immigration. Through you, Mr. Chairman.

THE CHAIR:

Senator Welch.

SENATOR WELCH:

Thank you for that answer and -- and I appreciate that. It does underscore my concern. If that's anything other than 100 percent, we could be creating a more challenging situation for our State than we already presently have.

Looking at it another way, and -- and I'm not sure if you have this answer as well -- but through you, Mr. President, what happens to an undocumented worker or an undocumented student if they apply for citizenship? Are they granted some kind of temporary amnesty pending the outcome of that decision? Or are they now all of a sudden on the radar screen of our immigration services and are now

forced to -- to deal with situation of deportation? Through you, Mr. President.

THE CHAIR:

Senator Bye.

SENATOR WELCH:

Through you, Mr. President. I just to -- have some notes about this. It's an excellent question. My understanding, and I'll get the exact -- the exact cite. But my understanding is that the Department of Homeland Security has ruled -- here, I have it right here.

In general, if students come to the attention of the Department of Justice, they are given deferred action status and thus no deportation action will occur until they are no longer students. The Department of Homeland Security has clearly stated that this issue is within State discretion, so basically Homeland Security is stating that they are not using this affidavit to enforce or deport any students. It's just not their policy.

THE CHAIR:

Senator Welch.

SENATOR WELCH:

Thank you, Mr. President. But I think what I heard you say, and this is an important distinction for me to understand, is that they will not enforce those proceedings

so long as they are students. If I'm mistaken, that could create a situation post-graduation where their citizenship has not been conferred where they would be at risk. Is that the case? Through you, Mr. President.

THE CHAIR:

Senator Bye.

SENATOR BYE:

Through you, Mr. President, it is not my impression that they would be at risk then, but I -- I did read that as you heard, Senator Welch, and it did say as long as they are students. But if you give me one more minute to read this; I read it last night and I just want to make sure I get it right. Through you --

THE CHAIR:

Senator Bye.

SENATOR BYE:

Through you, Mr. President. The FERPA Right to Privacy Act comes into effect here in that the students' records are protected by those privacy rights even as undocumented immigrants, so the affidavit and their application is not sent to have any action taken upon their -- their residency or their status in this country. Through you, Mr. President.

THE CHAIR:

Thank you.

Senator Welch.

SENATOR WELCH:

Thank you for that answer. Through you, Mr. President, the question I would then have is that this affidavit that's signed is then put -- is that then put in the students' records and sealed? Through you, Mr. President.

THE CHAIR:

Senator Bye.

SENATOR BYE:

Through you, Mr. President -- one moment. Through you, Mr. President, I have just conferred with our attorney and these records are -- could be subpoenaed if there was some sort of criminal act, but as it is now, they are part of the students' file and they have to comply with FERPA. Through you, Mr. President.

THE CHAIR:

Senator Welch.

SENATOR WELCH:

Thank you, and that's all the questions I have for the proponent of the bill at this time, and if I may just summarize my thoughts based on those questions.

Immigration is a fabric -- is a very important part of

the fabric of our country. Every single one of us most likely can trace our heritage to an immigrant at one point in time. And it's very important to the future of our country as we have dearths in our population the -- that must be filled through immigration if we are to remain a productive society.

However, there's a way to do it and there's a way not to do it, and I think the bill that we have before us addresses neither. And in fact it makes me question what our priorities are here when we are taking money on the one hand from residents of the State of Connecticut who are lawful citizens who want to go to college, and we're reducing the funds available to them for that when we are also, as Senator Kane was getting at, we are not providing a reduced tuition to lawful citizens who might reside in Massachusetts, Rhode Island or New Jersey, but we are providing reduced tuition to unlawful citizens who are residing in the State of Connecticut. And with that said, Mr. President, I will not be supporting this bill at this time. Thank you for your time.

THE CHAIR:

Thank you, sir.

Senator McLachlan.

SENATOR MCLACHLAN:

Thank you, Mr. President. Nice to see you there this evening.

THE CHAIR:

Good to see you as well.

SENATOR MCLACHLAN:

I stand for purpose of questions to the proponent of the bill.

THE CHAIR:

Please proceed with your questions.

SENATOR MCLACHLAN:

Thank you, Mr. President. Senator Bye, thank you for your work on this. I know that you're passionate about granting this help and assistance to these young students. I applaud your efforts. I think we just disagree in how we're going about it, but I do have some questions that I respectfully ask to see if we can't just shed some more light on some of the issues that have become of concern to many people that I've spoken to.

What is the difference, Senator, between the 2007 bill and the bill before us today? You said they're essentially the same, but is there -- could you just clarify where it's been changed? Through you, Mr. President.

THE CHAIR:

Senator Bye, if you care to respond.

SENATOR BYE:

Through you, Mr. Chairman, I was not Chair of Higher Education in 2007 so I'm not entirely familiar, but I could consult with counsel. I think there are some minor differences. It's a -- it's a very similar bill, but if -- if we can stand at ease for a minute I can -- I can summarize -- get a summary of the difference between 2007 and today.

THE CHAIR:

Members may stand at ease.

(Chamber at ease.)

THE CHAIR:

Would the Senate please be in order.

Senator Bye.

SENATOR BYE:

Through you, Mr. President. The bills were very similar. They're -- I think the word graduation may not have been in the version in 2007. But for all intents and purposes, they were virtually the same bill with the same requirements of four years in high school and -- and those sorts of provisions in the section. Through you, Mr. Chairman.

THE CHAIR:

Senator McLachlan.

SENATOR MCLACHLAN:

Thank you, Mr. President. And thank you, Senator, for that answer. And it -- when you looked at -- when the Higher Education Committee considered the bill this year, was there any discussion or -- as you were crafting the bill, was there any concern about future impact? And would this available benefit to an illegal alien student, would it, would it encourage people to move to Connecticut to take advantage of this benefit at a discounted tuition rate? Through you, Mr. President.

THE CHAIR:

Senator Bye.

SENATOR BYE:

Through you, Mr. Chairman. There was no discussion of that in Committee and I earlier hypothesized that of all the states that have this benefit, we have the strictest standard with four years and graduation, and we are a high-cost-of-living state. Through you, Mr. President.

THE CHAIR:

Senator McLachlan.

SENATOR MCLACHLAN:

Thank you, Mr. President. Thank you, Senator Bye, for that answer. And with the projection of this, would affect -- I think you said 200 or perhaps 250 students would currently qualify. How -- how did you, as the Committee, come up with that number of 200 students in the state of Connecticut would qualify for this benefit? Through you, Mr. President.

THE CHAIR:

Senator Bye.

SENATOR BYE:

Through you, Mr. Chairman. In my review of the materials, that is the number I had, so it's from one of our research reports or it might be from Committee Testimony. And I'm sorry I don't have the exact source. Folks have been asking me to estimate today, but that's our best estimate. That's the best estimate I have as to how many students would benefit. And -- that's all.

THE CHAIR:

Senator McLachlan.

SENATOR MCLACHLAN:

Thank you, Mr. President, and thank you, Senator, for that answer. And -- I guess that would lead me to the next question is does the Higher Education Committee or your researchers know how many students are in secondary school,

nine through 12, in public schools in Connecticut who are the likely candidates to take advantage of this benefit? Through you, Mr. President.

THE CHAIR:

Senator Bye.

SENATOR BYE:

Through you, Mr. Chairman. No, we do not have a number. Students do not need to state their resident status. They have to prove that they live someplace, but they don't have to state if they're undocumented immigrants, so we don't -- we don't have that number. Through you, Mr. President.

THE CHAIR:

Senator McLachlan.

SENATOR MCLACHLAN:

Thank you, Mr. President. I'm aware that that is not a question that may be asked by Federal Law of children entered in public schools up through grade 12, but I understand once they get to college you can ask that question which is why it comes up in this bill. So I guess my point here is if -- if our Legislative Research cannot tell us how many students are in public schools in Connecticut who are currently illegal aliens and would qualify for the benefit provided in this bill, how can we

possibly project how many students will be affected by this bill? Through you, Mr. President.

THE CHAIR:

Senator Bye.

SENATOR BYE:

Through you, Mr. President. We relied on reports from our State colleges and I said the smallest number would be at UConn which was estimated between two and four students. So that -- that is what we're relying on, the colleges' reports, because as -- as Senator McLachlan rightfully stated, that's when student status does become apparent. Through you, Mr. President.

THE CHAIR:

Senator McLachlan.

SENATOR MCLACHLAN:

Thank you, Mr. President. So that really does shed light on the fact that we don't have a clue how many will ultimately be affected by this bill which -- which really does concern me, that we're sort of stating an objective of helping just a couple of hundred kids, students in school, and yet we really don't know what that number is going to be down the road.

It's my understanding by just doing some quick research here over the last hour about projections of

illegal aliens by state, and there are multiple resources for that kind of information both on the left and on the right, and some right down the middle. And if you sort of mix all those numbers up in the State of Connecticut, that number falls somewhere approaching 100,000 of our population are -- are undocumented. And so if we have such a large population in the State of Connecticut that's undocumented, I think that translates into way more than a potential of 200 students per year who would take advantage of this benefit.

The -- the Office of Legislative Research Report on a bill -- pardon me. I'm referring directly to a report -- talks about the process required in this bill for the student to sign an affidavit, and it's my understanding that the affidavit clearly states that they must begin the process to legalize their immigration status, or according to this report will do so as soon as they are eligible to apply.

And, through you, Mr. President, can Senator Bye please shed light on how she would envision a student beginning that process of legalizing the immigration process once they've signed the affidavit? Through you,

Mr. President.

THE CHAIR:

Senator Bye, do you care to shed light?

SENATOR BYE:

Makes me think of a James Taylor song.

Through you, Mr. President. That is -- that's a matter of federal immigration law, of which I've stated, you know, this -- this -- I'm not an expert in. What we're saying is that the students would have to become expert in that. They'll need to sign an affidavit that says that they will seek legal citizenship. And though, you know, some of my colleagues here say, "Well just signing your name, that doesn't mean anything". At least to me, signing my name means something. When I sign my name and say I'm going to do something, I'm going to do that. Through you, Mr. President.

THE CHAIR:

Senator McLachlan.

SENATOR MCLACHLAN:

Thank you, Mr. President. Thank you, Senator, for your answer. I -- I guess what I was trying to encourage you to do was share with the Circle what you would envision the student would take in the next step. And -- I think Senator Kane was trying to accomplish that by encouraging

you to -- to share what will they do next. And the Office of Legislative Research Report tells us what they're supposed to do next and that is that they must file federal immigration applications to become legal.

But according to this report, quote, currently such persons who apply for student visas or lawful permanent. resident status are subject to deportation under Federal Law, thus they're not eligible to apply to legalize their status unless Federal Law is amended.

Through you, Mr. President. Senator, you mentioned something about there was a -- something that you had read somewhere along the line that immigration enforcement is -- is held in abeyance, or postponed, or almost a period of time in which a student is registered here though an illegal alien they will be not subject to immigration enforcement. Could you clarify that issue because it does not match the information of our Office of Legislative Research Report on this bill? Through you, Mr. President.

THE CHAIR:

Senator Bye.

SENATOR BYE:

Through you, Mr. President. What I was relying on was testimony that we received at our public hearing from our esteemed Majority Leader that -- and also I believe there's

a letter from Homeland Security. One minute, I'm just looking at -- there's a New York Times article upon which the comments were based.

So basically this article in the New York Times, dated August 10, 2010, which I'm happy the share with Senator McLachlan talks about -- is talking about the Dream Act and stating that Homeland Security was not enforcing deportation of students. Through you, Mr. President.

THE CHAIR:

Senator McLachlan.

SENATOR MCLACHLAN:

Thank you, Mr. President. So you would envision -- through you, Mr. President -- Senator, you would envision then that a student who signs the affidavit would in fact file their application for immigration knowing that they would not be deported based upon information you're providing from a -- New York Times article? I'm not sure. Through you, Mr. President.

THE CHAIR:

Senator Bye.

SENATOR BYE:

Through you, Mr. President. Yes, a reporting from a Homeland Security memorandum. Through you, Mr. President.

THE CHAIR:

Senator McLachlan.

SENATOR MCLACHLAN:

Thank you, Mr. President. Okay, so that -- that memorandum from the Department of Homeland Security apparently was not available to the Connecticut General Assembly's Office of Legislative Research because their information in their report conflicts with that statement. So it could be a timing issue, I'm not sure, but my concern is that -- that our bill before us is suggesting that a student is going to sign an affidavit and will proceed with their legalization and yet there is no juice in that requirement to force them to do so. And it seems to me that if there is no penalty for not doing what we ask them to do, then they're not likely to do it because there is concern that when you file, and everyone in the illegal alien community will tell you that the minute you file an application if you're here illegally now, you send up a red flag immediately to immigration enforcement, and it seems highly unlikely that anyone who is not here legally is likely to file an application to become legal knowing that it is subject to deportation ultimately, and it forces them to go home and wait until they qualify through the normal process.

The other problem is, and this is common knowledge of people who have had to deal with this frustrating immigration process, and I agree the process is broken. The other problem is that oftentimes someone who resides here illegally and then files an application and is subsequently deported has yet to be legalized. So there's a lot of complications in the process which we all know.

So my point is that this requirement that's talked about in the affidavit is really a flat requirement, I think. I think that we're -- we're having someone sign a piece of paper to say you will do this, but we all know they're not going to because it's going to endanger their residency in the State of Connecticut because they're in violation of federal law, and the moment that they file an application, they've now got a red flag with immigration enforcement stating that they're in violation of Federal Law, and the concern to me is that no one will follow the requirement of this bill. Excuse me.

Through you, Mr. President. I wonder if the proponent could share with us -- is there currently a waiting list for admission to the University of Connecticut? Through you, Mr. President.

THE CHAIR:

Senator Bye.

SENATOR BYE:

Through you, Mr. President. I would assume so. I mean, I do know -- it's not an exact answer -- but I -- do know that 24,000 students applied and 54 percent were accepted, but I'm sure that allows for some students to be on the waiting list.

And when you think about 24,000 students applying and UConn's -- and 11,500 enrolling, you're talking about UConn's estimating two to four students, which is less than two tenths of one percent of that population would be undocumented immigrants. So you're talking about a very large pool of students and a very small number of undocumented immigrants applying as in-state students. Through you, Mr. President.

THE CHAIR:

Senator McLachlan.

SENATOR MCLACHLAN:

Thank you, Mr. President. Thank you. Can we follow up now with the State University System and Western Connecticut State University in my home town which we're very proud of, and the home to two students that you've talked about in your deliberation today. Is there a waiting list at Western Connecticut State University and the other three State University System schools? Through

you, Mr. President.

THE CHAIR:

Senator Bye.

SENATOR BYE:

Through you, Mr. President, the testimony at our public hearing of Dr. Louise Farrow was that there was space available at the CSU's and thus this would be a fiscal gain. So that gives me the impression that there is still space for students at those universities.

I think that's a different question than are some students turned away because they don't meet the standards of that school, and I'm sure that there are students that are turned away because they don't meet the standards, but the testimony at our hearing was that there was still space. Through you, Mr. President.

THE CHAIR:

Senator McLachlan.

SENATOR MCLACHLAN:

Thank you, Mr. President. Thank you, Senator, for that answer. The -- the community college system which is in my estimation one of the unknown superstars of the higher education system in Connecticut who is doing a great job of giving people a ramp, if you will, to post-secondary education, and -- and I see time and time again the great

success stories of people that enter through community college and move up through the -- the State University System and in some cases on to Ivy League schools, I might add. Is there currently any challenge or a waiting list in the Community College System that you're aware of? Through you, Mr. President.

THE CHAIR:

Senator Bye.

SENATOR BYE:

Through you, Mr. President. I believe this is a little bit of a changing landscape. At our public hearing we -- we and the Office of Fiscal Analysis both determined that there is space at the Community Technical College and thus this would result in a revenue gain because there would be students who now would be able to access that system.

I do know that yesterday there was a Board of Trustees meeting in which some of the budget cuts are hitting and they're making decisions about the classes they're going to offer and, you know, we won't know the final answer for another month. The board is looking for ways to keep their doors open to all so, you know, that's not as clear to me as the CSU.

But certainly we're hopeful, and we as a committee will do everything we can on the Higher Education Committee to encourage student -- the doors to stay open. Through you, Mr. President.

THE CHAIR:

Senator McLachlan.

SENATOR MCLACHLAN:

Thank you, Mr. President. Thank you, Senator, for that insight. I -- I was reading an article today from, I believe the Connecticut Mirror if I'm not mistaken, and the title was Today's Open-door Policy is in Jeopardy at the Community College System in Connecticut. And it was a fascinating article because it talked about the explosive growth of that system that I -- frankly, I knew it was growing fast, but I didn't realize it had grown by over 50 percent in a relatively short period of time. And because of the large growth in that system, they've been able to pretty much have an open-door policy, but now as you, I think -- inferred, that budget constraints that we're facing now may mean some big challenges there.

So that ramp to post-secondary education may be impaired is what I'm hearing, and certainly that's a concern to all of us, but that's also what I'm hearing in all of the testimony today is where most of the illegal

alien students are in the Connecticut post-secondary system. And so if that's the case, based upon your observation or -- or communications with the Education Administration, then I think we do have a challenge here that we're now expanding a pool of -- of essentially new students to a system at a discounted rate in the part of the system that is facing some of the greatest challenges. I wonder if, through you, Mr. President, you might -- comment on that observation.

THE CHAIR:

Senator Bye.

SENATOR BYE:

Through you, Mr. President. Because I've been looking at a lot of the questions to me here around the Circle and in other places have been about UConn, because it's a very competitive school to get in to and -- and what I've been proposing is that students, undocumented immigrant students would need to compete and win those seats over the other students and -- and I think sometimes it's made to look like a one-for-one, but in fact, you know, when you have, you know, over 12,000 students pretty much accepted at UConn, that one student that didn't get in is competing with all 12,000 of those students who apply. And those two to four undocumented immigrants are competing with those

12,000 students as well on a level playing field. So you -- that less than two tenths of one percent, when you're talking about access, is a teeny-tiny number and the student that is not accepted or perhaps has gone to a waiting list, it's a very small number and that student had the opportunity to compete with the other 11,500 students for that spot. Through you, Mr. President.

THE CHAIR:

Senator McLachlan.

SENATOR MCLACHLAN:

Thank you, Mr. President. Thank you, Senator Bye, for the answers and your work on this. Obviously you've studied it hard. I -- I can understand how it's hard for a State legislator to become an expert in Federal Immigration Law. We're actually not expected to be the experts.

However, when we're touching something like this that is so closely tied to Federal Immigration Law, I think it's incumbent upon this Legislature to do their homework a little more than we have. And my concern here is that other states have struggled with this issue as well, and in fact, if I'm not mistaken, it's in Virginia that -- that they -- their Attorney General studied the issue of in-state tuition for illegal alien students and came to the

conclusion that the expenditure of State resources for that purpose is illegal.

Now that seems to be a far cry from what we're hearing here at the Connecticut State Legislature. Perhaps they're talking about their own State Law when I read that statement, but -- but here is the Federal Law, the Immigration Reform Act of 1996, which specified quote, not withstanding any other provision of 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 a political subdivision for any post-secondary education benefit.

And this is where I'm concerned. Unless a citizen or a 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. So how I'm reading that is that what we're doing is calling into question this law as it relates to Federal Law and what happens if an out-of-state legal resident of the United States of America contests the State Law and says, "I qualify for in-state tuition because I'm a legal -- American." I believe that's what this is saying. Has this issue been addressed by the committee? Through you, Mr. President.

THE CHAIR:

Senator Bye.

SENATOR BYE:

Thank you, Mr. President. And if I may, before I answer that question, I've been able to get my hands around the number 200, so I wanted to -- since the Circle -- it's more than -- you're more than the first one who's asked.

So the 200 students came by looking at all the states that offer this currently and taking the average of their immigrant populations compared to Connecticut and then they looked at the utilization rate. So this is based on actual data, if you will, and then they adjusted for the Connecticut immigrant population as a percent of the total. So, you know, that's how -- that's how they got -- we got our hands around that number, just so you know.

And on to U.S. Code 1623 which I've become very familiar with and the way that our committee dealt with this and the way that other Legislators have dealt with this -- because you are accurate in your reading of the law -- is that it can't simply be because of residence, otherwise you would need to offer it to everyone who was a resident of the United States if you offered it to undocumented immigrants just based on residence.

That is why the stipulations are in the bill that you would have to attended and graduated from a high school in Connecticut so that adds another criteria and that's the criteria that actually is the reason that this -- that allows the in-state tuition because we did an additional criteria to simply living in Connecticut. That's the criteria that determines it. Through you, Mr. President.

THE CHAIR:

Senator McLachlan.

SENATOR MCLACHLAN:

Thank you, Mr. President.

Thank you for that clarification. So some would say then perhaps the challenge is that the qualification for discounted tuition essentially means that they've already qualified for free education. There does seem to be a bit of unfairness there and a -- a big challenge I think to the concern that Senator Guglielmo stated so eloquently and that is there are winners and losers. And my concern with this bill is that we have to find a way to -- to address the issue of illegal immigration in Connecticut, but do it in such a way that the taxpayers of Connecticut are not required to pay the bill.

And I believe that this legislation is misguided in that way, that it is not fair, that in fact we do have

waiting lists at our State University System, at UConn, at the Western Connecticut State University, Southern, Central, and Eastern. And at the community college level, now being told that their budgets are under great pressure and that their -- open-door policy is in jeopardy, I think what it means is that there is a waiting list and the unfairness of it, I think, is if there is a waiting list and we now have to make the system totally available to those who are not here legally, then it is unfair to those who are American citizens if their opportunity is set aside for someone who is not is not here legally.

And that's the -- the grave concern that I have with this process. I don't have the answer for you today, but I do know that this is not the answer of fairness and I'll -- not oppose -- or I will not support this bill. Thank you, Mr. President.

THE CHAIR:

Thank you, Senator.

Senator Kelly.

SENATOR KELLY:

Thank you, Mr. President. Through you to Senator Bye. Can you explain how one would become a person without legal status?

THE CHAIR:

Senator Bye.

SENATOR BYE:

Through you, Mr. President. The bill -- the bill doesn't address that. The bill simply says, you know, takes for granted that there are some students who go through our high schools who are undocumented immigrants. Through you, Mr. President.

THE CHAIR:

Senator Kelly.

SENATOR KELLY:

So what does an "undocumented" student mean?

THE CHAIR:

Senator Bye.

SENATOR BYE:

In this bill how we defined an undocumented immigrant eligible for in-state tuition is that they have attended high school in Connecticut for four years and graduated and -- and that they'll sign an affidavit saying they will seek citizenship. Through you, Mr. President.

THE CHAIR:

Senator Kelly.

SENATOR KELLY:

Thank you, Mr. President, through you. So by virtue of the fact of graduating from high school, this individual

has not been prohibited from attending secondary education in Connecticut? Through you, Mr. Chairman -- Mr. President.

THE CHAIR:

Senator Bye.

SENATOR BYE:

No -- through you, Mr. President -- it would be actually against federal law for us deny students access to a K through 12 education by way of Plyler versus Doe in 1982. Through you, Mr. President.

THE CHAIR:

Senator Kelly.

SENATOR KELLY:

So nobody is prohibited from a K through 12 education. Are any prohibited from going on to college? Through you, Mr. President.

THE CHAIR:

Senator Bye.

SENATOR BYE:

Through you, Mr. President. No.

THE CHAIR:

Senator Kelly.

SENATOR KELLY:

Okay, so none of these persons without legal status have been prohibited an opportunity to educate themselves either through the K-12 or post-secondary education system here in the state of Connecticut. Through you, Mr. President.

THE CHAIR:

Senator Bye.

SENATOR BYE:

Through you, Mr. President. No.

THE CHAIR:

Senator Kelly.

SENATOR KELLY:

Okay. Can you explain to me more fully how one would qualify for this in-state tuition as a person without legal status?

(President in the Chair.)

THE CHAIR:

Senator Bye.

SENATOR BYE:

Through you, Mr. President, that student would apply as an in-state student and have to prove that they attended high school in Connecticut for four years and graduated

from that high school. Through you, Mr. -- Madam President, sorry.

THE CHAIR:

Senator Kelly.

SENATOR BYE:

We had a little switch there. Wrong bill.

THE CHAIR:

Sorry about that.

SENATOR BYE:

Sorry.

SENATOR KELLY:

Thank you. Is there any other requirement such as completing an affidavit?

THE CHAIR:

Senator Bye.

SENATOR BYE:

Through you, Madam President, yes there is.

THE CLERK:

Senator Kelly.

SENATOR KELLY:

Are there any requirements as far as residency and how long you have to be in the state of Connecticut? Through you, Madam President.

THE CHAIR:

Senator Bye.

SENATOR BYE:

Through you, Madam President, no.

THE CHAIR:

Senator Kelly.

SENATOR KELLY:

So as a person without legal status, I could, upon filing of an affidavit, qualify for in-state at let's say the University of Connecticut, almost on demand. Through you, Madam President.

THE CHAIR:

Senator Bye.

SENATOR BYE:

Through you, Madam President. If you attended an educational institution in this state and completed four years of high school-level education, graduated, and is registered as an entering student at a public institution of higher education and signed the affidavit, yes. Through you, Madam President.

THE CHAIR:

Senator Kelly.

SENATOR KELLY:

Is there any requirement -- strike that. Let me restate the question.

Right now, I believe you stated that 54 percent of applications to the University of Connecticut are accepted. Is that correct? Through you, Madam President.

THE CHAIR:

Senator Bye.

SENATOR BYE:

Through you, Madam President. Yes.

SENATOR KELLY:

And is there --

THE CHAIR:

Senator Kelly.

SENATOR KELLY:

Thank you. And is there a similar percentage for other State Universities? Through you, Madam President.

THE CHAIR:

Senator Bye.

SENATOR BYE:

Through you, Madam President. I believe the acceptance rate is significantly higher at our Connecticut State University Systems. I'm looking to see if I have that number. I don't have it in front of me. But it's significant -- it's higher than 54 percent. Through you, Madam President.

THE CHAIR:

Senator Kelly.

SENATOR KELLY:

So there are individuals who apply for education in the state of Connecticut who do not get in. Through you, Madam President.

THE CHAIR:

Senator Bye.

SENATOR BYE:

Through you, Madam President. Yes.

THE CHAIR:

Senator Kelly.

SENATOR KELLY:

As I look at the bill, I see -- thank you very much, Senator Bye.

As I look at the bill, I think what we have is a system where we're creating once again winners and losers, and we're going about it in a way where there are finite number of spots available to attend a -- attend and receive a college education in the state of Connecticut. There are finite dollars, and as a State when we go to allocate those dollars, I would think that the best public policy would be to reward individuals who receive -- to receive those -- those privileges to those individuals that follow the rules.

What it appears through this bill what we're doing is that we are creating a public policy where if someone doesn't follow the rules, and in this case does not become a citizen, or -- is a person without legal status, that they could receive in-state tuition to the detriment of individuals who do follow the rules but do not gain participation in the college system in Connecticut.

As we've heard, nobody in the state of Connecticut has been denied an education, whether it's primary, secondary, and in this case nobody is denied the opportunity to go to college. But yet for somebody who was without legal status we want to, you know, confer upon that individual the benefit of in -- in-state tuition. It just seems to me that that's the wrong public policy to set, that what we should be as a society doing is rewarding people who do follow the rules, who do participate and conduct themselves in a manner that society says is the way to behave.

When people enter this country, we want them to do so in a matter -- in a manner that would encourage them to get legal status. I don't believe it's written anywhere that everybody is guaranteed a college education. Certainly providing a public education is a noble cause and one that does benefit the State of Connecticut, but when we decide whom participates in that system and whom doesn't, we

should be -- considerate of the taxpayers and those individuals that follow the rules of the State and make sure that we take that responsibility very seriously in making sure the rules protect those taxpayers.

This public policy says that if I'm a person without legal status, I still get to enjoy those benefits that people who are here with legal status enjoy, and I just don't believe that that should be the policy of the State of Connecticut. Thank you very much, Madam President.

THE CLERK:

Thank you, Senator Kelly.

Will you remark? Senator Bye.

SENATOR BYE:

Through you, Madam President. Just a quick -- I just want make one quick point as I've done some of the math here. First of all, just a reminder that there's no fiscal note on this bill. It's saying if anything there would be a fiscal gain as there have been in the three states who've passed this.

But we're -- we're talking about 200 students out of 120,000 that are currently enrolled in our higher education system. That's .0016; it's a little over one in a thousand students that have access. Through you, Madam President.

THE CHAIR:

Thank you.

Senator Kelly, for the second time.

SENATOR KELLY:

Thank you, Madam President. I'd just like to try to boil the conversation down to the way we conduct our own lives. You know, as a father and parent of children, when you -- you set rules and you say that you want your children to behave in a certain manner, you -- you set the rule and you -- expect your children to follow the rules. We don't reward the child that doesn't follow the rules. We don't say, you know, if you don't do the dishes tonight you're going to get to stay up an hour later. No, the way it goes is if you don't do the dishes tonight, you may not get a snack before bed.

That's how our families deal with their situations around their kitchen tables and the issue isn't whether or not it's only going to be 20 students because it may only be 20 students today. Who knows what it could be tomorrow? The -- issue is, is the policy a good idea. Is this the type of State we want to be?

And as far as the fiscal note, the question that's going to be hard for me to go back to my District is to say to somebody who is following the rules, whose child did not get into the University System because somebody who is here

without legal status did get the placement and is getting in-state tuition which is being footed by the taxpayers in my district, and explain to them why this legislative body adopted that rule. I'm not so sure I can go back to that person and explain to them why breaking the rules is a good thing and that you should pay for that.

So regardless of how de minimis this is from a personal perspective, or a financial perspective, doesn't negate whether or not this is a good or bad public policy and in my -- from my perspective it still remains a bad public policy. Thank you, Madam President.

THE CHAIR:

Thank you, Senator.

Will you remark? Senator Markley.

SENATOR MARKLEY:

Thank you, Madam President. I won't direct any questions to Senator Bye who's already done an excellent job throughout the afternoon of keeping her good nature while answering these questions so -- so well.

I do want to say a few things about the bill in general terms. Illegal immigration in this country is a tremendous problem which we're going to have to face in a serious way, in this Chamber to some extent, but in Washington eventually. I think on one hand it's a human

problem, something that has -- keeps people isolated and in fear. I don't blame anyone for coming to this country. I think that -- I'm glad that the rest of the world sees what it is we have in terms of liberty and prosperity and it's only natural that they would want to be here with us.

It's a national problem, too, for all of us, I think, because I believe that it's put us on the road to a two-tiered society of a sort that hasn't existed here for 150 years. And when I've spent time in Los Angeles or in different parts of Texas, I've been alarmed to see a kind of an acceptance of the notion of a Spanish-speaking Hispanic underclass employed in service of the established Anglo citizenry and it's to my mind a very unsettling, very uncomfortable and dire kind of a situation, not what I want to see this country look like.

We all have to be American citizens for this experiment to work and we all have to share a common language so that we can participate in the politics of this country, and that means that citizenship has to be a part of this path and I think that entrance into the country has to be controlled. We can't have a country without having a border and we can't have immigration be simply a matter of whoever is the closest and can most easily come into the country, but as it has been for a long part of the history

of the country something that draw the -- the best and the brightest and the most motivated from all over the world to join us here in America.

I had the pleasure myself for some years to teach citizenship classes when I lived outside of Washington, D.C., largely to -- largely to El Salvadoran immigrants to the country, and I had the greatest respect for those people. They worked hard and they sacrificed to take the class, to pay for the class, to give their time every Saturday. It was a five-and-a-half hour lecture I used to give every Saturday, the whole history of the country, week after week.

I loved doing it in -- in -- a good part of it in my -- in my rather rusty Spanish, and I couldn't be better disposed to the people that have decided to come here and that want to be part of our future. But I think our compassion is misguided when we do anything that takes away the tremendous priority of citizenship that says we will give you some of the benefits of being a citizen because we feel sorry for you, but we will not force you to confront the problems that are involved in becoming a citizen because they are problematic. I think that the important step is to become a citizen, and if that means that part of the incentive has to be the things that you cannot have

until you have that citizenship, then I believe we're being more favorable and more compassionate to maintain that incentive, and to maintain the distinction of the things that citizens are entitled to in this country, and things which those -- who are not citizens are not entitled to.

I lived for several years in Spain. I had the experience of -- of being a stranger in the land, of struggling with the language, of struggling with the culture, and -- and I was aware throughout, even when my Spanish was reasonable good, that I was an outsider and that it would never be my country unless I made that commitment to it to become a citizen which I was never in prospect for me.

But those who have come here have to make that decision and I will oppose this bill because I feel that maintaining certain privileges only to those who are citizens of the country is appropriate and in the end it is best to move people in the direction of citizenship. Thank you very much.

THE CHAIR:

Thank you.

Will you remark? Senator Roraback.

SENATOR RORABACK:

Thank you, Madam President. Good afternoon.

THE CHAIR:

Good afternoon, sir.

SENATOR RORABACK:

I see Senator Bye has had a chance to catch her breath, maybe get a refreshment, and I don't want her to lose the rhythm of the debate.

THE CHAIR:

That's such a gentleman of you, sir.

SENATOR RORABACK:

And I -- I would take my hat off to her for conducting herself with such -- such class and to have such a thorough command of the subject matter before us, Madam President. And through you to Senator Bye, I have a couple of questions --

THE CHAIR:

Please proceed, sir.

SENATOR RORABACK:

-- that I'd like to frame a few. And I come at this with a very -- well, we each come at this with our own universe of experiences and biases and -- and beliefs. And, through you, Madam President, to Senator Bye, does she know whether one of these youngsters who I -- it is indisputable that these youngsters are by definition

blameless. They are not culpable. They are victims of circumstance. And through you, Madam President, to Senator Bye, were I to offer an amendment to allow these individuals to run for the office of State Representative, would Senator Bye support that amendment? Through you, Madam President, to Senator Bye.

THE CHAIR:

Senator Bye.

SENATOR BYE:

Through you, Madam Chairwoman, I'm not prepared to answer that question. I haven't been through reading the law and sitting through public hearings and considering that, so my goal with this bill is to allow students access to education. It wasn't to allow them access to the State Senate or State House of Representatives. Through you, Madam President. That's a much different question.

THE CHAIR:

Senator Roraback.

SENATOR RORABACK:

Thank you, Madam President. I guess I asked the question because I actually don't see it as a much different question. I see it as kind of the -- at the heart of the matter. What are we as a society going to do to address the circumstances that confront this class of

individuals who are blameless, who have no reason to apologize for anything?

Madam President, I for one have a great deal of sympathy for and desire to change the circumstances of this class of individuals, and to that end I -- think that we ought to entertain seriously at the federal level, granting some sort of immunity to people, immunity and citizenship quite frankly to these individuals who are kids who have done nothing wrong, who've worked hard.

And you say played by the rules, I even think they've played by the rules. They've done nothing wrong. They go to school, they turn in their homework. And so my question, Madam President, through you to Senator Bye is if we're going to treat them as in-state students for the purposes of attending the University of Connecticut, why wouldn't we treat them as in-state residents for the purpose of holding political office? Through you, Madam President, to Senator Bye.

THE CHAIR:

Senator Bye.

SENATOR BYE:

Through you, Madam President. I'm quite sure there's a whole different area of law that governs this sort of thing. I know that undocumented residents, as I understand

it, don't necessary have the right to vote, but again, this is why I'm out of my comfort zone here not having as good a government education as maybe others around the Circle have.

So, you know, it -- I understand and I -- I think it comes from a sincere place, Senator Roraback's question, but today our question is whether or not we should grant undocumented residents in-state tuition, and that's what I've been focused on in my preparation. Through you, Madam President.

THE CHAIR:

Senator Roraback.

SENATOR RORABACK:

Thank you, Madam President. I guess, through you to Senator Bye, does Senator Bye believe -- I probably should have started with this. Does she believe these individuals ought to have the right to vote? Through you to Senator Bye.

THE CHAIR:

Senator Bye.

SENATOR BYE:

Through you, Madam President. Again, that's not the question before me. I'm answering questions about this bill before me. I do strongly believe that students who've

worked hard, followed the rules, gotten good grades, applied for and have been accepted to our excellent schools of higher education, should have access there. That -- that is where my advocacy is focused today. Through you, Madam President.

THE CHAIR:

Senator Roraback.

SENATOR RORABACK:

And I understand that, and what I'm trying to determine, Madam President, is if we ought not to be thinking about doing a whole lot more for this universe of people. And I'm trying to draw out why it is that we want to treat them as citizens for this purpose, but not for other purposes. And through you, Madam President, to Senator Bye, does she know whether these youngsters are able to obtain through lawful means a Connecticut driver's license? Through you, Madam President, to Senator Bye.

THE CHAIR:

Senator Bye.

SENATOR BYE:

Through you, Madam President. No, I do not know the answer to that question. You know, I'd -- I'd prefer to have the questions about the bill that is before me. It's my understanding that you would need to be a resident of

the state of Connecticut to obtain a driver's license. That's my impression. I don't know if there are loopholes for people with Green Cards and what the rules are around that. I know these areas -- questions that seem simple sometimes get complex as I've certainly learned researching this bill. Through you, Madam President.

THE CHAIR:

Senator Roraback.

SENATOR RORABACK:

I thank you, Madam President. My understanding under the Federal REAL ID Act is that there are, if not now there will in very short order be requirements that in order to secure a driver's license in the state of Connecticut, one will have to demonstrate that one is here lawfully.

Madam President, I -- I -- my heart goes out to students who find themselves in this predicament and I would say to any one of them that I am ready to join them in a march on Washington to bring them some kind of legitimate status.

And through you, Madam President, to Senator Bye, does she know if there are avenues available to these youngsters through which they can now pursue citizenship? Through you, Madam President, to Senator Bye.

THE CHAIR:

Senator Bye.

SENATOR BYE:

Through you, Madam President. It's my understanding that -- that -- undocumented residents do have channels they can go through and applications they can make. Through you, Madam President.

THE CHAIR:

Senator Roraback.

SENATOR RORABACK:

Thank you, Madam President. And through you, Madam President, does this bill impose on them the obligation to do that? Madam President, through you to Senator Bye.

THE CHAIR:

Senator Bye.

SENATOR BYE:

Through you, Madam President. Yes, this -- this law requires that they sign an affidavit that says that they have filed an application to legalize his or her immigration status or will as soon as they're eligible to do so. Through you, Madam President.

THE CHAIR:

Senator Roraback.

SENATOR RORABACK:

I guess -- and it's the "or will as soon as they are eligible to do so" language that makes me scratch my head. So, through you, Madam President, to Senator Bye, does that mean that for some of these youngsters they are not eligible to apply for citizenship? Through you, Madam President.

THE CHAIR:

Senator --

SENATOR RORABACK:

And that for others they -- they might be eligible to apply for citizenship? Through you, Madam President, to Senator Bye.

SENATOR BYE:

Through you, Madam President. I knew he was going to ask that. Again, as -- as I've said, I'm not an expert on Immigration Law, but certainly reading this, it sounds like there are certain steps you have to go through to be eligible to apply to legalize, and so it's either that they do immediately, or as soon as they're eligible to do so. Through you, Madam President.

THE CHAIR:

Senator Roraback.

SENATOR RORABACK:

And -- and I appreciate the spirit of why this language is in the bill because many of us -- I can't believe -- I would imagine there are few of us in this Circle who wouldn't want there to be a clear path for these youngsters to become American citizens. Particularly those -- we're talking about kids who have excelled. No -- one's getting into the University of Connecticut these days, Madam President, unless they're working pretty darn hard in high school, and I think all of us here have gotten phone calls from disgruntled parents who say, "What is up? My kid has a B-plus average, I've paid my taxes and I've lived here all my life and he doesn't get into UConn?" And of course we now know that calling a politician isn't going to help because everyone gets in trouble if we get into the act in these circumstances.

So through you, Madam President, to Senator Bye. It offends me that there's not a mechanism for these youngsters to pursue lawful citizenship. It offends me that they are punished by virtue of being born into a family that came here when they were kids unlawfully.

But Madam President, I would say to any of these youngsters -- and I'm sure they're bright, they're 18 years old, they're probably watching on TV -- our country is about the rule of law and if we believe that it's the right

thing for these youngsters to have in-state tuition at the University of Connecticut, I think we ought to believe it's the right thing for them to have the right to vote, it's the right thing for them to have the right to hold office, it's the right thing for them lawfully to possess a driver's license.

I think we're taking an easy way out of confronting a large and important societal issue, and rather than strengthening the demand to do the right thing and get these kids on the right path, we diminish that imperative by nibbling around the edges and throwing this particular benefit at them while ignoring that the other panoply of benefits that come with citizenship is beyond their reach.

Madam President, it's -- this is not an easy call for me, but the rule of law and the kids who are caught in this vice I'm sure well understand the rule of law, and in my judgment the rule of law ought -- ought to compel all of us to be knocking on the doors of our Congressmen or our U.S. Senators to come up with a comprehensive, coherent, fair policy by which these youngsters can have a clear path to citizenship so we don't have to resort to language which says, "Well, they'll apply as soon as they're eligible. We're not sure if they're eligible. Some might be."

And it's not Senator Bye's fault. She's not the architect of Federal Immigration Law, but I think that we take the pressure off the people in Washington to do the right thing by skirting around the edges as this bill does.

So it's with regret that I oppose the bill, but it's with enthusiasm that I hold myself out as an ally for any and all of these youngsters that want to take a trip to Washington to bang on the doors of our Federal Legislators. I would join them in doing that in a heartbeat because they deserve better from us. Thank you, Madam President.

THE CHAIR:

Will you remark further? Senator Markley.

SENATOR MARKLEY:

For the second time and very briefly, and with one question this time for Senator Bye, through you, based on a conversation I just had with Senator Meyer.

THE CHAIR:

Please proceed, sir.

SENATOR MARKLEY:

Is -- if -- does this have any effect on somebody who is born in the United States of immigrant parents? In other words, it would seem to me that such a person, regardless of the status of their parents, is a legal citizen, and if a resident of this state, would be entitled

already to in-state tuition. Am I correct about that?

THE CHAIR:

Senator Bye.

SENATOR BYE:

Through you, Madam President. It's my understanding -- again, I'm not an expert, but that children born in this country are citizens. Through you, Madam President.

THE CHAIR:

Senator Markely.

SENATOR MARKLEY:

So they would not, through you, be affected by this Legislation.

THE CHAIR:

Senator Bye.

SENATOR BYE:

Through you, Madam President. No.

THE CHAIR:

Senator Markley.

SENATOR MARKLEY:

Thank you very much.

THE CHAIR:

Will you remark further? Senator -- Senator Cassano.

SENATOR CASSANO:

Thank you, Madam President. The question I get asked the most as a new Senator is what do I miss the most from local government. We used to have a five-minute rule for all discussions.

I rise to support this proposal. The children we're talking about really are victims of a system. I think Senator Roraback's comment addresses that. They're here. They live in the state of Connecticut. They enroll in our school system, kindergarten age, go on through elementary school, junior high school and high school as a part of the system because of a federal requirement. Not because of something we've done, but because Federal Law says that we must provide that opportunity. That's one of the reasons we're so admired across the world as the United States of America because we try to do for others.

I'm concerned that we want to deny an opportunity to pay the -- same share for college education with our classmates that we've been in school with for 12 years. And I find an inconsistency with the business climate. I know just here in the Hartford region, and I know very well in other regions, we are spending hundreds of thousands of dollars annually to try to keep students in Connecticut. And I'm talking about students who come from other parts of the world to go to school here in some of the great

institutions that we have. They come in and 70 percent of them go back somewhere else and we don't get them. In the meantime, we have many bright young individuals here that we're saying, "You've got to pay more."

Definitions, definitions sometimes are just derogatory. We use the term "aliens". I think of War of the Worlds, or the Jetsons, or all these kinds of television programs as we describe these illegal aliens that are sneaking into our system. And that's a vision we have. We've done surveys and surveys say half the people say you should go to school and half they don't.

Well if you ask me a question, "Should illegal aliens go to school here", I'd probably tell you no. But if you ask me if Johnny Brown who's been in this school system for 12 years should go to school here at the same price as anybody else, I'd say absolutely.

We talked about our grandparents, or their parents. It was a different world then. They applied for citizenship. They applied for the right to come to this country. I was in Miano Sabino in Italy, a little small town where 25 families came to the United States from, and on that safe today is handwritten the names of all those families who moved to Manchester, Connecticut from Miano. There was a sense of pride because they were going to the

United States. Our borders were open. People came across our borders like we walk across the street because that's the way we did things in this country, and many of these children are children or grandchildren of those same people who walked across those same open and free borders that everybody came to because we were the United States of America.

I don't know what "undocumented" really means sometimes because we're talking about these undocumented children who we want to allow to go to school for the same price, but we actively recruit undocumented students to come and play basketball or soccer or other sports like that who are not citizens, but it's okay because we're number one.

I think we have to look at the whole picture. Senator Suzio said the State should benefit from its policies, and he's correct. The policy that's in place is that these children go to school for 12 years. Don't start treating them differently at this point in their life. Give them an education at the same price that their classmates have gotten. Show them that you want them to stay in Connecticut. Encourage them to be part of the workforce here in Connecticut and I think we'll all be a better state for it.

THE CHAIR:

Thank you, Senator.

Will you remark? Senator Boucher, for the second time on the bill.

SENATOR BOUCHER:

No light. Oh, here we go. Thank you, Madam President. Madam President, I rise for the purpose of an Amendment.

THE CHAIR:

Please proceed.

SENATOR BOUCHER:

Thank you. Would the Clerk please call Amendment LCO 6896, please. And Madam President, I move adoption. I seek leave to summarize and also ask for a roll call vote.

THE CHAIR:

First let the Clerk call the amendment, sir -- ma'am, and we'll continue with the rest of those.

SENATOR BOUCHER:

I was trying to speed things along for you.

THE CLERK:

LCO 6896, which will be designated Senate Amendment Schedule "B". It is offered by Senator Boucher of the 26th District, et al.

THE CHAIR:

The question is on adoption, and when the vote is called it will be called by roll call.

You may proceed.

SENATOR BOUCHER:

Thank you, Madam President. I appreciate that. One of the problematic aspects of this bill is that we are creating a program that asks our undocumented students to declare the fact that they are here illegally that could subject themselves to being deported could be -- could be -- could happen. And we also ask them to file an application to legalize his or her immigration status or will file such an application as soon as he or she is eligible to do so.

This Amendment LCO 6896 inserts after line 61, after "so" and before the period, and demonstrates that he or she has an approved immigration sponsor authorized under Federal Immigration Law.

This accomplishes two things in my view. One, it sends them on the path to actual legalization at some point. It also talks about sponsorship because as we've seen, the discussions this afternoon, we're talking about the fact that -- that even though they would have a benefit, a new benefit, a lower cost that could actually be competitive with some of our other students that are here

legally -- which one of the interns that was here just a little while ago mentioned to me that, you know, he's on a wait list right now. It sure would bother him greatly if somebody got in that was here illegally when he's still on a wait list and not sure if he can get in.

So by putting this in there, we talk about the fact that right now these individuals, even though they -- they spend four years in our State institutions at a lower cost, when they graduate they cannot get a job and they can't vote. But if we encourage through this Legislation some forward thinking while they're in those four years of high school to work on obtaining sponsorship, particularly someone that could employ them or another individual.

I know the good Senator Cassano made a very strong plea about we -- we love sponsoring individuals that have great talent, great sports talent, but I might add that they were sponsored, they did get here illegally, they were not in the country illegally, they followed a process.

And we were all asked to raise our right hand and swear that we would abide by the Connecticut Constitution and the U.S. Constitution. What we seem to be doing here is counteracting the very pledge that we were given. By focusing on sponsorship, we actually will provide a

mechanism for these students to actually get a job, hopefully get on a path to citizenship.

Earlier someone asked, you know, how many years does it take? I can speak from my personal experience, it took five years before you had to go to a court, after you studied, raise your right hand, and swear your allegiance to this country and to abide by its laws by the way. So, Madam President, I hope that this is seen as a positive addition to this Legislation that might reduce some of the controversy that swirls around it by the public and members of both the House and Senate, and as I said, I hope that individuals will vote in favor of it. Thank you very much, Madam President.

THE CHAIR:

Thank you, Senator.

Will you remark? Will you remark? Senator Bye.

SENATOR BYE:

Thank you, Madam President, and I appreciate the gentlelady's amendment, but I urge my colleagues to reject it. Thank you, Madam President.

THE CHAIR:

Thank you, Senator.

Will you remark? Senator Welch.

SENATOR WELCH:

Thank you, Madam President. I rise in support of the amendment. One of the benefits that I hear of this bill is that it makes undocumented people more productive members of society, but the reality is if they cannot get work because they are not citizens after they graduate from a State post-secondary institution, then they cannot be a more productive member of society. This amendment moves that process further down the road. If we're going to be investing precious State resources in undocumented students, then we ought to reap the benefit and this amendment helps us get there. Thank you, Madam President.

THE CHAIR:

Thank you.

And will you remark? Senator Kelly.

SENATOR KELLY:

Thank you, Madam President. I have a question for the proponent of the amendment.

THE CHAIR:

Please proceed, sir.

SENATOR KELLY:

Through you, Madam President, to Senator Boucher. Could you explain to us what an immigration sponsor is?

THE CHAIR:

Senator Boucher.

Can we get Senator Boucher's microphone --

SENATOR BOUCHER:

Thank you. Thank you, Madam President. Through you, Madam President, an immigrations sponsor is an employer that puts in an application for them attesting that they would be employable and that they were needed and necessary in the place of business. A sponsor could also be someone that is in love with the individual and would like to marry them, an American citizen, and that is another path in a sponsorship program. A delightful one, I might add, and hopefully in the four years in college that's a wonderful occurrence for some of our students. Through you, Madam President.

THE CHAIR:

Senator Kelly.

SENATOR KELLY:

Thank you, Madam President, through you. And how would one demonstrate that they have the -- an approved immigration sponsor? And is that something that's easy to do?

THE CHAIR:

Senator Boucher.

SENATOR BOUCHER:

Through you, Madam President. There are forms that can be filled out that -- through the application process, by the sponsor, along with the individual seeking that sponsorship, and it is applied through the U.S. Immigration Service and they move it along from there based on the merits of the case.

THE CHAIR:

Senator Kelly.

SENATOR KELLY:

Thank you very much, Madam President.

THE CHAIR:

Thank you.

Will you remark further? Will you remark further? Senator Suzio.

SENATOR SUZIO:

Thank you, Madam President. Through you, Madam President, to the proponent.

THE CHAIR:

Please proceed, sir.

SENATOR SUZIO:

Thank you, Madam President. Senator Boucher, I -- think your idea is very interesting, but I want to make sure that I understand what the requirements are to be a sponsor under immigration law and what the legal

responsibilities are of someone such as that. Could you elaborate on that a little bit more? Through you, Madam President.

THE CHAIR:

Senator Boucher.

SENATOR BOUCHER:

Thank you, thank you, Madam Chairman -- Chairwoman -- President.

THE CHAIR:

It's okay. I answer to anything.

SENATOR BOUCHER:

I'm giving you all kinds of titles today.

THE CHAIR:

It's okay.

SENATOR BOUCHER:

Currently under Federal Law and from Form 1-9 of the Employment Eligibility Verification Form from the Department of Homeland Security, the -- every employer must file and fill this out for every employee they have. In fact I believe that even individuals that work here in our Capitol have to do the same.

However, these students can't work here unless there's a sponsor and the federal government fixes things at that level. However, if they are necessary to that employment

and the employer is willing to be their sponsor, they can fill out the various documents.

On that particular form that I was just alluding to, Form 1-9, it lists a whole series of acceptable documents that must be unexpired. A number of these under -- for legal employment -- are things that an undocumented student would not have and that is a valid U.S. Passport or Passport Card for authorization, Permanent Resident Card or Alien Registration Receipt Card Form, Foreign passport that contains a temporary stamp of temporary printed notification on a machine-readable Immigrant Visa. Employment authorization document that contains a photograph and in case of a non-immigrant alien authorized to work for a specific employer incident to status a foreign passport with Form 1-94 or Form 1-94A bearing the same name as the passport and containing endorsement of the alien's non-immigrant status as long as the period of endorsement has not yet expired and the proposed employment is not in conflict with any restrictions or limitations identified on the form.

And so there's other things on there as well. You've got two documents that would establish an employment authorization could also be a Certificate of Birth Abroad issued by the Department of State. It would be a

Certification of Report of Birth issued by the Department of State; that's a different form. You know how the federal government loves a lot of different forms with -- with acronyms and numbers. A Social Security Account Number Card, other than the one that specifies on the face that the issuance of the card does not authorize employment in the United States. An original or certified copy of Birth Certificate issued by the State, County, Municipality, Territory of the United States, Native American Trial -- and so forth and so on. And the Employment Authorization document issued would be by the Department of Homeland Security.

When you're getting a sponsorship and you're not here in this country legally, they can make a petition, just as was just alluded to, some very special situations of individuals with great talent that there was a -- an interest on the part of the State or the country to have them gain a legal status or at least a Green Card for a period of time that they were working, and from that Green Card process then they could ultimately apply for naturalization in the United States. Through you, Madam President.

THE CHAIR:

Senator Suzio.

SENATOR SUZIO:

Thank you, Madam President, through you. First of all, I appreciate the -- the detailed and complete response you gave -- gave me, Senator Boucher. If I could ask a few more questions, through you, Madam President.

THE CHAIR:

Please proceed, sir.

SENATOR SUZIO:

Madam -- Senator Boucher, you mentioned that an employer can be a sponsor. Must a sponsor be a natural person, or can a sponsor be some other non-natural person or legal entity? Through you, Madam President.

THE CHAIR:

Senator Boucher.

SENATOR BOUCHER:

Madam President, that is a very interesting question. There are certain circumstances, and I don't know the full details of it, when actual company, corporation and owner of such, having such material interest and value, they can also petition for legal status in the United States as well. It's a company of a certain size, and individual representing that company, but knowing that you are one of Connecticut's small businessmen and employers as well, I'm sure that you can also fill in some of these blanks and

give is an idea of some of the processes you might go through. Through you, Madam President, I would love to hear the response to that question. Thank you.

THE CHAIR:

Senator Suzio.

SENATOR SUZIO:

I'm sorry, was that a question to me or --

SENATOR BOUCHER:

Yes, yes, Madam.

THE CHAIR:

Yes, yes, sir.

SENATOR SUZIO:

Could you just repeat the end of that?

SENATOR BOUCHER:

Yes.

THE CHAIR:

Wait.

SENATOR SUZIO:

Through you, Madam President.

THE CHAIR:

Thank you.

SENATOR BOUCHER:

Through you, Madam President. In his position as a small business owner, there is a process that he often must

follow as well when he runs into issues of immigration, and if he could just detail some of that to us it would be quite helpful in this discussion.

THE CHAIR:

Senator Suzio, it is a question to you.

SENATOR SUZIO:

Okay, I have to apologize. There's a little bit of distracting noise in the background here, it's making me -- difficult for me to understand a little bit about what Senator Boucher said. Could I ask you to raise your voice a little more?

THE CHAIR:

Senator Boucher, could you -- could you --

SENATOR BOUCHER:

Will certainly try. Thank you.

THE CHAIR:

Thank you very much.

SENATOR SUZIO:

My apologies.

SENATOR BOUCHER:

Now there may be some situations where in your own firm or another business firm has a particular need for a certain employee and they would follow certain immigration processes to be able to give a work Visa for a temporary

stay and I'm sure that you might want to detail that for us here today. Through you, Madam President.

THE CHAIR:

Senator Suzio, I think it has to do with your business and if you got an illegal --

SENATOR SUZIO:

Uh-huh.

THE CHAIR:

-- you had somebody coming in, do you check on that. Could you -- remark to this?

SENATOR SUZIO:

I understand now. Okay, yes.

THE CHAIR:

Thank you.

SENATOR SUZIO:

Well, in my experience so far, I have not had anyone who's approached me who's been in that status to ask for sponsorship, but though I do have several business friends who do. One of my good friends is a gentleman who runs an agricultural business and he does have a lot of -- undocumented aliens and people who come from out of the country to work for him, and I know that this has been an issue for him on -- for a long time. And it's something he

constantly is confronted with, so it's -- I think it's a -- it's a fairly common occurrence.

SENATOR BOUCHER:

Through you, Madam President --

THE CHAIR:

Thank you.

Senators, we are on your amendment, correct?

SENATOR BOUCHER:

Yes.

THE CHAIR:

Okay. Thank you.

SENATOR BOUCHER:

We are on the amendment for sponsorship, and going back to that topic --

THE CHAIR:

Please.

SENATOR BOUCHER:

-- through you, Madam President. There are multiple situations when companies, small businesses have a particular need and they have a good employee that they are willing to -- to go through the legal process for sponsorship because of that need in their company. Through you, Madam President.

THE CHAIR:

Senator Suzio, are you addressing a question now, sir, to proponent of the amendment?

SENATOR SUZIO:

I have a few more questions for the proponent if I may.

THE CHAIR:

Please proceed with your questions.

SENATOR SUZIO:

Thank you. Through you, Madam President. Can you elaborate or explain a little bit more if possible the responsibilities, and liabilities if there are any, of a sponsor such as would be for -- as you're proposing in your amended -- amendment? Through you, Madam President.

THE CHAIR:

Senator Boucher.

SENATOR BOUCHER:

As we discussed earlier, one of the big problems with this bill is that it does not affirmatively state how an individual would get to a point where they're now on a legal path to citizenship. In fact, the language is quite vague. That is why I'm proposing the amendment to add sponsorship to that. The reasón for this, and why it's so important, is that here in Connecticut our State Constitution affirmatively states both in the years 1992 --

1972 in October, and also again in September 21, 2010, that there's a prohibition of employment of illegal aliens.

Now this may be a very different circumstance. These are students that have gone to our four-year schools and they're on their way to a higher education. Obviously they're going to have skill sets that are very employable and necessary in Connecticut, particularly I understand in the IT area and technology and engineering and so forth. And so that would make them, and certainly direct them to a path of sponsorship that could lead to a legal status. They would do that by petitioning an employer, should they be fortunate enough to be working in Connecticut even though they are prohibited from doing so.

But we -- let's be honest about this, there's certainly many that are working here in our state. But the employer does have to take that step and decide that the person was a -- of enough need that they would proceed with the issue of giving them a work Visa, and by creating a sponsorship program through this Legislation I think we could be on firmer, better ground than we are right now when the term is so nebulous.

In fact, as I said, we're -- we're putting the cart before the horse in the standpoint of putting in place a policy that goes against State Law. No matter how

compelling the stories are, it still breaks our laws and it -- and we want to change that in order so that we have a more open door, a better process. And one of the ways we can do that, before actually Legislation is changed -- and maybe we could change the Connecticut Constitution to not prohibit employers by hiring individuals that are not here with legal status, but until then we want to encourage through this amendment employers and students to seek each other out, to find a marketable skill.

That was why we immigrated and had a place to land is because there was a skill, albeit farming skills and low-level skills, but it was still something necessary to the individual seeking that sponsorship and -- that allowed us to -- to land here in America, and from day one, my father being able to have a job, employment that was able to support his family. We want to encourage the very same through this amendment by having each seek each other out and in effect possibly even motivate those students to study scarce -- and job opportunities and skill sets that is in very high demand in our state.

I understand that we currently have so many jobs available. We've been told that by a lot of our hi-tech companies they don't have the students and the employees in Connecticut that can fulfill that which is really a sad

thing, the fact that we are not educating them in the high-demand fields that would really help our state improve its economy.

I know that that's a little drawn out, Madam President, but hopefully that answers the question for the good Senator.

THE CHAIR:

Yes, it was, ma'am. Through you, Senator Suzio.

SENATOR SUZIO:

Thank you, Madam President. I have no more questions for the proponent, but I do want to say that I do like the idea. I do support the amendment. I myself am the father of five children, four of whom have -- three have graduated from Connecticut colleges and universities. One is currently a freshman at Connecticut -- Central Connecticut State College -- and through them and through their friends, I've gotten to see what the job market is like in Connecticut and it's not been too hospitable for the last few years.

There are a lot of kids graduating with terrific degrees, well-educated kids from our schools who are very frustrated in Connecticut's job market. And this -- this idea of linking up a sponsorship with a student who might benefit from this program I think is very creative and it

would be very positive and it would be more than just providing an education for the -- the students who would benefit from this. It would actually lay the path work for having a productive job after they graduate.

There's nothing more frustrating -- because I've seen it firsthand -- than kids who go through, work hard, get their degrees and then they find the job market is -- is not all that great and they unfortunately sometimes have to leave the state and we want to keep them here. That was one of the things I proposed earlier and I presume most of these sponsors, if not all of them, would be here in Connecticut which would be great. That means these kids would not only get a great degree and a great education, they would have a job waiting for them when they -- when they get their degree.

So I will fully support the amendment, and thank you, Senator Boucher, and thank you, Madam President.

THE CHAIR:

Thank you. Thank you, Senator.

Will you remark further? Will you remark further? If not, Mr. Clerk, will you call a roll call vote? The machine will be open.

THE CLERK:

A roll call has been ordered in the Senate. Will all Senators please return to the Chamber. A roll call has been ordered in the Senate. Will all Senators please return to the Chamber.

THE CHAIR:

Have all members voted? Have all members voted? The machine will be locked and Mr. Clerk will call the tally.

THE CLERK:

Motion is on adoption of Senate Amendment Schedule "B".

Total Number Voting	34
Those Voting Yea	14
Those Voting Nay	20
Those Absent, Not Voting	2

THE CHAIR:

The amendment fails.

Will you remark further? Will you remark further?

Seeing none -- oops, sorry. Senator Frantz. Excuse me, Senator, sorry.

SENATOR FRANTZ:

Thank you, Madam President. I'd go back to the old flag on the long pole next time.

THE CHAIR:

I apologize.

SENATOR FRANTZ:

I appreciate it. I do rise for the purpose of an amendment and the reason why I have an amendment, Madam President, is because in Subparagraph 9, Section 1, the language is -- of concern. The describes --

THE CHAIR:

Senator, you have an amendment?

SENATOR FRANTZ:

I do and -- and --

THE CHAIR:

Can you call your amendment first, sir, please? Thank you.

SENATOR FRANTZ:

The Clerk has Amendment LCO Number 6930. Will the Clerk please call the amendment.

THE CLERK:

Mr. Clerk.

THE CLERK:

LCO 6930, to be designated Senate Amendment Schedule "C". It is offered by Senator Franz of the 36th District, et al.

THE CHAIR:

Senator Frantz.

SENATOR FRANTZ:

Thank you, Madam President. I move adoption and seek to summarize through you.

THE CHAIR:

The -- the question is on adoption. Will you remark, sir.

SENATOR FRANTZ:

Thank you, Madam President. Of concern is the language in Section 1, Subparagraph 9 which starts off talking about the qualifications that a person eligible for in-state tuition would have to have. And if you go to line 60, actually 59, it says that a person who qualifies has to either state that he or she has filed an application to legalize his or her immigration status, comma, or will -- or will file such an application as soon as he or she is eligible to do so.

In summarizing this amendment, what we're asking is to take out everything after the comma in line 60 and place a simple period there. So in other words we'd be eliminating the "or will file such an application as soon as he or she is eligible to do so."

And the reason why we're suggesting that this is a good idea is that what it does if we don't do it is it opens the door for significant delay in getting going with the process of -- of applying for citizenship here in -- in

the country, or possibly other kinds of abuse. We want this to be ironclad if this Legislation -- this bill passes today into Legislation. We want this to be ironclad so that we know there is not going to be any room for abuse, that it's a definite process and that in fact that application process is under way before he or she can qualify for in-state tuition. We want to make sure that application is in process. I have spoken.

THE CHAIR:

Thank you.

Will you remark further? Will you remark further? Senator Kissel.

SENATOR KISSEL:

Thank you very much, Madam President. It's tough to follow that, but I have a few questions, through you, Madam President, to the proponent of the amendment.

THE CHAIR:

Please proceed, sir.

SENATOR KISSEL:

Thank you. Right now the way the -- I'm not sure how the process works. And my first question is, through you, would there be any impediment to an individual initiating the process? Because I know the language that we were concerned with is or will do it when it's feasible. But I

don't know any -- I don't know how the process works such that what would make it infeasible to at least commence the process. Through you, Madam President.

THE CHAIR:

Senator Frantz.

SENATOR FRANTZ:

Thank you, Madam President, through you to Senator Kissel. Excellent question. As far as I know the conditions that would make it impossible to file for application would be that you do not have a sponsor. You need a sponsor to go through that process. An employer, for example, a member of the family could be your sponsor, and I believe, technically speaking, that that sponsor is responsible for you financially until you have been approved as a citizen of the United States of America or perhaps for a -- a lesser period defined by that particular Federal Law.

Another condition would be if you are uninspected, which is an immigration enforcement phrase meaning that you essentially snuck across a border and were not met by anybody or had a chance to show any sort of documentation or at least identify yourself and maybe have a fingerprint taken. I would imagine there are others, but those are the two that I'm aware of. Through you, Madam.

THE CHAIR:

Senator Kissel.

SENATOR KISSEL:

Thank you very much. And so to my mind, initially in response to your answer, it doesn't seem like a very high threshold that we're requesting that these individuals affirm that they're -- they're doing. I know that there was an interesting debate earlier on sponsorship, and based upon that earlier discussion here in the Chamber, how difficult do you believe it is for an individual to obtain a sponsor? Because it doesn't necessary have to be an employer, it could be any variety of -- of individuals, is that not true? Through you, Madam President.

THE CHAIR:

Senator Frantz.

SENATOR FRANTZ:

Thank you, Madam President, through you. I think the answer is that if you are here with your family, and presumably this is the exact kind of circumstance we're talking about, is these are children of -- of immigrants here in the state of Connecticut. If you can't get someone from your immediate family to sponsor you, or a friend of theirs to sponsor you who they may be working for, then you have to -- you have to question why are they not going to

do this. Why are they not going to sponsor that particular candidate?

I think if you can demonstrate that you have a track record of working and paying taxes by working for a specific employer, I think that employer should be very quickly willing to sponsor you for a program such as this one or for immigration status.

THE CHAIR:

Senator Kissel.

SENATOR KISSEL:

Thank you very much. And through you, since we're talking about children of illegal immigrants, or immigrants that have not -- don't have legal -- status, can the parent in that situation still act as a sponsor? Through you, Madam President.

SENATOR FRANTZ:

Through you, Madam President. The answer to the question to Senator Kissel is -- is no. The illegal immigrant parent cannot do that. However, it's -- it's so often the case that the illegal immigrant has another family member who has gone through the process and resides here legally in the country and that person could be the sponsor.

THE CHAIR:

Senator Kissel.

SENATOR KISSEL:

Now -- thank you. I'm intrigued by this inspection process. I can't imagine that any young person who has gone to high school for four years in Connecticut would not have undergone an inspection or some process, but maybe I'm looking at it in a different light. Could -- could it be that an individual could go through our public school system and yet not meet that requirement that the good Senator from Greenwich indicates is something that the -- the Immigration and Naturalization -- those are the words I used to know, I don't know what it is nowadays -- but folks require? Through you, Madam President.

THE CHAIR:

Senator Frantz.

SENATOR FRANTZ:

Through you, Madam President. The answer to that question is -- is it's a very well-defined term in the Immigration and Naturalization world, Department of Homeland Security. Inspection would have to occur at the border or some sort of an immigration station. You and I would know it at Bradley International Airport, for example, there's a -- there's an area through which one goes, coming in from abroad, Customs and Immigration, and

that's the point at which someone is formally, quote-unquote, inspected.

It wouldn't be the case that a youngster going into high school would go through any sort of -- formal inspection process from an Immigration and Naturalization point of view. We all have that vision of going through, you know, the TSA process, you know, getting poked and probed and going through X-rays and -- and, you know, scent machines and things like that. It's -- it's more of just a -- you register with the person at the border.

THE CHAIR:

Senator Kissel.

SENATOR KISSEL:

Thank you. So it would be possible for an individual to go through the public school system and never -- let's say -- let's say their family came in, dark of night, maybe broad daylight, but they just crossed the border somehow and they're here without legal status. It appears to me from what you said that unless somebody checks in with Homeland Security that they could go through our public school system and never be quote-unquote inspected as that term of art is used. Is that correct? Through you, Madam President.

THE CHAIR:

Senator Frantz.

SENATOR FRANTZ:

Through you, Madam President. Absolutely, that -- that is correct. There is no -- there is no -- unless the person takes his or her own initiative to go check in with the authorities, there's virtually no way that they're going to -- unless they leave the country and come back in, or try to come back in again, that they're going to be quote-unquote inspected.

THE CHAIR:

Senator Kissel.

SENATOR KISSEL:

Okay. Thank you. I have no further questions for Senator Frantz, but I want to say that I'm happy to stand in support of the amendment as offered. It strikes me that there's a -- that we're requiring a couple very modest things, that is the family members of the young person have entered the country without legal authority that the inspection process by Homeland Security serves a variety of functions, not the least of which is probably checking medical background. There may be contagious diseases, there may be things to be on guard of depending on the country that the individuals come from. There may be some criminal background information that's -- necessary and it

may not be for the young person. The young person might be two or three years old, we don't know, but the inspection process to my understanding would lead to, well, how did you get in the country, if you came in the country with your father, your mother, your uncle, your aunt, whomever, that it would allow them to then now move up the ladder and -- and either conduct an investigation or an inspection of those individuals.

And the concern is, I think, and it's a realistic one, is we don't want people that are a threat to our nation to be hiding behind the innocent face of the unassuming and innocent young person who's now in our country to avail themselves of school, of other social programs or things like that.

So again, in the discussion that we had earlier today as to why the public is deeply torn by this is that we want to encourage behavior that is cooperative with federal constricts while at the same time not rewarding behavior that causes individuals to hide from some of those very reasonable restrictions. The other thing in making the application, getting a sponsor, we do want that kind of anchor, that kind of toe-hold so that the individual is just not left floundering or floating within the process.

We want them to -- to feel that there is a guided

process. These are not earth-shattering requirements. My guess is -- is that if we as Americans wanted to -- emigrate from our country to another country that they would have very strict rules and requirements to get in. We are a kindhearted country. There's just no two ways about it. That is the nature of our -- our birth in many respects. I mean, give me your tired, your free -- I mean give me your tired, your poor, your huddled masses yearning to be free. Your wretched refuse, tempest-tossed, all of that that's on the Statue of Liberty, but also those seeking political or religious asylum as well. But to create certain hurdles is not unreasonable.

Senator Guglielmo when he spoke earlier today on the underlying bill raised the issue as to how impoverished some of the nations to our south are. He talked about Guatemala, he talked about adopting children from China out in Asia, and he characterized this debate as not one necessarily of punishing innocent young people for the transgressions of their parents, but -- but adequately supporting those folks who have jumped through the hurdles and followed the law and that's an important thing, too.

There's folks I know in my district from Egypt and one of the young people is a very accomplished student at my son's high school, Enfield High School, and it's a very

difficult and cumbersome process to get him to the appropriate immigration status that he needs, and it's an issue that is so important to so many people because he's an outstanding student and he has great chances of doing great things at the University of Connecticut. But what that family's all about is doing it the right way, following the laws, taking pride in his accomplishment, and just recently have had -- discussions with that family and supportive of them in trying to make sure that certain hurdles were cleared in an appropriate timeframe such that his application was not undermined by a lack of working within the system.

And that's part of what this is all about. What about the families of all those immigrants watching the CT Network and this debate who have spent hundreds if not thousands of dollars on lawyers, hundreds of hours filling out forms, going to meetings and hearings and all of that, and they're looking and they're saying -- the Senate is actually debating giving all of these benefits as far as in-state tuition for people that just for whatever reason don't do any of that stuff. At the least it would be discouraging.

I'm not saying that those folks would then shrug their shoulders and say, well it's better to just like -- flout

the law. I don't believe that for a second. I think the vast majority of people in our society follow the law because they're law-abiding in their heart of hearts. There are instances where the specter of punishment will have an effect on behavior. You see it all the time, people speed along the Interstate highways, but if there's a State Trooper there on the side of the road all of a sudden cell phones go down, speed goes down. Not for everyone, but some people the thought of that several-hundred-dollar ticket is persuasive enough to get them to sort of reign in behavior that they might not have been thinking about before.

So this is a common-sense amendment. We're not saying, "Do this when you get a chance to do this," we're saying, "There's no real impediment to doing this and so before you avail yourself of the benefit of the in-state tuition, get the process going, just say that you're getting the process going. We're just asking you to do what everybody else is doing, just please do it, and in return, in-state tuition."

The safety hatch of that sort of wishy-washy language, you know, when you're able to do it, well what if somebody says, "Well, I asked somebody to be my sponsor, they couldn't do it"? I mean, you know, when does the excuse --

over -- take over the rationale for -- for the first part? When -- when does the safety hatch, the escape clause, take over any weight of the initial demand for certain behavior? And we're saying don't let the exception swallow the rule. Don't let the carve-out undermine the intent of the requirement, because then you really have no requirement. The requirement becomes simply window dressing because you always have this little safety hatch out there to say, "Well, school -- school clock is ticking, I've got to get my application in there. I was looking around for a sponsor. Oh, that whole inspection thing, haven't had -- I don't have a ride, I don't have a license, I can't drive a car." Who knows? Who knows?

So if we are going to go down this path and we're going to create some constructs, this amendment seems to make an awful lot of common sense of just do what you say you're going to do. No more hemming and hawing, just do what you say you're going to do. And with that, Madam President, I'm happy to support the amendment. Thank you.

THE CHAIR:

Will you remark further? Senator Welch.

SENATOR WELCH:

Thank you, Madam President. I too rise in support of this amendment for a number of reasons. One can be grouped

into a category of common sense like Senator Kissel said. Another is because we don't want to be leading these individuals down a path where they could be in harm, and I'll get to that in a second, and that comes out of the discourse I had with Senator Bye.

But with respect to the -- common-sense portion of that, as I read the bill without the amendment I don't -- and I can't -- really appreciate what it means to be eligible. I think there's a lot of vagueness there, and so that is problematic. The other thing is with respect to common sense, exactly what Senator Kissel said, if you're going to do it, do it.

Now with respect to this -- this situation that we could accidentally create that would be problematic for these individuals, it goes like this. Senator Bye read from an excerpt with respect to Homeland Security's position and it was pretty clear that Homeland Security was not going to prosecute these undocumented students so long as they were in college. Now in my mind if we allow them to not start the process before college, in college, during college, then we could be creating a situation of jeopardy for these people where they -- they're through college, they haven't quote-unquote become eligible, whatever that means, to apply for -- for immigration -- to legalize his

or her immigration status, and now they're going to get prosecuted by Homeland Security.

So I rise in support of this amendment because I think it -- it -- shame on us, shame on us if we create a situation of jeopardy for these people by not having them move to legalize their immigration status prior to applying for post-secondary education. Thank you, Madam President.

THE CHAIR:

Thank you, Senator.

Will you remark? Will you remark? Senator Looney.

SENATOR LOONEY:

Thank you, Madam President. Speaking in opposition to the amendment and would ask for a roll call vote at the end of the debate.

THE CHAIR:

So ordered.

Senator McLachlan.

SENATOR MCLACHLAN:

Thank you, Madam President. I rise in support of this amendment. I think that one of the challenges -- well first I want to thank Senator Frantz for introducing this amendment. I think that it -- it goes directly to a major weakness in this bill before us, the underlying bill before us, and I think I heard someone refer to the closing

language of the bill in lines 60 and 61 as wishy-washy. I think that that's exactly right because where in any law does it say, "Or will as soon as, maybe"?

And that's sort of what the language says and I'm glad that this amendment strikes that language and says you shall, not may. You know, that's one of the dangers in budgeting process, too, shall or may, but in this case this is putting the student in question on the fast-track to the immigration process.

Now we seem to disagree -- I seem to disagree with my assessment of what the process will be going forward once that application is filed. The proponent of the underlying bill seems to believe that the immigration enforcement of the federal government will look aside as long as they remain in school. I think the issue still remains that this bill is requiring them to file an application for immigration that is going to raise a red flag on their presence in the United States and create a -- a future problem for them down the road.

So the point being with this amendment is get the application in right away so you can begin your process and go through your four years of college education and hopefully by the time you're done with your four years of college education you will have made it through the maze of

the federal immigration process successfully. But if we leave the language intact the way that is being proposed by the Higher Education Committee, we're postponing the process because we're not really giving them an urgency to file their federal immigration application, so this language is very important. I thank Senator Frantz for his leadership in introducing this amendment and I urge my colleagues to support it. Thank you.

THE CHAIR:

Thank you.

Will you speak -- will you remark further? Senator Boucher.

SENATOR BOUCHER:

Thank you, Madam President. Madam President, a question to the proponent of the amendment, through you, please.

THE CHAIR:

Please proceed, ma'am.

SENATOR BOUCHER:

Yes, thank you, Madam President. The good Senator alluded to one of the purposes for this was to certainly get the process moving faster, but also alluded to the possibility of abuse or fraud of the Legislation. Are

there some examples of that that he has in mind? Through you, Madam President.

THE CHAIR:

Senator Frantz.

SENATOR FRANTZ:

Thank you. Through you, Madam President. I don't have any specific examples, but it -- the language the way it's written today in front of us for our consideration would certainly invite -- could invite abuse.

THE CHAIR:

Senator Boucher.

SENATOR BOUCHER:

Thank you, Madam President. I concur and I think that this is a very valid amendment. In fact, one of the better ones I think we've heard this afternoon and probably that we're going to hear. I think that it -- there is no question that that open-ended piece of that, how this particular bill ends, gives us a tremendous amount of concern because it really doesn't stipulate a timeframe. It's totally open-ended.

It could very well mean that there may never be a time when the person does apply for legal status because it basically says if and when it might be appropriate or available to them and it -- that may not be the case unless

we would have passed the previous amendment having to do with sponsorship and requiring that so that we -- we know that they're headed towards employment and towards integrating in the community of Connecticut, both with jobs or even with relationships that would be very positive as well. So I do think it is a very good amendment. I support it. Thank you very much, Madam President.

THE CHAIR:

Will you remark further? Will you remark further? If not -- oops, Senator Suzio. Excuse me, Senator.

SENATOR SUZIO:

Getting that feedback again.

THE CHAIR:

Senator Suzio, is your mike open now?

SENATOR SUZIO:

Yes.

THE CHAIR:

Please proceed then, sir.

SENATOR SUZIO:

Through you, Madam President, to the proponent of the amendment if I may.

THE CHAIR:

Please proceed, sir.

SENATOR SUZIO:

Through you, Madam President, to Senator Frantz. So this amendment is pretty straightforward, it truncates the phase, it eliminates or will file such an application, et cetera, and leaves everything else intact in the -- in the bill, the underlying bill. Through you, Madam President.

THE CHAIR:

Senator Frantz.

SENATOR FRANTZ:

Thank you. Through you, Madam President, the answer is yes.

THE CHAIR:

Senator Suzio.

SENATOR SUZIO:

Thank you, Madam President, through you. So the practical implication of this change will be to take what -- the option the student has of whether having filed an application to legalize their immigration status or stating that they will do so in the future. It just makes it an event certain that has occurred, or is occurring simultaneous with the enrollment in the -- in the college here in Connecticut. Through you, Madam President.

THE CHAIR:

Senator Frantz.

SENATOR FRANTZ:

Through you, Madam President. The answer is yes. It makes it a definite requirement to be eligible for in-state tuition to have started the application process, sponsorship and everything.

THE CHAIR:

Senator Suzio.

SENATOR SUZIO:

Thank you. And Madam President, the question I have might be -- the next question I have might be more appropriately -- it's related to the amendment, but it might be more appropriately directed towards this -- the proponent of the bill itself, the underlying bill. May I ask Senator Bye a question about the amendment?

THE CHAIR:

No, Senator Suzio. It's on the bill -- the amendment itself and since the --

SENATOR SUZIO:

It's strictly on the amendment itself.

THE CHAIR:

Since the proponent of the amendment is Senator Frantz, I think you have to direct your question to Senator Frantz.

SENATOR SUZIO:

All right, I'll ask Senator Frantz.

THE CHAIR:

Thank you.

SENATOR SUZIO:

And maybe Senator Bye will listen closely to this question. Under what circumstances would a student be precluded from currently seeking to change their legal status and being in a situation where they have to wait or defer to act? Through you, Madam President.

THE CHAIR:

Senator Frantz.

SENATOR FRANTZ:

Thank you, and through you, Madam President. I believe the most prevalent circumstance would be not being able to find a sponsor. The second-most prevalent would probably be going through the formal inspection process. Through you.

THE CHAIR:

Senator Suzio.

SENATOR SUZIO:

Thank you, and Madam President, through you. Regarding the population of students that potentially would participate in this program, which I believe the proponent of the program estimated might be 200 or so potentially prospective students, do you have any idea of what

percentage of them might be affected by the proposed amendment and not be able to currently apply and have to wait until they can get to that current status? Through you, Madam President.

THE CHAIR:

Senator Frantz.

SENATOR FRANTZ:

Thank you, through you. That's an excellent question. I'm dying to find out the answer myself. I do not know what the answer is. Through you.

THE CHAIR:

Senator Suzio.

SENATOR SUZIO:

Thank you, Madam President. Well, I will quote Senator Frantz, I have spoken and I have questioned. Thank you very much.

THE CHAIR:

Thank you, Senator Suzio.

Will you remark further? Will you remark further? If not, will the Clerk please announce a roll call vote and the machine will be open.

THE CLERK:

An immediate roll call vote has been ordered in the Senate. Will all Senators please return to the Chamber.

An immediate roll call vote has been ordered in the Senate. Will all Senators please return to the Chamber.

THE CHAIR:

Senator Hartley, please vote.

Have all members voted? Have all members voted? So the machine will be locked and Mr. Clerk will you call the tally. Thank you.

THE CLERK:

Madam President,

Total Number Voting	34
Those Voting Yea	15
Those Voting Nay	19
Those Absent, Not Voting	2

THE CHAIR:

Amendment fails.

Will you remark further? Will you remark further? Senator McLachlan.

SENATOR MCLACHLAN:

Thank you, Madam President. I rise for the purpose of an amendment, please.

THE CHAIR:

Please proceed, sir.

SENATOR MCLACHLAN:

Madam President, the Clerk should have LCO 6897. I seek the opportunity to introduce. Thank you.

THE CHAIR:

Mr. Clerk, will you please call the amendment.

THE CLERK:

Madam President, the Clerk is in possession of LCO Number 6897, which shall be designated Amendment Schedule "D", offered by Senator McLachlan, et al.

THE CHAIR:

Senator McLachlan.

SENATOR MCLACHLAN:

Thank you, Madam President.

THE CHAIR:

Question's on adoption, sir?

SENATOR MCLACHLAN:

Questions on adoption.

THE CHAIR:

No, the question is on adoption. Will you remark further, sir?

SENATOR MCLACHLAN:

Thank you, Madam President. It's been a long day. I move for adoption of the amendment, thank you.

THE CHAIR:

Yes, it has. Thank you. Adoption -- the question is on adoption and will you remark further, sir.

SENATOR MCLACHLAN:

Thank you, Madam President. I would like a roll call vote on this amendment. The purpose --

THE CHAIR:

It will be ordered, sir. It will be ordered.

SENATOR MCLACHLAN:

Thank you. The purpose of this amendment, Madam President, is to provide the opportunity of in-state tuition to veterans. It's very specific. It says that an out-of-state veteran with a valid DD 214 which is proof of their service to our country and applying for enrollment to a Connecticut post-secondary institution of learning should be granted in-state tuition benefits similar to what the underlying bill is offering for those who are undocumented.

This -- this amendment also requires the veteran to file an affidavit, a similar requirement of the underlying bill, that they will live in the state of Connecticut for not less than four years following graduation with the whole idea of attracting the best of the best to Connecticut at a discounted in-state tuition rate and have them stay with us here in Connecticut for four years afterwards. If they fail to stay here for four years as

agreed in the affidavit they sign, they have to pay the difference back to the State of Connecticut for the cost of out-of-state tuition rate versus in-state tuition rate. I believe that this is an appropriate way for this Legislature to honor those veterans who have served our country valiantly and I urge adoption by this Senate. Thank you.

THE CHAIR:

Thank you, Senator.

Will you remark? Senator Bye.

SENATOR BYE:

Through you, Madam President. I urge rejection of this amendment. That said, I appreciate the sentiment and would be happy to take up such a bill next session. As those of you around the Circle who sit on Higher Ed know, we often consider bills to support veterans and offer tuition remission completely in many cases. So we would be happy to do that, but this bill has a different purpose so I urge rejection. Through you, Madam President.

THE CHAIR:

Thank you, Senator.

Will you remark? Will you remark? Senator Frantz.

SENATOR FRANTZ:

Thank you, Madam President, appreciate it. I stand in favor of the amendment, Madam President, and the reason why I do, I think it's a -- it's a very good amendment that makes a lot of sense to consider because in this process here and considering the underlying bill we're -- essentially creating a different class of person who qualifies for the benefits that others in-state would -- qualify for.

And I think it's an old American principle to say that those who sacrifice, those who contribute, should perhaps go to the front of the line. Especially those who have made huge sacrifices and sacrificed a limb in many cases, put their lives at risk in some cases. Shouldn't those people go to the front of the line to take advantage of a benefit such as the one we're talking about here today? It happens to be in education, but it's a benefit nonetheless.

And I can't think of a greater class of people who have sacrificed, who have taken a risk like no one else, I don't think, that I can think of, in putting themselves on the front lines. The veteran, the person who's actually worn the uniform and gone out and fought for this country, or at least put themselves in harm's way to -- to help defend the country in foreign places or even here on our own soil.

So I think it's this kind of special person, man or woman, no matter what the age is of that particular person, who I think should go to the front of the line to take advantage of a benefit like this. So if we're going to consider creating that special class of people in the underlying bill, this amendment fairly and squarely singles out another very special and very appreciated group of people who have made sacrifices, have faced inordinate risks for our benefit, for this country's benefit. So I stand in favor of it and thank Senator McLachlan for introducing this amendment. Thank you.

THE CHAIR:

Thank you.

Senator Welch.

SENATOR WELCH:

Thank you, Madam President. I, too, rise in support of this amendment. As Senator Frantz mentioned, I can't think of a more noble and honorable class of people that we would want to attract to our state, and as others have testified, those that go to college here have a propensity to stay here, so not only attract them for the purposes of being educated, but to fill the rolls of our employment here in this state. It would benefit our workforce in a number of ways.

I myself am a fourth-generation serviceman. I know many of these people. I've served with many of these people and I would gladly stand beside many of these people in our businesses here in the state of Connecticut. So for those purposes, I do rise in support of this amendment.

I do have a question for the proponent if I may, through you, Madam President.

THE CHAIR:

Please proceed, sir.

SENATOR WELCH:

And it's a simple one, hopefully. Does this amendment cost the State of Connecticut anything? Through you, Madam President.

THE CHAIR:

Senator McLachlan.

SENATOR MCLACHLAN:

Thank you, Madam President, through you. If we use the argument of the proponents of the underlying bill that are stating that there is no cost to the taxpayers of Connecticut to provide discounted tuition to illegal alien students in Connecticut, then we could assume that it would be the same argument, there would be no cost to provide discounted in-state -- tuition to veterans.

Frankly though, I believe there probably is some cost because I'm not sure that the underlying argument of no cost is valid. Through you, Madam President.

THE CHAIR:

Thank you.

Senator Welch.

SENATOR WELCH:

Thank you, Madam President. I do struggle with that logic, but I will accept it for now and I support this amendment. Thank you, Madam President.

THE CHAIR:

Thank you.

Senator Kane.

SENATOR KANE:

Thank you, Madam Chair. We can leave the microphone on.

THE CHAIR:

Thank you.

SENATOR KANE:

Through you, a couple of questions to the proponent of the amendment.

THE CHAIR:

Please proceed, sir.

SENATOR KANE:

Thank you, Madam Chair. Senator McLachlan, your amendment speaks to veterans with a valid DD 214 meaning they've served their country, past tense. Would -- would you be amenable to those who serve the country currently? Through you.

THE CHAIR:

Senator McLachlan.

SENATOR MCLACHLAN:

Thank you, Madam President.

Senator Kane, thank you for that question. I -- I certainly would like to extend that benefit to all of our veterans. The -- the valid DD 214 is a common process of verification of benefits to veterans currently used in the state of Connecticut, so those veterans who qualify for local tax abatement programs, discounts and things of that nature, currently in the state of Connecticut this is the document that is universally acceptable to qualify for those benefits, and so therefore that seemed to be the easiest to convince members of the -- of the other side of the aisle that it's a current process in place and would be simple to implement here in this amendment. Through you, Madam President.

THE CHAIR:

Senator Kane.

SENATOR KANE:

Thank you, Madam President. And -- and I guess the reason for my question is, my understanding, and maybe you could speak to the DD 214 itself because my understanding was that would -- was used at the time of discharge, so that's where my question comes from. Through you.

THE CHAIR:

Senator McLachlan.

SENATOR MCLACHLAN:

Thank you, Madam President. A DD 214 is a statement of service to our country produced by the Department of Defense and is clarification of previous service. There are other documents, as I understand, that -- that prove current service. Through you, Madam President.

THE CHAIR:

Senator Kane.

SENATOR KANE:

Thank you, Madam President, and I thank Senator McLachlan for his answers. I appreciate your work on this amendment. I do believe as well that we should be honoring our veterans in many different forms and you mentioned the -- the benefits that they are able to get when they serve their country, especially in times like these, so I think it's a good amendment.

I had a situation in my own district where a veteran was -- unable to get their DD 214 because of a fire in St. Louis, Missouri where they keep the records and we are working on Legislation that would allow individuals like that to get their -- benefits even though their documentation was destroyed in that fire. I digress for a minute, Madam President, but I appreciate your involvement here because having gone through that with -- with my particular constituent, I can appreciate it wholeheartedly.

Madam President, I will support this amendment. I do believe that it is a good idea that we honor our veterans, especially as we head into this Memorial Day weekend. I know all of us will be participating in parades in our own districts and I think it will be nice if we can look our veterans in the eye when we walk down Main Street to let them know that we're attempting to do all we can to provide these individuals who served our country bravely, tirelessly, and without question, the ability to get some kind of help in accessing higher education. So for those reasons, I will support this amendment. Thank you, Madam President.

THE CHAIR:

Thank you, Senator.

Senator Boucher.

SENATOR BOUCHER:

Good afternoon, Madam President, or I guess it's almost evening now.

THE CHAIR:

Good evening.

SENATOR BOUCHER:

It is evening. I rise to support this amendment. I think it is the perfect time to consider this. I do have a question, however, through you to the proponent of the amendment.

THE CHAIR:

Please proceed.

SENATOR BOUCHER:

What I would like to ask is if this also -- bill considers those veterans -- not veterans, but actually serving members of the military that are in our state but don't reside here. In other words, they're doing a tour of duty, they happen to be on one of our bases, would this help them? And there's a reason for my question. Through you, Madam President.

THE CHAIR:

Senator McLachlan.

SENATOR MCLACHLAN:

Through you, Madam President. I hate to admit that I'm standing right next to Senator Boucher and I didn't hear part of the question.

THE CHAIR:

Would you repeat that, Senator, please.

SENATOR BOUCHER:

Yes. Through you, Madam President. Would this Legislation be appropriate to use for current serving military men and women that are serving in Connecticut but do not -- are not originally from Connecticut and are only there through their service currently? Through you, Madam President.

THE CHAIR:

Senator McLachlan.

SENATOR MCLACHLAN:

Thank you, Madam President. I would agree with you that that would be a great idea for us to accomplish. If you consider what Senator Kane was saying and his concern about active duty now, that's certainly an important thing to consider. And if you look at the reserves of our armed forces today, and the reserve units that reside in Connecticut today, you will find that the membership of those reserve units include many members who are not

Connecticut residents, and in some cases come from several -- states away.

And it's been my experience in talking to members of the reserve units and the -- the National Guard that -- that they like Connecticut very much, and if we could have that additional incentive to keep them here, I think that would be a good thing. We can't do that quite yet with this amendment. I think that is something that we should look to do in the future.

But I'm hopeful, Senator Boucher, that the Senate today will honor the veterans who have past service and -- and can document their service with a DD 214 will be granted the in-state tuition benefit that is being proposed in the underlying bill to those students without current legal status in this country. Through you, Madam President.

THE CHAIR:

Senator Boucher.

SENATOR BOUCHER:

Thank you, Madam President. For clarification, through you. Then the amendment is really targeting veterans? Those that have served but are not residents of our state but would like to take advantage of our educational system at a fee -- an in-state tuition fee?

Through you, Madam President.

THE CHAIR:

Through you, Senator McLachlan.

SENATOR MCLACHLAN:

Thank you, Madam President. The answer is yes, we are targeting those with previous service. Through you, Madam President.

THE CHAIR:

Senator Boucher.

SENATOR BOUCHER:

Thank you, Madam President. I support this bill wholeheartedly. I think that it is well-intentioned and we should do this. I have a personal interest in this because for a period of two and a half years, I actually served along with my husband, you could say just because I was a spouse when his military job -- Air Force job -- took us to the mid-West and very remote areas of the country where their job was to keep their fingers on atomic weapons and would be gone for any number of days in an undisclosed location.

But during that time he did take advantage of -- in his free time -- a State university master's degree and it was very appreciated, and given our income in those days was highly -- practically nil at that time, having the

access to that made all the difference in the world. And as a result, I think that this is an excellent, excellent proposal and I hope it passes. Thank you, Madam President.

THE CHAIR:

Will you remark further? Will you remark further? Seeing none, would the Clerk please announce a roll call vote and the machine will be open.

THE CLERK:

An immediate roll call vote has been ordered in the Senate. Will all Senators please return to the Chamber.

An immediate roll call vote has been ordered in the Senate.

Will all Senators please return to the Chamber.

THE CHAIR:

Have all members voted? Have all members voted? The machine will be locked, and Mr. Clerk will you tell us the tally.

THE CLERK:

Madam President,

Total Number Voting	35
Those Voting Yea	14
Those Voting Nay	21
Those Absent, Not Voting	1

THE CHAIR:

Amendment fails.

Will you remark further? Will you remark further? Senator Welch, how are you?

SENATOR WELCH:

I am well, thank you, Madam President. The Clerk is in possession of Amendment LCO 6888. Will the Clerk please call the amendment?

THE CHAIR:

I think it's 6888. So that's LCO 6888, Mr. Clerk.

THE CLERK:

The Clerk is in possession of LCO Number 6888, which shall be designated Senate Amendment Schedule "E".

THE CHAIR:

Senator Welch.

SENATOR WELCH:

Madam President, I move adoption and seek leave to summarize.

THE CHAIR:

Acting -- acting on approval of the amendment. Will you remark further?

SENATOR WELCH:

Thank you, Madam President. What this amendment -- well, let me -- let me back up. There are two concerns that I have with respect to passage that I think this amendment addresses, and the first is that people will take

advantage of the generosity of the State, and the second is that we might make matters worse by bringing undocumented students out into the open conferring a benefit on them and then ultimately resulting in their deportation because we don't address the situation.

And what this amendment does is it requires undocumented students to become legal citizens within two years of -- two years of graduating from an institution of higher education. And hopefully what this will do is require those students to begin the citizenship process prior to enrolling in an institution so we don't wind up as we've tried to deal with with some of these other amendments, a situation where they go to college, they get the in-state tuition, and then they are forced to leave this country because they haven't become citizens. And I urge my colleagues to support this amendment. Through you, Madam President.

THE CHAIR:

Thank you.

Will you remark further? Senator Bye.

SENATOR BYE:

Good evening, Madam President.

THE CHAIR:

Good evening, Senator.

SENATOR BYE:

While I think this is offered in good faith as an amendment, I urge rejection. It puts an arbitrary date on when someone can receive legal status, and given the state of our federal immigration policy, I don't think that's appropriate. Through you, Madam President.

THE CHAIR:

Thank you, Senator.

Will you remark further? Before Senator Kane knocks -- can I ask the two of you not to lean on the -- thank you very much. Makes me very nervous.

Senator Kane.

SENATOR KANE:

Thank you, Madam President. I rise in favor of this amendment. Earlier if you remember our conversation and I know it was a while ago, Senator Bye and myself were discussing the underlying bill and we were talking about how individuals must sign an affidavit but there was nothing that went further beyond that that said that they had to apply for that citizenship or if not would there be any -- consequences and put a little teeth into that part of the Legislation.

And although this may not go far enough for my liking, I do believe it is a very good start, so I'd like to thank

Senator Welch for bringing this up because basically what it says is they must have gainful employment from two years after graduating an institution and pay the institution of higher education the difference if they are not qualified or non-resident tuition if they fail to do so. So going back to my earlier questions of Senator Bye many hours ago, this is one of the things that has no consequences of it so I will be voting in favor of this amendment. Thank you, Madam President.

THE CHAIR:

Thank you, Senator Kane.

Will you remark further? Will you -- Senator -- Senator Welch, for the second time on the amendment.

SENATOR WELCH:

Thank you, Madam President. If I may just ask for a roll call vote.

THE CHAIR:

It shall be ordered.

SENATOR WELCH:

Thank you, Madam President.

THE CHAIR:

Will you remark further? Will you remark further? If not, Mr. Clerk, will you please call for opening the machines and I will open the machine. Call for a vote.

THE CLERK:

An immediate roll call vote has been ordered in the Senate. Will all Senators please return to the Chamber. An immediate roll call vote has been ordered in the Senate. Will all Senators please return to the Chamber.

THE CHAIR:

Have all members voted? Have all members voted? The machine shall be locked, and Mr. Clerk will you announce the tally.

THE CLERK:

Madam President, Senate Amendment Schedule "E",

Total Number Voting	35
Those Voting Yea	12
Those Voting Nay	23
Those Absent, Not Voting	1

THE CHAIR:

Amendment has failed.

Will you remark further? Will you remark -- you will, Senator Kane.

SENATOR KANE:

Thank you, Madam President. Just a quick note if I might, earlier Senator Bye and myself had a bit of a back and forth on the term "illegal alien" and I believe she took offense to my comment and said that we should address

these individuals as undocumented. Well, I have something from the California Supreme Court, who as you know took up this bill in -- in California. So if I might, I'd just like to read you just a small little portion from the California Supreme Court which states that defendants and supporters in general refer to a person not lawfully in this country by the term of "undocumented immigrant". Plaintiffs and those bringing the appeal to the courts generally use the term "illegal alien" as did in the Court of Appeal --

THE CHAIR:

Senator, oh, I'm sorry. I don't believe you're allowed to read on the floor of the -- the Senate as I was just told.

SENATOR KANE:

Well, thank -- Madam President, then I will -- I will not read then. But what I will state is that the courts, the Supreme Courts in California allowed the term "illegal alien" to be used in -- the debate. So if the California Supreme Court can use that term, then I believe we can use that term here in the State Senate in the State of Connecticut.

It is also euphemistic and unlawful to be in this country so they use that term wholeheartedly. So that's

just one comment I wanted to make in deference to Senator Bye's remarks in regards to my comments earlier. And I'll yield to Senator Bye.

THE CHAIR:

Senator Bye. (Inaudible).

SENATOR BYE:

Yes, thank you. I will, and thank you. Through you, Madam President. Just to be clear, I understand the word "illegal" can be used. It was just used in combination -- it's sort of like when you say "disabled child". You know, it's -- it's probably because I work in education, you always put the child first, even if you said, "the child who is here illegally," would not -- would not be offensive.

So it was not about the term "illegal alien". It was referring to a human as illegal, and I totally accept the Senator's point and apologize if -- if he took any offense. It was simply calling a human illegal versus using the term "illegal alien" which I understand -- I love the Phil Collins song still -- but I understand that is a term that is used in our courts as well, and I thank him for his clarification. Through you, Madam President.

THE CHAIR:

Thank you.

Senator Kane.

SENATOR KANE:

Thank you, Madam President, and I thank Senator Bye for her -- her remarks and I appreciate that because I -- in no way was I meaning to cause offense, but using the term in its -- in its proper fashion, and again the California Supreme Court said that it was viable to use that because they actually said that "undocumented" is very vague and this would be a more proper use of the word. So with that, I'll move on.

But I do at this point rise in -- for the purpose of an amendment, Madam President.

THE CHAIR:

Please proceed, sir.

SENATOR KANE:

Thank you, Madam President. The Clerk is in possession of LCO 6937, and I ask the Clerk to call the amendment.

THE CHAIR:

Mr. Clerk, 6937, please call.

THE CLERK:

The Clerk is in possession of LCO Number 6937, which shall be designated Senate Amendment Schedule "F", copies of which have been distributed.

SENATOR KANE:

Thank you, Madam President. I move adoption.

THE CHAIR:

The question is on adoption.

Will you remark further, sir?

SENATOR KANE:

Thank you, Madam President. What this amendment does, and I think what we need to do quite honestly is -- is really work on the language of this bill and -- and narrow this field for those individuals who are truly qualified for this type of benefit that we are about to offer.

So what this amendment does, in line 61 it would insert the -- that "no person convicted of a crime shall be entitled to the classification as an in-state student for tuition," so if an individual is convicted of a crime then they should not be allowed this benefit. So these are individuals, as Senator Bye and others have claimed, that have gone through four years of high school, are looking for a better way of life and they are looking to better themselves through education.

I don't believe that we should allow this type of benefit when we're talking about reducing the number of seats that we possibly have for our own legal and qualified residents that we should be allowing people that are

convicted of a crime to reap that same reward, so I do move adoption. Thank you, Madam President.

THE CHAIR:

Thank you.

Will you remark further? Will you remark further? Senator Looney.

SENATOR LOONEY:

Thank you -- thank you, Madam President. Madam President, would urge rejection of the amendment and would ask for a roll call vote.

THE CHAIR:

So ordered.

Will you remark further? Senator Boucher.

SENATOR BOUCHER:

Thank you, Madam President. Madam President, I rise to support the amendment. It was one of the concerns that I didn't have earlier in that if the individual was taking advantage of this particular bill and benefits from it, that if they are here undocumented, we're not certain about background and it would be important to know their status.

And as well, my -- one of my concerns was also, what happens to the individual if a crime was committed while they're in one of our State schools having this benefit.

So through you, Madam President, may I ask a few questions to the proponent?

THE CHAIR:

Please proceed, madam.

SENATOR BOUCHER:

Yes, through you. Does this do a background check prior to them obtaining the benefit? And/or does it also take away the benefit should they commit a crime while they're in college? Through you, Madam Chair -- Madam President.

THE CHAIR:

Senator Kane.

SENATOR KANE:

Thank you, Madam President. Basically what -- what this amendment would do is disqualify automatically those individuals who have been convicted of a crime, and I think there could be a question on the application at the time of when the individual does apply for the program.

THE CHAIR:

Senator Boucher.

SENATOR BOUCHER:

Yes, Madam President. This is, I think an important distinction and should be on there. It should -- may have been an oversight when individuals were not considering

this because if they are not documented there won't be a record of their past behavior or their behavior currently. So this I think does meet the criteria for making the bill better, having better oversight.

Again, these are individuals that are competing for some very scarce slots that we have, possibly bumping other individuals, a lot of concern on the part of the public. I would hate to have the -- the General Assembly get a black eye if one of those individuals receives this and it came and was exposed that they had quite a record and would not -- certainly not make the process very good. So, through you, I do support the amendment. I hope other people will consider it. Thank you.

THE CHAIR:

Thank you. Will you -- will you remark further? Senator Suzio.

SENATOR SUZIO:

Thank you, Madam President, and through you to the proponent of the amendment if I may.

THE CHAIR:

Please proceed, sir.

SENATOR SUZIO:

Thank you. Senator Kane, the amendment states "no person convicted of a crime". Can you elaborate on that?

Would that be including misdemeanors, felonies, et cetera? Or can you give a clear explanation of what is considered to be a crime under the proposed amendment?

THE CHAIR:

Senator Kane.

SENATOR KANE:

Thank you, Madam President. That is something that we can certainly work on the language as -- as the bill gets worked on. Certainly if the bill is amended here it would need to go back to the House, so we can certainly clean that up.

But the -- as Senator Boucher already stated, these are individuals that have effectively broken the law and may be taking spots from individuals who really deserve that opportunity, so there would be an opportunity at the time of application to weed them out. Through you.

THE CHAIR:

Senator Suzio.

SENATOR SUZIO:

Thank you, and Madam President, through you. Would this occur after someone might be qualified for the program? Let's say they've already qualified, they're now enrolled in some college here in Connecticut, and in the middle of their sophomore year they commit some terrible

crime. Would that effectively and immediately eliminate their eligibility? Or once they qualified, would they continue to be qualified? Through you, Madam President.

THE CHAIR:

Senator Kane.

SENATOR KANE:

Certainly -- thank you, Madam President, through you. Certainly we would hope to grab the attention of this matter at the time of application, but if -- an individual who is in the post-secondary education in one of our State universities or colleges and does commit a crime and is -- and is effectively convicted of that crime, then yes, I would like to -- we would be able to see that person no longer be eligible for that same in-state tuition rate. Through you.

THE CHAIR:

Senator Suzio.

SENATOR SUZIO:

Thank you, Madam President, through you if I may. Would such -- in such a situation where a student who's been enrolled in a college here in Connecticut and has been getting the benefits of this program, they do commit a crime that would disqualify them pursuant to this amendment, would the education benefits that they've

received up to that point in time be forfeited? Or would it just be prospective from that point forward as far as disqualifying them from the -- the benefits of the underlying bill? Through you, Madam President.

THE CHAIR:

Senator Kane.

SENATOR KANE:

Thank you, Madam President. I don't know if you can go -- ever go back in time. Certainly there would be some questions in regard to the individual's ability to stay in school at that opportunity, depending on what type of crime they commit. so that would always come into play as well. But I don't believe we'd have the ability to go back prospectively but -- or retroactively -- but certainly we would hopefully remove them from the program that they are taking advantage of the benefit. Through you.

THE CHAIR:

Senator Suzio.

SENATOR SUZIO:

Thank you, Madam President, and through you if I may again. Is it the intention of the amendment that once a person has been convicted of a crime that that would be -- forever disqualify them from the benefits under the underlying bill? Or would there be any potential

remediation process that could be possible to re-earn the benefits under the bill? Through you, Madam President.

THE CHAIR:

Senator Kane.

SENATOR KANE:

Well -- thank you, Madam President, through you. Certainly we -- we always try to give individuals a second chance at life, and as they -- are convicted of a crime and -- and do whatever sentence they are given by the courts, they would certainly have an opportunity for employment and for getting back into the schools. But as far as this program goes, I would say that they would be removed from the benefit of getting in-state tuition that they would normally not receive. Through you.

THE CHAIR:

Senator Suzio.

SENATOR SUZIO:

Thank you, Madam President. I have no more questions for the proponent. I will support the -- the amendment as written though. I do believe it's good State policy to basically disqualify people who are engaged in any kind of crime or criminal activity from the benefits of a program such as this and I will support the amendment. Thank you very much, Madam.

THE CHAIR:

Thank you.

Will you remark? Will you remark? If not, would the Clerk please announce a roll call vote? The machine will be open.

THE CLERK:

An immediate roll call vote has been ordered in the Senate. Will all Senators please return to the Chamber.

An immediate roll call vote has been ordered in the Senate. Will all Senators please return to the Chamber.

THE CHAIR:

Senator Hartley, would you like to vote?

All -- all members voted? All members have voted? The machine will be locked, and Mr. Clerk, will you call the tally.

THE CLERK:

Madam President, Senate Amendment Schedule "F",

Total Number Voting	34
Those Voting Yea	14
Those Voting Nay	21
Those Absent, Not Voting	1

THE CHAIR:

The amendment fails.

Will you remark further? Will you remark further? Senator Boucher. Open the machine for Senator Boucher, please. Thank you.

SENATOR BOUCHER:

Thank you. Thank you, Mr. -- Madam President. I would like to have the Clerk call an amendment and it would be LCO 6927.

THE CHAIR:

Mr. Clerk, will you call the Amendment 6927.

THE CLERK:

The Clerk is in possession of LCO Number 6927, which shall be designated Senate Amendment "G", copies of which have been distributed.

THE CHAIR:

Senator Boucher.

SENATOR BOUCHER:

Thank you, Madam President. I move adoption, seek leave to summarize, and also ask for a roll call vote on the amendment.

THE CHAIR:

The question is on adoption, and you will have a roll call vote. Will you remark further?

SENATOR BOUCHER:

Thank you. Just today, or was it yesterday, May the 23rd, we had a report by one of our newspapers that officials of our community college were very concerned about a point of entry for higher education for thousands of low-income and nontraditional students. Their longstanding open-door admissions policy, because of a 44 million budget deficit over the next two years may, they felt, be coming to a close. They can't afford to take in more students this year than they did last year -- that's the Connecticut Community College System -- and have a waiting list. This is a system of education that we have here that has grown by nearly 50 percent, from 39,000 to 58,000 this year since 1998. Diminishing support from the State has really hampered their ability to -- to grow.

This particular bill I think puts a greater strain on the system and also speaks again to the competitive nature of these very scarce slots for students to attend higher education. If we are going to put our illegal aliens alongside with our legal immigrants, and they have the capacity to bump them from a particular slot, then I believe this amendment which states in line 54, after "graduated" insert "in the top decile," which is the top 10 percent, "when all graduating class members are ranked by grade point average from the lowest to the highest."

Also in line 55 we strike "or the equivalent thereof." The reason for this is that we didn't have any parameters in this particular Legislation that gave an actual weight to those individuals of similar backgrounds and performance, be they in-state or out-of-state, or documented or not documented.

And we -- if we are going to give this special benefit, something that puts us on shaky ground, then shouldn't we be doing it then for the best and brightest if that is who we're planning to keep in the state of Connecticut? This is the group we should be targeting, giving most incentive, if we're going to stick our necks out by proposing this type of Legislation.

I think that it would increase and elevate our workforce and I -- I don't know if I have to move adoption. I think I already did that, and I hope that I have the support of the Chamber in thinking about whether we target special groups -- as by the way immigration law does do that already -- they target different groups, certain skill sets, certain countries, albeit not always in a fair manner which again speaks to the fact that -- we should really be contemplating changing federal immigration laws so that we can more easily open our doors to all of our colleges for all of our students. Thank you, Madam President.

THE CHAIR:

Will you remark further? Senator Bye. Senator Bye.

SENATOR BYE:

There we go. Okay, thank you, Madam President. I urge the Chamber to reject the amendment, and what I have been trying to get across today is that what this bill is asking for is a level playing field, a level playing field where students pay what other students pay who leave their graduating class from high school and they compete for spots. It's a very small number of students competing for slots, but what this is about, this bill is about having access to higher education like all their fellow high school graduates from Connecticut have, so I would urge rejection. Thank you, Madam President.

THE CHAIR:

Thank you. Will you remark further? Senator Roraback.

SENATOR RORABACK:

Thank you, Madam President. Through you to Senator Bye, if I may, a question.

THE CHAIR:

The questions -- the discussion's on the amendment. If you can (inaudible) your question to the --

SENATOR RORABACK:

And it pertains --

THE CHAIR:

-- Senator that brought forth the amendment and that is Senator Boucher.

SENATOR RORABACK:

Understood. My question pertains to the amendment and perhaps Senator Boucher knows the answer. I, too, have read today press accounts that for the first time in memory our Community Technical College System is on the cusp of shutting the door to Connecticut students in search of advancing themselves through higher education, and the reason for that is because this Legislature, or the -- the prevailing sentiment in this Legislature was to reduce the funding to that system to a point where they can no longer guarantee access to everyone who is in -- seeking to go to a community technical college. And this is very fresh news.

I think the Board of Trustees of the Community Tech System met yesterday. The press account was today and so, through you, Madam President, to Senator Boucher, does she know how -- and I just heard Senator Bye talk about we're talking about a level playing field. I don't know how the Community Tech System is going to manage a phenomenon where they have to limit enrollment, whether you're going to have

to compete to get in, or whether it's just going to be first in time wins, whoever sends in their application first will -- will get access. Through you, Madam President, to Senator Boucher. Does she know how that system intends on closing down the spigot and what students will confront in the face of this phenomenon? Through you, Madam President.

SENATOR BOUCHER:

Thank -- you, Madam President. Madam President, I don't believe I've ever read a more strongly-worded warning from any of our State Systems. They are predicting a 44 million-dollar shortfall that precludes them from hiring staff that would fully accommodate those students that would like to attend. This is a dire warning, in fact one of the trustees actually made the statement that the Community College System as we know it is going to end. I -- hopefully that was a slight exaggeration. I certainly hope so. I -- I can't imagine that we as a State would allow that to happen.

But on the other hand, it does speak to the fact that there may be some very few slots. There are waiting lists at some of our schools. How that is adjudicated -- if it is just by merit I would be concerned because as I said the -- there should be a weight given, just from a fairness

perspective, that if in fact there are two equally qualified students, then certainly the one that has a legal residence here should be the one considered for that open slot. It can be very demoralizing for those that may have been through a very torturous path to get to this country, waited many years to go through the legal process, and now a certain group just gets a pass.

Again, this discussion has been about policy and not so much the individual, and that this is actually a very bad policy for the State, and I am concerned reading this dire warning. It does speak to the fact that there are going to be shortages in the classroom seats and that in fact -- an amendment such as this really does need to move forward.

THE CHAIR:

Senator Roraback.

SENATOR RORABACK:

Thank you, Madam. What I was trying to draw out, I don't know, I think historically the Community Technical College System has been able to accommodate everyone who's interested in pursuing their studies, and if they have to curtail that, are they going to now begin a process of choosing -- you know, having people apply and looking at their grades and getting letters of recommendation, et

cetera, et cetera? Or are they just going to say the first 25 people to send in their money will get in to our veterinary technician class or our -- and I don't know.

Madam President, that was my question, and through you to Senator Boucher, I don't know if she has an answer to that question, whether the Community Technical College System has a plan in place to vet who they're going to take if they can't take everyone who wishes to participate. Through you, Madam President, to Senator Boucher.

THE CHAIR:

Senator Boucher.

SENATOR BOUCHER:

Yes, Madam President, this amendment considers that for that very reason, that we are now on different ground than we've ever been before. Yes, our current policy has always been to have an open door. There have been some criteria certainly, but typically we take the vast majority of students that apply. Unfortunately, a lot of them have needed to have additional remedial work done even as they spend sometimes 800 or $900 for a course. And they oftentimes have to take a remedial course that does not count towards graduation or toward an associate's degree and they have to pay for it simply because they weren't prepared in our secondary school system and now coming to

the community college they had to pay for a course that actually does remedial work for them and pay for it.

Fortunately, we were discussing some alternatives to that by allowing them to go to the adult education courses, but you can see the predicament that we're in. I believe the time is right, right now certainly, for this class of individuals, of students, that there should be merit associated with it.

This is no new concept. You have the HOPE scholarships in many of our schools. The State of Florida literally gives a free four-year degree to all of their students, all of them at their State University Systems if they have a 4.0. Luckily my nephew was one of those that did receive that wonderful scholarship. He just graduated this year, and going to medical school, again, at one of the University of Florida's -- although I did try to persuade him to come up here and look at University of Connecticut -- but he has such a good deal there and it saves a lot of money.

What should be understood is that right now there are very nontraditional applicants to our community colleges and our State Systems because of the economy. The economy has had a devastating impact on people at all income

levels, and trust me, some of us represent all different income levels. The stories are endless.

I'm sure you've experienced it yourself when one of a -- potentially have been a fairly comfortable family finds themselves not only on food stamps, but asking us to please intercede with the Labor Department so that they can get their unemployment insurance so they can make that month's mortgage or the house was going to be in foreclosure. And God forbid they have two students going on to college that year.

So those that would have typically applied to seven or eight colleges are now looking at first two years in community college to cut the cost severely and then apply to one of our State Systems. So there has never been a harder time, and as such we have to be very judicious about this, putting people at such a disadvantage, those that are here legally. And I believe that's part of the outcry that we're sensing by the public out there. They recognize that. They say, "Boy, we're going through tough times and yet we're giving this benefit to someone that's not even here legally."

And that's why if we're going to do that, let's consider just taking the top, the cream of the crop, this is what we need. Through you, Madam President.

THE CHAIR:

Senator Roraback.

SENATOR RORABACK:

Thank you, Madam President, and I just want -- I think that it's worthy of note for everyone in the state of Connecticut and those of us who are elected officials to take cognizance of the fact that the Community Tech System is making it known that the resources that they have been given are not sufficient for them to continue their tradition of open access and what we do today will have an impact on that and I think we should proceed mindful of that, Madam President.

THE CHAIR:

Thank you.

Will you remark further? Will you remark further? At this time I'd ask the Clerk to please announce a roll call vote and the machine will be open.

THE CLERK:

An immediate roll call vote has been ordered in the Senate. Will all Senators please return to the Chamber. An immediate roll call vote has been ordered in the Senate. Will all Senators please return to the Chamber.

THE CHAIR:

Senator Hartley.

All members have voted? Oops, Senator Hartley. All members have voted? The machines will be locked. Will -- would the Mr. Clerk please call the tally.

THE CLERK:

Madam President, Senate Amendment Schedule "G",

Total Number Voting	35
Those Voting Yea	11
Those Voting Nay	24
Those Absent, Not Voting	1

THE CHAIR:

Amendment fails.

Will you remark further? Senator -- Senator Kelly.

SENATOR KELLY:

Thank you, Madam President.

THE CHAIR:

Thank you.

SENATOR KELLY:

The Clerk has an amendment LCO Number 6980. Will the Clerk please call the amendment?

THE CHAIR:

Mr. Clerk, will you please call the amendment.

THE CLERK:

Madam President, the Clerk is in possession of LCO 6980, which shall be designated Senate Amendment Schedule "H", copies of which have been distributed.

THE CHAIR:

Senator Kelly.

SENATOR KELLY:

Madam President, I move adoption by roll call and seek leave to summarize.

THE CHAIR:

The question is on adoption, and roll call will be called. And will you remark, sir?

SENATOR KELLY:

Thank you, Madam President. We have before us an amendment that I think, whether you agree with the underlying bill or not, we can all agree on this. Because what this amendment seeks is transparency and when you have a good idea, it's a good idea.

We've heard a lot of numbers talked and discussed about the -- de minimis nature of the people who are going to take part in this, but what this amendment does is that it requires the institutions to file a report back with the General Assembly and the Governor as to how many individuals actually take advantage of -- and when I say

individuals, I'm talking about persons without legal status, that take advantage of the in-state tuition.

I think this will be good. It's something that my constituents have demanded. They -- they seek transparency in government. I think this is an amendment that will increase transparency because we'll see exactly how many people participate in this, and I would ask all my fellow colleagues to support this amendment. Thank you, Madam President.

THE CHAIR:

Will you remark further? Will you remark further? Senator Welch.

SENATOR WELCH:

Thank you, Madam President. I have a question or two for the proponent.

THE CHAIR:

Please proceed, sir.

SENATOR WELCH:

Thank you, Madam President. Through you, Madam President. What type of information does this amendment contemplate that the institutions provide to the General Assembly and the Governor? Are we just talking pure numbers? Are we talking identifiable information? Through you, Madam -- through you, Mr. President.

(Senator Duff of the 25th in the Chair.)

THE CHAIR:

Thank you.

Senator Kelly.

SENATOR KELLY:

Thank you, Mr. President. What we're looking for is just the number of persons that would be entitled to the classification as an in-state student. We're not looking for the names of the individuals. We're not looking for any identification of those individuals, just raw numbers, blind if you will, so that we can see exactly how many individuals that fit this classification would actually partake in it.

THE CHAIR:

Senator Welch.

SENATOR WELCH:

Thank you, Mr. President. It seems like a great idea. It also seems to me that it would be a good idea if we got a little bit more than that, and by that I mean which types of institutions are the undocumented students taking advantage of this bill attending. Is that something that you would be agreeable to? Through you, Mr. President.

THE CHAIR:

Senator Kelly.

SENATOR KELLY:

Thank you. The -- the amendment actually asks each constituent unit, which I believe would be each institution, to report back so that we would be able to see, you know, if it was the University of Connecticut or the Southern Connecticut State University. So we would get the breakout by institution in the system the number of individuals that are partaking in this in-state tuition. Through you, Mr. President.

THE CHAIR:

Senator Welch.

SENATOR WELCH:

Thank you, Mr. President. And with that, this bill makes complete sense to me. I mean this is what the private industry does. Any time they institute a new program they put in metrics to determine whether or not this program is successful or unsuccessful, whether or not they should continue or they should discontinue it. And I think to the extent that that is exactly what we're doing here, this amendment makes a lot of sense, and I would, along with Senator Kelly, urge my colleagues to vote in support of it. Thank you, Mr. President.

THE CHAIR:

Thank you, Senator.

Will you remark further? Senator Kane.

SENATOR KANE:

Thank you, Mr. President, good evening.

THE CHAIR:

Good evening, sir.

SENATOR KANE:

Through you, a couple questions to the proponent of the amendment.

THE CHAIR:

Senator Kelly, prepare yourself.

SENATOR KANE:

Thank you, Mr. President. In -- in the amendment, Senator Kelly, you mention a report to the General Assembly. Would that be in the form of a written report, or would the constituent units need to address themselves to the General Assembly in a public hearing? How -- what do you foresee in that? Through you.

THE CHAIR:

Senator Kelly.

SENATOR KELLY:

What I would -- I would be seeking is obviously efficiency. We don't need a color glossy report. What we would need is a simple paper report that would just show each of the different institutions reporting on the number

of students that are -- participating under this revision to our statutes.

THE CHAIR:

Senator Kane.

SENATOR KANE:

Thank you, Mr. President. And when -- when we refer to the General Assembly, it would be a report to each member of the General Assembly? Or would it be the Committees of Cognizance, the chairs of those committees, the ranking members? How do you see that report being spread out to -- to the individuals? Through you.

THE CHAIR:

Senator Kelly.

SENATOR KELLY:

Thank you, Senator Kane. That's a very good question. I would envision that it would go to each member because once again this is all about transparency and I think each of us represent various constituencies across the state of Connecticut and therefore would be entitled to the report. Once again, just -- it could be -- as simple as one piece of paper that comes across and is given to each Legislator and Senator as well as the Governor. Through you, Mr. President.

THE CHAIR:

Senator Kane.

SENATOR KANE:

Thank you, Mr. President. And in reference to transparency that you mention in your opening remarks, would this report be offered on let's say the CSU Website, on the CGA Website? Would the -- how would the public have access to this report? Through you.

THE CHAIR:

Senator Kelly.

SENATOR KELLY:

Thank you, Mr. President. Yes, I would encourage that it would be posted on the CGA Website. Also if a Legislator sought to have the -- report sent to them electronically, we would be allowed to do that. But, yes, I don't see how a post on an open Website would be inappropriate. I think that that would lead to more transparency so that it's not just given to the Legislators, but also to the general public in the state of Connecticut.

THE CHAIR:

Senator Kane.

SENATOR KANE:

Thank you, Mr. President. I appreciate that because I think transparency is a big keyword that we tend to use

quite a bit in the Legislature, and I want to make sure that the -- the public, the general population, the constituencies that we represent throughout the state of Connecticut, have access to that same report. So I can appreciate that.

In my conversations earlier about the underlying bill, I had concerns about the slots being taken from Connecticut residents because we know that the applications for in-state colleges and universities is on the rise six out of the last seven years. So would this report be able to entail that? Would there be some information about potential slots that may have been lost by Connecticut residents? Through you.

THE CHAIR:

Senator Kelly.

SENATOR KELLY:

I'm not sure that this amendment would actually go so far as to make that distinction. I mean I think what we're doing here under the -- the language of the amendment is that we're going to disclose how many people participate under the -- the revised statute as an in-state student. I think you'd have to extrapolate that out seeing how many slots are in the system. Through you, Mr. President.

THE CHAIR:

Senator Kane.

SENATOR KANE:

Thank you, Mr. President. And I can appreciate Senator Kelly's answer and I agree with you except for the fact that we -- we should take into consideration the amount of slots that we are potentially losing to Connecticut residents. What about capacity? We talk about how much capacity we have in our State colleges and universities. Could that be addressed in this report? Through you.

THE CHAIR:

Senator Kelly.

SENATOR KELLY:

Through you, Mr. President. The questions and the issue that you highlight, Senator, are -- are extremely important and I -- I know exactly where you're going. I'm just looking at the actual language of this amendment and I'm not sure we can get to that point under this amendment. I certainly wouldn't -- I wouldn't be opposed to those initiatives, but I'm not sure whether we can do that under this because this amendment states that the report would be on the number of persons entitled to the classification as in-state students for tuition purposes pursuant to Section 10a-29 of the General Statutes as amended by this act.

THE CHAIR:

Senator Kane.

SENATOR KANE:

Thank you, Mr. President. So the report is the number of persons entitled to classification as in-state students for tuition purposes, so it's not just the individuals we are talking about today with this underlying bill, but all in-state tuition people who are eligible for in-state tuition? Through you.

THE CHAIR:

Senator Kelly.

SENATOR KELLY:

Thank you, Mr. President. No, actually it would be, you know, all students, but also it indicates the students that are affected as amended by this act. So what we're looking at is not only the in-state students, but also those in-state students that -- and persons that do not have legal status that we -- we're amending the act. Those would also be listed so we would be able to identify exactly how many persons without legal status participate in our in-state tuition program.

THE CHAIR:

Senator Kane.

SENATOR KANE:

Thank you, Mr. President. And I appreciate Senator Kelly for his answers so -- and the more you answer these questions, the more I'm able to understand the -- the gist or the ramifications of this amendment. I appreciate it. I think it's very good because the more transparency we have as an assembly that we are able to propose to the general population, all the better, and I thank you for that because I think we don't have enough of that in -- in government and I think we -- we need to report on that.

I would like to say that if this amendment passes and we work on it continually in the future, my concerns about the slots that we are taking away, this underlying bill mind you, with the slots we are potentially taking away from in-state Connecticut residents, should be a part of that report because I feel that our Connecticut taxpayers may be on the losing end.

I think Senator Guglielmo spoke earlier about how -- people were saying this is a win-win situation. I don't believe it is. I agree with that, that it's -- there are going to be losers in this, so that report needs to state who those losers might be, and if we are able to -- to get that -- out of that report, then I think we'll -- we'll be much the better for it, especially in the transparency aspect of it.

So I do thank you for this amendment. I will be supporting the amendment and I look to work on this further with you throughout the Legislation. Thank you, Mr. President.

THE CHAIR:

Thank you, Senator. Will you remark further? Senator Bye.

SENATOR BYE:

Thank you, Mr. President. I urge rejection of the amendment. Through you, Mr. President.

THE CHAIR:

Thank you, Senator.

Senator Kissel.

SENATOR KISSEL:

Thank you very much, Mr. President. Great to see you there this evening.

THE CHAIR:

Good evening.

SENATOR KISSEL:

Just a few questions to the proponent of the amendment.

THE CHAIR:

Please proceed.

SENATOR KISSEL:

First it states in the amendment that not later than October 1st and then annually thereafter. Do we know if the universities have staffing ready to go, that should this actually go into effect whether they can gather this data by October 1st? And -- and I'm assuming this means October 1, 2011. Through you, Mr. President.

THE CHAIR:

Senator Kelly.

SENATOR KELLY:

Thank you, Senator Kissel. I -- I believe, you know, the academic institutions should know by the first day of school as to who is an in-state tuition student and -- and who is not. I believe that that would be a necessary component to administering the university as part of the -- the process would be to send bills to the students in the appropriate amounts, so I don't see this as needing further staff. As a matter of fact the fiscal note indicates that there's no impact to the State of Connecticut which would contemplate such costs. So I don't see it as something that would necessitate further staff or cost and is something that could be done by October 1st of each year. Through you, Mr. President, to Senator Kissel.

THE CHAIR:

Senator Kissel.

SENATOR KISSEL:

Thank you very much, Mr. President. Through you, Mr. President. The next section of the sentence says each "constituent unit". I'm just wondering if that's a term of art, if that's defined in statute. Through you, Mr. President.

THE CHAIR:

Senator Kelly.

SENATOR KELLY:

I believe it is a term of art, you know, it states that it's each constituent unit as defined in Section 10a-1 of the General Statutes, so I believe it is defined in the -- the General Statutes. Through you, Mr. President.

THE CHAIR:

Senator Kissel.

SENATOR KISSEL:

Thank you very much, Mr. President. Through you, Mr. President. Do we know exactly what it states in Section 10a-1 of the General Statutes? Through you, Mr. President.

THE CHAIR:

Senator Kelly.

SENATOR KELLY:

I don't have 10a-1 specifically in front of me, but I believe when it talks about the constituent units it's

talking about the -- the institutions in the Connecticut State University System. Through you, Mr. President.

THE CHAIR:

Senator Kissel.

SENATOR KISSEL:

Thank you very much. And I know that the Governor has proposed -- and there's a notion that we're going to gather together the State University System and the community colleges underneath the umbrella of a Board of Regents and that the University of Connecticut's going to stand alone. And I'm just wondering if Section 10-a -- or 10a-1 rather -- anticipates that structural change. And by that what I mean is -- is the term "constituent units" going to have to change with the change in administration of our higher education system? Through you, Mr. President.

THE CHAIR:

Senator Kelly.

SENATOR KELLY:

Through you, Mr. President. Senator, that's a very good -- good point that you raise. The -- purpose of this is to capture all of the universities and post-secondary education resources of the State of Connecticut that offer in-state tuition. So whether it's part of the Community College System, the University of Connecticut, or the State

University System, I believe we would want to capture all of those in their constituent parts, then get a report on each institution and then the aggregate.

THE CHAIR:

Senator Kissel.

SENATOR KISSEL:

Thank you very much, Mr. President, and through you, Mr. President. It states that report to the General Assembly and the Governor in accordance with the provisions of Section 11-4a of the General Statutes and I'm just wondering what 11-4a of the General Statutes commands the constituent units to do.

THE CHAIR:

Senator Kelly.

SENATOR KELLY:

As -- as stated earlier, I don't have, once again, 11-4a in front of me, but we don't have to over-think the report. I think we just need a simple transmittal of the information, via paper or electronic, to the individuals indicated, the General Assembly and the Governor, and I think that's all that's really necessary to suffice with the report.

THE CHAIR:

Senator Kissel.

SENATOR KISSEL:

Thank you very much, Mr. President, and through you, Mr. President, to the proponent of the amendment. The next portion of the amendment indicates that what should be reported is the number of persons entitled to classification as in-state students for tuition purposes, and the way I read that is that if you're entitled, then you're merely an individual in our state that's an immigrant that does not have -- or a -- an individual that does not have legal status. But is it the proponent of the amendment's understanding that this would only apply to individuals that applied to these institutions of higher education? Through you, Mr. President.

THE CHAIR:

Senator Kelly.

SENATOR KELLY:

Thank you, Mr. President. The way the -- the amendment is written, it -- it's not to just look at who is the potential pool of individuals who may be entitled or to those that apply. But I think it's when we look at the language that talks about "as amended by this act" which also requires, or -- necessitates requirements such as the filing of an affidavit. So the individual would have to meet the requirements under the act to participate in the

in-state tuition program and that's the number that we want, is the actual number of persons without legal status that participate in the in-state tuition program, that that number is what we're seeking to obtain.

THE CHAIR:

Senator Kissel.

SENATOR KISSEL:

Thank you. And would that definition encompass -- through you, Mr. President -- would that definition encompass individuals that apply to get into institutions but perhaps did not get in? Or perhaps got in, but did not go forward because perhaps they got in someplace else, a private institution? Or does that only encompass individuals that actually entered into the class and are pursuing their education? Through you, Mr. President.

THE CHAIR:

Senator Kelly.

SENATOR KELLY:

I believe this amendment would deal with those individuals that actually participate in the program and enjoy the in-state tuition benefit.

THE CHAIR:

Senator Kissel.

SENATOR KISSEL:

Thank you and through you, Mr. President. Then how, if we follow the amendment to the -- to its end, it said participated in -- in the preceding academic year, because if this takes effect in 2011 then -- and the bill has not yet taken effect and we're sort of almost -- I think we are done with the -- this academic year -- then there probably wouldn't be anything to report on for the academic year 2010 to 2011. Through you, Mr. President.

THE CHAIR:

Senator Kelly.

SENATOR KELLY:

Very good point. Nice -- nice grab on that one. You know, it does indicate an effective date of July 1, 2011. Obviously we can't do a preceding year when there was no benefit there, but I would certainly believe that this would be in place for 2012 to pick up those individuals that participate should the underlying bill pass both Chambers and be signed into law by Governor.

THE CHAIR:

Senator Kissel.

SENATOR KISSEL:

Thank you very much. And regarding the over-arching substantive goals of the proposed amendment, there will be a report to the Governor and to the Legislature as to how

many individuals avail themselves of this expanded ability to enter into our constituent units of higher education at in-state tuition costs, and I'm wondering what Senator Kelly believes we -- let's leave the Executive Branch aside for the moment -- what we as Legislators can do with that information. Through you, Mr. President.

THE CHAIR:

Senator Kelly.

SENATOR KELLY:

I mean the information is important. It -- it's transparency in government. It's disclosure and -- excuse me -- and so I think it's -- it's good to make disclosure. It's going to show you what is transpiring in the program and the Legislators are free to do with that as they please.

But I think it -- when it comes to asking taxpayers to make a contribution to any program for that matter, there should be sunlight placed on those programs to see what the effects are, and this would go toward bringing that sunlight and transparency to this program and making the disclosure as to how many people participate in the in-state tuition program.

THE CHAIR:

Senator Kissel.

SENATOR KISSEL:

Thank you very much. So I heard from Senator Bye that one of the salutary effects of the Legislation might be that -- let's look at our community colleges -- set aside the State University System and UConn for the moment -- that there's available positions for students for enrollment in our Community College System. And so if you are a professor and you're teaching to 10 students, there's no additional cost to teach to 15 students and yet there would be the net benefit of individuals that perhaps for financial reasons would not be able to attend that community college setting but would avail themselves of that education if they were able to afford it. And therefore in that instance we might pick up five -- additional revenue streams for those five individuals.

So is it anticipated that one of the net benefits of this amendment would be for us to determine whether that set of assumptions offered by proponents of the Legislation actually are true and whether this could actually produce revenue for the State of Connecticut. Through you, Mr. President.

THE CHAIR:

Senator Kelly.

SENATOR KELLY:

It very well could be. I think the numbers are the numbers. I mean we're not looking to always create or to look for extrapolation or interpretation. What you propose could certainly be one, but I think it's just -- in this case it's a report to show the number in and of itself. Through you, Mr. President.

THE CHAIR:

Senator Kissel.

SENATOR KISSEL:

And I'm just wondering if there was a reason why October 1st was selected, and I ask that only because typically in the long session we go in -- we come in in January, and in the short session we come in in February, and if we were going to act as a Legislature in response to this information, we would not necessarily be in session in October, and perhaps not being in session this information may not have the attention that it deserves. Or was it simply a matter of it would be good to get this information as soon after the beginning of each academic year? Through you, Mr. President.

THE CHAIR:

Senator Kelly.

SENATOR KELLY:

Yes, I believe the -- the concept is to get the information as soon as possible so that you can prepare for the -- Legislative sessions as they -- they come up.

THE CHAIR:

Senator Kissel.

SENATOR KISSEL:

Thank you very much. When we talk about constituent units, would it -- to my mind it would be far more helpful if this information was disaggregated, and by that I mean this. Let's use the State University System, if -- if we had numbers for Central, if we had numbers for Eastern, if we had numbers for Southern, for the Community College System, if we had numbers for Manchester Community College, if we had numbers for Asnuntuck and all the other ones, because if it was -- if it was presented to us as Legislators that way, we might be able to glean information as to where there were open spots and therefore no otherwise lawfully-placed -- lawful people in our state were displaced by other individuals who may be availing themselves of the in-state tuition.

So there might be some places where there's empty seats and we see a net revenue gain, but there may be institutions where the seating is more problematic and there's more competition and that this might -- this --

this new, expanded policy might cause otherwise lawful individuals to perhaps not be able to get into classes that they might want to get into. Through you, Mr. President.

THE CHAIR:

Senator Kelly.

SENATOR KELLY:

Thank you, Mr. President. Yes, the numbers would come out in their constituent units so we would be able to see exactly by institution in the -- the Community College System, you'd see how many in the University of Connecticut, how many would go to the corresponding State University System schools.

And, you know, the numbers would be reported, you know, from Western Connecticut, or Southern Connecticut, or Eastern Connecticut, and you could look at it, not only in the institution itself, but also in the classification of institution and then in the total aggregate. So you would see the exact, you know, where -- where are the students attending and how many there are.

THE CHAIR:

Senator Kissel.

SENATOR KISSEL:

Thank you very much. Now I know the amendment speaks in terms of constituent units, but quite often in these

institutions it really depends on your career path or your scholarly desires as to what courses you need. And I may be old, but I'm not so old as to have forgotten what it was like to go to registration in college, and depending on what your academic goals were -- in the old days you got in line and, you know, you needed this course, you needed this course and you needed this course.

I think it's helpful to get information on the constituent units themselves, but would we be able to drill down a little deeper and find out if there were certain degree programs that were being utilized more than other degree programs? And by that I mean this. For example, Central Connecticut State University is known to have an excellent teacher preparation program if you want to be an educator in Connecticut. And if there seem to be a huge influx of individuals into that area, it might have a disproportionate effect on other individuals that are in Connecticut lawfully such that they may be displaced.

There may be another institution of higher education -- and not to pick on it because I took a course in art history and it was one of the most difficult courses I ever took -- but there probably is not a whole lot of jobs out there in Connecticut for art historians right now, so maybe there's lots of seating available for that particular set

of academic credentials. So are we able to drill down deep and get even further information? Through you, Mr. President.

THE CHAIR:

Senator Kelly.

SENATOR KELLY:

Thank you, Mr. President. Like Senator Kane, you're -- you're highlighting very important questions seeking important information. However, this amendment deals with looking at the number of persons that are participating in the in-state classification for tuition purposes. So it would be more of a -- a raw number of people participating for tuition purposes and not really drilling down on what their -- their academic choice or career choice would be.

THE CHAIR:

Senator Kissel.

SENATOR KISSEL:

Thank you very much. Through you to -- thank you very much, Mr. President. Through you to the proponent of the amendment. Obliquely touching the amendment, but I think an important consideration is a question as to whether our State University Systems right now can offer any economic incentive to individuals that are here illegally. And by that I mean if they have excellent academic credentials,

can they get any kind of tuition assistance at this time even though they might be quote-unquote classified as non-in-state students?

And I guess along with that is -- the fundamental question is do -- do the -- State University System and Community College have any latitude to offer financial incentives, scholarships or anything like that to individuals that are not in-state students? Through you, Mr. President.

THE CHAIR:

Senator Kelly.

SENATOR KELLY:

I'm sure, you know, our -- our State schools, as most schools, offer some sort of academic incentives or financial incentives to high-performing students as well as those that are deserving of economic assistance. On -- but once again, you know, and I understand what -- the point that you're raising is very well-taken and it's something as with Senator -- Senator Kane's issue, something that we might want to look at in the future.

But on this amendment what we're talking about is the number of individuals that participate under the persons without legal status in-state tuition classification. Through you, Mr. President.

THE CHAIR:

Senator Kissel.

SENATOR KISSEL:

Thank you very much. I have no further questions at this time for the proponent of the amendment. I do have some observations though.

Last year when I was lucky enough to be the Cochair of the Program Review and Investigations Committee, one of the things that we set in motion was a study of one of the areas of our system of higher education and that was our State University System. Because of shared staffing with the Commission on Enhancing Agency Outcomes, we were not able to expand it as we wanted at that time to community colleges as well as the University of Connecticut.

This year the University of Connecticut is being examined on its own and so we do have the PRI, Program Review and Investigations, stand-alone study of the State University System.

One of the things that was clear through all of that information was that in our area of higher education, it's not all apples to apples which is unfortunate. People are classified as far as jobs and job responsibilities differently in the University of Connecticut System, the State University System and the Community College System.

And indeed when we were examining the -- professorial to student ratios there was a question as to whether adjunct faculty were actually factored in the -- the exact same way as full professors.

And so once you start peeling away that -- the onion there, it gets problematic as to how the information is gathered up by the different institutions of higher education. So when we add this additional responsibility to them, while we are seeking transparency, I think it will be important to first find out how the new Board of Regents and how Governor Dannel Malloy's new vision for higher education will move forward.

And I do believe that it's Commissioner Michael Meotti that will now be overseeing that and I -- I'm not so old as to have forgotten that Michael Meotti used to sit just three seats over from me being the Representative from, I believe Glastonbury -- here in the State Senate and so I -- remember those days and it's nice to see that he's still involved in public service. It also means that any one of us at any given time could ascend to be a commissioner in any administration. The world has interesting twists and turns as we move forward.

The other thing in that Program Review and Investigations Committee study though was it found that --

in certain instances there tends to be a higher demand for certain areas and -- and while that wasn't necessary, the specific study on the State University System the year before that at the urging of my -- my friend and the Cochairwoman of Program Review and Investigations at that time, Mary Mushinsky, is we -- we commissioned essentially a study as to how our institutions of higher education and what they were providing to students were aligning with job growth in the state of Connecticut.

Part of that was borne out of anecdotal information as to nursing. For many years we were told that there would be a nursing shortage here in the state of Connecticut, and true enough, if you go out there and you talk to hospitals and other health care providers, we found that it was very difficult to obtain nurses here in the state of Connecticut. In fact, in talking to some executives, they informed me that they would actually go out searching for qualified individuals as far away as the Philippines.

When we dug in to that particular issue, sure enough there was job potential for nursing here in the state of Connecticut. But one of the things that we were lacking in providing that was not individuals that didn't want to become nurses, but we were not doing a good job in training professors of nursing. So we had institutions ready,

willing, and able to -- offer these courses, and we had individuals that wanted to go into these career paths, but we didn't have the individuals that were able to provide that training.

That's why when we look in this transparent measure for information regarding how this may impact our institutions of higher education it will be very important to see where these individuals who do not have lawful status here in the state of Connecticut, where they actually apply to go and does it increase revenues. Does it displace any individuals that might otherwise have availed themselves of a position in these institutions of higher education, and I think just as importantly is what career paths or what academic paths these individuals are gravitating to.

And while this amendment may not get us all the way there, it will certainly give us a good head start as to determining whether we want to continue to move forward with this kind of program, or whether we want to pull back on it in some way, and how much are the costs associated with this program.

There was a time not that many years ago where we were contemplating adopting a plan that was in Georgia, and I forgot the exact name of the -- the scholarship program,

but it was when we were having budget surpluses and the economy was booming here in the state of Connecticut and nationally, and we were thinking about trying to open up higher education so far as to afford all middle-class individuals, their children to be able to go to college for free. That was actually very much debated in this Legislature and it wasn't that long ago.

We are not in a position right now to allow for anybody to go to college for free. One of the things though that we have seen is that our institutions of higher education to a great extent have increased tuition and that is making it difficult for any parents -- to help their children to go to higher education.

It was not that long ago where I recall that it was almost expected that young people would be able to go to college. You may not have had the financial wherewithal to go to a private college, but I know that when I went to the University of Connecticut back in the late seventies, that that was sort of the default school, and it wasn't because it wasn't a great school, it was a great school at least in the experience that I was able to gather from it.

But now as that university has gone to preeminent status, and that's not because they have great basketball teams or a great football team or anything like that, but

between UConn 2000 and other huge influxes of finance -- capital, the cost of education has gone up.

The other thing that we learn in examining higher education through our various Program Review and Investigations endeavors was that there has been a change. There has been a change in people's ability to access higher education since we changed from a line-item funding formula to block granting, and that was about 20 years ago.

And what we did is we said okay, UConn, okay -- State University System, okay, Community College System, we're going to give you a block grant and do with it what you wish. And over time, I'm not going to say it was a conscious decision on the part of these institutions of higher education, but over time they have had a lot more latitude. And recently when Governor Rell said that there would be a hiring freeze, you -- they did not have such a hiring freeze at these institutions of higher education.

Well, why is that? Well, part of it is the classification as to how they are employed, but part of it is because of block grants. They would get the block grant and they could do with it what they wanted, so if they wanted to open up a new position for somebody they could do that.

Well, how does that relate to this? Well, it relates to this because the cost of education, higher education, even in our State University Systems that are supported by taxpayers -- not 100 percent by taxpayers, but by a great extent by taxpayers depending on whether it's UConn, whether it's the State University System, or whether it's the Community College System, is that it's gone up higher than the rate of inflation.

So the middle class lifestyle that we almost took for granted in the sixties and seventies and perhaps even early eighties, has gotten to be further and further out of reach for regular hard-working, middle-class Nutmeggers here in the state of Connecticut and that's unfortunate. And what this underlying Legislation attempts to do is to broaden that so that people that are here unlawfully or without proper legal documentation can avail themselves at least of the tuition costs that other folks do.

What I'm saying is that while we don't know right now whether that's going to put additional financial burdens on these institutions, or as Senator Bye indicated, it may actually create some revenue streams that would be a boon to some of these institutions. But at the same time, we have to be mindful of the notion that we need to rein-in their costs.

And so this amendment is going to be great because to the extent we have further and further information regarding these institutions, we can make more- and better-informed decisions regarding how the dollars work, and we just don't know those answers right now.

For those folks who might be watching on the CT Network that are engrossed in the debate regarding in-state tuition for folks that are here in -- in the state of Connecticut without lawful documentation, I think that they want us to pay attention to that issue, but I think they also want us to pay attention to the issue as to, well, what are you folks in Hartford doing about the high cost of higher education period? And to the extent you gather up information as to the high cost of education period, what are you going to do about making education more affordable?

And one of the things that we gleaned in the Program Review and Investigations Committee study was that rather than just supplanting block grants and going back to the way it was over 20 years ago with line-item funding which basically puts the Legislature directly back in the soup as to all the nuances of higher education which is where we -- we didn't want to be in the first place.

At the same time while we're doing the Board of Regents with this overarching governance structure which

some states have done and it -- seems more similar in my mind to a New York structure and we'll see how that plays itself out. But -- and even though the Board of Regents doesn't touch the University of Connecticut, that's sort of being set aside over here, one of the ways that you can get your arms around costs is you figure out two or three goals that you have for your institutions of higher education and then you incent the universities to address those goals.

So, if the underlying bill is we want to make higher education more open to immigrants that have unlawful status, we can incent these institutions of higher education to do other things to get us down that road. This will help them. I mean you can't -- you can't expand a program or build on a program unless you benchmark it. And in the private sector what we're always -- the private sector that I'm aware of, one of the things that you do is you benchmark, you need to set up constructs as to where you are and where you want to go, and you can't figure out where you want to go unless you know where you are.

But let's say that you get this information, then you can go to these institutions of higher education and say, okay -- and the recommendation is you take a subcomponent of the block grant, let's say anywhere up to 10 percent but

probably less than that, create your two or three goals, and then you incent the university to do that.

So one of the goals might be, let's determine how much our University System is being utilized by immigrants here illegally. That could be, if that's what -- if that's -- the underlying bill passes. I don't support the underlying bill. I don't think it's -- it's where we should be at right now, but that could be one of them if that's what we want to be about, if we're going to be serious about that.

But another thing could be how is the graduation rate. Is that where we want it to be? And you can build that in, too. I mean, it's great if we reduce tuition costs for the children of illegal immigrants so that they're in-state, but what if they don't graduate? What if this is a path to nowhere? They we haven't really accomplished anything.

So there's a second goal. You want to open up the doors but college and higher education is all about graduation. It's not a stroll through the park. It's too costly, too time-consuming. And so how are we doing as a state in actually producing graduates that attain their degrees?

And the third component, if we're interested as a Legislature, may be, may not be, is do we have a diversified student body. Do we count people racially,

ethnically, male, female, however you want to categorize it, and are we meeting goals that way, too, and that means you have to benchmark those statistics.

You have to determine as a Legislature where do we want these institutions to go, and then you revisit it year to year to year, and after you do that for four, five, six years you will have more than just a snapshot, you will have an entire motion picture as to whether you're making progress or you're not.

A simple amendment can get us down that road. This simple concept, Senator Kelly, brings all of those issues to the forefront. I commend the good Senator for bringing this issue before us. I've probably gone on too long. I started about quarter passed and it's about ten of right now, but that's just one amendment. I know that we have several more to go and I know my colleagues probably want to speak as well. Thank you very much, Mr. President. I'm happy to support the amendment.

THE CHAIR:

Thank you, Senator.

I just want to remind the Senators to please keep it on the amendment.

Will you remark further?

Senator Frantz.

SENATOR FRANTZ:

Thank you, Mr. President.

I appreciate that. I also appreciated the remarks beforehand and look forward to some more insight into some of the other issues that are affected by this underlying bill and certainly this amendment.

I believe it was Senator Kelly who introduced this about an hour ago -- almost an hour. So through you, Mr. President I have just a couple -- I do have one question for the Senator, and that is through you, Mr. President. In the language of this --

And I want to say thank you for introducing this amendment, because I think it does make good sense. It's all in the interests of accountability.

In the language it says about halfway through, it says, comma, on the number of persons entitled to classification as in-state students. And a similar question was asked earlier about, but one is a little more direct and that is, through you, Mr. President, are we looking for information for those entitled to? Or are we looking for information regarding those who are entitled to and taking advantage of the in-state tuition break?

THE CHAIR:

Senator Kelly.

SENATOR KELLY:

Through you, Mr. President, to Senator Frantz.

I believe the amendment deals with those entitled to and taking advantage of. In other words, the individuals that are actually in accordance with the amendments of the underlying bill. That would be persons without legal status that decide to partake in the in-state tuition program and meet the requirements and enroll. So they would be treated for tuition purposes to be a student, an in-state tuition student. And it would be that number that we would be looking for from the constituent parts.

THE CHAIR:

Senator Frantz.

SENATOR FRANTZ:

Thank you.

And through you, Mr. President, Senator Kelly, do you know if the universities or any schools that are publicly funded from the State are required to give us information, or at least the board of education at the state level, information regarding financial aid received by students in a macro sense, you know, percentage wise, et cetera, without the specificity of who actually is receiving it or demographics of what students might be receiving that sort of a benefit?

Through you, Mr. President.

THE CHAIR:

Senator Kelly.

SENATOR KELLY:

Through you, Mr. President.

Unfortunately I don't. I don't serve on higher ed or education. The committees which I am on are -- a ranking member on Aging, ranking member on Insurance, also Regulation Review and Commerce.

This amendment came out of just, what I'm going to say, a commonsense approach, something that I do in my own business on a monthly basis when you look at how well you're performing. The first thing you do is you sit down and you look at the numbers. And you see, well, where are we doing well? Where are we not doing well, but could do better? And where are we not performing at all?

And I thought that that type of analysis would be something that of value to bring to government, that this is what I do in my own life, bring that to government. And that was the genesis of this, this amendment, to look at how can we use information to not only see who's participating, but as Senator Kane and Senator Kissel indicated, it may also provide an entree into how to better plan and utilize this, this benefit.

THE CHAIR:

Senator Frantz.

SENATOR FRANTZ:

Thank you.

And through you, Mr. President, what you're insinuating here is that you're using a basic business discipline to analyze -- or suggest that we use a basic business discipline here to analyze where state resources are going.

And we do know on the underlying bill that the fiscal note, certainly for this upcoming fiscal year, would be minimal; longer-term an issue with that, but whatever the costs are associated with extending in-state tuition advantage, the beneficial price break to them, you want to know how many people -- not who, but how many people are getting it and effectively what the cost is. And even preferably, preferable to that, you want to know if there are other costs associated with it such as other people being displaced by those receiving institution benefits.

THE CHAIR:

Senator Kelly.

SENATOR KELLY:

You're correct, Senator Frantz, in part, that this is good common sense business, together with the general

notion that I think our constituents are demanding, and that is transparency in government.

The only thing I would say this amendment doesn't stretch to is that portion that deals with the displacement of third parties that didn't get the opportunity to participate in the in-state tuition program because we gave their slot to someone, to a person without legal status. This amendment doesn't go that far, but what it does do is it will give us information as to who does take part and in which institution.

Now a couple of times the question came up, what does 10-1A mean, you know, when we talk about the constituent parts? And I have had the opportunity to look at the statute and the constituent parts talks about that there shall be a state system of public higher education to consist of the University of Connecticut and all branches thereof, the state colleges, which shall be collectively known as the Connecticut State University system, the regional community technical Colleges and the board for state academic awards.

So that's who we're looking at by constituent part so we would know where these individuals are attending and how many and then we'd also look at the aggregate number of people participating.

Through you, Mr. President.

THE CHAIR:

Senator Frantz.

SENATOR FRANTZ:

Thank you.

And through you, thank you for those answers Senator Kelly. And here's the thing, Mr. President, the reason why the amendment makes so much sense is this, is it's not that the Legislature or the executive branch wants to micromanage the affairs of UConn or CSU or any institution for that matter, but because there's a financial relationship between the State and these different universities and other educational institutions, it is our fiduciary obligation to keep an eye on some of the larger trends that we see happening.

And this amendment fits fair and square right in the middle of that fiduciary obligation, which apparently to date we don't have that information regarding when it comes to financial aid and other facets that add to the cost of the education.

UConn is an exceptionally good institution as are many of the other higher ed education institutions in the state of Connecticut, but we also know that it's an expensive proposition because of the way these universities are being

run. We know for a fact that UConn's tuition, in a ten-year period between 1996, is up about 60 percent. And that's for an average increase of about 5 and a half to 6 percent per year. It's two and half times the rate of inflation during that period.

CSU up 75 percent in ten years, so about 7 to 7 and a half percent compounding over that ten year period, again against an inflation rate of 2.35 percent, nearly three times the rate of inflation. That growing difference or delta can only be sustained for so long because ultimately the State of Connecticut is on the line for it, meaning the taxpayer is on the line for it. So again, it's our fiduciary obligation to be looking at this.

And why is education expensive? And why is the inflation rate in higher education higher than the national average, the consumer price index that we're all familiar with? It's because of the management -- it's because a lot of students are subsidized through the financial aid program. We know that that is a fact, but again we're operating in a vacuum because we don't have that kind of information here in front of us.

Again, we don't want to micromanage, but if we see something getting out of whack and our job is to make sure that education is affordable for all students, out-of-

state, in-state, whoever, I think it's time that we had that information and that I don't think it's unreasonable for the executive branch and/or the Legislature to step in and say, hey, we've got to cool it in this particular area because that's growing at three or four or five times the rate of inflation.

We know that certain programs are expensive and they're subsidized by the tuition coming in from, in particular, the out-of-state students and subsidized by the State of Connecticut ultimately. We know that new facilities, we all want them, but we know that they're expensive. Those are subsidized by out-of-state tuition and to a degree the State.

And now we're talking about in-state tuition for illegal immigrants. It's only fair to ask for what objectively is happening with respect to the finances, how it's being spent, how it's being allocated amongst different people who attend UConn and other institutions of higher learning in Connecticut.

It's an expensive proposition. The least we can do is ask for some accountability, Mr. President, and that's why I stand in favor of the amendment. Thank you.

THE CHAIR:

Thank you, Senator.

Will you remark further?

Senator Bye.

SENATOR BYE:

Thank you, Mr. President.

I ask that when the vote is taken, it be taken by roll call.

THE CHAIR:

Thank you, Senator.

When the vote is taken it will be taken by roll.

Will you remark further?

Senator Kelly.

SENATOR KELLY:

Mr. President, just in closing I'd just like to state that we often hear that a good idea is a good idea. And I think what we've heard in the discussion on this amendment is that this is a good idea. It brings transparency. It brings good, common sense business planning skills as well as accountability to the bill.

And whether you support the underlying bill, which, you know, as an aside I don't, or you do, I think we can all agree that this aspect, this amendment would be something that is a good idea. It's what our constituents and the taxpayers demand. It's what they deserve, a government that's open, honest and accountable.

To that end I would certainly ask that you support the amendment. And with that, I'll close. Thank you, Mr. President.

THE CHAIR:

Thank you, sir.

Will you remark? Remark further? If not, please announce the pendency of a roll call vote.

THE CLERK:

An immediate roll call vote has been ordered in the Senate. Will all Senators please return to the Chamber. An immediate roll call vote has been ordered in the Senate. Will all Senators please return to the Chamber.

THE CHAIR:

Senator LeBeau.

Senator Hartley.

Have all members voted? Have all members voted? Please cast your ballots. Check the machine to make sure it's accurate. If all members voted the machine will be locked and the Clerk will take the tally.

THE CLERK:

Mr. President, total number voting on Schedule Amendment "H."

Total number voting	35
Necessary for adoption	18

Those voting Yea 13

Those voting Nay 22

Those absent and not voting 1

THE CHAIR:

The amendment fails.

Mr. Clerk.

(The president in the Chair.)

THE CHAIR:

Will you remark further? Will you remark further?

Senator Frantz.

SENATOR FRANTZ:

Thank you, Madam President.

I appreciate you looking left before you look right these days. It's greatly appreciated.

I stand in order to raise another amendment, if it's okay with you, Madam President. Is that okay?

THE CHAIR:

Please proceed, sir.

SENATOR FRANTZ:

Thank you. And the Clerk has that in his possession. This is LCO Number 6926.

THE CHAIR:

Mr. Clerk, please call the amendment.

THE CLERK:

Madam President, the Clerk is in possession of LCO Number 6926, which shall be designated Senate Schedule "I," copies of which have been distributed.

THE CHAIR:

Senator Frantz.

SENATOR FRANTZ:

Thank you, Madam President.

Thank you, Mr. Clerk.

I move adoption and seek to summarize.

THE CHAIR:

The question is on adoption.

Will you remark further, sir.

SENATOR FRANTZ:

Yes, thank you.

This amendment 6926 is a very simple change. This is in line 49 of the underlying bill which says after the word "person" and before the comma, we insert, born on or before June 1st, 2011.

And the reason, Madam President, that this amendment is before the Chamber today at our suggestion and my suggestion is to discourage some unintended consequences or

behavior that may result from the passage of the underlying bill.

In these times of difficult fiscal and economic circumstances there are limited resources. It's very difficult to justify additional spending on really anybody or any kind of program unless we have the economic and the tax base to support it going forward, hence the concern for the fiscal ramifications of the underlying bill, which I believe this amendment would address and perhaps ameliorate to a certain degree.

What this does is it says effectively that anybody born after June 1st, 2011, would not be eligible for this advantage, this tuition rate advantage in state versus out of state. And until there were further legislation passed to address those born after June 1, 2011, it puts a limit on the number of students who can take advantage of the in-state tuition break.

And I think it makes good sense to do so because we really don't know how many people, in the next few years, are going to join or try to join this particular class of people to take advantage of the lower price. And it's a very generous program. And once again, there is no question that these students are worthy. They are deserving. There's no question they're heading in the

right direction because, frankly, they're applying to college and that's exactly where we want them to go. And we want them to stick around and be good, productive members of the state of Connecticut. This amendment simply puts a limit on how many the State of Connecticut could grant this advantage to.

Thank you, madam, Madam President.

THE CHAIR:

Thank you, Senator Frantz.

Will you remark further?

Senator Bye.

SENATOR BYE:

Good evening, Madam President.

THE CHAIR:

Good evening again.

SENATOR BYE:

I urge rejection of this amendment.

Thank you, Madam President.

THE CHAIR:

Thank you.

Will you remark further? Will you remark further?

Senator Kissel.

SENATOR KISSEL:

Hello, Madam President. Great to see you again.

THE CHAIR:

Thank you. It's great to be here again.

SENATOR KISSEL:

Just a couple questions through you to the proponent of the amendment.

THE CHAIR:

Prepare yourself, Senator Frantz.

SENATOR KISSEL:

My first question is -- this does seem to be a rather innocuous amendment. It says, born on or before June 1, 2011, which we're not even there yet. But because we're talking about institutions of higher education, essentially wouldn't this amendment really not have any effect for 20 years, 25 years going forward? And so essentially the limitation will be 25 years hence?

And I, again I'm very supportive of it, but because we're doing the cut off this year for people born this year and they're not even going to apply to college for another 18 years, it's a very generous outlying set of parameters.

Through you, Madam President.

THE CHAIR:

Senator Frantz.

SENATOR FRANTZ:

Thank you.

And through you, Madam President the answer is, yes. It is very generous looking at it from that particular prospective, which I share with you. And if I knew a way to amend an amendment on the floor on-the-fly, maybe we could do that here tonight, but I don't think Madam President, would allow that.

THE CHAIR:

That's correct, sir.

SENATOR FRANTZ:

Thank you.

And so therefore the answer is, yes. And again, I think all of us want to do the right thing for these students, however there's undoubtedly a fiscal component to it and therefore there should be some sort of a limitation. So that unlike so many other programs -- and like Medicare at the national level, which was originally meant to cost, you know, 90 billion a year is now 860 billion, or whatever the number is.

Through you.

THE CHAIR:

Senator Kissel.

SENATOR KISSEL:

Thank you very much. And that concludes my questions for the proponent of the amendment.

Again, it's an extremely generous amendment when it comes to limitations. It's far out in the future, but I do believe the beneficial impact of this particular amendment is this, we have seen time and time again in this building that things have a life of their own. That we create programs that start off as fairly innocuous minor little programs that are of benefit to a fairly small universe of individuals. And then as the years go by they get a head of steam, they get a life of their own. Extremely difficult to pull back on any programs that we have in the State of Connecticut.

Now I would grant that in many of those situations we probably don't have the political will to pull back and perhaps we see as time goes on that there's nothing but positive ramifications. But I will say this, in the 19 lucky years that I've been a Senator -- and it's been a pleasure being here during that period of time, and I've been tremendously honored to represent my constituents during that period of time -- on occasion we try to rein in our state government and it's very, very difficult.

Quite often what we have to do is set up maybe sunsets, put forward pilots that run for a few years going forward and then by their own volition, their own

terminology we end up slowly bringing these programs under rein.

This particular initiative is a brand-new area for us to go. As long as the federal government does not act on our national immigration policy there's going to be more and more folks here in our state and throughout the United States that are not lawfully documented. It's not to make a disparaging comment about those individuals.

If someone -- Senator Guglielmo raised the notion that if you live in Guatemala and you've carved out a street corner to sell fruit or vegetables, this is the land of milk and honey. I mean, the whole notion regarding the underlying bill is that we are that shining city on the hill and that it is more than just our blessing to be that shining city on the hill, but with it comes concomitant responsibilities.

And that we should almost expect people to break the law to come here. That's sort of what I'm hearing, that oh, don't worry. There's only so many thousands of these individuals with only so many thousands of their children, but if that's sort of our destiny, then I would expect as long as Washington's hands are tied that that number is only going to up. It's not going to go down.

I accept the argument that there's an inevitability to people desiring to come here. I don't accept the fact that that will all have to be unlawful. That is a national problem, a federal problem and when that gets resolved then we should be in a better spot.

You know, they talk about a hundred years ago we had huge influxes of immigrants. We did. But how many of your ancestors or ancestors of your constituents, your friends and neighbors talk about somebody landing at Ellis Island and their names are changed and everything like that? Well, those are people that were entering the United States lawfully. Going through Ellis Island was not an unlawful experience.

A lot of the stories that you hear back there are not about illegal immigration. Now they may not have had the same policies that we have now, but they had tough policies. The Irish, the potato famine, the potato blight, you had huge influxes of individuals and then the United States clamped down. We have had up-and-down immigration policies over the years, sometimes to the great detriment of individuals.

You know, pre Nazi Germany there were a lot of folks, different racial and ethnicities that wanted to come to America and in the thirties we had a very strict

immigration policy in part supported by Franklin Delano Roosevelt. It hurt a lot of people in the long run. You would be justified in wanting to get family members here any way you could.

In our modern era there are areas where there's problems breaking out all of the world. It would not therefore be surprising if in response to that there were large groups of individuals that wanted to flee those countries and come to the United States of America.

I have heard stories that in our modern era in the last decade or two, that if you're trying to gain lawful immigration status to the United States and you're coming in through the ports of Boston that they are very lenient if you come from Ireland. They are very tough if you come from Great Britain. I've heard it from more than one source. So it's not even that we have a uniform policy, but there tends to be some sort of regional levels of cooperation that occur.

So the reason I like this, in a nutshell, is because it does set up outside parameters. And I want our nation to continue to be the city on the hill, that bright shining light for all to come to.

I only hope that we get a rational immigration policy created by our federal government and uniformly enforced so

that we encourage people to come to our nation legally, have legal status so that we don't have these issues coming before us willy-nilly as we have over the last several decades.

Thank you, Madam President.

THE CHAIR:

Thank you.

Will you remark further?

Senator Bye. Senator Bye.

SENATOR BYE:

Madam President, I ask that when the vote is called on this amendment, it be called by roll call.

Thank you, Madam President.

THE CHAIR:

Thank you, Senator.

Will you remark further?

Senator Welch.

SENATOR WELCH:

Thank you, Madam President.

I too rise in support of this amendment, but before I get into those reasons I do have a question for the proponent of the amendment.

THE CHAIR:

Prepare yourself, Senator Frantz.

SENATOR WELCH:

Through you, Madam President.

Why June 1, 2011?

THE CHAIR:

Senator --

SENATOR WELCH:

If I could elaborate just a little bit on that. I remember my name is on this bill too. And we had a discussion and I thought you said I got to pick the date. And 2011 wasn't the date that I picked. So how did we get to 2011?

Through you, Madam President.

THE CHAIR:

Senator Frantz.

SENATOR FRANTZ:

Thank you.

Through you, Madam President, simply it's the first day of the beginning of the very next month. The first day of the beginning -- it's the first day of the month, the next month.

Through you.

THE CHAIR:

Senator Welch.

SENATOR WELCH:

Thank you, Madam President.

And I appreciate that and I understand that. I do think it's a little too generous or rich. I think along the lines of what Senator Kissel said, but nonetheless, I appreciate its purpose and that is to sunset the law.

Now I know when we sunset a law in this building -- we don't always sunset a law, but I think at least having that benchmark there is important in this case for a number of reasons, and not to belabor the reasons that Senator Kissel raised, but there's some very good points there.

And that is, one, this bill was calculated on a presumption that we only have about 200 people who are going to take advantage of this bill. That could change and if that part of the equation changed, well, then the whole calculation ought to change. And so the fact that we have a benchmark, we have a date, we have something that will stop us and say, hey, we need to revisit why we did this. And are the premises upon which we based this law still valid today?

Which I think that kind of goes to two other points, one of which is, we are in a changing economic state and I think we are all readily -- we're all ready to admit that the economy drives a lot of the emotions and feelings with

respect to this issue, whether on a national or state level.

And then also, we also are at a point where we're going to have a large national election in 2012 which could substantially change the direction this country goes with respect to immigration. If our national immigration laws change that could have a very drastic and dynamic impact on what's going on here in the state of Connecticut.

So with those things said it just seems wise to me to have a flag, to have a benchmark, to have a date which will force us to revisit this issue and say, hey, is this policy still working? Do we need it? Do we need to adjust it? Ought we to get rid of it?

Thank you, Madam President.

THE CHAIR:

Thank you, Senator Welch.

Will you remark further? Will you remark further? If not, I would ask the Clerk to please call for a roll call vote and the machine will be opened.

THE CLERK:

An immediate roll call vote has been ordered in the Senate. Will all Senators please return to the Chamber.

An immediate roll call vote has been ordered in the Senate. Will all Senators please return to the Chamber.

THE CHAIR:

Have all members voted? All members have voted. I will now be closing the machine. And Mr. Clerk, will you please tell us the telling.

THE CLERK:

Madam President, total number voting on Senate Amendment "I."

Total Number voting	35
Necessary for adoption	18
Those voting Yea	13
Those voting Nay	22
Those absent and not voting	1

THE CHAIR:

The amendment fails.

Will you remark --

Yes. Senator McLachlan.

SENATOR McLACHLAN:

Thank you, Madam President. Nice to see you back this evening.

THE CHAIR:

Thank you. Same to you, sir.

SENATOR McLACHLAN:

I rise for the purpose of an amendment, please.

THE CHAIR:

Please proceed, sir.

SENATOR McLACHLAN:

Thank you, Madam President.

The Clerk should have LCO 6869. I seek adoption by roll call and seek leave to summarize.

THE CHAIR:

Mr. Clerk, would you please call the amendment, please.

THE CLERK:

Madam President, the Clerk is in possession of LCO 6869, which shall be designated Senate Amendment Schedule "J," copies of which have been distributed.

THE CHAIR:

The question is on adoption and the vote, a roll call will be ordered.

Will you remark, Senator?

SENATOR McLACHLAN:

Thank you, Madam President.

The amendment before us seeks to clarify, I think, a very important issue that may arise for those who seek to gain the benefit of in-state tuition while not having necessary documentation to be here residing legally.

And what it does in line 50 of the bill is add the point of any person for whom an order of deportation has

been issued. This is very clear and simple, that we should not invest further in a student with discounted tuition in a postsecondary school here in the state of Connecticut who is facing a deportation order.

I believe that that is part of the uncomfortable part of the immigration process for those who are here illegally and this would forbid those who are likely tangled in the immigration process from proceeding and taking advantage of these benefits.

Now the underlying bill does require the applicant to sign an affidavit stating that they will begin the process to legalize through the immigration service. However, I believe that there may be certain situations perhaps more than we would like to see where someone has already been discovered by immigration to be here illegally and has a deportation order pending.

So I would ask for support of this bill so that we can at least rest assured that those who do take advantage of the benefit provided by the underlying bill, though, I disagree with that benefit, we are assured with this amendment that those who do take advantage of that benefit are more likely to be here to complete their postsecondary education.

Thank you, Madam President.

THE CHAIR:

Thank you, Senator.

Will you remark further?

Senator Roraback.

SENATOR RORABACK:

Thank you, Madam President.

And I guess the good news for all of us in this Chamber is that we don't have to deal with immigration policy. We don't have to understand it. It's not within our bailiwick. I mean, we should care about it. I certainly care about it, but caring about it is different than understanding it sometimes.

And through you, Madam President, because Senator McLachlan comes from a community that has had its fair share of interaction with federal immigration law I was going to ask a few questions through you to him about the deportation process.

THE CHAIR:

Please proceed, sir.

SENATOR RORABACK:

Thank you, Madam President.

First of all, Madam President, through you to Senator McLachlan, how does it work, if he knows? I mean presumably it is a known fact that these young people, who

through no fault of their own, lack legal status in our country are here. They've come to testify before in public hearings. There may be some in our gallery tonight.

And through you, Madam President, how would one become the subject of a deportation order, through you, Madam President to Senator McLachlan, if he knows the answer to that question? Do you have to commit a crime or is it just a random -- someday the feds get up and feel pressure to enforce the law? How does it come to pass, Madam President, through you to Senator McLachlan.

THE CHAIR:

Senator McLachlan.

SENATOR McLACHLAN:

Thank you, Madam President.

I don't believe I'm qualified as an expert on these issues. I can only share with you observations of my exposure to the immigration system over the last several years.

It is my understanding, though, that an individual who is arrested and convicted of a felony in the state of Connecticut is highly likely -- nearly automatically will be issued a deportation order ultimately. That is a process that has to go through the federal immigration system.

Secondly, there are multiple situations where an individual, regardless of age, may be identified through the normal immigration enforcement process where the investigation has identified certain individuals in a locale that they are searching for known to be illegal aliens. And in the process of identifying and detaining those individuals, there are others who are present at the same time and are also detained and begin the deportation process.

So that's my observation. I can't specifically state the legality of the immigration process once that detainment occurs, but I hope I've been helpful in answering your question.

THE CHAIR:

Senator Roraback.

SENATOR RORABACK:

Thank you, Madam President.

And Senator McLachlan's responses are helpful. Certainly, if an individual has committed a felony, is convicted of committing a felony and in the course of that process it is determined that that individual is not lawfully in this country, I can think of a whole host of public policy reasons why it is -- our criminal justice system might call up the feds and say, could you please

handle this individual? They are not lawfully in our state, in our country. They have committed a felony and have been convicted. We feel that that's grounds to essentially evict from our country even -- because they weren't here lawfully in the first place.

But it's the second part of Senator McLachlan's answer that confuses me, Madam President. And this goes to my earlier point that I think the system we have now is so infirm that it cries out for action in Washington DC. Because I think in order to become -- in order to take advantage of this bill, should it pass, people are going to have to raise their hands and say, I don't have a Social Security Number. I'm not lawfully in Connecticut, but sign me up for the in state tuition. That is a public act.

And through you, Madam President to Senator McLachlan, does he believe that if you make the federal government aware of individuals by name who are self identified as being in this country unlawfully, would that in and of itself trigger a deportation order?

Madam President, through you. And I'm not -- I wouldn't want anyone to suggest that I think it ought it, but I'm just wondering under federal law whether that could be the case.

Through you, Madam President to Senator McLachlan.

THE CHAIR:

Senator McLachlan.

SENATOR McLACHLAN:

Thank you, Madam President.

I believe that question was in some way answered by the proponent of the bill, but the rules here forbid you to ask a question of the proponent of the bill. So I will try to relate to you what I heard the proponent say when that question arose.

And that is, it is Senator Bye's perception that federal immigration policy currently is not to engage in deportation proceedings of a student who is enrolled in -- participating in college at the time. So my understanding is based upon Senator Bye's observation, that there would not be deportation orders undertaken.

However, once you identify yourself and fill out an application under normal circumstances, if you are a working person and file an application for -- to gain naturalization in America and you are here illegally, that generally calls for a deportation.

So I'm getting a mixed message. I know that the normal process would call for a deportation requiring the individual who's filed the application to return to their

home country and wait in line to begin the naturalization process. But once again, it's my understanding based upon comments from Senator Bye that she believes that students would be exempt from that.

I haven't seen any record of that personally. I haven't seen any proof of that because I do know that you are in violation of federal law and it seems to me that we may very well have a problem where the administration is not enforcing federal law.

Through you, Madam President.

THE CHAIR:

Senator Roraback.

SENATOR RORABACK:

Thank you, Madam President.

And if that is in fact the case, I mean, what a crazy world that we live in where we're going to pass a bill obligating, as I understood Senator Bye, these youngsters to apply for lawful immigration status. And Senator McLachlan says the very act of them applying, trying to do the right thing and applying to secure citizenship is going to call attention to themselves and expose them to deportation, it just doesn't add up, Madam President.

We have a reality in this country and a policy which are light years apart and my fear is that this bill, rather

than trying to narrow the gap between reality and the law is only going to further take us down a road of confusion, mixed messages, false hope. And I think that Senator McLachlan's amendment, that someone who is subject to a deportation order ought not to be given the benefit of what this bill provides seems to at least try to weave together a coherent body of law.

And again, Madam President, I stand ready to go to Washington DC with anyone who's in the gallery here tonight or anyone who cares about developing a coherent federal policy around this issue, but what I'm learning in this conversation with Senator McLachlan makes my head spin because we're told, don't worry. Anyone who wants to take advantage of this provision will have to apply for citizenship. And then we're told, if they apply for citizenship, that's going to awaken the federal government to come down and potentially impose a deportation order on them.

So I'm not sure whose interests we're serving in the long run by playing chicken with the federal government. And I'd prefer a much cleaner approach to this and I think our elected officials in Washington owe that to us.

So I support the amendment and hope that, if nothing else, this debate today will impress upon our federal

legislators why it is that they have fallen down on the job in terms of bringing some clarity to the lives of these young, blameless people who are trying to play by the rules.

Thank you, Madam President.

THE CHAIR:

Thank you, Senator Roraback.

Will you remark further?

Senator Bye.

SENATOR BYE:

Good evening, Madam President.

I urge rejection of this amendment.

Thank you.

THE CHAIR:

Thank you.

Will you remark further?

Senator Welch.

SENATOR WELCH:

Thank you, Madam President.

I do have a question for the proponent of the amendment.

THE CHAIR:

Please proceed, sir.

SENATOR WELCH:

Thank you, Madam President.

And my question stems from I think some of the same concerns that Senator Roraback mentioned and some of the initial questions that he asked you, and really a fundamental lack of understanding how the deportation process works.

So with respect to the relevance of this amendment, my question is this, when an individual has an order of deportation, are they detained or are they free on reconnaissance? Or bail? Or something of that sort?

Through you, Madam President.

THE CHAIR:

Senator McLachlan.

SENATOR McLACHLAN:

Thank you, Madam President.

Thank you, Senator Kelly for that question.

It's my understanding -- again, I must reiterate, I am not an expert on immigration law but, my observation of people who have dealt with the immigration system is that there are people who could have a deportation order pending and still be living here for years at a time.

But that until such time as the case is fully adjudicated in the immigration court, they are free to live here. Although it's my understanding there is some type of

connection where they report in, but they are still residing here under deportation order for quite some time in many cases.

Through you, Madam President.

THE CHAIR:

Senator Welch.

SENATOR WELCH:

Thank you, Madam President.

That's all I had.

THE CHAIR:

Thank you, Senator.

Will you remark further?

Senator Suzio.

SENATOR SUZIO:

Thank you, Madam President. So nice to see you again.

A question for the proponent of the amendment, if I may?

THE CHAIR:

Please proceed, sir.

SENATOR SUZIO:

Thank you, Madam President.

Senator McLachlan, can you explain to me if you are familiar with this, is an order of deportation something that's appealable or is it a final act?

Through you, Madam President.

THE CHAIR:

Senator McLachlan.

SENATOR McLACHLAN:

Thank you, Madam President.

It's my understanding that an order of deportation is appealable and they all are for the most part.

Through you, Madam President.

THE CHAIR:

Senator Suzio.

SENATOR SUZIO:

Thank you.

Then through you, Madam President, if order of deportation is appealable -- I'll try to talk a little more softly -- if an order of deportation is appealable, would the impact of this proposed amendment be delayed until the final disposition of the deportation is established?

Through you, Madam President.

THE CHAIR:

Senator McLachlan.

SENATOR McLACHLAN:

Through you, Madam President.

No. This very clearly states that an order of deportation being present would preclude the individual

from qualifying for in-state tuition. It is highly likely that adjudication, though, may take a long time, ultimately does result in a deportation being executed.

Through you, Madam President.

THE CHAIR:

Senator Suzio.

SENATOR SUZIO:

And again, through you, Madam President.

If, through the deportation process a deportation order has been revoked or is rescinded, what impact would that have on this bill given the proposed amendment should it pass?

Through you, Madam President.

THE CHAIR:

Senator McLachlan.

SENATOR McLACHLAN:

I would, through you, Madam President, I would venture to say that a revocation of a deportation order, meaning is no longer present, would then therefore allow the individual to qualify for the benefit of discounted in-state tuition.

Through you, Madam President.

THE CHAIR:

Senator Suzio.

SENATOR SUZIO:

Thank you.

And through you, Madam President, in a situation where someone who's qualified for the benefits under the bill, but has become disqualified because of an order of deportation, the person leaves the country and then lawfully reenters the country sometime later, let's say, two years later, would the fact that they are now lawfully in the country, would that allow them to take advantage of the benefits as delineated under this bill? Or would this amendment basically preclude them from ever taking advantage under the benefits of the bill once they've been subject to a deportation order and have been deported?

Through you, Madam President.

THE CHAIR:

Sorry. Senator McLachlan.

SENATOR McLACHLAN:

Thank you, Madam President.

Thank you, Senator Suzio, for that question. It's -- I think it's a very good question. I would like to, before I answer that, just touch a little bit on the concern that I think is associated to your question, the concern relayed by Senator Roraback, and that is that the language in the underlying bill, some have said in the circle during this

somewhat lengthy debate today, that the affidavit requirement has wishy-washy language. In other words, it's not clearly defined how, when and is there any penalty for failure to file an application for immigration status? And that's part of the problem we have with the underlying bill and may translate into future problems for the individuals who have filed.

But to now respond to your question, it seems to me that someone who had a deportation and has rectified the situation and become legal from their home country to return to the United States, is now a legal resident of the United States and this bill does not apply to them because that individual is an in-state resident without the benefit provided under the underlying bill that we're debating here tonight.

Through you, Madam President.

THE CHAIR:

Senator Suzio.

SENATOR SUZIO:

Thank you.

Then through you, Madam President, so in order for them to get benefits of the in-state tuition at that point in time they'd actually have to be a resident of the state of Connecticut and qualify as a normal citizen would, as

opposed to under this special arrangement as proposed in the underlying bill.

Through you, Madam President.

THE CHAIR:

Senator McLachlan.

SENATOR McLACHLAN:

That's correct.

Through you, Madam President, the current process, the way an individual is treated in the United States is if you have the proper documentation to be here you are treated as a resident and therefore should and will qualify for in-state tuition as a legal resident.

The issue that we're facing with the underlying bill is granting benefits to those who are undocumented and also referred to as illegal aliens. Through you, Madam President.

THE CHAIR:

Senator Suzio.

SENATOR SUZIO:

Thank you, Madam President.

Those are my questions for this amendment and I thank you very much for your time.

THE CHAIR:

Thank you, sir. Thank you.

Will you remark further?

Senator Kissel.

SENATOR KISSEL:

Thank you very much, Madam President.

I appreciate the fact that Senator McLachlan has brought this out, and I share the concerns that were previously articulated by Senator Roraback and Senator Suzio.

In following this through, should this amendment pass, some questions through you, Madam President, to the proponent of the amendment.

THE CHAIR:

Please proceed, sir.

SENATOR KISSEL:

Let's, on the first hand, assume that an individual is following the procedures in the statute, so rather than putting off the application for lawful status, the young person reads the law, has explained it to them, signs the affidavit, puts in the appropriate paperwork, is going to one of our institutions of higher education, has been accepted, is in classes now and is going to school and paying the in-state tuition.

And this information that the application to

the immigration people triggers an investigation which results at some point in a deportation order, is there anything in the law that would require that individual to report that deportation order to the institution of higher education?

Through you, Madam President.

THE CHAIR:

Senator McLachlan.

SENATOR McLACHLAN:

Thank you, Madam President.

Thank you for the question, Senator Kissel. Your question, I assume, is about this particular amendment and is there a penalty of reporting should something happen. No. That has not been addressed in this amendment. This amendment specifically refers to those who already have a present deportation order on file.

But you raise a very important point that I think has been minimized quite a lot in this debate all day today. And that is this very clear point of the weakness of the underlying bill. And the weakness of the underlying bill, as it relates to deportation mentioned in this amendment before us is that the language of the underlying bill and the

affidavit required of the student before they qualify for in-state tuition states that they must file for legal immigration status sort of when they get to it.

The point is that the moment that someone who is here in the United States illegally and files the normal process to gain naturalization in the United States is subject -- is subject to deportation order because they are in violation of federal law by their presence in the country. And so the point being is that the underlying bill is telling a student who wishes to qualify for discounted taxpayer-funded in-state tuition to a state postsecondary institution, that they must fill out paperwork, that by federal law will draw a deportation order. And we are not telling the individual in the underlying bill that they must do it by a certain period of time, which is why one of the amendments offered here and rejected addressed that issue that it must be submitted in a timely fashion.

And so, therefore, we have this conundrum, if you will, whereby the student is requested to file the necessary paperwork and they are raising the

red flag with immigration enforcement saying, I'm here illegally because that is a violation of federal law, they are immediately subject to a deportation order, though, that deportation order is available. And the appeal of the deportation order, in this country, can take years to adjudicate in the immigration court system. Through you, Madam President.

THE CHAIR:

Senator Kissel.

SENATOR KISSEL:

Thank you very much, Madam President.

And though you, I understand that the amendment as it is inserted after that portion which states 8 U.S. Code 101(a)(15) would knock out an individual from qualifying for in-state tuition if they are the subject of a deportation order. But my question is, would this or could this be interpreted to mean that assuming that there is no existing deportation order, the individual files the appropriate paperwork to become a lawful resident here in Connecticut, in the United States, and that triggers an investigation which results -- while the individual is still in classes

under in-state tuition results in a deportation order, would that then trigger the notion that they are no longer eligible for in-state tuition?

Through you, Madam President.

THE CHAIR:

Senator McLachlan.

SENATOR McLACHLAN:

Thank you, Madam President.

Thank you for that question. Now I fully understand what you are trying to accomplish with your question. I think the short answer is, yes, but let me try to elaborate a bit on my observation of it.

It seems to me that if we are successful tonight in convincing this State Senate to adopt this amendment -- and I certainly hope that we will give serious consideration of this amendment -- that it will affect the underlying bill in such a way that the administrative design that will follow, the administrative design of the paperwork necessary to qualify for in-state tuition by a student, who is an illegal alien, will have a question on the paperwork very specifically stating, do you have an outstanding deportation

order pending? And that the statement would also have to say by way of the administrative design of the form, that if a deportation order is issued subsequent to the application and granting of the discounted in-state tuition to a Connecticut University, would require the student to disclose that. Although, there is no penalty here, we don't have any penalty in the underlying bill for failure to fill out the paperwork anyways with the federal government about immigration.

So I guess we're sort of relying on a lot of what ifs and certainly relying on people to do what they've agreed to do by signing an affidavit stating they will file the necessary paperwork with federal immigration authorities to legalize their immigration status.

Through you, Madam President.

THE CHAIR:

Senator Kissel.

SENATOR KISSEL:

Thank you very much, Madam President.

And I see that we are at 10 of 9 and my guess is that my wife Cindy and son Nathaniel and son Tristan might be watching so they will be going --

they may be tuning this out as the hours get later so I wish them love and best wishes right now if they happen to be watching this instead of something else.

But it seems to me that the language that Senator McLachlan is concerned with is the very last section of Section 9 where it says, "or will file such an application as soon as he or she is eligible to do so." And I had characterized as previously as the safety valve or the escape hatch because it sort of undermines the portion of the bill before it.

And I'm wondering in light of Senator McLachlan's experience in his neck of the woods and his expertise -- and I will call and expertise -- in understanding the deportation issue, because clearly you understand more about that than I do.

But when it says, when he or she is eligible to do so, wouldn't someone be eligible to do so if they just desired to do it?

I mean, what would prevent someone from being eligible to begin the process to be a lawful resident here in the state of Connecticut? Through you, Madam President.

THE CHAIR:

Senator McLachlan.

SENATOR McLACHLAN:

Thank you, Madam President.

If I may be just allowed to find the report that addresses that very specifically. If the Senate will stand at ease, I will locate that.

THE CHAIR:

The Senate will stand at ease.

(Chamber at ease.)

THE CHAIR:

The Senate will come back to order.

Senator McLachlan.

SENATOR McLACHLAN:

Thank you, Madam President. Thank you for your patience.

Senator Kissel, I'm referring now to the Office of Legislative Research, bill analysis on the underlying bill H.B. 6390. And the statement made in this report dated July 1 of 2011 -- I'm sorry -- dated March 17, 2011, says -- it seems to answer your question fairly clearly. And so I must

read from it to perfectly quote what our Office of Legislative Research has said --

THE CHAIR:

Senator McLachlan, I gather the rules of the Senate is not to be able to read. So if you could just generalize. Sorry, sir.

SENATOR McLACHLAN:

I'm going to try and summarize then. Thank you, Madam President.

It's only one paragraph, but essentially what they are saying is that currently someone who applies for student visas or lawful permanent resident status are subject to deportation under federal law. And this report from our Office of Legislative Research -- and I think I may have made this statement in prior discussion on a previous amendment -- that statement from our Office of Legislative Research seems to disagree quite clearly with the observation of the proponent of the underlying bill who has stated that our Homeland Security Department in Washington DC will not enforce deportation on a full-time student, even though they are here illegally.

So we seem to have some conflicting

information, disagreement of opinion perhaps, but it has always been my understanding with anyone who is here illegally in the country, that once they file the paperwork they are immediately subject to a deportation order as part of the process to become legal.

So I hope I've answered your question.

Through you, Madam President.

THE CHAIR:

Senator Kissel.

SENATOR KISSEL:

Thank you, Madam President.

Yes, and I very much appreciate your research regarding that issue. I hear, primarily on the news, that some individuals in certain parts of the country, when they are found to be unlawfully documented individuals in our country, illegal aliens, that nothing really happens. And that sometimes even criminal behavior does not result in a deportation order.

Through you, Madam President, to the proponent of the amendment, since the amendment deals specifically with someone who is the subject of a deportation order, I am asking whether Senator

McLachlan could delineate those violations of either state or federal law that might -- or through his experience knows has resulted in a deportation order.

Through you, Madam President.

THE CHAIR:

Senator McLachlan.

SENATOR McLACHLAN:

Thank you, Madam President.

Thank you for that question, Senator Kissel. I don't believe that I'm qualified to truly answer that question as I am not an immigration lawyer. It is, again, my only observation and what I've read.

And it is my understanding, which I'll share with you what my observation is, that it is a felony conviction in state court or federal court that appears to be a near automatic process begun for a deportation order. It is also likely to occur when there are wide investigations of the presence of illegal aliens in a particular locale, where those individuals are detained, that is a federal immigration terminology, "detained." And immigration enforcement process begins which often

turns into a deportation order.

And so it is my understanding that if you are present in this country illegally under federal law that you are subject to a deportation proceeding, all of which is available. Through you, Madam President.

THE CHAIR:

Senator Kissel.

SENATOR KISSEL:

Thank you very much, Madam President and that concludes the questions that I ever Senator McLachlan.

THE CHAIR:

Thank you, Senator Kissel.

SENATOR KISSEL:

Just on the amendment itself, it strikes me as something that will probably be done in any event, but because it appears that under federal enforcement actions at this time, that there appears to be a high threshold to end up being the subject of a deportation order. If -- and I have no reason to doubt as Senator McLachlan has so artfully articulated -- that if one is convicted, not even accused, but convicted of a felony crime

and either state or federal court, but that will probably result in a deportation order, I don't see any real good reason why we, as a state, would extend to an individual in that situation in-state tuition benefits that otherwise are not available to an individual in our state that is your unlawfully. And actually ratchets it up. We, as a state, would have made a policy decision to move forward with the in-state tuition, but if then they are the subject of a deportation order, they may have committed a crime. At some point, our largess and our caring nature has to be supplanted by an adherence to something more just, at least more just in light of all the lawful people that are trying to avail themselves of state resources.

Regarding the other scenario where there tends to be a large grouping of the illegal immigrants or individuals of unlawful residential status, and they are detained and then that may result in the coordination orders, while I am sympathetic to the plight of those individuals, at the same time my guess is, is that deportation situation arises because those individuals, by being in large numbers, are creating an economic strain on

otherwise law-abiding individuals. Or somehow they are being utilized in an economic fashion to undermine otherwise law-abiding individuals.

And I have heard from my friends in organized labor and different unions, private-sector unions, not the public-sector unions, that there is a concern when individuals are brought in unlawfully working at lower wage rates, denied benefits and being fearful of their own ability to seek redress of their abuse. So they are under the radar, but they pose an economic threat to those skilled trades people out there that are following the rules. So it's an unfair situation. Should we punish the employer? Absolutely. Absolutely. But do the large groupings of unlawful individuals here in Connecticut pose an economic threat when unemployment is 9.1 percent? Yes, it does. And so should we extend a financial benefit to individuals in that situation? I think fundamental fairness would dictate, no.

So in totality, I believe the amendment makes an awful lot of common sense. It creates a fairly bright line test for excluding what I would hope would be a fairly small universe of individuals

from being able to access our higher education institutions at in-state rates. And with that in recent Madam President, I'm happy to support the amendment. Thank you.

THE CHAIR:

Thank you, Senator Kissel.

Will you remark further? Will you remark further?

Senator McLachlan.

SENATOR McLACHLAN:

Thank you, Madam President.

Just to rise in summary of requested support for this amendment. I thank the members of the Senate for listening to this somewhat detailed description of the deportation process.

And I do believe that based upon the underlying bill, that it is important for this Legislature to recognize that the underlying bill is raising red flags of concern in immigration law for these students who are requesting discounted tuition rates in a state university. And that the process, as it is currently known in federal immigration law, requires someone who is here illegally in the United States and files an

application for proper immigration status, is subject to an immediate deportation proceeding, which explains why we have 12 million-plus illegal aliens in the United States, because the process is so complicated that it requires the individual to go through an expensive process to become legal. And yet, the end result often can mean, and likely means deportation.

That explains why they are not following through on the process. That explains why the language of the underlying bill is so vague. We sign an affidavit and say, well, I'm going to go make myself legal.

And I submit to you by way of this amendment and ask for your support of this amendment, that you can't do that. It's not possible until the United States Congress and the Obama Administration decide they're going to fix federal immigration law. It's not happening.

I've heard others in the circle tonight talk about several presidents in recent memory have attempted to address the issue of federal immigration reform and I'm supportive of federal immigration reform. I think we should have federal

immigration reform. The problem is we don't even enforce the laws that are on the books now.

So this amendment is seeking to knowledge that we have a real problem and we're asking an individual to sign a document, this affidavit called for in the underlying bill, to sign a document that they will never and cannot fulfill. Now, why would any legal body, a Legislature of the State of Connecticut decide that it makes sense to pass a bill that is going to be ignored? We know it's going to be ignored, because the moment they sign their name they raised the flag and said, I'm illegal and subject to deportation. The moment that they fill out all of the paperwork with federal immigration, they are subject to deportation. They are not going to do it. It's not going to happen.

I've spoken to many of my neighbors. Some of the students that are here tonight sitting in the gallery and they worked me hard in the lobby today asking me to reconsider my position on this case. I understand the plight.

I live in downtown Danbury. I live in the inner city of Danbury and many of my neighbors are

recent immigrants. And I don't know the immigration status of all of my neighbors, but I understand the challenges that recent immigrants face. And the reality here is that this Legislature has got to rethink this idea. You are not being realistic at all.

Why don't you just change the language to say, listen, we know you're here illegally. We want to help you. Just come on in. You don't have to sign anything because it's all a bunch of baloney anyways. Just come on in. We're going to give you a discounted rate. You're going to get taxpayer-funded discounted tuition and UConn is going to cost 60 or $70,000 less than an out-of-state person pays. We are going to give you that. Let's just forget about all this other stuff because we know based upon the language in the underlying bill you're never going to do it anyways because you don't want to be deported. So why would you? I don't blame them. That's why the language in the underlying bill is so weak.

Back to the amendment. The amendment is just clear as a bell. That if we're going to have an underlying bill that ignores federal law, because

that's really what you're doing if you pass the underlying bill -- you're ignoring federal law. You're are telling someone to break the law and look the other way. Then why don't we at least say, listen, if you have already broken the law and the federal government agrees that you have broken federal immigration law and you have a deportation order, then you are excluded. Everybody else that doesn't have a deportation order yet is okay. Wink. Wink. Sign this little piece of paper and, you know, you are okay. But if you have a deportation order, why don't you draw a line in the sand somewhere and say that this Legislature is really going to enforce a law because the law you're getting ready to pass you're not going to enforce.

I'm as perplexed about the challenges of illegal immigration and the challenges of children of families faced with illegal immigration as the proponent of the bill is. She may not believe that, but I assure you that is true. But that doesn't minimize my concern that we, as elected officials, have taken an oath to enforce the Constitution of this state and that we probably

should have a little bit of common sense and responsibility in passing legislation that is real. And this bill that you're looking to pass the night is not. Look at the closing lines of the bill. It makes no sense.

Dear Senators, draw a line here. This amendment makes perfect sense. For those who have clearly broken federal law, you're disqualified. You're disqualified. Wink wink to everybody else is apparently where we are going tonight. I won't support the underlying bill, but I wish I could convince you to at least say no to those individuals who have already been -- been issued a deportation order and it is clear that they're on their way home based upon the laws of the United States of America.

Thank you for listening. I urge support of this amendment.

THE CHAIR:

Will you remark further? Will you remark further?

If not, will the Clerk please announce the roll call vote and the machine will be open.

THE CLERK:

An immediate roll call vote has been ordered in the Senate. Will all Senators please return to the Chamber. An immediate roll call vote has been ordered in the Senate. Will all Senators please return to the Chamber.

THE CHAIR:

Have all the members voted? Of all the members voted?

The machine will be locked.

And Mr. Clerk, will you call the tally.

THE CLERK:

Madam President, total number voting on Schedule Amendment "J."

Total Number voting	35
Necessary for adoption	17
Those voting Yea	14
Those voting Nay	21
Those absent and not voting	1

THE CHAIR:

The amendment fails. Would you remark further? Will you remark further?

Senator McKinney -- Senator Roraback, I'm sorry.

SENATOR RORABACK:

Thank you. Thank you, Madam President.

This has obviously been a long and thorough debate. And quite frankly, Madam President, how I wish that we could encourage our federal legislators to sit through this debate so that they could better appreciate the consequences of their inaction.

Madam President, I continue to believe from the bottom of my heart that our country is failing young people who have grown up in this country, who arrived here as the children of people who came unlawfully to this country and who are now suffering the consequences of their parents' disregard of the law, or stated otherwise, of their parents pursuit of a better life.

Madam President, as I said earlier in my conversation with Senator Bye, we are bit by bit trying to confer the privileges of citizenship on this community of youngsters without an appreciation for the arbitrariness of the distinctions that we are drawing. If we wish to extend this privilege, the privilege of in-state tuition, why is it that we wouldn't wish to extend the privilege of voting in our elections?

By all accounts, the youngsters in question are responsible, hard-working, contributing members of our society. So why is it that we think that this particular privilege is worthy of conferring while we withhold other privileges?

Madam President, I think we are on a collision course with the rule of law. The rule of law has been tested with this bill -- will be tested with this bill and I, for one, would like to think that out of respect for the rule of law we would redouble our efforts to come up with a permanent, lasting, meaningful resolution to the real issue of how these young people are going to lead their lives. If it's the case that they cannot lawfully apply for citizenship and that the fact of applying for citizenship would imperil them or does imperil them, whose interests are we serving? I guess there's the expression that half measures avail us nothing. And in many respects, there is no circumstance where half measures are less appropriate in my judgment than in this particular situation. This community of people deserves the full measure of our attention and my guess is if it were left to the people in the circle we could come

up with a fair resolution to the challenges they confront.

But Madam President, that's not our responsibility. In my view, our responsibility is to let it be known to the people that represent us in Washington that they are missing the mark, that they are creating a community of young people whose lives are forever going to be in limbo. And what we are doing here tonight, Madam President, isn't adequate and it doesn't invite respect for the law. It sends out a message that somehow we in Connecticut and create a law independent from federal law and I don't think that that's a message that any of us want to be our legacy.

Madam President, as time goes on we will see what the results of this law are to our State, but more importantly, have we served relationship between state government and the federal government? Have we lived up to our responsibility to -- are we acquiescing, I guess, in the inaction in Washington. Are we can condoning the failure of leadership, the failure of resolution? Are we making it easier for people in Washington to bury their heads in the sand and to come up with a

long-term, fair resolution? I think we are and I think that while there may be a momentary belief that we've advanced the cause -- in the fullness of time, we will find that we have, in fact, been responsible for a retreat from the imperative of conferring real and lasting and full rights on this community of people.

So I urge opposition to the bill and thank the Chamber for its indulgence.

Thank you, Madam President.

THE CHAIR:

Thank you, Senator.

Will you remark further?

Senator McKinney.

SENATOR McKINNEY:

Thank you, Madam President.

Madam President, several hours ago at the start of the debate Senator Bye, who I consider a friend, talked about the nature and tenure of the debate the last time we had this and I think that the debate tonight has met that tenure as well.

Madam President, I rise in opposition to the measure before us. And I do so with -- with some regret. As we started off this debate and many of

the people who have talked about it have said, you know, that these young men and women, these students we are talking about, have not done anything wrong. And they are right. All they have done is go to school, work hard, study. They want to go to college and succeed and that is to their credit. That is to their credit.

At the same time, we've heard a lot about how this bill is not about federal immigration reform. I think that's what my good friend Senator Bye said, and how even under federal law there are exemptions for what states can do with respect to allocating tuition for out of state, in state. Yet, much of the debate as I've listened to it as centered around frustrations with our federal government's inability to pass immigration reform and whether or not we, as a state, by passing initiatives like this can either move the federal government more towards immigration reform, or help these young men and women on a path to citizenship, which is what we want them all to do.

So while we say this debate isn't about federal immigration reform -- it really is. It's impossible to separate the two.

Why is it impossible to separate the two? Under this bill in Section 9, we require of an applicant that he or she file their application to legalize their immigration status or file such an application as soon as they're eligible to do so.

As I understand it, you can't just file an application. You need a sponsor to file that application. Yet, the federal law prohibits a business or entity from being a sponsor because they would be acknowledging that they're breaking federal law by employing someone who is not here legally or with the proper documentation.

So I don't know how we are ever going to get these students to file the application when an application requires a sponsor when they can't get a sponsor to do it because it would be acknowledging that the sponsor is doing something -- and we all know it. I think it was Senator Leone who said, you know, if we didn't have people who didn't have proper documentation working in our communities there would be a hit to our economy and he's right. So if we wanted to really implement real immigration reform and if we wanted to, as a state, force immigration reform, one of

the things we can do is say to any of these companies, you can't break the law and hire these people because you know what? Then you would see business interests run to congress and say, help, pass immigration reform now. Maybe that's the way we could really do it as a state. I don't think this gets us that as a state.

Senator Leone also said something else which was spot on as well. He said -- and I think I'm quoting him -- what parent wouldn't do whatever is necessary for their child? And he's absolutely right. And I think that's part of the dilemma with this piece of legislation. We don't know how many students are going to qualify for this in-state tuition. We're quoted it's a couple hundred, but if New York or Massachusetts or Rhode Island or New Jersey didn't have this policy and you lived in one of those states, maybe you lived close to the border of Connecticut, what would you do? I would move and every parent would move with the option of getting their child a college education that's affordable. So if Connecticut is offering this, and you can debate whether it's called a benefit or not and other states aren't, are we then going to

attract more people? I would. If the difference between my son or daughter getting an affordable college education were moving to Connecticut, I'm there in a heartbeat. Especially if it means I can still keep my job in Massachusetts or Rhode Island or New York and just drive across the border.

So we don't know how many students are going to qualify under this. It is speculation and that leads me to my -- to my ultimate reason for not being able to vote for. I did have an amendment I won't call, but in effect by amendment would have said that if you're bumping a student you can get accepted to the college and university. You'd still have to pay out-of-state tuition, but if there is open spots and you are accepted that you could get in-state tuition.

Because whether the number is two or four students at UConn or a higher number that we don't yet know, we do know with this economy that not only the University of Connecticut, but our state university systems are extraordinary values and exceptional universities. We do know that those universities become increasingly harder and harder to get into.

And so while I do believe that passage of this bill is a message of hope and compassion to some, I'm worried about the message it is to others. And that's what Senator Guglielmo talked about. He said, what do you say if there's a high school senior who doesn't get into UConn? Whose parents did it the right way, who spent the time and effort -- maybe it is somewhat who came from another country, who is here properly with the proper documentation and they can't get in because now somebody else has bumped the from that spot.

So on the one hand you are giving to some a message of hope and on the other hand you are sending a message of, it doesn't matter if you did it the right way or not. Because like the students whose fault it is not, that same child Senator Guglielmo referenced is not to blame for anything either. And yet by a stroke of a pen, we can be changing a policy that very well will mean that someone who is here properly, who is here legally, whose parents did it the right way will not get that spot. It may only be two or four at UConn. It may grow to be more, but to me, that message of fairness for all overrides the message of hope for

some couple of hundred.

And if this were a bill that were limited to open spots, I would vote for it. If this were a bill that said, you know, we have an extra 20 spots at Norwalk Community College or Housatonic Community College or Southern Connecticut and those 20 spots are going to go unfilled because the students parents can't afford the out-of-state rate I would rather have those 20 spots filled with these students take the in-state rate, but it's not just about open spots. It's about all spots and for that we know that there will be some, there will be some that will be bumped.

So I'm -- I wish there had been a compromise to this. I do wish our federal government would get their act together and I don't want to spend a lot of time harping on that, but it has been a bipartisan failure in Washington. President Bush tried to pass immigration reform and the Republicans in Congress and Democrats in Congress said, no.

President Obama hasn't talked as much about immigration reform as I wish he would. But even with some of the little he has talked about,

Democrats and Republicans in Congress are saying now. So it has been a bipartisan failure to pass immigration reform, but that's really the solution here. Ultimately, that is the solution, to acknowledge that there are -- I don't know the number -- 12 or 15 or 20 million people in our country that don't have proper documentation, who are illegal aliens, undocumented people or whatever you want to call them. Who are here -- they've been here for a long time. They work in our communities. Their kids go to school with our kids and they should be free to be part of our society and get a path to citizenship and that way we wouldn't be having these debates about what's fair and what's not fair.

This is not about sending anyone back to their country of origin. This is not about fear of illegal immigration. This is about the fact that we have an extraordinarily competitive university system in Connecticut. One at the University of Connecticut where kids in our high schools, in my town who are averaging B pluses an A minus' aren't getting into UConn. Maybe they get offered a spot in a branch for two years and then Storrs. The

competition level is extraordinary and that's a double-edged sword. It's great news because it means the University of Connecticut is a first-class university, but it's bad news because it means a lot of kids in Connecticut aren't going to be able to go there.

So I think that opening that up to people who admittedly, whose parents have an update the right way since a negative message to those who have. And that message is an overriding message for me and why I'm going to cast my vote in the negative. Thank you.

THE CHAIR:

Thank you, Senator McKinney.

Will you remark further?

Senator Looney.

SENATOR LOONEY:

Thank you, Madam President.

Madam President, speaking in support of the bill, first of all, I wanted to commend Senator Bye for the extraordinary job that she did all afternoon and evening in discussing the bill with great, great clarity, great patience and great focus and her work and shepherding it through the

process all the way through committee along with her cochair Representative Willis and Representative Candelora who worked on this bill greatly in the House as well.

What this is about, Madam President, is opportunity for young people who are American in the very best sense of that word. That is the sense of hard work, aspiring, hoping for a brighter future. That is the essence of American optimism and that's what these young people are all about.

It is very traditional, that these are -- it's important I think to recognize that these are people as Senator LeBeau and Senator Leoni said earlier, these are not calculating adults who came to this country hoping they could find a way to advance themselves. They are children, in some cases, came here as infants, brought here by their parents at an early age, have no memory of life, in many cases anywhere else, except in America. And these are our Connecticut children. They are our children's and grandchildren's friends and classmates and playmates and their aspirations are those that are own children and grandchildren share.

Now, one of the things I think to keep in mind, Madam President, is the affidavit that has been discussed here a great deal today. That affidavit requires courage for these young people to sign that affidavit. Obviously recognizing that it is something that might target them at some point if -- if federal practices change in a somewhat harsh way. But they are so committed to higher education that they are willing to take that risk to do so. Again, that is in part of the great American tradition of being able to risk greatly hoping for -- hoping for gains and open to rise by your own achievement at your own initiative.

And if and when the Federal Dream Act is passed, these students will be able to take full advantage of that advantage, of the higher education that they will be able to get under this bill. And again, for the most part these are, in fact, struggling low and moderate income families. So it isn't as if these are people who are capable of paying out-of-state tuition who are now going to get a windfall. They are people who probably would not be able to go to college at all except that the fact of in-state tuition puts it somewhat more

reasonably in reach.

For the most part, many of these young people are still going to have to scramble. They are going to have to work after school. They are going to have to work during the school year. Their parents are going to have scrimp and save and sacrifice for them, but their whole hope is based upon the kind of desperation that has been the hope of immigrants throughout America's history.

Madam President, as Senator Leoni said, people come to the United States generally not because they are complacent and satisfied and prosperous in their nation of origin because if they were, they wouldn't venture here. They come here because of a combination of hope or economic necessity or in some cases, fear and desperation.

In my own family, both my parents were immigrants from Ireland. They grew up in rural Ireland where the rule of primogeniture was still in place, meaning that the oldest son inherited the farm. Perhaps there was enough money to provide a dowry for the oldest daughter to get married, but all of the younger siblings would have to come and -- knew from an early age that they would be

seeking passage to America. My parents were younger brother and a younger sister in a large family so they knew that they were headed for America at a very early age.

But this bill is really about meritocracy. There has been a discussion about whether others are going to be denied positions, but it is because of the competitive nature of higher education we have in Connecticut, the only undocumented students who will profit from this bill are those who are significant high achievers.

Though, they are making a sacrifice, they are motivated towards higher education, we are concerned so often that so many young people don't have the ambition to pursue higher education or don't focus on that or don't stay in school. These are young people who are willing to exert Herculean efforts to have that opportunity for themselves.

And in many ways, Madam President, this is really an extension of a principle that was established in federal law some years ago. Back in 1982, the U.S. Supreme Court in the case of Filer Versus Doe held that under the 14th amendment states may not deny to undocumented school-aged

children the free public education provided to children who are citizens of the United States or legally admitted aliens. In that case, under the rational review basis, the court found no rational basis for denying these children access to education.

And we might say, Madam President, that House Bill 6390 is in many ways a logical extension of the holding in the Filer case because now 29 years later, it certainly is arguable that opportunity for a college education is as important as a K-12 education might have been in 82' when Filer was decided. So it really is, I think, consistent with the principals of that case as we -- as we move forward.

We have been concerned and it's been discussed in the debate earlier today about the need for a more sophisticated, highly educated workforce. And this bill will enhance the capacity of Connecticut residents to have the kind of skills that are going to be needed in the economy of the future. The benefits to our state include strengthening the labor market by slowing the rate of loss of talented workers, increasing the number of

taxpayers in the future, reducing the overall burden. There are many economic benefits.

As was said in a discussion about the bill, the vice chancellor of the California community college system -- California one of the states to adopt this bill -- Terry Carbo said, quote, the higher the number of degree holders living in our state the more likely we are to meet future workforce demands. That's true in California. It's true in Connecticut.

We all know that college graduates generally pay much more in taxes than those without degrees, much more likely to be -- to be employed. They tend to be more flexible in terms of pursuing opportunities that may develop with new technology, to be able to seize upon opportunities that develop as time goes on that may not be foreseeable at the earlier stages of their -- of their career. And this legislation will increase the flexibility, increase that capacity, thus reducing overall burden and providing an enhanced benefit for Connecticut to have exactly the kind of growth and the kind of workers we need to have and recruit and preserve here in Connecticut.

So there are so many reasons why this bill is good policy, Madam President. Anyone who has attended any of the press conferences where volunteer students have come forward to talk about the need for this bill, many of them talked about the struggles that they have had early in their lives to get to the point where they are prepared to be able to apply for college.

They have worked during their high school years. Their parents have stressed the need for education. Many of them, as Senator Bye said early on, were not even aware of the distinction between them and their classmates until they got to the age of 16 or so and we're starting to think seriously about their options for applying for college and finding out they were potentially on a much different and lower trajectory than their native-born friends and classmates.

And so this -- this is really about our future. It really isn't the best American tradition, Madam President, that when America has been at its best, it has been open, it has been welcoming, it has been encouraging. That is what this bill is all about. We have never been in our

best and we have sought to limit opportunity. We have always been in our best when we have sought to expand opportunity and that's what this bill is all about and we should all celebrate the passage of this bill, Madam President. Thank you.

THE CHAIR:

Thank you, Senator.

Will you remark further?

Senator Williams.

SENATOR WILLIAMS:

Thank you, Madam President.

I rise to support this bill. And also to thank Senator Bye for bringing this bill before us and arguing it so persuasively over so many hours today.

Madam President, America is a land of opportunity. America is a nation of immigrants. The essence of America is to open doors. That's always been a source of our greatness. Immigrants who have come to this country ever since and before its founding have provided it with the lifeblood of progress, of innovation, of invention and that's what we are really talking about here today because we are talking about providing education to young

people who want to better themselves, who have lived here in this state, who have been educated in this state, who are committed to being citizens of the United States.

You know, when I mentioned that we are a nation of immigrants, there may be some in a circle would say yes, but immigrants who have come here legally. Not those who have come here illegally or in some way are undocumented. And therefore, the children of those who have come here illegally or are undocumented, they should be held accountable. They should not be able to better themselves through education. And to that I would say, no. We must go in a different direction. It is not the American way to visit the shortcomings of the parents upon the children. And I believe that if we were to consider carefully all of our ancestry for those of us among the circle here and our staff and our colleagues in the House and everybody who works for the Legislature could we honestly say that all of us and all of our relatives came to this country legally?

And I'll tell you, I have a lot of different nationalities and different folks from countries

running through my blood veins. But I'm also part Choctaw. From the Choctaw point of view, I would say that many of you are undocumented. It really depends on how you look at this. I mentioned that a couple of years ago when we had this bill on the floor. I believe what America is about is offering that opportunity, opening those doors, providing that education. That's always what has made this country great.

What we are talking about in this bill, as they say, is not a handout. It's a hand up. That's what this is. That's what we will do with the passage of this bill. So I thank you for this debate, but now let's get on with helping America become greater and Connecticut become greater. We don't have a single life to waste in the state of Connecticut. Not a single life to waste. Every life should be lived to the fullest and the potential should be explored to the fullest. That's what this bill will do.

Thank you, Madam President.

THE CHAIR:

Thank you, Senator. Will you remark further? Will you remark further?

If not, will the Clerk please announce the roll call vote and the machines will be opened.

THE CLERK:

Immediate roll call vote has been ordered in the Senate. Will all Senators please return to the Chamber. An immediate roll call vote has been ordered in the Senate. Will all Senators please return to the Chamber.

THE CHAIR:

Have all members voted? Will you check your votes. Have all members voted?

If all members voted, the machines will be locked. Mr. Clerk, will you call the (inaudible) the tally. Sorry.

THE CLERK:

Total Number voting	35
Necessary for adoption	17
Those voting Yea	21
Those voting Nay	14
Those absent and not voting	1

THE CHAIR:

The bill has passed. Thank you very much.

Senator Looney.

SENATOR LOONEY:

JOINT
STANDING
COMMITTEE
HEARINGS

HIGHER EDUCATION
AND
EMPLOYMENT ADVANCEMENT
PART 5
1204 - 1511

2011

CHAIRMEN: Senator Bye
Representative Willis

VICE CHAIRMEN: Senator LeBeau
Representative Candelaria

MEMBERS PRESENT:
SENATORS: Boucher

REPRESENTATIVES: LeGeyt, Alberts, Dillon, Giegler, Haddad, Janowski, McCrory, Noujaim, Rovero, Sawyer, Sayers, Stallworth, Walker, Yaccarino

SENATOR BYE: Senate Bill 1091, AN ACT CONCERNING CONNECTICUT'S MANUFACTURING AND TECHNOLOGY WORKFORCE. Senate Bill 1152, AN ACT CONCERNING THE UNIVERSITY OF CONNECTICUT HEALTH CENTER and House Bill 6390, AN ACT CONCERNING ACCESS TO POSTSECONDARY EDUCATION. We want to begin by calling Representative Candelora.

Good morning, Representative.

REP. CANDELORA: Good morning. Thank you, Chairwomen Bye and Willis and Ranking Members Boucher and LeGeyt. Good morning. I'm here to testify in opposition to House Bill 6390 AN ACT CONCERNING ACCESS TO POSTSECONDARY EDUCATION, before this committee. And I'm not going to read my testimony, but I'm just going to summarize.

One of the concerns that I have with the way this bill is -- putting aside the -- the substance of whether or not we should be offering in-state tuition to illegal immigrants -- is that we're faced with the dilemma of federal law being that and I quote, an alien who is not lawfully present in the United States shall not be eligible on the

basis of residence within a state … for postsecondary education benefit, unless a citizen or national of the United States is eligible for such benefit.

There have been cases around the country brought, in response to these types of proposals, where the states would be exposed to be giving every student in an institution, in-state tuition rates if we offer them to illegal immigrants. There is no case in the Second Circuit, or in state court in Connecticut that has resolved this issue. Therefore, we are certainly exposed to some risk. The Office of Fiscal Analysis has pegged this risk to being about $30 million. And I think that Connecticut, given our fiscal situation of a $7 billion deficit, that I think we're reaching a point where we have a moral obligation to our citizens to balance that budget. I don't see that we're in any position to take such a risk of potentially passing legislation such as this that would expose us to another $30 million expenditure.

So therefore, I would strongly urge all of you to consider this bill very carefully in your deliberations. And I'd be happy to answer any questions.

SENATOR BYE: Thank you, Representative. Any questions? Senator Boucher.

SENATOR BOUCHER: Thank you, Madam Chairman. And thank you, Representative, for being here today and weighing in on such an important topic. What you just outlined was a matter of federal law. Are you also familiar with our particular Constitution and laws in Connecticut, with regards to this issue?

REP. CANDELORA: Not particularly, I'm sure that there could be other constitutional challenges, as it relates to Connecticut, but I knew -- I know federally, we certainly would be exposed under this statute, like the other states had been exposed.

SENATOR BOUCHER: In addition, as far as employing individuals, do you know of any issues with regards to state law when -- with regards to employing legal immigrants versus illegal immigrants.

REP. CANDELORA: Well, one of the dilemmas that we also do have is that illegal immigrants are not able to be employed within the State of Connecticut, so we are going to be potentially educating a workforce that is not eligible to work in Connecticut. And the dilemma there is that, you know, we are waiting for federal action, but in the meantime, as the law currently states, they would not be able to be employed. And so I think that while it may be well-intentioned to look to different workforces to educate, it doesn't make a lot of sense; that not only are they not employable, but if employers did seek to employ illegal immigrants, they are exposed to possible civil actions.

SENATOR BOUCHER: One of the things that concerned me -- and I wonder if this has -- is a concern of yours, as well -- that as elected officials, we are -- have to pledge, in order to take our positions, to uphold both the State Constitution and the federal. Does that cause any concern, with regards to conflict in your own position, as an elected official?

REP. CANDELORA: Senator, I appreciate that comment or question, because my testimony only speaks to that. I certainly take the oath very seriously when -- and I know we all do. And I guess, one

of the dilemmas here, we do take an oath to uphold the United States Constitution and the Connecticut Constitution. And looking at bills such as this, and other bills that may be directly contrary to federal law, is troubling to me. I think that we have an obligation to not set up the State of Connecticut in that position. And, therefore, I don't even get to the merits of this issue, because it potentially -- well, because it violates the direct language of federal law. We really shouldn't be debating this issue.

SENATOR BYE: Representative Candelora -- Candelaria.

REP. CANDELARIA: Candelaria, we might get confusing, Representative Candelora.

REP. CANDELORA: And I apologize.

REP. CANDELARIA: I was here, though -- I was here first. Representative, thank you for being here today and discussing this important topic.

You share with the committee some concerns that you have; specifically, in regards to the federal law. But isn't it -- when you were doing your research, didn't you come across that federal law offers states -- that it does not deny the states from passing laws that will help individuals with in-state tuition?

REP. CANDELORA: That's correct. There is no direct prohibition of us taking action on this. I guess the point I'd go back to is that it exposes us. And the Office of Legislative Research did a report back in December, where there are several court cases pending throughout the United States. The only state that has definitively ruled on this issue was California. And they found that California was not in violation. However, you

know, that decision would not be binding on us, and there are other cases that are pending that certainly could go the other way.

REP. CANDELARIA: So California already set precedent for, basically, all the states. That's my understanding with that court case.

I guess my other question would be: You mentioned also that there might be an economic impact for our state of $30 million. How did you come up with those figures? Can you tell me a little bit about that?

REP. CANDELORA: I'm going from recollection of an analysis that was done by the Office of Fiscal Analysis back in, I think, 2007 that found that there could be a fiscal impact of $30 million, if a court -- if this law -- if this bill went into law and a court found that we would have to give in-state tuition to every student in our state system. The exposure is about $30 million.

REP. CANDELARIA: Thank you for that. And, unfortunately, I have to disagree with that a little bit. And I'll -- and I'll explain myself. I think the assumption is from -- from the recent background and information that I've gathered, I think that we would gain revenue, by passing this legislation.

Not all undocumented students will attend college, unfortunately, that happens with every society. Some cannot afford it. Some are busy working two or three jobs, trying to, you know, maintain the household. So although we can continue with this debate in the future, I think that the bill does deprive the State of Connecticut from those individual's intellectual capital. And I think that would be a great

benefit for the state, if we pass the state and we educate those youth.

If -- if Congress -- probably you're not aware of this -- but I'll bring you in light of this -- there was a challenge in 1992, where it was challenged that we couldn't provide youth with elementary education. And the courts, the U.S. Supreme Court ruled against that, saying that it would be illegal for us to do that, even if that child is an undocumented child; that we cannot hold these children responsible for the decisions of their parents. Now that was actually in 1982. Nowadays, in 2011, I think we need to educate our workforce even more, so that we can be competitive with other states.

So I would love to continue this debate with you. Thank you for being here. And thank you, Madam Chair.

SENATOR BYE: Sure. There'll be opportunities for discussion. Other questions? Representative LeGeyt.

REP. LEGEYT: Thank you, Madam Chair. Welcome.

REP. CANDELORA: Thank you.

REP. LEGEYT: Just to clarify what you said and understanding Representative Candelaria's comments, as well, we're not talking here about denying anybody the opportunity for education. We are talking about whether or not we should allow undocumented immigrants to pay the in-state tuition price, instead of paying as an out-of-state person. And your figure of $30 million would be an issue if it occurred that someone who was not a undocumented resident, but was an out-of-state resident, pure and simple, took a claim to court, saying that because undocumented

residents in Connecticut get to pay in-state tuition, then they should, as well. And that $30 million would be the net result, if all the applicants, who are accepted at our state colleges, were allowed to pay in-state tuition. Is that correct?

REP. CANDELORA: That is correct.

REP. LEGEYT: So, as far as denying somebody education that's not -- that's not even before this public hearing. And it would take someone to actually bring a claim and complain, as an out-of-state resident that they deserve the in-state tuition, as well. But, clearly, if there's -- if there's a -- if that's already been brought in other states -- did you say that it has?

REP. CANDELORA: That's correct. There are -- there are several states that are currently defending this issue.

REP. LEGEYT: So it would certainly happen here, as well?

REP. CANDELORA: Presumably.

REP. LEGEYT: And the federal law, your interpretation, would allow it -- would allow the -- would allow the court to determine that all -- all applicants would be able to access in-state tuition, if we put this bill into law?

REP. CANDELORA: Yes. I think that a legal argument could be made and that there is a risk for us to be exposed to a finding -- an adverse finding.

REP. LEGEYT: Thank you.

SENATOR BYE: Thank you, Representative. Representative Walker.

REP. WALKER: Thank you. And thank you for your testimony. First, I want to ask you, was the bill that was proposed in 2007, the exact same bill that we have now?

REP. CANDELORA: I didn't compare them word for word, but they're very -- the language is very similar, yes.

REP. WALKER: Okay. And the projected $30 million cost was exactly -- how was that accounted for?

REP. CANDELORA: I guess the way it's determined is how many out-of-state students that we have in our university system and they calculated, if we were to give them all of the -- give them all an in-state tuition rate, that differential would amount to $30 million. So they no longer would be paying the out-of-state rate. For instance, UCONN, I think, is $24,000. They would get, I think, the $8,000 rate. So we would lose $16,000 per student at UCONN, as an example.

REP. WALKER: Okay. I just got that, because I was reading the -- the OFA report. And it says OFA reported that CSU and CTC would, potentially, gain revenue, if additional students. So I'm confused.

REP. CANDELORA: Yes. The actual -- the fiscal note to that bill, points out that there -- there, potentially, is a revenue gain, because our community -- in the short run. If the bill was passed, the argument is that there are vacant slots in our community college system, so that if we were to accept more students in, because we're opening it up to a larger pool, potentially, that that could be viewed as a revenue gain, for the community college system. Whereas, UCONN, it may

be a revenue loss, because they're already at capacity.

The issue that I speak to is not the effects of, if the law was adopted and enacted, the issue that I'm speaking to is that if the law was enacted and an out-of-state student challenged it, and said, I should be entitled to those same benefits under federal law; if the court says they're correct, they should be entitled to those benefits, then the State of Connecticut could be assessed and have to refund our out-of-state students their out-of-state tuition. And then they would be entitled to the in-state tuition rate and that number was targeted of -- of costing, potentially, $30 million annually.

REP. WALKER: So the narrowness of this bill, which defines exactly the qualifications that a person must have, in order for them to -- to take advantage of this bill, would then be jeopardized because somebody else is complaining, because of their tuition being changed, not -- not -- I'm confused --

REP. CANDELORA: Sure.

REP. WALKER: -- because of the fact that if we very narrowly define this, we have the right to do that within our state, to define exactly how we're going to do it. The idea that somebody can challenge it, they can challenge any bill we want -- we have. So I mean, you know to -- to say that.

And then the other thing that I've just read, also, which was very interesting, it says that if there was any revenue lost from the students, it would be minimal in scope for each unit revenue fund. So I'm looking for the $30 million that

you -- you report. Could you send -- send us that report if you have it?

REP. CANDELORA: I -- I will look for that figure. I'd be happy to. And I can even just request it, OFA, to run a new number, because it's probably even higher than that now that tuition rates have raised.

But the point is that what federal law states is that if we're going to give in-state tuition rates to illegal immigrants, who reside in Connecticut, we are then required to give in-state tuition rates to out-of-state students.

REP. WALKER: I don't think it says illegal immigrants. I believe that the -- the actual bill says, residents, people who've lived in the state for four years, who have gone to a high school in the State of Connecticut and graduated.

REP. CANDELORA: And under -- under federal law, there is no distinction.

REP. WALKER: Okay. But the state law has a distinction.

REP. CANDELORA: Right. The federal law, we are obligated to follow federal law. And it applies to us. And that's -- that's the issue here, is to what degree is federal law going to come in and potentially expose us to this -- this situation, which challenge, it exists. It's been done in other courts.

There is a report that the Office of Legislative Research did in December. If you could take a look at it, I'd be happy to get you a copy.

REP. WALKER: That's where I got the OFA report from.

REP. CANDELORA: The OLR report will explain, I think, in more detail, of what the issue is here, what our exposure is.

REP. WALKER: Thank you, sir.

REP. CANDELORA: Sure.

SENATOR BYE: Okay. Thank you very much. I am now -- I want to thank chancellor, Dr. Luis Feroe, for passing, so our Majority Leader, Senator Looney and Senator Prague will testify. I'll start with Senator Looney, then go to Senator Prague, because you all have committee meetings that you need to be -- to be to. But we also know Dr. Feroe is very busy, as well. So thank you for -- you will be after our majority leader and Senator Prague.

Good morning and welcome to our committee, Senator Looney.

SENATOR LOONEY: Good morning Madam Chair, Senator Bye and Representative Willis and members of the Higher Education and Employment Advancement Committee. My name is Martin Looney. I represent the Eleventh District, New Haven and Hamden. Thank you very much for the opportunity to testify here today, in support of House Bill 6390, AN ACT CONCERNING ACCESS TO POSTSECONDARY EDUCATION, which, of course, would allow the children of undocumented immigrants to attend state institutions of higher education at the in-state tuition rate if, and only if, the children have attended school in Connecticut and have graduated from Connecticut high schools.

Again, these students would not qualify for any financial aid and this proposal does not provide them with financial aid. It simply sets their tuition at the rate that applies to all other

state residents. Its benefits to our state includes: strengthening the labor market, by slowing the rate of loss of talented workers and increasing the number of taxpayers, thus reducing the overall burden on families. Students with degrees from public universities and colleges are more likely to build careers in Connecticut. And we know that these young people are highly motivated. They are interested in pursuing higher education, which is -- which is, in fact, the American dream, as we all know.

And we also know that they are committed to a life in Connecticut. Many of them have no memory of life in another place, other than Connecticut. Most of them were brought here very young. Some have no living memory of living in any other place and are thoroughly as American, in that way, as our own children and grandchildren.

In 2007, the General Assembly approved a similar bill, which was then vetoed by the -- by the Governor, at that time. And I believe that this is the year, where we should recognize that advancement of the educational aspirations of these young people is in our long-term interest and estate. We need to have as many highly-competent, qualified graduates with higher education, as we possibly can have. And this -- there is an issue both of fairness and economic pragmatism behind this bill, because those who have college degrees are more likely to build careers in Connecticut and be able to be even more significantly contributing members of our society, as time goes on. We all know that there are -- the opportunities available to those with college degrees is far greater than those who do not and there are opportunities to contribute to society and to enhance our state in so many ways is also expanded.

Terri Carbaugh, the vice chancellor of the California Community College System -- and California is one of the ten states that has a similar law -- stated that the higher the number of degree holders living in our state, then the more likely we are to meet future workforce demands. This is absolutely correct. And we must do all we can to create a workforce that is attractive to business.

And the states that have adopted similar legislation include: California, Illinois, Kansas, Nebraska, New Mexico, New York, Texas, Utah, Washington and Wisconsin.

And we know that the failure of Connecticut to have uniform tuition for residents of this kind either deters people from seeking higher education at all, or requires them to try to leave the state to do so. And that is counterproductive for -- for our future. We need to recognize that this is not, in any kind, of a windfall gift, but it is our own self-interest to take this action, because it will enhance our future. It will make our state better. We know that the only way which Connecticut will be able to compete in the future, is through a highly-skilled and advanced and sophisticated workforce. This will help us to meet those needs in the future.

Most recently, the State Supreme Court in California has upheld the statute in that state. And I believe that this, clearly, is within the purview of the State of Connecticut to pass and do. And I hope the committee will advance the bill this year. The Governor is supportive of it, so that I'm -- we know that he will sign it, if we can get it to his desk. Thank you, Madam Chairs.

SENATOR BYE: Thank you, Senator Looney. And thank you for your leadership on this issue. It really is helping students achieve a dream. And your comment about the California Supreme Court is helpful to this committee, as well.

I have one question and then my co-chair is going to ask a question, which is: Is it your understanding that it's pretty challenging to be accepted into our higher education institutions, particularly UCONN and the CSU colleges?

SENATOR LOONEY: Yes, increasingly the -- we know that UCONN has become increasingly selective, over the last 15 years, since we passed the UCONN 2000, 21st Century UCONN. We know that both UCONN and the CSU system are quite competitive, especially UCONN. We know that the number of applicants has -- has greatly expanded over the last 15 years. The average SAT scores at UCONN are much higher than they were 15 years ago. We know that for many people, UCONN was a safety school 15 years ago, and now it's a first choice for most of its applicants. So in order to even get a chance to get in, students have to be pretty outstanding.

SENATOR BYE: And I think it's the case at our community colleges, too, as I understand it. You know, for all the nursing openings, you know, there are 10 to 20 students that would also like to get that slot.

Now, are you asking for any special consideration for these students, when they apply to our higher education institutions? Or would you say they would have to meet the same merit standard as anyone else applying?

SENATOR LOONEY: Absolutely, our nation really should be a "meritocracy" and there's no -- no special program, or anything that would be reserve slots

or set aside or anything of that nature for these students. They would have to meet the same competitive standards that anyone else would have to meet.

SENATOR BYE: Okay. Thank you for that. I'm turning it over to my co-chair Representative Willis.

REP. WILLIS: Thank you Senator Looney, for coming here today.

SENATOR LOONEY: Thank you, Madam Chair.

REP. WILLIS: I just have a question. Presently, the State of Connecticut and states throughout the United States provide from pre-K to 12 education. And that is the law of the land. Yet we -- for whatever, we stop once students graduate. And I wondered if you could speak to that. What's the legality behind how it is legal and acceptable and we do provide education to -- to all, in the United States of America, through twelfth grade?

SENATOR LOONEY: Thank you, Madam Chair. I believe there was a U.S. Supreme Court decision back in 1982, that provided that -- that affirmed the rights of students from pre-K -- or K through 12, to have access to public education, regardless of their -- of their status. And I think that that was the issue in that case. The court did not opine at that time, I believe, on the issue of education beyond -- beyond high school. But since that time, we've had a clear sense that -- that children should have that -- should have that opportunity. And, again, we're talking here about -- about young people, who were brought to their -- to this country by their parents at an early age. And I think, as a matter of fairness and equity, we should not, in any way, penalize young people for a decision made by their parents many years ago, especially when these young

people have grown up, as part of the fabric of our state.

And in some cases, we've heard testimony and reports of perhaps some of the young people who will testify here today that some people -- some of these young people are not even aware of their status, until they were in their -- maybe their junior year of high school and began to explore options of going to college and then found out that they did not have the same options that their peers -- with whom they had grown up and been educated all their lives up to that point -- would be looking forward to.

REP. WILLIS: Thank you. It does seem rather illogical that we would do that for pre-K through 12 and the, basically, shut the door on everyone, once they graduate from high school.

Thank you very much for coming here, today.

SENATOR LOONEY: Thank you, Madam Chair.

SENATOR BYE: Thank you, Representative Willis. Representative Walker.

REP. WALKER: Thank you. I'm sorry, Madam Chair. I didn't think you saw me. And I was sitting here, trying to -- thank you, Senator Looney, for your testimony. And thank you for coming to support this bill. I think it's extremely important.

I think you heard some of the testimony that we had earlier from Representative Candelora. Did you -- did you, by chance, hear any of the objections that he had?

SENATOR LOONEY: I came here near the end of his testimony.

REP. WALKER: Okay. One of the things that he was concerned about was that we would be in violation of federal law. He said that federal law says it and so, therefore, if we do this; that students from out of state could challenge us, if we do this, because they would want to have -- be able to qualify for in-state tuition, also, rates. Can you respond to that, sir, please?

SENATOR LOONEY: I don't think that has been an issue in the other -- the other 10 states that have adopted this law. I don't see how it would be in Connecticut, because we are dealing with students, in this case, who would have had to have established a period of residency in the state, by having attended school for at least four years and having graduated from a -- from a Connecticut high school. So I think on that basis, we would be able to make certain distinctions regarding -- regarding tuition levels.

Again, we know that the issue of out-of-state students is -- is primarily an issue regarding UCONN. The community colleges have very few out-of-state students, the CSU system, a limited number. UCONN, because of its growing popularity, we know, it does have a larger number of out-of-state students.

REP. WALKER: The other thing that he referred to quite often in his testimony was the fact that this could be a -- this -- this -- when this bill was proposed, 2007, that they had -- was a potential $30 million fiscal note. Did you know anything about that? Or have you seen anything to that effect?

SENATOR LOONEY: I've seen nothing to that -- to that extent. The fiscal note, as I saw in 2007, at the time, said that -- at that time, there might

have been actually a revenue gain, they thought, to the community college system. And to the CSU system, there might be, based upon the fact -- and there was a potential, but not documented loss to UCONN. But recent conversations with UCONN officials that they are not certain where that fiscal note came from in '07 and are not aware of a financial loss to UCONN from this. And, also, they believe that the number of students, who would be accepted to UCONN under this, is a
fairly -- fairly small number. It would not affect the overall mix all that much.

I think the primary benefits for young students would be in the community college and in the CSU system.

REP. WALKER: Thank you. I think the other part of it is the philosophical part of this bill says that Connecticut understands that education is the most important thing that we can offer our citizens and people who have chosen to live here. And through this bill, we are offering to everyone that we feel; number one, that we have the colleges around, so, therefore, they should be going to them.

But, secondly, we want to make sure that our workforce, in the State of Connecticut, has the value and understands that education is the number one factor, so that all of us can have a better quality of life.

So in that regard, I think that I want to thank you for your testimony. And I hope
that -- that we can move this bill forward and help people understand that we've got to educate. We've got to compete in the world. And the only way we can do that is by an informed population that has the skills and the work -- the work

platform that is necessary for Connecticut to make sure we have jobs here and industry. So thank you, sir, for your testimony.

SENATOR LOONEY: Well, thank you. As, again, as the vice chancellor in the California system had said that the state's long-term interests are enhanced by increasing the number of highly-educated people in that state; that can only be to our long-term benefit.

SENATOR BYE: Thank you, Representative Walker. Representative Candelaria, followed by Representative LeGeyt and then Senator Boucher.

REP. CANDELARIA: Thank you, Madam Chair. Senator Looney, I just want to go back again, because I want to clarify California's law and, actually, understand from your point of view.

It is my understanding that the Supreme Court upheld the law, because it did not afford in-state tuition to undocumented students, based on residency only. Now, our bill -- does our bill provide in-state tuition, based on the student being a resident of Connecticut, or are there other criteria to qualify for in-state tuition, if you're undocumented?

SENATOR LOONEY: No, our -- our bill as you know, would require that students have attended school for at least four years, in Connecticut, and be a graduate of a Connecticut high school. So, clearly, there would be no opportunity for -- for people to be kind of opportunistically move into the state, without having a strong prior connection to the state, under this bill.

REP. CANDELARIA: So if our -- if we get past this bill and it becomes law and it's challenged, then we can have a safe argument, in saying that our

bill is based not only on being a resident of Connecticut, but also attending at least four years of high school in our State of Connecticut.

SENATOR LOONEY: That's right. That's why I think that the intent of the bill is to provide this option only to people whose prior history has demonstrated a very strong connection to the State of Connecticut as -- as being committed to life here.

Several of the states that have adopted similar laws that have -- the statutes have been challenged in court, the most notable of the cases was in California, which was recently upheld. The California State Supreme Court, on November 15, 2010, upheld that state's in-state tuition law, which is very similar to what we propose here.

REP. CANDELARIA: So it's fair to say then, if we pass the bill, we'll be okay in defending?

SENATOR LOONEY: I believe so, based on the pattern of what's happened in other states.

REP. CANDELARIA: Another question, if the bill is passed, how many undocumented do you figure will take advantage of the in-state tuition?

SENATOR LOONEY: That I really don't have a clear answer to that. We don't know. But I heard estimates that it could be -- probably, a couple of hundred, maybe statewide, throughout all of the levels of our system, at any given time. But, again, it depends on the number of students who would be successfully able to meet the admission requirements.

And, again, the other -- the other element we know that in the bill would require a substantial

commitment because just by coming forward, and applying and signing the affidavit of intent to establish citizenship whenever possible, there is some risk that these young people would be subjecting themselves to, in terms of coming out of the shadows and potentially identifying themselves for -- for action by immigration officials. So that is possible that that might have a chilling effect on the number who would try to take advantage of this. But -- but I think that provision in the bill also demonstrates how critically important this issue is for young people, aspiring to higher education, because they are willing to take that risk. Those who would take that -- take advantage of this option should -- should the bill pass, are willing to take that risk that they might, in some way, be identified and targeted for an action regarding their status, by the simple act of coming forward to take advantage of this bill.

REP. CANDELARIA: And one last question. How would this benefit our state, economically?

SENATOR LOONEY: Well, clearly as they -- as the discussion earlier, with Representative Walker indicated that we know that our state will only be successful in our international and part of the global economy, the more highly-educated, confident, skilled and accomplished people that we have. And by adding this particular segment to our workforce, with -- and well-motivated for college degrees, we know that we will be enhancing our workforce; that there are young people, who in many cases that we know have already overcome significant obstacles in their early lives, to get to the point where they are now.

In some cases, they may be perhaps, even more well-motivated than other students who have not had to overcome those -- those obstacles. They -- they prize what higher education might mean to them. They are not taking it for granted as, perhaps, some others -- some others do. So they are probably a cadre of above-average, motivated, dedicated and mature young people.

REP. CANDELARIA: Thank you, Senator Looney.

SENATOR LOONEY: Thank you, Representative.

SENATOR BYE: Okay. Representative LeGeyt, followed by Senator Boucher.

REP. LEGEYT: Thank you, Madam Chair. Welcome.

SENATOR LOONEY: Welcome.

REP. LEGEYT: I'm -- I'm concerned that we are not focusing on the issue that this bill would try to alleviate. And in that regard, I have a couple of questions. And I'm hopeful that we can narrow the scope of what this bill really means.

Are undocumented residents presently allowed to apply to and attend institutions of higher education in Connecticut?

SENATOR LOONEY: They -- I don't know whether if they have revealed their status, whether they would be able to do so. In the event that they do, they would be currently charged the out-of-state tuition rate.

REP. LEGEYT: I know that when Senator Bye and Representative Giegler and I went to Western Connecticut State University a couple of weeks ago, we actually talked to a couple students there, who were, in fact, undocumented residents

and had been very successful at Western, in spite of that fact. If students -- if students -- undocumented residents are, in fact, allowed to apply and attend systems of higher education in Connecticut, then it seems to me that the issue that this bill is trying to resolve is the cost. This is more about financial access to education, rather than a true privilege or right to education, because that right already exists. So I think that we have to make sure that we don't confuse those two issues because one is much more important than the other. And undocumented residents already have the right to apply and attend college in Connecticut.

The -- I saw some figures, recently, that perhaps you could confirm that when someone goes to UCONN as an out-of-state student, they have to pay $9,000 for tuition, and as an in-state student, they pay three. Do you have any sense that that's accurate?

SENATOR LOONEY: I think it's higher than that and in terms of both the in-state and out of state. That may be the CSU rate, but the UCONN -- from what I understand, the cost of a full year at UCONN, for an in-state resident, all factors considered, is about $21,000 a year. And for out-of-state students, it's about 37 that includes: tuition, room, board and fees.

REP. LEGEYT: Oh, okay. So the only part of that bill that this cost measure would alleviate would be the tuition.

SENATOR LOONEY: That's right. It does not address other -- because anything else would be, in effect, in the nature of providing scholars, if you provided that assistance for room and board and all of that, because then you would be

providing something in the category of financial aid. But this is strictly about tuition. So the other costs would remain the same as they are for other students.

REP. LEGEYT: So let's -- let's say that, perhaps, tuition at UCONN is 15,000 for in-state and 25 for out of state, so there's a $10,000 differential and since this bill is more about cost than about access or privilege, we're talking a $40,000 bill over the four years that someone would be going to UCONN, as an undocumented resident, that they would have to pay more than an in-state resident. Would you agree?

SENATOR LOONEY: More than an in-state resident?

REP. LEGEYT: Yes. They would have to pay $10,000 a year more.

SENATOR LOONEY: You mean if they had the out-of-state rate, if they were paying the out-of-state rate, they would be paying, probably, that much more per year. But the reality is that in many cases, these people would not be able to go at all, if they had to pay more; that's - that's the reality of the situation. There are very few who are at the level where they can choose to pay the full out-of-state rate and still go without -- without getting any financial aid.

REP. LEGEYT: But I just -- I just want to reaffirm that if they can't go at all, it's not because of a lack of access, by -- by right. It's simply -- it's simply a lack of financial means. Would you agree with that?

SENATOR LOONEY: To some extent, I think it's a combination, probably.

REP. LEGEYT: Thank you.

SENATOR BYE: Senator Boucher.

SENATOR BOUCHER: Thank you, Madam Chairman and welcome Senator Looney. It's a pleasure to see you here on such an important topic and it really is.

My colleague seems to have established pretty clearly that we do provide access to education from kindergarten clear through graduate school or Ph.D. in the State of Connecticut; however, this issue is a matter of cost. How much it costs an individual to access that because, again, they would be required to have the qualifications, to be able to be admitted to this. And that cost, I am concerned about, given the state of economy and the state of our deficit. Has there been a line item in the budget that you're working on that would make up the difference, should this be enacted, and in addition, provide for whatever, as already seen that this has been in litigation in other states where this has occurred, we're in conflict with federal law?

SENATOR LOONEY: I don't know whether there has been any -- I assume that this bill, at some point, will be considered by the Appropriations Committee, should it succeed in this committee and any budget-related issues could be -- would be addressed at that point.

SENATOR BOUCHER: You did point out very clearly that in this bill, one of the aspects to it is that they would have to declare their status, their residency status, in order to qualify, opening themselves up, in other words, for possible -- could be, deportation, should someone want to pursue that. But you also have in the bill, I think, some language that says they could fill an

application, to the degree that they were able to, at some point, as soon as he or she is eligible to do so, from the standpoint of legalizing their residency. What would be the prospects of that occurring, given the nature of their illegal status?

SENATOR LOONEY: Well, that would depend on federal law changing to enable them to -- to, in effect, fulfill that promise. But the affidavit is a statement of their intent to do so, should they be given the option to do that, legally, under federal law.

SENATOR BOUCHER: And I thank you for that answer, because that is my concern. My concern is that this issue definitely belongs at the federal level. I think that we have an issue about our immigration laws. I think we should make it easier for individuals to immigrate, legally, into this country. My family and I did that when I was five and, unfortunately, had to have some pretty stiff barriers to come in here; one was having a sponsor.

Secondarily, my father, who was a common laborer, with a fifth grade education, I had to have a sponsor for a job, as well. And, of course, there was a background check. So it was a pretty high hurdle that many people had to undergo, in order to do that. And -- but because they had finally attained legal status to enter, we were able to become naturalized citizens.

Here, in our own Constitution, here in Connecticut, it literally says no employer shall knowingly employ an alien who is not entitled to local residence in the United States, thereby precluding them from getting gainful employment afterwards, as well. I think we do need to look at this at the federal level, so we don't have

states not in compliance: having to go to court, spending a lot of money that they shouldn't have to do. That, in fact, we should look at all of these issues from a federal level, making it easier for individuals that are deserving to be able to -- to gain all of the benefits.

As we have it now, they do gain the benefit of an education and that's the first precursor to succeeding. It certainly was the case in our family. And this is, I think, a very well-intentioned proposal, but I hope that you and your leadership will consider working as hard on a federal level, to see if we can't fix this situation at its core.

Thank you. Thank you.

SENATOR LOONEY: Thank you, Senator.

SENATOR BYE: Representative Noujaim.

REP. NOUJAIM: Thank you, Madam Chair. Good morning, Senator, good to see you.

SENATOR LOONEY: Good morning.

REP. NOUJAIM: Senator, I'd like to ask you a few questions, for clarification, if I may. I'm sure you know that I am an immigrant. And I'm also a product of the CSU system. And I was motivated to go back and get my education and receive the education that I desired. So it has been very difficult for me to really work and discuss this bill, because I feel very sensitive to it.

You said a few things and I would like to ask you questions -- a few questions, for clarification purposes, more than anything else. In the beginning you spoke about how if there were undocumented and they obtained high school and

they attended high school. Now, again, -- and please excuse my ignorance -- if they do apply, if undocumented, or illegal, or whatever you want to call the students goes, to apply for a high school, would they not be turned down? Or they will not be flagged for deportation because they are not documented within the state?

SENATOR LOONEY: No, under -- under federal law, those students are entitled to attend education through K-12, so they are able to -- as I said in some cases, some of these young people, who I believe will be testifying today, only became aware of their status when they began to explore their options for college. So the impediment that they run into is -- usually occurs as they look for education beyond high school.

REP. NOUJAIM: But, Senator, if they -- if they are attending high school and if they are looking to work part-time, just like every other student, who attends high school, would they not have known that they do not have a social security number? They do not have a green card? They do not have documentation to say that they are either a legal resident of this state, or naturalized citizen or citizens of this state?

SENATOR LOONEY: That, again, if they went to get to the point of working, but how -- how sophisticated are most teenagers? I'm sure they discover it at some point, as maybe when they get to be 16 or so, and they're starting to look at work options and other things. But up until that point, many of them don't perceive any distinction between themselves and their peers and neighbors, whom they've grown up with.

REP. NOUJAIM: So am I to assume that most of those students, while they were in high school,

attending high school, were either unable to find a job, or worked under the table, essentially?

SENATOR LOONEY: I don't know.

REP. NOUJAIM: The other question I'd like to ask you is, once they graduate -- and Senator Boucher just mentioned the fact that -- and she read from the federal law -- that you cannot hire somebody who is undocumented in a company in this state. How would they be able to find a job then, even if they graduate
from -- from college and they are still undocumented?

SENATOR LOONEY: Well, it would be a challenge. We never promised that everything would be made easy for them. It just means that they would have greater resources to deal with the challenges of life thereafter. Many of them might then be in a position to -- to become self-employed, to -- to operate their own businesses, but, at least, they would have the resources to deal with whatever opportunities might arise for them.

REP. NOUJAIM: But if they operate their own business, or they would be working someplace else, wouldn't they be -- and, again, please understand I'm asking for clarification purposes -- wouldn't they have to file income tax, put in social security number, receive a paycheck from a company that is a legitimate, you know, in the state? How would they do that?

SENATOR LOONEY: Pretend we can -- as I said, we are not guaranteeing them any easy -- easy path in adult life, just under this bill, they would have access to higher education, but whatever limitation society puts on them in relation to -- to their postcollege years, would not be changed by this bill.

REP. NOUJAIM: The other question I would like to ask you is: We're talking about -- I think a Representative Walker was talking about the benefits versus the cost. And from what I understand now -- unless I am understanding it incorrectly -- UCONN right now is -- is full, and they cannot accept any more students. I know the community colleges are really full, with a waiting list that is a mile lone. And CSU system, to some extent, is full too. If we are going to be accepting students at this rate, at this financial rate, wouldn't we be jeopardizing -- jeopardizing revenues, by not receiving revenues from other students, who may be either coming out from out-of state and paying higher level of -- higher level of fees, or for that matter, coming in and being in-state resident, but not being able to receive any scholarship? Wouldn't that be the case, Senator?

SENATOR LOONEY: Not necessarily, it all depends on the student mix of the given admitted applicant pool for any given year. And, again, these students would not be eligible for any financial aid. No, they would not be eligible for student loans. They would not be eligible for scholarship aid. The only consideration they would get is the in-state tuition rate, rather than the out-of-state tuition rate.

REP. NOUJAIM: And my question, now, is financial, more than anything else -- and please know I am very sympathetic to that fact -- when I was going to college, I was working, trying to pay my education, to pay my tuition, because I didn't have anybody to pay for me. In this case, I presume that they are also in financial need. And if they are not receiving financial aid, and they are not able to work, how can they afford to be in college and be at the university?

SENATOR LOONEY: Usually, it is because they have hard-working parents, who have tried to save, at least, some money to help them, as has been true with many families and parents and immigrants of all status, for generations.

REP. NOUJAIM: And I think Representative Candelora spoke about this that if this bill is challenged by the federal government, am I presuming that the State of Connecticut would become a defendant?

SENATOR LOONEY: I don't see why it would be challenged by the federal government, 10 other states have similar laws.

REP. NOUJAIM: Unless I'm wrong, I think, Representative Candelora spoke about this and talked about the law being challenged. And I think you answered that by saying that if it is challenged, then we will have to deal with it at the time, if my memory serves me correctly.

SENATOR LOONEY: Right. But that -- that's not a challenge, necessarily, from the federal government, it might be somebody who might believe that he or she had standing to bring an action.

REP. NOUJAIM: Okay. Well, thank you for the clarification, but if that is the case, then the State of Connecticut would become a defendant, would we not be, as a State?

SENATOR LOONEY: Potentially, as we are in so many other actions.

REP. NOUJAIM: So somebody would have to pay for defending the state?

SENATOR LOONEY: We have a very well-staffed Attorney General's office.

REP. NOUJAIM: Now, my last question to you, if I may if the students decide to comment -- and I think you spoke about it -- they do risk being deported, would they not?

SENATOR LOONEY: Yes.

REP. NOUJAIM: Thank you. I really appreciate your time. Thank you, Madam, Chair.

SENATOR LOONEY: Thank you.

SENATOR BYE: We have one more question for you, Senator Looney. Representative Stallworth.

REP. STALLWORTH: Thank you so much, Madam Chair. Thank you so much, Senator, for being here, being in support of this bill, which is so much needed.

One of my colleagues mentioned earlier about the right to attend college is already present, but for many persons going to college, the matter of right is not the only issue that's on the table, it is also cost. And you said in your statement that one of the most compelling reasons for this bill is fairness. Can you just say a little more about that?

SENATOR LOONEY: Yes. I mean the point regarding cost versus opportunity reminds me of the phrase, I believe it was a learned jurist some years ago who said that the: The rich, as well as the poor, are barred from stealing bread. But the reality is that it's not an issue for the rich in most cases, so that clearly issues of cost and opportunity are often very closely entwined.

REP. STALLWORTH: Second follow-up is probably more of a statement or question, but the matter of someone has to pay then might be in the future, someone will have to pay, but in order to make our society a better place, there's always a cost. And would you agree that someone is always going to have to pay for it?

SENATOR LOONEY: Absolutely. And the issue is: Are we -- are we going to try to maximize the potential of the largest number of people possible and that's -- this bill would make the contribution in that direction.

REP. STALLWORTH: Thank you so much, Senator.

SENATOR LOONEY: Thank you, Representative.

REP. STALLWORTH: Thank you, Madam.

SENATOR BYE: Senator Looney, I want to thank you. I know you have an Exec. Noms. Meeting, and I think the advocates in this room are very lucky to have such an eloquent, passionate advocate as you. And speaking of passion, on deck, Senator Prague, so --

SENATOR LOONEY: Thank you, Madam Chair.

SENATOR BYE: -- thank you for coming. Also, a quick announcement, while Senator Prague comes to the table, anyone who doesn't have a chair, needs to go to room 1-D, because people are not meant to be sitting on the floor or blocking the door. If there are members of the media, you're welcome to come up to this table and open up chairs. Or members of -- maybe some legislative staff, rather than take up a seat. Thank you very much.

And it's our always passionate, Senator Prague.

SENATOR PRAGUE: Senator Bye and Representative Willis and members of the Higher Ed Committee, for the record, I'm Edith Prague, the Senator from the Nineteenth District.

I'm here to testify on behalf of this bill that is so critically important, 6390 will make a difference in thousands of lives of young people in this state.

I tell you, if you listen to nobody else today, just listen to what Senator Looney had to say. I'm so proud that he's our Majority Leader in the Senate, because here is a man who speaks from knowledge, who speaks from a basic integrity of doing the right thing.

And this bill, before you, is the right thing to do. These young people who are here, what kind of a future are they going to have, if they are not given the opportunity to go to college and get an education? They will be relegated to low-skill, low-paying jobs because we are going to deny them the opportunity to get an education? They're not getting anything that's going to cost us anything. They're going to pay the complete in-state tuition. They don't get scholarships. They don't get financial aid. They're just given the opportunity, like other young people, who have grown-up in this state, to pay in-state tuition, to go to college and get an education.

This is America, where people should be given the opportunity to better themselves. These young people have grown up here. They've gone to public school. They finished four years of high school. Many of them are honor students. Many of them have achieved many accomplishments, academically. And we're going to keep them at this dead-ended road of not being able to go anywhere?

You know, for the life of me, I cannot figure out how legislators would think this is a benefit to the State, or cost-saving to the state. You get young people who are educated, who get jobs, who develop, who learn professions. They contribute to our tax base. They contribute to our economy. There are no negatives about this bill. These young people deserve this opportunity to make a life.

And I'm going to tell you my mother came from Russia when she was nine years old. This country offered her the opportunity to live here as a free person. She didn't have the opportunity to get an education. Those days were different, but today, an education means a life. And without an education, you go nowhere.

So if you're concerned about our economy, if you're concerned about the well-being of this state, if those are your concerns, you've got to support this bill, because the state will do a lot better and benefit a lot better, if these young people are given the opportunity to be productive citizens and to make a life. So if you don't remember what I say, it's okay. Just remember what Senator Looney said.

SENATOR BYE: Thank you, Senator Prague. Questions? Senator Candelaria - Representative Candelaria.

SENATOR PRAGUE: You know, Representative Candelaria, when I was serving in the House, we used to say there's something wrong with the air on the third floor.

SENATOR BYE: Senator Prague, I'm not going to comment on that.

REP. CANDELARIA: Thank you for your testimony, Senator Prague and your passion. Actually, in the way you express yourself, your body language talks a lot about your passion for this bill and how much you care about this population.

Is it your opinion that increasing education increases that individual's lifetime earnings and hence, makes them more productive members of our society?

SENATOR PRAGUE: You bet your life. There is no doubt about that. What can you do and where can you go if you don't have a college education?

REP. CANDELARIA: And my second question is -- and probably you don't know the answer to this specific question -- but there have been some concerns, hence, from some of my - our own colleagues that why should we pass this law, once they get their degree, they won't be able to find employment, now, it is my understanding that if an undocumented student obtains a Bachelor's Degree, under federal immigration statutes, they will be classified as professionals, which would make them, these individuals, eligible for an EB-3 Immigration Visa, as well as an H-1B temporary work Visa, for special occupations. Is that your understanding on that?

SENATOR PRAGUE: You know, I'm glad -- I'm glad you mentioned that. I was not aware of that. That is a benefit that the federal government does offer. I think you ought to say that over and over and over again.

REP. CANDELARIA: So I guess that helps answer that question, in regards to attaining a Bachelor's Degree or Master's Degree. Okay. Thank you so much, and I love your passion.

SENATOR PRAGUE: You know, I'm an old school teacher. I, also, am 85 years old. I have lived long enough to know that the pitfalls in life can be disastrous. And if we don't offer these young people the chance to get an education, we will be throwing them into the pits.

REP. CANDELARIA: Well said.

SENATOR BYE: And any other questions?

SENATOR PRAGUE: Thank you. (Sound of applause.)

SENATOR BYE: Representative Sayers. Senator Prague -- Senator Prague, I'm sorry. There was a question. I wasn't looking over Representative Sayers; I was looking down the side. She has a question for you.

REP. SAYERS: Senator Prague, my question is: How do you respond to legal immigrants who feel like they had to jump through all the hoops, in order to enter this country, and do not feel that this is fair to them?

SENATOR PRAGUE: You know, these young people, most of whom were brought here as babies, some of them maybe a little older, were brought here by their parents. Do we have to punish them, because they were brought here by their parents, grew up here, went to school here and did not know that they were undocumented? After a while, the federal government, I believe, will offer them the right to citizenship, which each and every one of them wants. You don't gain anything by punishing these young people, because the legal immigrants came here under different circumstances. What would you gain by punishing them because they came here with parents who were undocumented?

REP. SAYERS: But my question is what do you say to the legal immigrants who say that they had to jump through a number of humps - excuse me, hoops, in order to get into the country, legally, and they don't feel it's fair to them?

SENATOR PRAGUE: So you know what, Representative Sayers, you think of something to say, because I don't have the answers for people like that.

REP. SAYERS: And I don't, either, and yet that question has been asked of me. And I am the daughter of immigrants, the spouse of immigrants, so I do understand about immigration.

SENATOR BYE: Thank you, Representative Sayers. Thank you, Senator Prague. And --

SENATOR PRAGUE: You're welcome.

SENATOR BYE: -- oh, Representative Rovero.

REP. ROVERO: Senator, I agree with you 100 percent, except I have to go along with Representative Sayers, in one sense. People in my area are asking me, Danny, what happens when my daughter, with a B average, applies to the University of Connecticut and is not accepted because of space limitations. And some -- whatever we want to call them -- illegal undocumented person -- which my dad was from Italy, by the way -- comes up to you and says my daughter could not get in. I've been in this state, in this country all my life. I pay taxes and everything else, in this state, in the country all my life and she could not get into the University of Connecticut because of a space limitation. What do you tell that person?

SENATOR PRAGUE: You know, that happens all the time. If you apply to the University of Connecticut, if your grades are good, you would be admitted. If

somebody else doesn't get in, there are various reasons why somebody else doesn't get in. If you're saying it's a space issue that happens all the time. These young people are no different than young -- other young people. The only difference is that they were brought here by undocumented parents. It is not their doing. They have as much right to apply to the university, to apply to one of the state colleges, to apply to a community college, as any other young American. They consider themselves American. They don't know any other country. This is where they were brought up. And I believe they should have an equal opportunity.

REP. ROVERO: And I agree with you, but you still didn't answer my question. What do I tell that person?

SENATOR PRAGUE: You tell them that happens all the time. Students get rejected because a class is full.

REP. ROVER: But do they --

SENATOR PRAGUE: They have to wait another semester to get the class, because there were -- there weren't enough sections of the class being offered.

REP. ROVER: And I have no problem with that, except they have a problem with someone and it's not any fault of their own. It's probably their parents' fault, but why can -- why -- and this is -- I've been getting this question, why should we reward someone whose parents did not follow the law? My parents followed the law. And they're being rejected because of space requirements. I'm not talking about for any other reason. I'm talking about when there's not enough space for all the

students, good students that do apply and cannot get into -- get into the school.

SENATOR PRAGUE: The only answer I can give you is that this happens at every school. Every school has to reject students because the space can only provide space for X number of kids. It all depends on who is the most qualified. Those are the kids who would be admitted. If your grades are good, if your SATs are good, if your extracurricular activities are -- look promising, those are the things that colleges look at. And it may very well be more than just space for some kids who don't get in. And if some kids don't get in, because the classes are full that's the way the system works all over the place, whether there are undocumented immigrants going to school, or not.

Currently, they're not going to college, because they can't afford it, because they have to pay the out-of-state tuition. And who could afford that? And by the way, I want to tell you about a group of Yale students, who came to the Capitol, two weeks ago, to lobby on behalf of these young people. These are Yale students, who probably come from families who are well-off. Those kids took the time to come here, to talk to legislators, to tell them how important they think it is. Their moral judgment told them that these young people should be offered the opportunity to get an education, just as they're being offered an opportunity. And I tell you something, I was very proud of those young students.

REP. ROVERO: I agree with you, Senator. They came and spoke to me also. And you know what I gave them for an answer? I said, with the billions of dollars at that Ivy League school, which they came from -- and my brother went to Dartmouth, by

the way -- the billions of dollars that your institution has in endowment, tax-free, they might earn $10-15 billion a year tax-free, they should take in every single one of these, without any questions asked. And that was my answer to him. And he said, you know, you got a good point there, Danny.

So anyways, where I agree with you, I'm scared to go back home and listen to the people that say, I did it legally. I did it the right way, and my daughter or son got refused. And I -- and I have a feeling for those people that are, not through their own fault at all, that are trying to get to college and can't. As I told you, my dad was from Italy. And he got his citizenship through going through the military. But I do have a problem, and I'm going to have a problem -- I'm not saying I'm against it or for it -- but I'm going to have a problem going back home and explaining it to these people.

SENATOR PRAGUE: A bigger problem would be that you compromise your own integrity. When you believe something is right, you stand up for it. You're not going to -- you know, you're not going to please 100 percent of the people in your district, no matter what you do. But if you do what you know is the right thing to do; number one, you can live with yourself. And number two, you can stand up and defend it.

REP. ROVERO: I agree. And I've lived with myself, even when I've made mistakes. Thank you very much, Senator.

SENATOR BYE: Thank you, Representative Rovero. I have a couple more questions. I just want to make a note to folks who are here for the first time and aren't used to how hearings work. So we do the first hour with public officials and then

we will begin to rotate among public officials and the public. So what's going to happen is when people are done with their questions for Senator Prague, we're going to have Dr. Feroe and then we're going to start to rotate one member of the public, then a public official. I know the first people who go take the longest -- just so you understand -- in general, because they're often the proponents of the bill. They have information. And people like to ask them questions. And then I promise it will start to move along. Okay. Because I know there are lot of new people in the room.

So I am going to -- Representative LeGeyt and then Representative Stallworth.

REP. LEGEYT: Thank you, Madam Chair. Welcome.

SENATOR PRAGUE: Thank you, Representative LeGeyt.

REP. LEGEYT: I -- I want to -- I want to agree with you on something that you've said this morning and then hope that you'll agree with me on something that I'm going to say. I heard you loud and clear, and I absolutely agree with you, when you speak with passion, about not only the students that are here today, but the students in our state, who are undocumented residents and, nonetheless, have a right to education, even at the post -- even at the postsecondary level. I absolutely think that's -- that's a given. That's a truism. But the word access, in the title of this bill, access to postsecondary education, I don't think it applies to the right of a student to go to college. I think that in this bill, the word access simply means financial access. And therefore, this bill is more about cost than it is about right. Would you agree with me?

SENATOR PRAGUE: I think it's hard to separate right from cost, because if the cost is so prohibitive that takes away your right. These kids and most kids and particularly in today's economy, you can't afford to pay the extra $10,000 or $15,000 that it cost you, because the status that you're in, determines what you pay. And if you're an out-of-state -- if you're determined to have to pay the out-of-state tuition, it makes it impossible for you to do, so you lose your right.

REP. LEGEYT: I - I agree with you.

SENATOR BYE: We just want to make sure that person is okay.

REP. LEGEYT: Yes.

SENATOR BYE: Okay.

SENATOR PRAGUE: Young people bounce.

SENATOR BYE: Young people and Senator Prague bounce. Okay. Senator Prague.

SENATOR PRAGUE: So --

REP. LEGEYT: Thank you, Senator Prague, I -- I agree with you. I agree with you that financial access is difficult. All I'm trying to do is frame the issue for today, and the issue that's in this bill. And the issue that's in this bill is all about financial access. It's not about access based on right or privilege. Do you agree with me?

SENATOR PRAGUE: I can't completely agree with you, because you take away somebody's right, when you make it so financially prohibitive that they -- it's impossible. It's just they're intertwined, at least, I think. That's my opinion.

REP. LEGEYT: Thank you.

SENATOR BYE: Representative Stallworth has one quick question, comment.

REP. STALLWORTH: Just one comment, in light of time. I want to thank you, Senator, for your remark. This is America.

SENATOR PRAGUE: That's right.

REP. STALLWORTH: And all of our ancestors came here with great challenges. I know my ancestors did. And America has been trying to do what is right. And I hope on this bill, Connecticut does what is right.

SENATOR PRAGUE: Thank you.

SENATOR BYE: I think it's fair to say, once again, thank you, Senator Prague.

SENATOR PRAGUE: You're welcome.

SENATOR BYE: I think you're done now. And the very -- everyone in this room is being very patient. Dr. Feroe has been particularly patient. So thank you, have a great day.

SENATOR PRAGUE: Thank you for this opportunity.
(Sound of applause.)

SENATOR BYE: Well, I told Dr. Feroe, she could go. Dr. Feroe, followed by James Manship.

DR. LOUISE FEROE: Senator Bye, Representative Willis and members of the Higher Education Committee, for the record, my name is Louise Feroe. And I am acting chancellor of the Connecticut State University System. I would like to comment,

briefly, on House Bill 6390, AN ACT CONCERNING ACCESS TO POSTSECONDARY EDUCATION. And I might just add that I've seemed to have made a career of following people that are impossible to follow. So I will be very brief.

The title of this bill, I think, says it all. And you've also heard that from Senator Prague. Access that's our core mission in public higher education and access is a complicated concept that involves both right and the actual ability to attend. When we look at these youngsters from a purely legal point of view, we see undocumented immigrants. When I look at them, as an educator, I see our children. These are your children and my children, whom we have educated in this state, since they were in the first grade. And, now, suddenly, we say, they can't go any farther, because of an activity of their parents. I'm not a lawyer. I'm not a legislator. But as a human being, to me, that just doesn't seem right.

As an educator, and, especially, somebody who believes passionately in the power of public education, both to transform individual lives and to transform the State of Connecticut, it's just wrong. And so, these youngsters who have attended our public schools, deserve the opportunity to attend a state university -- in my case, a community college -- or UCONN, as a resident of the State of Connecticut and benefit, financially, from their status, as having attended high school in Connecticut, having succeeded high school in Connecticut, having met all the admissions requirements, many times, having surpassed those requirements. It's a goal for all of our young people. It's a goal we want to encourage. I think we should do that.

I understand that there are lots of other factors, besides the human ones that you need to

consider, in evaluating the benefits of this policy, but I do believe the pluses outweigh the minuses. I recognize there are fundamental legal issues that must carefully be considered. And, frankly, the solution to the dilemma that these young people face is not completely solved by this law, as you've already heard this morning. The federal government needs to act, to solve their dilemma.

But in my view, students who've completed four years of high school in Connecticut, have graduated from high school here, have met all the admission criteria, should be provided a real opportunity, both by right and in terms of cost, because we all understand the difference between in-state and out-of-state tuition. For these students, who have no access to financial aid, that makes the difference in their ability to attend.

So I will simply state my view that as an educator, I believe these Connecticut high school students should be permitted to qualify for in-state tuition. They should be admitted to these schools, if they qualify academically. They attended school K-12 from their youngest days, many of them, right through high school. They should be committed to - permitted to complete their education, if they've done this appropriate academic preparation. So I'll be very brief, because I know you're behind.

If you have any questions, I'd be happy to answer them.

SENATOR BYE: My Co-Chair, Representative Willis, has some comments.

REP. WILLIS: Dr. Feroe, I just want to make a comment about CSU's leadership on this issue and applaud

you for making such a strong statement on our students and, basically, CSUs -- the Connecticut State University System, to provide access to Connecticut students and thank you for that.

DR. LOUISE FEROE: Thank you.

REP. WILLIS: And thank you for your passion, you could really hear. But I'm sure there's questions or comments. Yes, Representative Candelaria.

REP. CANDELARIA: Thank you for your testimony. I guess I have a quick question. My question would be: If this bill is actually passed, would it have an adverse impact on the university?

DR. LOUISE FEROE: On the four state universities, no, it would not have an adverse impact on the four state universities.

REP. CANDELARIA: Is it, in your opinion, that we would be hindering upon other Connecticut residents from entering the University?

DR. LOUISE FEROE: These students are asking for the opportunity to compete. If they meet the qualifications for admission and they do the work that's necessary, they should be admitted. They will compete with other students, some of whom may not be admitted, because they haven't reached the same level of academic preparation. But it will -- I -- you know, in any kind of finite system, if you let one more person in, the chances are that one more person will be excluded, but I doubt that that will have a major impact, at all.

REP. CANDELARIA: And, in your opinion, what would be the fiscal impact on CSU, if the bill's passed?

DR. LOUISE FEROE: I think that the analysis that was done in 2007 is still accurate; that we will probably recognize some positive impact from this, because we will -- these students are not attending now and -- and they are qualified, academically, so that we will have more people who attend.

REP. CANDELARIA: And, I guess my last question. Do you think that Connecticut, in some shape, way, or form, has lost, or is losing prepared, intellectual, educated individuals?

DR. LOUISE FEROE: Well, I think that's always the case, when we restrict access. When we restrict access for reasons that have nothing to do with the person's ability to attend and succeed at the University, then, of course, we lose the potential of those students.

REP. CANDELARIA: Thank you for your answers.

SENATOR BYE: Other questions? Representative Willis.

REP. WILLIS: Dr. Feroe, I have a question regarding the technicalities of the application that students now fill out. When a student fills out an application, for one of the state universities, they have to put down a social security number. Is that required?

DR. LOUISE FEROE: No.

REP. WILLIS: It's not. Do you have any sort of identifier; for instance, are you a citizen of the United States now? Is that --

DR. LOUISE FEROE: That question is asked on the application, but it is not required that it be filled out, because for purpose of admission

only, we do not -- we do not take into consideration citizenship status. It would be for purposes of -- of tuition.

REP. WILLIS: Thank you very much. Senator LeBeau.

SENATOR LEBEAU: Thank you, Madam Chair. Madam president, you referred to these students being K through 12 students.

DR. LOUISE FEROE: They've been K through 12 students.

SENATOR LEBEAU: But the bill, apparently, says if -- if they attended high school.

DR. LOUISE FEROE: Right.

SENATOR LEBEAU: So there's a distinction there, between those who have been in the state since they were in kindergarten, and, essentially, were raised here and have all of their roots here; that those who did not attend before that let me just have you talk about that. Should there be a distinction? Should the bill --

DR. LOUISE FEROE: You mean if they were brought here when they were 14 and in the ninth grade, instead of --

SENATOR LEBEAU: Right. Exactly.

DR. LOUISE FEROE: -- when they were two?

SENATOR LEBEAU: Exactly.

DR. LOUISE FEROE: I don't know exactly where you might want to draw that line. If they were brought here when they were 14, they likely were brought here as children. I mean I think that's the point of -- of a line, is that you're -- you're speaking about people who've been brought

to this country by their parents. You're not speaking about people who willfully broke the law on their own, to enter the country. I would be hard-pressed to tell you exactly where to draw that line. That's why I'm glad I don't have to do it. But I do think that you want more than one or two years. You don't want somebody who's come in, they were 17 and you know --

SENATOR LEBEAU: Well, you make a good point that someone has to draw the line, and we're drawing the line at, essentially --

DR. LOUISE FEROE: At the beginning of high school --

SENATOR LEBEAU: -- ninth grade.

DR. LOUISE FEROE: -- I think is a reasonable place to draw the line. I -- I don't think a 14 year old could have --

SENATOR LEBEAU: Or a 13 year old.

DR. LOUISE FEROE: -- or a 13 year old, could have stayed behind, you know, if mom and dad are coming. These people were brought to this country as minors.

SENATOR LEBEAU: In the other direction, also a 15 or 16 year old, even a 17 year old, could they stay behind --

DR. LOUISE FEROE: Maybe not.

SENATOR LEBEAU: -- if their parents are coming?

DR. LOUISE FEROE: Maybe, maybe not. That's why I say, when you -- when you draw a hard line like that, it's very hard to say where you should be drawing it for maximum fairness. That's why I'm

glad I don't have to draw it. I'd probably, you know --

SENATOR LEBEAU: Well, thank you. Thank you for your thoughts on that. I'll ask the same questions that some others who will be coming up.

REP. WILLIS: I just wanted to comment on -- on that. I think part of the reason in the drafting was not just about sort of drawing a line in the sand, but also in terms of Connecticut's commitment; that we could have students who've been in the country since they've been two, but there were in Massachusetts or --

DR. LOUISE FEROE: Right.

REP. WILLIS: -- New York or New Jersey.

DR. LOUISE FEROE: Exactly. Exactly.

REP. WILLIS: So -- so that was -- that's where that genesis came from, we were trying to say there are -- have been Connecticut kids, you know, through high school. Those that's - that's how it came it about. I just thought it would be helpful to members of the committee.

DR. LOUISE FEROE: You -- you want to avoid creating a situation, where people will travel to Connecticut, to get a benefit that they don't get in another state.

SENATOR BYE: Dr. Feroe, I really want to thank you for your advocacy here and your passion for opening up access for all students. And you could feel it when you testified as a teacher and as a school leader, how important you think that is --

DR. LOUISE FEROE: Thank you.

SENATOR BYE: -- in the lives of people. And you demonstrate it in your work. So thank you very much.

DR. LOUISE FEROE: Thank you.

SENATOR BYE: Sorry. Representative Sayers, you're blending in over there. I'm sorry. Representative Sayers.

REP. SAYERS: And I, basically, want to just clarify a question that was asked by --

SENATOR BYE: Sure. Go ahead.

REP. SAYERS: -- Representative Willis. You said for purposes of admission, you don't ask whether or not people are citizens?

DR. LOUISE FEROE: That's correct.

REP. SAYERS: So at --

DR. LOUISE FEROE: I mean it is -- it is on the admission application. If you were to go on the web, it would be on there. But it isn't required that a student fill it out.

REP. SAYERS: At what point do you determine that?

DR. LOUISE FEROE: When we are determining tuition.

REP. SAYERS: So that they've already been accepted?

DR. LOUISE FEROE: Correct. They're accepted on the basis of their academic performance.

REP. SAYERS: So if someone was here as a legal immigrant, would they have to pay the out-of-state tuition?

DR. LOUISE FEROE: If someone were in Connecticut as a legal immigrant, that is they have --

REP. SAYERS: Their parents have come here, legally.

DR. LOUISE FEROE: No. They would not have to pay the out-of-state tuition.

REP. SAYERS: Okay. Thank you.

SENATOR BYE: Any other questions? Okay. Thank you again.

DR. LOUISE FEROE: Thank you.

SENATOR BYE: Father Manship, followed by Major DeStefano. Representative LeBeau -- Representative LeBeau wanted to be sure we knew you were from East Hartford, Senator LeBeau. And I had your name wrong. Senator LeBeau wants to be sure we know.

FATHER JAMES MANSHIP: Senator Bye, Representative Willis, Senator LeBeau, Representative Candelaria and other members of the committee, my name is Father James Manship. I'm pastor of St. Rose of Lima, a large parish in the Fair Haven section of New Haven. I'm also co-chair of the Connecticut Sponsoring Committee. Part of my heritage is from French-Canadian immigrant roots, the sheetrockers that came down from the north. And I am a first in my family to go to college. I'm proud to be a graduate of the School of Engineering, of the University of Connecticut. My younger sister followed me to UCONN, graduating with a degree in finance.

I worked as an engineer for four years in our state, designing manufacturing systems, before entering the seminary. My technical education

still serves me well and the people that I serve, as a priest, at St. Rose of Lima. I can still do a quick analysis of snow loads on the roof of a building, which came in pretty handy this winter.

St. Rose of Lima is committed to education and helping industrious young people of our parish, who aspire to be the first in their families to graduate college. These kids have done everything right. They've obeyed their parents. They've been -- they've been obedient to their parents. They've excelled in school and done all -- everything that they're supposed to do as children.

I speak in favor of H.B. 6390, AN ACT CONCERNING THE ACCESS TO POSTSECONDARY EDUCATION, for all deserving graduates of Connecticut high schools, regardless of immigration status. Since the fall of 2006, our parish has committed, ourselves, to help these children to realize their desire to continue their studies in college. Many of them here -- are here today.

I'm also co-chair of the Connecticut Sponsoring Committee, with Pastor Anthony Bennett -- you'll hear from him soon -- a growing, broad-based organization of 30 synagogues and churches between Fairfield and New Haven counties. We've conducted a series of meetings, in which over 170 of our leadership participated from Westport, Norwalk, Stratford, New Haven, Milford, East Haven, Bridgeport and Hamden. And we found unanimous support for H.B. 6390, not only from the Latino membership, but from among the: suburban, urban, African-American, Caucasian, Jewish and Christian leadership in our organization.

H.B. 6390, makes sense. These industrious students, academically distinguished and highly-

motivated, should not be frozen out of the opportunity to continue their studies, at a Connecticut state university, just because their parents could not afford the out-of-state tuition rate that is more than $10,000 than their classmates pay.

I know that an in-state tuition rate is more accessible, because we do have families, who are paying that level of tuition, 8, 9, $10,000 at private colleges and universities, with whom we have worked over the years. But it's not enough. Too many of our children, and their talents are being wasted.

Many of these talented students are also the older sibling and set a high bar for their younger brothers and sisters. As a pastor, this is important to me. To make a college education inaccessible to these talented youth, we run the risk of discouraging their younger brothers and sisters, by teaching that hard work is not recognized. These bright, hard-working students, graduates of our state high schools, have demonstrated their excellence, and we're now -- and are ready to continue to do in our state -- to continue to do it in our state institutions of higher education. H.B. 6390, will remove the barrier, to continue their success and open a brighter future for our state, because of what they have to offer.

SENATOR BYE: Thank you, Father, very much. I'm glad I didn't have to cut you off. It would have been living all those -- all those years and sermons wanting to say, okay, you'll need to wrap it up.

FATHER JAMES MANSHIP: That's when the babies start to cry. That's when I know.

SENATOR BYE: Senator LeBeau.

SENATOR LEBEAU: Either that, Senator Bye, or you'd have to put up a screen -- you'd have to put up a screen. Catholics know what I'm talking about.

The -- Jim, Father Jim, good to see you.

FATHER JAMES MANSHIP: Good to see you, Senator.

SENATOR LEBEAU: And thank you for being here today and being an advocate on this issue. And not only on this issue, but, clearly, you have been a tremendous voice for working against discrimination in the -- in the state and in your parish and in the communities that you're in and surround you. And that has nothing -- that is nothing but good for all of us. So I appreciate -- I appreciate your work there. And, you know, being from East Hartford, Jim, whenever you're on the news, I -- you have my -- you have my attention.

Let me -- let me get to a hard question, Jim. The -- Dr. Feroe just testified that there's a limited number of spots, obviously and that -- that if one kid goes in, that's one less spot. Okay. And if that kid is an immigrant who does not have the same status as other kids that means there is one other kid, who got popped out of the other side, perhaps not as qualified, given the nature of our admittance process, but there's a kid that goes out. I'm dealing with this right now, as a matter of fact, a very talented young man, up at the University of Connecticut but not on -- not on this issue, but just a limited number of spots. And I don't want to get into details, but the parents are very upset that he is highly qualified, but still did not get into the program. And this is actually a UCONN program. What do you say to those parents? What do you say -- what do you say to those kids who

don't get accepted -- they don't know why they got bumped, but if there's a 100 admittances over here, there's a 100 kids who don't get accepted over here. What is your -- what is your response to them? It's a hard question.

FATHER JAMES MANSHIP: My -- my understanding is that -- well, and my experience has been that the University of Connecticut does not accept undocumented students and has not. So there's an issue of where other colleges -- other colleges in the university system do accept them, and we've come to this issue of the in-state and out-of-state tuition. As far as answering the parents, I think what the --

SENATOR LEBEAU: Well, let me stop and go back. I recognize -- I recognize this is about tuition, but there -- because we just pointed out that because it's about access, and if there are more young people who have access, then they're going to make the application. They might be accepted. And they go. And some other kid doesn't. So if you have a hundred kids coming in on one side, then so -- there is -- there is a -- so it's not -- so it is about the tuition, but, ultimately, it's about being able to go. So what do you say to those kids who are not able to go and their parents?

FATHER JAMES MANSHIP: I can't answer that question, given I'm not entirely sure on how the process works within the universities, how people are accepted and their admissions are denied. I can tell you that as a pastor of a parish, with a large number of young people, many of them that are here today. They ask me the same question of why they're unable to go to college. And I say, well, let's see what we can do. As I'm a pastor, and I believe that when things are out there and say that we can't find a way; that somehow the

good Lord does help us find a way, with -- with good and noble people, trying to figure out this together. And I think this is part of the -- not only a faith lesson that we're trying to instill, but a civics lesson that we're trying to instill in our -- in our community that together; that there is enough for all. We just need to work and to figure out how to make this happen.

SENATOR LEBEAU: Yes. Because I think, ultimately, as a legislator, that is the hard question for us to answer. The same difficulty you had in answering that, I have to answer to my constituents.

I also like what you said -- actually, I thought your -- I thought you were going to go there. In your comments about hard work, and, you know, people really working to do the best they can. Now, obviously, we're talking about qualification here, too. So there -- the students will be more qualified if they're accepted and that's -- that's -- but the difference is and I've seen the -- how -- I've worked with -- in Northern Massachusetts and in Connecticut on how students are accepted. And it's -- and sometimes it's very -- we're at the margin, too, in many cases. We're at the margins, in terms of a projected cumm. and to the second point out. So it could be -- it could be very -- so that's difficult. It's really difficult when you have -- because it is a finite -- it's a finite number that any of our colleges and universities can take.

But I -- but you referred to work. And these kids have worked a little harder. These kids have -- I mean this is kind of the answer I would give that these young people have worked a little harder. They did a little better. They were qualified. Their qualifications are a little bit better than your -- than your child. And we're

sorry that there's a line that has to be drawn, but that's - that's where the line is.

And Jim, I don't know if you know this, but I'm the Chairman of the Commerce Committee. And I think -- and John DeStefano -- where's John? John's out there someplace. But -- and John called me. There he is over there. And John called me and hit the nail on the head when he called me. Of course, he knew how to get to me, too, both get to my phone and get to what I'm concerned about, which is the growth of the economy in the State of Connecticut. And if we throw away some of the best assets -- because that's what we have in this room right now -- those are future assets for the state -- then we're making -- then we're making a mistake.

I very much appreciate your testimony, very much appreciate your work. And I hope everybody recognizes who's here today, that this is not an easy decision for us to make, because it will have -- it will have negative consequences for some people, positive for others and that's -- that's the way the cookie crumbles.

So thank you very much, Father.

FATHER JAMES MANSHIP: Thank you, Senator.

SENATOR BYE: I think Representative Haddad wants to make a clarification.

REP. HADDAD: Yes, I would, because I think you're missing -- I think that you have a misunderstanding about UCONN's policy. At one point, the University of Connecticut would not accept undocumented applicants. That is not currently the case. They're reviewed that policy, like, in 2004.

And, however, one thing that I think would be helpful for the committee to also understand is that while they do make -- they're reviewing applications on their academic status, only and not their immigration status, they are aware of the number of students who fit into the category that we're talking about today. They estimate that to be about two students per year.

Primarily, I think the reason why there's such a low number, who attend UCONN, who are in this category, is because at least at UCONN, the tuition rates might be -- might make the -- the theoretical promise of open opportunity and access impossible. There's about a $16,000 difference between the in-state and out-of-state tuition rate and so that -- that has a very real, I think, and practical effect. It's possible, I suppose, that if this bill were to pass, it would, you know, those numbers would change, because it brings back into an affordable range a -- an education at UCONN. But I did just want to make sure that members of the committee knew about the numbers that we're talking about at UCONN, which are about two a year. And that they do accept undocumented students.

I would also note that because the number is so low that if both Senator LeBeau and Representative Rovero and Representative Sayers are all getting constituents complaining that their kid was not let in because for some reason, it's connected to this issue, in all likelihood, one of them -- one of those parents is not accurate.
Instead -- and instead, perhaps, those kids could go to a different university and take advantage of our guaranteed acceptance program and earn their way into UCONN, like -- like these kids have.

SENATOR BYE: Senator LeBeau.

SENATOR LEBEAU: Yes, Representative Haddad, I wasn't referring to -- they -- people were being rejected because of immigrants. It was, really, just the finite nature of the number of spots we have within particular programs. Thank you.

SENATOR BYE: Thank you. And I'll just add to that data on a more clinical way, observation. I'm married to a high school teacher, who teaches at a school, who has a mix of students, some of whom are undocumented residents. And over the past five years, to her, there were three to four students, who may have gone to UCONN, if they -- because they met all the criteria, if they would have been able to pay in-state tuition. So that's out of 1,250 students over the past years, there are three to four. So I think it's important to keep the numbers in -- in perspective here. And so, I think Representative Haddad was just clarifying your point, about UCONN admission. And thank you for that, because I figured you'd have clearer data than I did.

FATHER JAMES MANSHIP: My experience with that was in 2006, at the -- had a student who applied to go to the Waterbury campus. So thank you.

SENATOR BYE: Other questions? Well, Father, I really want to thank you for coming and taking the time to be an advocate for folks who come to your church and people who live in your town and could benefit from this. So thank you for coming.

FATHER JAMES MANSHIP: Thank you. (Sound of applause.)

SENATOR BYE: Now, we have Mayor DeStefano, followed by Teodoro Garcia. Good afternoon, Mayor.

MAYOR JOHN DESTEFANO: Good afternoon, Chairwoman. It's good to be -- see all members of the committee and my own State Rep., Juan. Good to see you. My name is John DeStefano. I am a resident of New Haven. I'm here on behalf of 6390, as well. I should announce at the outset that I have a bias. My bias is that robust immigration promotes wealth creation, results in more competitive economies and strengthens, not weakens community values.

I would say this; that there is probably in this state and for this legislator, no greater challenge than promoting economic recovery in this state. And we will not recover unless we take advantage of immigration -- immigrant populations. The fact is that immigration fuels growing populations, yields expanding markets, more demands for goods and services. Immigration yields more new workers to meet labor market demands. And immigration results in heightened entrepreneurial innovation.

It's worth noting that in America, between 1990 and 2005, immigrants started one quarter of all venture-backed companies in the nation. Population growth is essential to wealth creation, and in my city and in this state, immigration has consistently driven that growth. My largest employer in New Haven is a world-class research university, Yale. At Yale, over 4,000 individuals from more than 110 countries are studying, teaching, or conducting research.

The migration of talent to our city does not diminish us; it makes us bigger, in fact. As research and talent grows, so do university payrolls. And as they grow, so do the payrolls of the companies that commercialize that research. And if both of those do, so do the

payrolls of the service companies that support both institutional and private sector growth. Immigration grows economies. It doesn't subtract from them. And entering, as we are an increasingly complex knowledge-based information greased globalized world, smart public policy makers are aligning our policies on immigrations, communities and institutions to that future. Immigration has been and will continue to be a big part of which
winner -- of which states are winners and losers.

We are not asking you from New Haven, to do something we will not do ourselves. New Haven is embarked on a nationally-recognized school reform initiative: to reduce the achievement gap to the state average, to cut the dropout rate in half and to see that all of our high school graduates are prepared to compete and have the resources to graduate from college. It is the strongest wealth creation and violence reduction strategy we could pursue in New Haven.

A key component of New Haven school change is New Haven Promise. New Haven Promise is a program that says to all of our high school graduates that if you get a 3.0, you have 90 percent attendance and do community service, we will pay your tuition to any state university or college, as long as you are one of our residents. We want your talents and your skills. We need these individuals, in order to successfully compete, even in this toughest economy.

I urge your approval of 6390 and I do want to thank you for all you do for the people for the State of Connecticut.

Thank you, Madam Chair. (Sound of applause.)

SENATOR BYE: Thank you, Mr. Mayor. And thank you for your service to the City of New Haven. Questions? Representative Candelaria.

REP. CANDELARIA: Mayor DeStefano, how are you today?

MAYOR JOHN DESTEFANO: I am good, thank you.

REP. CANDELARIA: This is more of a comment. I want to -- I would just want to congratulate you on your efforts and the strive you've made in New Haven and your advocacy for the undocumented population. Your energy and your efforts -- not because he's my mayor, of course -- but your energy and your efforts have made a difference in our state and I thank you for that.

MAYOR JOHN DESTEFANO: Thank you.

SENATOR BYE: Senator Boucher, followed by Senator LeBeau.

SENATOR BOUCHER: Thank you, Madam Chairman. And good day, Mr. Mayor, it's a pleasure to have you. And, again, I commend you for your terrific work that you're doing; particularly, your partnership with the educational institutions in your town, no matter which they are and bringing them together to really improve --

MAYOR JOHN DESTEFANO: Thank you.

SENATOR BOUCHER: -- the education system there. It's excellent. One of the troubling aspects of this bill, for some of us, is that it puts many people in conflict with a lot of federal law and also the State Constitution that prohibits any employer from hiring any undocumented citizen that -- or individual that -- that does not reside here; legally, putting them at odds with getting a good education, because, again, we're

not restricting access to education. This title is not correct. We do have total access to higher education and so forth.

This is a matter about money and about cost and about making it not as cost prohibitive, so that there's more access to it. But in essence, people that, you know, are able to attain the funds could get in, should they have the qualifications. But we are -- are troubled, because it does put us in conflict and also with our State Constitution, as well: get a good education, you can't be legally employed. It limits opportunity.

So, you know, my question to you is: Would you work just as hard and be as enthusiastic about making the changes both at the federal level, on the whole immigration issue, being able to give more access, or at least a path, to legal residency and citizenship, so that we're not in conflict? To me, it seems like we're putting the cart before the horse. We're asking for a benefit when there's a legal prohibition. And yet we should be changing the laws, so that they're in compliance, and we're able to have an orderly screening system, for individuals that, obviously, would -- would, certainly pass that screen test, but so that we have a legal process.

MAYOR JOHN DESTEFANO: Sure. Senator, I think a great observation. The caution I would have is following the leadership of the federal government. The federal government is, as you know, very schizophrenic on the issue of immigration.

One of the things we do for all undocumented residents is we encourage them to take out tax ID numbers, because you know, there's this other federal agency that really doesn't care about

your immigration status. It's called the IRS. And, so frankly (Sound of applause.) and so, frankly, what we do is --

SENATOR BYE: Can I just interrupt for one second. Just for the audience, when we have these hearings, we usually ask that there's no clapping, okay, because we want to respect both sides of -- of the issue. Thank you. Please continue.

MAYOR JOHN DESTEFANO: That said, I've never heard the IRS get a round of applause, but anyway -- anyway, we encourage folks to sign-up. And we provide them the means to sign-up for a tax ID number, so that they can pay our taxes. Many of our residents do pay their taxes and don't get benefits, as a result of it, because they have a false social security number or something. So what we do is we respond to the part of the federal government that is coherent, which, unfortunately, in this case, it's the IRS. And lots of us do lobby for it, as I know you think we all should clean this up.

SENATOR BYE: Thank you. Senator LeBeau.

SENATOR LEBEAU: John, thank you for being here today --

MAYOR JOHN DESTEFANO: Thank you, Senator.

SENATOR LEBEAU: And thank you for your testimony. And I -- I join Representative Candelaria in his comments. Let me ask kind of the same question, actually, a little slightly different question. You've mentioned the Promise program that you have in --

MAYOR JOHN DESTEFANO: Right.

SENATOR LEBEAU: I want to correctly characterize that the Promise program that anybody gets a 3.0. What is the contribution that the city makes?

MAYOR JOHN DESTEFANO: The city makes zero contribution, other than making sure the kids prepare to compete and Dan -- Representatives will be pleased with this, the principal funder of the scholarship program is my largest employer, Yale University, which actually funds the scholarship program for that. So what we do is, frankly, organize the fund raising, to pay for it all.

SENATOR LEBEAU: Great. Let me -- let me ask about, again, the question I was asking Madam Feroe, was about where should we draw that line, in terms of whose eligible for the program. And I think we made a good point about people not moving into the state, you know, in their senior year, so they can, you know, kind of jumping state lines, to become eligible for Connecticut. Could -- could you tell me what -- where do you draw the line? Do you have to attend four years in a New Haven -- New Haven public schools, of K through 12? What is -- what is the line that you draw, in terms of eligibility for that program?

MAYOR JOHN DESTEFANO: We start college going -- building college-going aspiration in kindergarten, in the City of New Haven. We actually encourage kindergarteners and their parents to sign college pledges in kindergarten. But where we draw the line for the funding, ultimately, is high school year freshman.

SENATOR LEBEAU: So four years of high school. So there's a precedent for us to look at, in that -- in that respect. Again, Mayor, thank you --

MAYOR JOHN DESTEFANO: Thanks, Senator.

SENATOR LEBEAU: -- for being here and thank you for your work on behalf of the Connecticut economy, also.

SENATOR BYE: Representative Sayers, first. I got you this time.

REP. SAYERS: Thank you. Thank you, Mayor.

MAYOR JOHN DESTEFANO: You bet.

REP. SAYERS: I'm just curious, if in addition to the number of good programs that you did talk about, are there groups in New Haven that actually work to help some of these undocumented residents become legal immigrants? Back in the 90s, there was a lot of work done in Connecticut by numerous groups that went to Washington, worked, and we were able to get a number of Visas. There was lotteries for Visas. There was a number of mechanisms put in place, to help people that have been here for a number of years, illegally, to become a legal resident of this country. Is there any work being done in that respect?

To me, what we're doing with this bill is sort of band-aiding a problem, without really going to the root cause and helping these children become legal residents of this country, which would really resolve all the -- the whole problem. When they graduate, then they would not have the difficulties in obtaining a job, as well. Well, they would have the usual difficulties in obtaining a job, but their status would not impact on that.

MAYOR JOHN DESTEFANO: There are two groups, and I just would make one distinguishing factor about

immigrants. We have a significant documented and undocumented population. We also have a significant number of refugees. So I'd point to two organizations; one is the Jerome Frank Legal Clinic at Yale Law School, which provides representation to this population; but also, there's an organization called IRIS, that works with refugee organizations, in mainstreaming them into -- into the community, largely, as they rely -- arrive without a lot of family, social or work contacts and help to mainstream them into the community, as well as the wealth of various social justice and nonprofit organizations that support them. It's a pretty vibrant support community,

REP. SAYERS: Right. But coming in as a refugee, actually, gives you a legal status, where coming in as an undocumented, it does not.

MAYOR JOHN DESTEFANO: Well, don't -- keep in mind that most, what we call, undocumenteds, arrive in the country legally and overstay their Visas. So in point of fact, most of them did arrive -- did arrive, legally, and the Visa expired.

REP. SAYERS: And I'm aware of that, that too.

MAYOR JOHN DESTEFANO: Yes.

SENATOR BYE: Any other questions? Representative Candelaria, followed by Representative Dillon.

REP. CANDELARIA: Mayor, just as you were talking, I had a thought. And I want to ask you, as a Mayor of one of the largest cities in this state, how would this bill impact New Haven, economically?

MAYOR JOHN DESTEFANO: So say it -- say it again, the city had the greatest, strongest -- best (inaudible) growth in the state this past year.

We're now the state's second largest -- second largest city. Our rate of growth, population growth, exceeded the state average, which has not been the norm for many years for us on either of these counts. Frankly, what they do is to provide a workforce for our -- for our employers. And what they do is provide skill and talent, the strong correlation between prepared workforce and economic wealth -- economic wealth creation. So for us, it -- it, what we perceive it is, as the Senator acknowledged, is largely an economic development strategy. It is a -- it is a powerful thing. Frankly, the best thing that can happen to America, Juan, I would tell you, is that other nations continue to pass restrictive immigration laws and we steal the talent of the world; that's what we have always done. And we all come from -- almost all of us -- from that background, so we get that.

REP. CANDELARIA: Mayor, would you happen -- happen to have an idea how many undocumented would -- from New Haven -- would benefit, if this bill was to become law?

MAYOR JOHN DESTEFANO: You know, in point of fact, because of New Haven Promise, for those that earn -- and I believe in earned benefits, not handouts -- you know, you've got to grade point average. You've got to -- you've got to get attendance. Right. We're a meritocracy, as a -- as a nation, and that's one of competitive advantage. It will end up being
a -- not a huge number. But I do want to emphasize something. We talk to parents about college going. As you heard me say, we start at kindergarten.

This whole idea of introducing aspiration in the population about possibility and opportunity, to me, is -- is important about becoming an American

as -- as anything. So the aspirational aspects of this, I would tell, I think, are very important. It is a key feature of New Haven Promise, which is to say, you know, be able to say to kids and their parents, you get the grades. You show up. You do community service. You know, you get your tuition paid. And that -- I mean, people want to -- people respond to those set of values.

REP. CANDELARIA: Thank you for those answers.

SENATOR BYE: Thank you, Representative. Representative Dillon.

MAYOR JOHN DESTEFANO: My State Representative.

REP. DILLON: Good afternoon. Mr. Mayor, I just wanted to take the time to thank you for coming up here and for your advocacy. I know that I got involved in this issue in the 80s, because at that time, the undocumented population was Irish. And I worked with a group called the Irish Immigration Reform Network and were able to convince our Congressman at the time, Bruce Morrison -- and this was not me alone. This is a whole network of people statewide -- to set-up what they called Morrison's Visas. And they were all people who had come here and overstayed their Visas and worked in construction jobs.

MAYOR JOHN DESTEFANO: Absolutely.

REP. DILLON: Support for a lot of these things seems to ebb and flow with the economic conditions and I respect that. But it seems to me, as State Legislators, we have the right to determine residency. And that on the issue of legal status -- and we don't necessarily have to look behind it, it would be matter for the federal government. I do hope going forward, because the

Governor's budget does restrict financial aid to private schools
that -- that you'll think about that as you go forward with the Dream Act, because -- because we do have two schools in New Haven that one of which, you know, may need that a lot more than the other. So that that's an outstanding issue in the budget --

MAYOR JOHN DESTEFANO: I will.

REP. DILLON: -- should we, you know, take it up quickly. But, otherwise, thank you very much.

MAYOR JOHN DESTEFANO: Point well taken about the privates.

SENATOR BYE: Thank you, Mayor. And thank you for all your work on education in New Haven. And now you're going from preschool right through college, with the promise that you're giving students.

MAYOR JOHN DESTEFANO: And thank you for --

SENATOR BYE: It's going to pay off.

MAYOR JOHN DESTEFANO: Thank you for all you guys do. Thanks.

SENATOR BYE: Thank you. (Sound of applause.) Teodoro Garcia, followed by Werner Oyanadel. I'm going to have trouble all day, so I'm asking for your patience and forgiveness on the names, Teodoro. I've got a number here in front of me that look difficult. Welcome.

TEODORO GARCIA: Good afternoon, committee members. My name is Teodoro Garcia, Jr., and I'm a senior at Hill Regional Career High School in New Haven. I'm class ranked number 15, out of 144, with a

G.P.A. of 3.7. My parents encouraged me to enlist in various advanced placement courses, which I'm excelling in and earning college credits. I gladly inform you all that I have been accepted to Southern Connecticut State University and the competitive University of Connecticut. I am also waiting to hear back from Harvard, Yale and University of Notre Dame.

Other than being a top scholar, I am highly involved in my church, St. Rose of Lima. I am the captain of my church's youth group. And I am part of the education task force, which helps students from our community, enroll in college. I am also a member of the Connecticut Sponsoring Committee. Even though I'm speaking passionately in support of this bill, I am not affected by it personally, because I am a U.S. citizen. However, let me tell you about a good friend of mine.

He and I have been classmates since the second grade. And we try to compete in who gets the better grades and also, who challenges themselves the most. In fact, he influenced me to take Ancient Spanish, only because he took it last year. We are both distinguished students and academically motivated. As students, we are very similar.

When the time comes to apply to college, however, there is a distinction between us. I am fortunate enough to be able to pay the in-state tuition rate at Connecticut state universities, but my friend has to pay the out-of-state tuition rate. In most schools, that is about $10,000 more than I would have to pay. He is fully prepared to be successful in college, but may not be able to attend, because he cannot afford $10,000 more a year. House Bill 6390 would allow my friend to pay the same rate I would pay at

Connecticut state universities. It would also allow him to continue his education and contribute back to the state he has grown up in.

Thank you for your attention to this issue and for your commitment to education for Connecticut youth.

SENATOR BYE: Thank you Teodoro, you're quite an advocate for your friend, and thank you for coming today. Any questions from -- from the committee? Can you just reiterate one more thing for me? What -- what's the difference in the price for your friend to go to state university?

TEODORO GARCIA: A clear example is Southern Connecticut State University. The in-state tuition is 8,000. And out-of-state tuition is 18,000.

SENATOR BYE: Okay. So it's --

TEODORO GARCIA: So it's about a $10,000 difference.

SENATOR BYE: And that makes it out of reach for him?

TEODORO GARCIA: Yeah, definitely.

SENATOR BYE: Okay. Thank you for your testimony. Senator LeBeau.

SENATOR LEBEAU: Is your -- is your friend, since you've challenged each other, are you pretty much together? I don't want to ask his class rank, because I would identify him. But is he -- is he in the top 20?

TEODORO GARCIA: Oh, he's -- we're -- as far as percentage, we're both top ten in my school.

SENATOR LEBEAU: And you mentioned the out-of-state schools. First of all, I hope -- I hope you go to UCONN of State of Connecticut.

TEODORO GARCIA: Right.

SENATOR LEBEAU: Because we want your brain here, not there. But is your -- is your friend -- so he would be in a similar circumstance. Is he applying to some of those same other kinds of schools that you're applying to?

TEODORO GARCIA: Yes. Unfortunately, I heard the sad story of my friend, not too long ago, about two weeks ago. And he got accepted into Quinnipiac and other schools, however Quinnipiac offered more -- they offered him a special scholarship, since he's academically motivated in certain areas, I think it was business, I believe. And well, yeah -- we both applied to similar schools.

SENATOR LEBEAU: So what's the sad story?

TEODORO GARCIA: Well, the sad story is that I didn't know he was undocumented. We grew up together and he told me --

SENATOR LEBEAU: How does that affect him at Quinnipiac, a private school? Do you have any knowledge of that?

TEODORO GARCIA: He's -- oh, I told -- I asked him, is he going to pay less in other schools? Because some schools, Southern Connecticut, say is less of the out-of state tuition than private schools. Right. But he said that in Quinnipiac they offered him scholarships because of his excellent grades.

SENATOR LEBEAU: And I would assume that they did. And there's no prohibition in the private

schools, in its offering scholarships or the status -- status is not an issue at those schools. Thank you, Madam Chair.

SENATOR BYE: Thank you, Senator LeBeau. I just want one clarification for your friend's financial aid. As I understand it -- there will be testimony today, I hope -- but he would not be able to get any federal financial aid or federal loans or state financial aid, which is part of the reason. But he was -- he must have gotten a private scholarship.

TEODORO GARCIA: Definitely, yeah, it was private.

SENATOR BYE: Okay. Thank you. Thank you so much for your testimony. (Sound of applause.)

Good morning. And we want to be supportive of our youths, who are testifying here. And -- and he just did a wonderful job. But I just ask you to hold the applause.

Our next speaker, welcome.

WERNER OYANADEL: Good afternoon. Co-chairs Bye, Willis and members of the Higher Education Committee, my name is Werner Oyanadel. I am the acting executive director of the State of Connecticut Latino and Puerto Rican Affairs Commission. I am here today to speak in support of the Governor's bill, 6390.

The legislation before your committee today provides in-state tuition status to certain students that have attended a Connecticut high school for at least four years, graduated high school and have been accepted at a higher education institution in our state. Students also would be required to file an affidavit with their school, stating that they are seeking legal

status, or will, in the future, if they become eligible, to do so. Please keep in mind that these requirements for immigrant students are much stricter than the residency requirements for out-of-state students to gain in-state tuition.

The intent of this program is to help children who were brought up here by their parents, as infants, without immigration papers, grown-up in our state and already received an education in Connecticut, to have equal access to higher education.

We heard today, ten states have already enacted similar legislation, to allow long-term immigrants to become eligible for this tuition, if they meet certain requirements, as listed herewith. For the record -- and we heard this earlier today -- any child, regardless of immigration status, has a right to attend public schools, both primary and secondary education, under the 1982 Supreme Court decision called *Plyler versus Doe*. The justices, according to Tom Saenz, president of the Mexican and Legal Education Fund recognized that we as a nation would depend on the contributions of these students, regardless of their status toward our future economy.

This proposal before you today is an extension of that reasoning, as Mr. Saenz so eloquently stated and; therefore, a reflection of a strong national constitutional values of equal protection that are embedded in *Plyler versus Doe*.

You may ask yourself, how much will this bill impact the state budget? And I'm sure that this will be brought to the Appropriations Committee later. But this proposal may have a position impact to our budget, considering that many of these students, who are able to get into higher

education, do not attend college because they cannot afford the out-of-state tuition, which can be three times the cost per year more than in-state tuition.
The increase in enrollment at community colleges is a potential revenue gain. And considering that community colleges do not have a cap on enrollment, they will not be replacing out-of-state students.

I must tell you, I am delighted that this bill is having a public hearing on such an important issue of equity and furnace. In Connecticut, you probably heard the results of the census that the Latino community grew by more than 50 percent in the last decade. And, unfortunately, many of our students, about 50 percent of them are not graduating from high school, currently. And those that are college ready, it's much lower and even much lower if we look at it from city to city.

Today, you have a significant amount of students that are actually competing for this, hoping that this bill becomes a law, because they are the valedictorians and the most brilliant students in our state. And it makes sense, monetarily speaking, to help them out. Democracy in Connecticut is very much alive, as evidenced by the turnout today, because in a pluralist democratic society and informed citizenry, it's -- it's what makes it so. And, as you see it here, today, democracy is a victory. And I'm very happy about this.

Remember, these students are currently being accepted to college on their own merits. This bill would not change that. These students are not asking for free tuition. This bill would not change that. These students are not asking for financial aid. And this bill would certainly not

change that. All we're asking for is for equal access to higher education, so that they may continue to contribute to our society and our economy.

Thank you very much. And if you have questions, I'll be happy to answer.

SENATOR BYE: Thank you, Werner. Any questions from committee members? Senator Boucher.

SENATOR BOUCHER: Thank you, Madam Chairman. And thank you so much for your wonderfully articulate testimony. It was excellent. You know that it is a controversial bill. And there's a lot of criticism out there in the public. And I do hear it. And one of the comments that I hear is that there are many families now that have lost their jobs. A lot of them that -- our homes are in foreclosure and a lot of their children can't go on to higher education, they've had to go to work. And they don't have access to it. And they get a little bit concerned, when a bill like this should come forward and whether they're legal immigrants or just residents of the state and so forth. So I don't know what you would say to them in that regard.

But the other question, the bigger concern I have is a path to legalization, so that in this State Constitution, where it says you're prohibited from holding a job, if you're not a resident here, legally, that shuts out opportunities, really important opportunities, to put into play that good education that individual has gotten. And how active are you and your organization in helping to change laws, both at the state and federal level that would provide a better path to legalization?

WERNER OYANADEL: Senator Boucher, you have some valid points. In regards to what the commission is doing to create a reform in immigration, we are very public and very -- we have been attending -- we have even gone to Washington, D.C., with a delegation of members of the board, to speak in support of comprehensive immigration reform, number one.

Number two, we are very supportive of the passage of the Dream Act, which currently is not in Congress. But we will, when it's introduced, potentially, in the future.

Also, in regards to what you mention about the economic crisis; that is not only effecting Connecticut, but the whole country. This is the Higher Education Committee. And before you, you are going to hear a lot of different bills that will help students that are being affected with the economy. That is the task that has been given to you. This bill would actually not change any of that. You have an alternative to increase financial aid to those families, so if you desire. You can also increase access by increasing the cap of students that can be accepted at the schools. This bill would not change that. You have that potential to improve those changes here. I am giving you the voice, in terms of a bill that is written here.

And you have to know that in my community, in the community of Latinos, in Connecticut, we have little access to any resources. And this bill would actually not even provide financial aid for any of the students that are here, talking about in-state tuition. They're asking for a tuition that they can afford. And it makes sense for me, if I was a Legislator, I would say the state is having a deficit and now, this is a potential

revenue gain for the community colleges, if, now, these students begin to go and pay for tuition.

Our research tells us that many of the students that you see here today are actually going part-time. And that is, actually, sad, because the State of Connecticut already invested tremendous amounts of money in these students to get primary and secondary education. And now, it does not make any sense, economically speaking, for the state to say, we're not going to continue to extend their ability to pay for their own education.

SENATOR BYE: Other questions? Yes, Representative Sawyer.

REP. SAWYER: Good afternoon.

WERNER OYANADEL: Good afternoon.

REP. SAWYER: In your comments, you wrote that students would also be required to file an affidavit with their school, stating that they were seeking legal status, or will, in the future, if they're eligible. Please keep in mind that these requirements for immigrant students are much stricter than residency requirements for out-of-state students. Are you suggesting that the bill is too strict?

WERNER OYANADEL: Originally, in 2007, I suggested that the bill would be two years for residency, but I met with one of your colleagues, at the time, was Representative Sharer. I don't think he's with us any longer, but he is an immigration attorney. I counseled with him and I said, if we want to have this bill, what would you recommend to be a fair amount of years? He said that -- he told me at the time that it would be better if we have it four years. I was not happy, because the

residency requirements is only one, but I felt it was in the spirit of having bipartisan support. I agreed with his comments and we included it in the language. So that what you see here now, in 2011, is a reflection of -- of that, as well.

REP. SAWYER: Let's go back to one to your comment about seeking legal status.

WERNER OYANADEL: Yes.

REP. SAWYER: Do you feel that that's unfair -- the provision in the bill is unfair that we require that they would --

WERNER OYANADEL: I think --

REP SAWYER: -- have to prove that they were seeking legal status?

WERNER OYANADEL: Well, I think they are two -- two questions. I think the four years, now it's valid, because we are really pushing for kids that were brought here when they were two or three or four, so four years residency requirements would be okay, in terms of having this affidavit filed by the students. I think it would be appropriate for the students to file this affidavit, in order to let the institutions know that this is the population that is undocumented. And they can keep that documentation for the purposes of applying for this program. So it would be -- it would be important to keep it. And as a matter of fact, all the other ten states that passed this had that requirement, as well. They want to be in compliance.

REP. SAWYER: That they work towards legal status.

WERNER OYANADEL: Exactly. So we want to be in compliance with what everybody else is doing.

REP. SAWYER: Thank you.

SENATOR BYE: Thank you, Representative. Any other questions? Thank you very much, Wern.

WERNER OYANADEL: Thank you.

SENATOR BYE: The next person is Terry Freeman, followed by Barbara Schellenberg. Just so the audience knows that's the end of public testimony, so now -- the public officials' testimony.

A VOICE: I would like (inaudible).

SENATOR BYE: Well, there's plenty. You can sign up over on the -- I'm saying of the public officials' testimony -- over on the -- I don't know what you'd call it. There's like a desk over -- okay. Sure. Our clerk tells us if you'd like to sign up, you can come over to the clerk's table.

Good afternoon, thank you for your patience.

TERRY FREEMAN: My name is Terry Freeman. I've lived in New Haven for 40 years, and working, first, as a New Haven high school teacher and later, in second career, as a social worker. Right now, I'm the director of adolescent programs at a nonprofit in New Haven, where my work includes training, consultation and work with many youth programs around the state. HB6390

In my work, in my neighborhood of Fair Haven and in my parish church, St. Rose of Lima, as part of the Connecticut Sponsoring Committee, I've met

and come to know well, many immigrant students, who would benefit from H.B. 6390.

These students that I know are academically equal to and sometimes better than their peers. They are proficient in English. They are outstanding students, many are taking advanced placement courses, studying for the SATs, working very hard to get good grades. Like other students around them, they play sports, join dance groups, tutor younger children for community service, help their parents at home and teach catechism in their church.

Their teachers and their schools recommend them for college study. And their parents value education and back it up with huge sacrifice. As Mayor DeStefano noted, most of these parents file and pay federal and state incomes taxes, something that many people in the general population don't realize. And Connecticut, as a whole, we all benefit from their parents' work, but we sometimes forget about the role they play in our economy.

Many people who know these students have encouraged them to continue their education. But since they're ineligible for federal loans and grants, out-of-state tuition is a huge obstacle for Connecticut public colleges and universities. As we've said today, they are not asking for scholarships, but for access, as the same tuition rate that's charged to their classmates.

When my ancestors came to this country from England, Germany and Ireland, the system was different. Today's immigration policies are very hard on our nearest neighbors to the south, Latin America and the Caribbean, whose people live with great economic desperation and often the longest waiting list for legal immigration.

These students that we're talking about today are academically qualified to attend college. They're fully bi-lingual. They live here. They think of Connecticut as home. They desperately want to continue their education. And I hope that one day they will be citizens.

Connecticut needs an educated population. And they have so much to contribute. I believe it is wrong to waste their talents. And I believe this bill is good for all of us, our economy and our communities. And that it is the right thing to do for many reasons. Thank you.

SENATOR BYE: Thank you very much for your testimony. Any questions or comments? Seeing none, thank you for your time today. And thank you for your patience.

Barbara Schellenberg, followed by Rabbi James Prosnit. Good afternoon.

BARBARA SCHELLENBERG: Good afternoon, Senator Bye, Representative Willis and distinguished committee members. Thank you for this opportunity to address H.B. 6390.

My name is Barbara Schellenberg. I am a resident of Trumbull. I have lived there with my husband and three children for over 20 years. I am a member of Congregation Beth El in Fairfield and a leader in the Connecticut Sponsoring Committee. I am also a member of the Connecticut Bar and a practicing attorney in Bridgeport.

This has been said many times already today, but I don't think it can be emphasized enough. We are talking here about children, many of whom have lived in Connecticut most of their lives, have distinguished themselves in our public

schools, as highly-motivated and industrious individuals and seek to continue their education, so that they can serve as productive members of our communities.

Since these students are ineligible for financial aid and scholarships, they must come up with the out-of-state tuition fees themselves. Unfortunately, for most, the cost is prohibitive. So effectively -- effectively, they are denied access to our public colleges and universities. This bill is, therefore, about access, equal access. This bill would bridge the gap between undocumented and documented students by allowing the undocumented students to pay the same in-state tuition fees as their peers. This bill would provide the same access to undocumented students that our documented students currently have.

I am submitting this testimony to you, today, because I feel education of all our youth is essential to laying the foundation for a healthy and prosperous society. My core values also compel me to challenge injustice and discrimination in whatever form it may emerge. H.B. 6390 would correct an inequity in our higher education system by providing equal access for all of our Connecticut students, who demonstrate academic merit. I strongly urge you to support this bill.

Thank you.

SENATOR BYE: Thank you for your testimony, Barbara. Any questions? Representative Stallworth. And your timings really good.

REP. STALLWORTH: Just a statement -- thank you, Madam Chair -- just a statement. I want to say you

work in a great city. And I want to thank you for taking your time to be here.

TERRY FREEMAN: Thank you.

SENATOR BYE: Other questions? Rabbi James Prosnit, followed by Reverend Anthony Bennett.

RABBI JAMES PROSNIT: Good afternoon. My name is James Prosnit. And for 20 years, I've been the Senior Rabbi of Congregation B'nai Israel, in Bridgeport.

It's been an honor to have listened to the thoughtful presentations and questions and deliberations this morning.

My synagogue is composed of over 800 households, congregants who live in Bridgeport, Fairfield, Trumbull, Easton, Westport, Stratford, Shelton and Milford. While I would never presume to speak for all of them, I believe there is unity in many common values that emanate from Jewish tradition, two of which include a commitment to justice and an understanding that education is crucial to self-improvement and the betterment of our society, in general.

While my congregation has been in Bridgeport for over 150 years, many of our members arrived in this country and the first half of the last century and are the children and grandchildren of immigrants. I remember well the pride reflected in my grandfather, as he spoke of the fully subsidized education he received at City College of New York. It was an education that would enable him to go to law school and to raise his daughter, my mother, in significantly different circumstances than he encountered. I have no knowledge of his immigrant status, but I assume his documentation, when he arrived, would have

been questionable. I hear his voice echoed in the power voices of the young people from St. Rose of Lima and other church communities. I heard the stories of past immigrants in the stories that I've heard today and that I've heard in recent meetings that I've had with my work with the Connecticut Sponsoring Committee, stories of deserving students, students who are tops in their class, who are not looking for free rides, but are just looking for fairness and a chance to move forward in their education and their dreams to go to college.

As we heard, some of these students are undocumented and they're forced to pay prohibitive additional tuitions and are ineligible for financial aid; in effect, denying them the pathway to become productive, highly-educated workers in our society.

This is a cause and concern that unites people of faith, people of all ages, races and ethnicities, as well as those who live in urban and suburban parts of our state. While I have rarely been one to suggest that Biblical words should be determinative in civil debate, I am mindful of the most frequently expressed commandment in the Torah, the first five books of the Bible is, not to oppress the stranger. Thirty-six times that injunction is stated. The repetition seems to suggest that it is vital to be mindful that integration of the newcomer is critical in every generation.

H.B. 6390, is an act concerning access to higher education. It is something that would provide the means for undocumented youth to continue their education. The bill would bridge the divide between the two groups of Connecticut students by allowing undocumented students to pay

the same in-state tuition as their peers. I urge you to support it.

SENATOR BYE: Thank you, Rabbi. Your timing, too, was excellent. And for those of you who are new to public hearings, there's a three minute -- at three minutes, the bell will go off. And the Rabbi finished right on time. Any questions or comments?

RABBI JAMES PROSNIT: We use that as a --

SENATOR BYE: Senator Boucher.

SENATOR BOUCHER: Thank you, Madam Chairman and thank you Rabbi --

RABBI PROSNIT: Yes.

SENATOR BOUCHER: -- for being here today and providing your excellent testimony.

Are you as concerned as some of us are about the issue of our State Constitution prohibiting employers to -- not employing anyone that is not a legal citizen?

RABBI PROSNIT: Yes, I -- I am and I actually -- I mean, I've heard your -- you know, you questions and I -- you know, respect them considerably. I think at one point you said something about putting the cart before the horse though, and I don't necessarily go there. I would think that both carts can ride simultaneously. So while we can advocate for this bill here in Connecticut, yes, we should be advocating for -- you know, a -- a Dream Act type of thing in our federal government and I have done that too.

SENATOR BOUCHER: My comment was mostly on the legal aspects --

RABBI PROSNIT: Um-hum.

SENATOR BOUCHER: -- rather than on the merits of this particular issue. But more that we're trying to create opportunity --

RABBI PROSNIT: Yes.

SENATOR BOUCHER: -- for a situation that right now is prohibited on so many levels. Should we not address the issue of immigration and certainly at the federal level as you and -- and so many others have been really active on other political issues?

RABBI PROSNIT: I think it would be very sad for this bill to pass. For Connecticut students to be able to have access to higher education and then when they graduate have problems finding employment, but I don't think that's a reason for this bill not to pass.

SENATOR BYE: Thank you. Any other questions from committee members?

Thank you very much, Rabbi for being here today.

Reverend Anthony Bennett followed by Amanda Gutirrirez.

REVEREND BENNETT: Good afternoon. My name is Anthony Bennett and for the past 17 years I've had the privilege to pastor the Mt. Aerie Baptist Church.

Mt. Aerie's membership role is over 2,800 members with an active membership of 1,000. As one of the largest African American congregations in the State of Connecticut, Mt. Aerie has a rich history engaging in congregational and community -- in particular educational transformation. I'm

also honored to serve along with Father Jim Manship as co-chair of the Connecticut Sponsoring Committee -- which I know you've heard of today, an organization of 30 religious institutions representing Fairfield and New Haven counties. We are white, we are black, Latino, Catholic, Episcopalian, Baptist, whose purpose is to engage in multiple issues such as the proposed bill before you.

I want to thank you for this opportunity to address this bill.

I stand before you this afternoon to inform you that there is broad based support for this bill. For with our organizational cluster meetings -- particularly on March 1, 2011 at Mt. Aerie Baptist Church, our congregation participated along with other congregations and some of the questions raised by some of the members here regarding if there are a certain amount of slots why should they go to particular persons and we wrestled with that, honestly. And yet many of the persons in our congregation came to the conclusion that there are similar histories and as Rabbi Prosnit said, our faith and tradition teaches us to welcome the stranger. And many persons commented that they were also qualified in experiences here in Connecticut and other parts of this country and they were denied access. Not because they were not qualified but because of other circumstances, race, and even gender and class. And so we concluded unanimously not only in Mt. Aeries cluster meeting, after raising similar questions that we want to support. Certainly there are issues in the African American community relating to education, relating to advance movement, we know we're very keenly aware of those but we believe that we can stand up for our issues as well as we

standing up for all children's issues in the State of Connecticut.

Thank you.

Under three minutes.

SENATOR BYE: Reverend, that was awesome.

Questions from committee members?

Representative Stallworth.

REP. STALLWORTH: Not so much a question as a statement --

SENATOR BYE: Sure.

REP. STALLWORTH: -- Madam Chair, thank you.

Thank you so much, Dr. Bennett for being here. I know you are the unofficial Mayor of Bridgeport. I want to thank you for being here and for coming in support of this bill and also happen to clarify some of the concerns. Thank you so much for being here.

REVEREND BENNETT: Thank you.

SENATOR BYE: Thank you so much for your testimony.

REVEREND BENNETT: Thank you -- thank you.

SENATOR BYE: Next, Amanda; followed by Panio McGuire.

AMANDA GUTIRRIREZ: Good afternoon, Senator Bye and Members of the Committee. My name is Amanda Gutirrurez and my colleague Katie Shambley and I are members of the Worker and Immigration Rights Advocacy Clinic at Yale Law School.

I'm testifying today on behalf of the Connecticut Sponsoring Committee, CSC. The CSC has asked us to analyze the lawfulness of H.B. 6390. We conclude that this proposal is lawful and that if passed any legal challenge to it would fail.

I want to say at the outset that several people have raised the concern that federal law prohibits entirely this kind of bill and that this bill conflicts with the federal statute. This is absolutely not the case. The federal law does not prohibit this bill; at most it qualifies the right of states to pass a law like this one.

We first emphasize that the issue of this bill's legality has already been litigated. The California Supreme Court unanimously ruled last year that an almost identical law was perfectly legal and that the law -- and that law in in operation in California today. Legal challenges to similar laws in other states have failed before any Court has had the opportunity to reach them on the merits. In the California case opponents challenged the law on preemption grounds. In essence that the federal law in this area leaves no room for states to pass a bill like this one. The California Court rejected that argument and held that Congress had clearly allowed states to make undocumented students eligible for instate tuition if they wish to do so. As the Court put it, if Congress had intended to prohibit states entirely from making unlawful aliens eligible for in-state tuition it could have done so but it did not. We agree with the California Supreme Court and now turn to the specific provisions of federal law that opponents might raise to challenge the legality of H.B.6390 and in turn show why each of these potential claims would almost certainly fail.

First, H.B. 6390 does not conflict with Chapter 8, Section 6023 of the United States Code. That section of the statute limits a state from making undocumented immigrants eligible on the basis of residence within a state for a postsecondary education benefits but in 6390 in-state tuition is not conferred solely on the basis of residence. Residence in Connecticut is not the only criteria. Not all undocumented students who reside in the State will be eligible for in-state tuition purposes unlike their documented peers who can establish domicile in this state after residing here for merely one year. Undocumented students will have to still pass a number of hurdles such as completing the four-year requirement and graduating from a high school in this state. In this sense the bill established that residing in Connecticut is necessary but not as a sufficient condition to make a student eligible for in-state tuition. Under the California Court login these qualifications are fatale to a 1623 challenge. We can also easily dispose of any claim based on Section 1621, of Chapter 8, of the United States Code which prohibits undocumented individuals from being eligible for a state or local benefit unless a state law affirmatively provides for such eligibility.

(TIMER RINGS)

AMANDA GUTIRRIREZ: Okay.

SENATOR BYE: It's the consensus that they'd like you to finish your testimony.

AMANDA GUTIRRIREZ: Okay.

SENATOR BYE: Because there have been a lot of questions around this so I think it -- it's a good idea.

AMANDA GUTIRRIREZ: Okay, great.

So this bill does not conflict with Section 1621 precisely because the legislature is affirmatively providing for eligibility through this bill. Furthermore there is substantial authority supporting the claim that in-state tuition is not a public benefit within the meaning of the federal statute. In some we're confident that H.B. 6390 will withstand legal challenges and encourage legislature to pass the bill as is.

While we conclude that the bill as written will not fail on preemption grounds we do believe that the legislature could amend some of the language of this bill simply to act as a further safeguard against legal challenges. For example the bill could be amended so as to clarify that it intends to satisfy Section 1621. Furthermore we believe that including the word reside will -- may incur unnecessary risk and that the policy reasons for doing so could be satisfied by other provisions in the bill, such as the graduation and four-year requirement. We believe that even changing the language to say, has resided, rather than reside, would go far toward eliminating any unnecessary risks that you all may be concerned about.

SENATOR BYE: Thank you very much. It was a good legal interpretation. I'm sure that there are other points of view but I thought you were very clear and certainly the California Supreme Court has found unanimously in support of your point of view. So --

AMANDA GUTIRRIREZ: Thank you.

SENATOR BYE: -- Representative Sawyer; followed by Senator Boucher.

REP. SAWYER: Thank you. I appreciate your succinct descriptions. So if you might go back to the end of your testimony where you said that you thought that in-state tuition would not be considered a benefit. Could you just clarify what you said there?

AMANDA GUTIRRIREZ: Yeah, so Section 1621 actually lists the type of -- the types of laws basically that would confer what would be considered a benefit under federal law. And Michael Alevas actually has a law review article arguing that in-state tuition -- it is not a benefit because it's not -- you know, it's not like welfare or -- you know, the state actually paying out dollars to an individual. And so that within the meaning of that federal statute it shouldn't be considered a benefit and so that the preemption arguments that other people have raised essentially don't need to be raised. We believe that that has substantial authority and a couple of federal agencies have supported that point of view including Immigration and Customs Enforcement. But even if you don't take that position we believe that this law does not fail on preemption grounds.

REP. SAWYER: So in listening to your discussion just now, it is -- your decision was made by a law review article. Is that what you're saying?

AMANDA GUTIRRIREZ: No, we're saying that the argument is laid out clearly in that law review article. We believe that the statutory -- the textual interpretation of the statute also supports that point of view and -- and --

REP. SAWYER: Excuse me, where -- where's the statute -- statutory --

AMANDA GUTIRRIREZ: Its 8 -- US Code, Section 1621, the same provision that allows states to essentially affirmatively provide for this kind of legislation also it details what would be considered a benefit under the statute.

REP. SAWYER: So there hasn't been a Court decision on that?

AMANDA GUTIRRIREZ: Nope. It's merely a matter of textual interpretation --

REP. SAWYER: Thank you.

AMANDA GUTIRRIREZ: -- which federal agencies including Immigration and Customs Enforcement have supported.

REP. SAWYER: And do you have documentation on that?

AMANDA GUTIRRIREZ: Yeah, it was in a letter from -

REP. SAWYER: And could you get that?

AMANDA GUTIRRIREZ: Yes, we could provide it in -- in -- for the written testimony.

REP. SAWYER: It would be very helpful.

AMANDA GUTIRRIREZ: Okay.

REP. SAWYER: Thank you.

SENATOR BYE: Senator Boucher.

SENATOR BOUCHER: Thank you, Madam Chairman. And thank you for your testimony, I think it provided a lot of very good information on some of the concerns that were raised. Very well done, by the way.

But I did want to question you also on the aspect in the bill that you said really would help to descend against legal challenges in 1621. And it is on the part of the bill where it -- and it gives us a lot of pause, if such person is without legal immigration status such person files an affidavit with such institution of higher education stating that he or she has filed an application to legalize his or her immigration status or -- or will file such an application as soon as he or she is eligible to do so. What circumstances would allow for that -- for that particular section?

AMANDA GUTIRRIREZ: So if the particular section is not required by federal law I think it -- its origins are from -- from the bill in Texas. It was essentially a political compromise. It's not required -- I don't think in, by state law here, if your question is sort of directed at what are the potential legal avenues for somebody to gain legal status in the future, I think that's a question fairly fact specific to the individual. Somebody's marital status might change, their educational payment obviously will change which may make them eligible for something down the road. Obviously there are many barriers to that. Under current law there also may be reforms. So it's a very fact specific question.

SENATOR BOUCHER: Do you know of such an application, should it exist?

AMANDA GUTIRRIREZ: Such an application for legal status?

SENATOR BOUCHER: It says here, has filed an application to legalize.

AMANDA GUTIRRIREZ: Well I assume that if somebody were eligible to adjust their legal status, which

in certain circumstances they may be, that they would -- you know, essentially they would have done so with USCIS and that's what the statute is sort of imagining.

SENATOR BOUCHER: Okay. I -- it was fairly unclear, particularly with that language there have been some questions raised as to what does that really mean.

AMANDA GUTIRRIREZ: Yeah.

SENATOR BOUCHER: Okay.

AMANDA GUTIRRIREZ: Well we do know from talking to advocates that it's not a legal requirement in any sense.

SENATOR BOUCHER: Thank you very much.

SENATOR BYE: Representative LeGeyt.

REP. LEGEYT: Thank you, Madam Chair.

Welcome.

AMANDA GUTIRRIREZ: Thank you.

REP. LEGEYT: You were talking about referencing some federal statutes that would not require that there be any preemption of -- of status that this bill would authorize to undocumented residents. And one of the first commenters, Representative Candelora referenced in his written testimony, Tile 8, Chapter 14, Section 1623, is that the same section that you're involved with when you say 1621?

AMANDA GUTIRRIREZ: No, it's a different one but 16 -- Section 1623, is the first statute that I was speaking about. And our belief -- our conclusion from looking at the statute and the Court

interpretation of it in California is that that statute only prohibits laws which make residency a sufficient condition for eligibility. And in this case -- you know, the bill also would require several other steps including a four-year and a graduation requirement. So --

REP. LEGEYT: In this bill that we're considering today?

AMANDA GUTIRRIREZ: Yes.

REP. LEGEYT: Yes. Well in 1623 his reference -- Representative Candelora's reference was that we could enact this bill and allow undocumented residents to avail themselves of in-state tuition but that if we did so this federal law, 1623, would then -- if challenged, require that the State of Connecticut would also have to offer in-state tuition to anybody who applies regardless of their domicile.

AMANDA GUTIRRIREZ: Um-hum.

REP. LEGEYT: Was that your understanding?

AMANDA GUTIRRIREZ: That's my understanding of his position. We believe that his conclusion -- with all due respect, is erroneous. That that would only be the case if residency were the sole eligibility criteria which this statute does not provide for. So the statute does sort of preclude states from doing this if they -- they base eligibility solely on residency. And in that case the sort of remedy for that would be that all other US citizens would be eligible if -- if residency was essentially taken out of consideration. So if but for residency they would be eligible, which under the statute they would not, then they would have the ability to be admitted.

REP. LEGEYT: Are you talking about eligibility for admission?

AMANDA GUTIRRIREZ: No, I'm talking eligibility for in-state status.

REP. LEGEYT: Okay.

AMANDA GUTIRRIREZ: Um-hum.

REP. LEGEYT: Okay, I read it differently than that. But I'm glad to see that that's where you were referencing.

AMANDA GUTIRRIREZ: Okay.

REP. LEGYET: Thank you.

SENATOR BYE: Just a question for my co-chair. Is the -- your testimony entitled Worker Immigration Rights Advocacy Clinic at Yale Law School?

AMANDA GUTIRRIREZ: Yes, it is.

SENATOR BYE: Okay. Thank you very much. So for others on the committee who were looking for that.

Thank you very much for your testimony and your analysis. It clearly took a lot of time for you to get ready and you were very exact.

AMANDA GUTIRRIREZ: Thank you.

SENATOR BYE: Next we have -- instead of Pavio -- I believe it says, David, with a long line on the D and a high circle on the other D. it looked like Pavia.

Good afternoon, David.

DAVID MCGUIRE: Good afternoon, Senator Buy, Representative Willis and Members of the Higher Education Employment Advance Committee. My name is David McGuire; I'm a Staff Attorney for the ACLU of Connecticut. I'm here today to support House Bill 6390.

The Connecticut ACLU has long protected the rights of immigrants by ensuring equal opportunity, equal protection and fairness under our laws. To this end, the ACLU of Connecticut supports this bill because it guarantees all Connecticut students, regardless of their immigration status, the right to attend Connecticut institutions of higher learning at an affordable rate.

More or less what this bill does is create a fair and level playing field for all of Connecticut students. As other speakers have noted there are ten states that have enacted laws permitting students to attend -- who attended and graduated from in-state public high schools to pay in-state tuition rates at public universities.

By enacting equal education laws these states chose not to penalize children who are brought to the US at a young age by their parents. Significantly these states have recognized that a well educated population leads to increase earning potential and incomes that stimulate growth in their state economies.

Equal education laws remove discriminatory economic impediments that often prevent undocumented high school graduates from pursuing higher education.

Many undocumented students educated in the Connecticut K through 12 public school system

come from impoverished backgrounds and are not able to attend college without in-state tuition, denying affordable higher education access to all Connecticut students in a failure to capitalize on Connecticut's investment in their primary education.

In analyzing Public Act 07-135, the 2007 version of this bill that Governor Rell vetoed, the Office of Fiscal Analysis reported that Connecticut State University and the Connecticut Technical College Systems would potentially gain revenue if additional students chose to attend as -- as a result of the lower tuition rates. Significantly at least three or four other states that have adopted these immigrant tuition bills have realized significant revenue after passing these laws. This bill will create revenue for Connecticut colleges.

In sum, the ACLU of Connecticut urges you to support House Bill 6390 because this bill is critical to achieving fundamental fairness in access to public higher education.

And I'm happy to answer any questions you might have.

SENATOR BYE: Thank you for your testimony. Do you have any specific data about the revenue that was realized in other states?

DAVID MCGUIRE: Yeah. So for example, Utah currently has one of these statutes on the books and they -- this -- this term are thinking about repealing it. And there's been data from their Office of Fiscal Analysis that if that bill is repealed it will result in a 1.5 million dollar tuition loss for the next school year. Texas saw a 2.72 million dollar increase in tuition and fees after passing their law. I mean, that -- that is a border state and it's a very different makeup

than Connecticut. Colorado also is currently considering a bill similar to the one that's before the committee and they did a really comprehensive analysis based on several population factors. So if 200 students for example would attend the public university system under that Immigration Bill it would realize roughly a $700,000 increase in tuition -- in tuition rates. So -- that -- I'd be happy to --

SENATOR BYE: Well that's very interesting. Its making me think about what we're doing here and in -- in essence if these other states have realized a gain. What we're saying is if the cost if in-state tuition really covers the cost of the education for that student so in some ways we're not asking for an extra benefit --

DAVID MCGUIRE: Um-hum.

SENATOR BYE: -- we make some gains on students that come and pay out of state tuition a profit that helps run the institution. But based on that analysis across multiple states do you think it's fair to say that by paying in-state tuition these residents are actually covering the cost of their higher education?

DAVID MCGUIRE: I think that's fair to say. That's definitely reflected in these other fiscal notes from the sister states. It's also -- you know, significant to add that there's a flood gate argument that a lot of legislatures make in other jurisdictions that suddenly there's going to be this rush of students taking advantage of these low rates. Not -- that's probably not the case and like you said, the number of people that will take advantage of it will not cause the need for increased resources at the state colleges so it'll pretty much be a fiscal benefit all around.

SENATOR BYE: Thank you. And -- and I think on the heels of Attorney Gutirrirez, it -- this idea of it not being something like food stamps or a benefit or something they're given -- in fact they're in this case they'd be paying the cost of that actual service as really sort of something that comes to me with your testimonies going one after the other. So --

DAVID MCGUIRE: We -- we share that interpretation as well.

SENATOR BYE: Now are there examples of states where it's been a loss that you're aware of?

DAVID MCGUIRE: There -- truthfully there has not been. I pulled together five states that I was able to find where they did a thorough fiscal analysis that was recently done. And all of those either resulted in a wash or an increase. And again, I'm happy to provide that -- that data to the committee.

SENATOR BYE: You know I would really appreciate that data if you wouldn't mind --

DAVID MCGUIRE: I certainly will.

SENATOR BYE: -- providing it to this committee. I think members are interested in that.

A question from Senator Boucher.

SENATOR BOUCHER: Thank you, Madam Chair. And thank you for your testimony.

Question for you. It appears that our colleges have limited slots, they're constrained by their fiscal plant --

DAVID MCGUIRE: Um-hum.

SENATOR BOUCHER: -- essentially, so it doesn't necessarily mean that UConn is going to have more open slot. Right now they've jumped from 18,000 applications last year to 23,000. They have 3,000 openings, 2,000 are for in-state. This does not mean that they will increase those slots it just means the competition for those slots should get higher or better. And hopefully we have excellent students. I think where the cost issue is -- so that would certainly not change the dynamics of cost. Right? Because you're going to have the same number of slots, the same number of in-state tuition slots versus what you had the previous year. It just -- it's more competitive and certainly I should tell you truthfully the resistance on the part of some publics is that that just means that some others that are legal residents or legal aliens or that are here might be in higher competition for those slots. And some of those may not be your wealthy students, it could very well be those students without funds, those students that really need the lower cost and may have gone to a private institution but now they're going to our state schools. And many of them have had to go to community colleges for two years and are looking for a way up. So there's -- you know, you can question who is more deserving of getting a benefit. But the question of cost I think is really around those that are currently in our educational system that are undocumented. In other words, they're here illegally but they're already getting an education because we've established that everyone has access, it's just a matter of the money who are more precluded because --it's too costly for them. Those that are already here then could apply for that benefit in other words. They're already in classes currently paying out of state tuition, a higher cost and now they would be eligible for

in-state. So there would be some sort of cost if we could figure out who those individuals would be.

DAVID MCGUIRE: I -- I honestly don't know how many people are currently enrolled in the system that would benefit if this bill passes. I can't imagine that it would be a huge number but really what it boils down to is just creating a fair and level playing field so that all these students who are in the same classrooms in high school and junior high school have the same opportunities. I agree it will make it a much more competitive enrollment process but I think that will make the state all the better for it.

SENATOR BYE: Thank you.

Senator LeBeau.

SENATOR LEBEAU: Yeah, I wanted to follow up on -- on that discussion that Senator Boucher just got into. Where I agree with her on -- well let me -- let me just ask kind of a broader analysis. Can you explain to me how this is a fiscal plus because I think I understand how it is and maybe I can just test this with you, that the fiscal plus at a school where -- that is not full, that does not have -- that has open seats, therefore we're filling those seats that would not necessarily be open, like a CSUS. I saw that I'm getting some nodding from the audience so I'm hoping I'm right on that.

DAVID MCGUIRE: Um-hum.

SENATOR LEBEAU: But that -- and that -- and that's where it ends up being a plus. At UConn it would be a wash, no plus, no loss.

DAVID MCGUIRE: Right.

SENATOR LEBEAU: But -- because we know every single seat is taken. And the -- and the competition to get in there is -- is very rigorous. But at other schools there are openings that are not taken and I would assume that that would be in the community colleges and also in the CSUS system. Can you confirm, deny or elaborate on that or two out of three?

DAVID MCGUIRE: You're -- you're right on, Senator. That -- what's happened in other states like Texas for example is that the community college system which previously had many many open seats saw those taken up. And just like Ms. Bye noted, the costs of teaching the class is the same. They're not adding extra credit -- classes being taught or anything like that. It's just a matter of filling seats that were previously open. And I understand that since 2007 when this -- when this bill made it to the Governor's desk and was ultimately vetoed at that time there was a different landscape in terms of the economy and -- and the school systems and enrollment. But still we believe that there are open seats both at the Connecticut State University System and the community and technical colleges. And those -- those -- that's where we would generate an increase.

SENATOR LEBEAU: Thank you very much.

SENATOR BYE: Representative Rovero.

REP. ROVERO: I heard you say open seats. Is there a chance that we could -- madam chair, that we could add something to this bill that would say that if there was open seats it would be allowed to go in at in-state tuition but if there was not open seats like we'll say at the University of Connecticut, which most of my constituents are

worried about, that they would not be allowed to go in. Is there a chance you could put that wording into the bill because I wouldn't have any problem with the bill you know, because I'm not against anybody -- I want everybody to be on equal footing and again I'll reiterate what I said, that I have a problem with people in my district who have been here legally for all their years that could get bumped out of a seat because someone else has taken it. So if we could put that wording into the law I wouldn't have any problem with it.

SENATOR BYE: I hear that -- I hear that Representative Rovero. That would be a committee decision I believe. I think where I -- how I would answer that is -- you know, over the past ten years we keep hearing about the explosive growth of students at UConn, at CSU. I've just put out a question on email to see how much enrollment has grown as the demand has grown on this general assembly and the university systems have increased their supply. And I think that -- you know, if UConn discovered they'd made an error and didn't realize the student had a 4.5, that they thought they had a 3.5 and didn't realize they were the valedictorian and someone asked them to look at it again and they realized they had a student with a 4.5 who is a valedictorian with 1,600 boards, in fact my -- I would say they would make room for that student and say this is a student who belongs here. So -- I mean, from my understanding I have son that works in admissions, while there's only so much capacity it's a somewhat -- still there is some fluidity and judgment and certainly some classes come in and they're 200 more and the kids are living in quads because they accepted so many and thought 200 less would accept but that year they had -- you know, they're -- they're making adjustments all the time for the number of

students. And I think that we've heard testimony today that it can come down to you know, I think -- I forget what Representative Haddad's number were but three or four students a year according to their numbers. So I think -- you know, we're thinking very concretely but college admissions is very complex and universities try to pick students who are going to have a value added. And sometimes that's diversity and sometimes it's an expertise in science -- you know, depending on their own strategic goals as a university. So I just want to put that out because I don't think it's like as simple as one more or my child didn't get in because they go it. Because it is a competitive process that the students have to compete for. And what I'm hearing in this testimony that's most interesting to me is this idea that in-state tuition is paying the cost of that education based on every state -- the analysis of every state that's implemented this. So I find your testimony compelling as I'm listening today. So thank you for doing all the research and coming up with some facts for us on this committee.

Others; other questions?

All right. Thank you very much.

DAVID MCGUIRE: Thank you for the opportunity.

SENATOR BYE: Paul Fleck followed by Kelly DaRosa.

PAUL FLECK: Good afternoon, Senator Bye, Representative Willis, Esteemed Members of the Committee.

I represent the New York Annual Conference of the United Methodist Church, their Immigration Task Force, and within the New York Annual Conferences contained Connecticut. I also represent nine

other pastors and 18 lay persons who have signed on to my testimony today.

We come to you today as people of faith in support of House Bill 6390. We do not come only because it makes sound economic sense to do everything we can to insure all of Connecticut's work force, both documented and undocumented have the skills necessary to compete and be gainfully employed in the 21st century. We come most of all because the biblical witness compels us to speak out on behalf of the resident alien in our midst.

We feel compelled to make this statement because we know that immigrants like all of us are individuals of sacred worth made in God's image. We know that Abraham and Sarah -- the father and mother of the nations were immigrants. Moses was an immigrant in the land of Midian. He led the Israelites, who were immigrants in the land of Egypt, out of bondage.
We know that Jesus was an immigrant in the land of Egypt as a young boy and that his family eventually settled in Nazareth as immigrants to avoid persecution by Herod Archelaus in Judea. When Jesus became a man he immigrated to Capernaum by Galilee and is known for saying, foxes have holes and the birds of the air have nests but the Son of Man has nowhere to lay his head.

The Hebrew Bible is overrun with laws and prescriptions to treat the resident alien within our midst as we would ourselves. Consistent throughout is the view because the Hebrew people were once aliens in the land of Egypt, they should not oppress the resident alien.

With respect to the legislation before you the ancient authorities recognized a sort of golden rule. Leviticus 19:33-34 reads: the alien who

resides with you shall be to you as the citizen among you. You shall love the alien as yourself for you were aliens in the land of Egypt, I am the Lord your God.

In all things the Hebrews recognized the aliens' equality before the law. You shall have one law for the alien and the citizen, for I am the Lord you God.

In ancient Israel there was a practice called gleaning. It meant leaving out spare sheaves of grain, nor reaping to the edges of one field, and allowing left over to be gathered for the resident alien and the poor.

This bill is a perfect example where modern day gleanings can be made available to the resident alien in the midst. Therefore we ask that you will give favorable consideration to the House Bill before you.

I'm available to answer any questions you might have.

REP. WILLIS: Thank you.

Questions or comments from members? Thank you for your testimony.

Kelly.

KELLY DEROSA: Hi. Good afternoon Members of the Higher Education and Employment Advancement Committee. My name is Kelly Albuquerque DaRosa. I am in support of the In-State Tuition Bill. As a resident of West Hartford and a student I would personally like to thank Beth Bye for the UConn School of Social Work and a Family Service Worker for a non-profit Head-Start Program. I would

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also like to thank every committee member present here today for the opportunity to testify.

I am an American Citizen born from an immigrant Portuguese family. These families are not asking or looking for a free ride to college for their children. Instead they're asking to be treated fairly. To these children and their families Connecticut is home to them. For those of us who are parents we can agree that we want the very best for our children and want to see them succeed in life. As a Family Service Worker I remember working with an undocumented mother. I asked her how I could assist her. She shared that she and her husband are grateful that their son had the opportunity for the education at Head-Start Program. But then she began to cry. I asked why she was crying and she said, all I can think about is the day that I have to tell him he can't go to college and that I may not be able to afford it. I remember fighting back my tears because all I could think about was looking at my baby girl and telling her that she could not further pursue her education. Could you bring yourselves to tell your children that? Although these families are aware that due to their status they are being charged out of state tuition they accept this injustice because they want to allow their children the opportunity for an education. Martin Luther King Jr. described the when he stated one who breaks an unjust law that conscience tells him is unjust and who willingly accepts the penalty of imprisonment in order to arouse the conscience of the community over its injustice is in reality expressing the highest respect for law.

All I ask is that you give these children an opportunity to a fair and just education by supporting the In-State Tuition Bill. Our

children are the future of this state and of this country and they deserve a chance.

Thank you for your time and I will end with another quote from Martin Luther King Jr. Life's most persistent and urgent question is, what are we doing for others?

Thank you.

REP. WILLIS: Thank you. Thank you very much, Kelly. Any questions from the audience? Thank you.

Gina Caputo -- Gina.

GINA CAPUTO: Yes.

REP. WILLIS: Thank you, Gina.

GINA CAPUTO: Good afternoon, Senator Bye, Representative Willis and members of the committee. My name is Gina Caputo and on behalf of the 226 student activists at the Center for Youth Leadership at Brien McMahon High School in Norwalk I'm here to urge you to support H.B. 6390, AN ACT CONCERNING ACCESS TO POSTSECONDARY EDUCATION.

As I just mentioned I'm a student at Brien McMahon High School in Norwalk. Currently many of my fellow seniors and I are waiting out the final fifteen or so days until we hear back from colleges and universities both far and near as to admissions decisions. It pains me to know that many of my classmates will not be able to celebrate a brighter future on April 1st with the rest of us simply because the circumstances of their birth render higher education cost prohibitive.

There are estimated to be some 100 to 300 students without papers at my high school. That is quite a significant portion of the population.

The State of Connecticut cannot benefit from denying these students the same level of access to higher education as their peers. At this point in our nation's history economic, political and otherwise we need my generation to be more educated not shunted aside. We need more creative minds to tackle our society's increasingly complex problems, not more powerless bystanders. It only stands to reason that we should take advantage of the incredible resource that takes the form of our immigrant students. The United States has after all always been a nation of immigrants. I myself would not be sitting here today were it not for immigrants from so many different countries fortuitously meeting here.

To vote no on this bill is to deny one of the intrinsic fundamental tenants of our society. The expectation, the privilege, the right to work hard to achieve whatever level of success one determines for one's self, which is something that frankly has never had anything to do with whether the hospital of the student's birth was in Hartford or Honduras.

To vote yes is to affirm and encourage the creativity and innovation that has always been associated with being American. We strongly urge you to pass this law because tomorrow's leaders need education today.

The benefits of a more educated workforce in Connecticut are endless. Please vote yes because the best way to ensure the future of the next generation is to educate this generation.

REP. WILLIS: Thank you very much for that lovely testimony. You're a high school student?

GINA CAPUTO: Yes.

REP. WILLIS: Wow, good for you. You've done a beautiful job.

GINA CAPUTO: Thank you.

REP. WILLIS: Mike Carroll.

MIKE CARROLL: Good afternoon, Respected Chairpersons and Distinguished Members of the Committee. My name is Michael Carroll and I'm here today to relay the vigorous support of my parish in Waterbury for H.B. 6390. I'm a deacon at St. John's on the Green downtown parish in Waterbury, Connecticut.

Seven years ago our parish initiated a tutorial program for inner city youngsters to support literacy, math skills and combat the dropout rate which has historically impacted the lives of urban youngsters to an alarming extent. The program is staffed entirely by volunteers and serves any child who walks in the door on Saturday mornings. For the past seven years we have averaged 18 youngsters. And during that time not one child has dropped out of school and there has been only one teen pregnancy among the children that we serve.

I'm here today to advocate for one of your participants who has resided in Waterbury for the past 15 years. She crossed the border at Tijuana in the arms of her parents as a three-year-old. Her school grades, proficiency tests and SAT's should have qualified her for admission to any college to which she applied. She was admitted to none. She'd like to be a nurse and now attends Naugatuck Valley Community Technical

College. She's working three part-time jobs to afford the books and tuition. She is not eligible for any loans. Any hospital in Waterbury would be delighted to have a bilingual nurse on staff. As a retired senior clinical therapist in the Adolescent Behavioral Health Unit of Waterbury Hospital I have witnessed first-hand the value of Spanish speaking medical personnel making important clinical contributions both in my own unit and in the Emergency Department.

The bill under consideration will provide relief to a number of our students who have challenged themselves during their high school years. As a subgroup they have demonstrated that our urban high schools provide excellent preparation to youngsters intent on getting a good education.

Some of your higher achieving kids are the target of peer taunts as school for their commitment to excellence. They have been called straight edge or goody-goodies. Such peer criticism has not deterred them. But high tuition bills will likely accomplish what peer taunts cannot. They cannot attend schools which they cannot afford.

The people of our parish have contacted our senators and representatives in Washington to support efforts to reintroduce the DREAM ACT on the federal level. In the meantime we look to you for a positive response on the state level. Excellence serves us all.

Thank you.

REP. WILLIS: Thank you, sir.

Any other questions or comments?

Thank you very much for coming here today. I really appreciate your testimony.

Diego. You're -- you're another high school student from Norwalk?

DIEGO AGUILLAR: Norwalk Community College student.

REP. WILLIS: Oh, okay.

DIEGO AGUILLAR: Good morning, Representative Willis and members of the committee. My name in Diego Aguillar and as an undocumented community college student I am here to ask you to support H.B. 6390, AN ACT CONCERNING ACCESS TO POSTSECONDARY EDUCATION.

I graduated last year as valedictorian of my class and was accepted to some magnificent schools including Cornell University and the University of Connecticut. And along with this blessing I was also greeted with concerns, frustration and tears. Behind the warm kiss of my mother there was disappointment. Behind the strong embrace of my father there was doubt. Behind my very own back were the hopes and dreams of a family trying so desperately to escape poverty. Even though I work hard every day and every night, even though I make sacrifices to help me become the top of my class I receive little recognition and limited financial support to continue my education. And now every month I watch my parents worry, fight and struggle to pay the high international rates of my local community college. The fierce, tender, unconditional love of my parents urges them, motivates them to help me become the first in my family to attend and complete a college education. I believe we live in a great country where hard work and dedication can subdue all economical barriers. A country that's great enough to show full and equal support to all aspiring youths. I believe that it is the

strength and courage of students like me that will continue pushing this country for innovation and success.

I came to this country ten years ago not knowing a word of English but now today I ask your request for your support for the Act H.B. 6390.

Thank you.

REP. WILLIS: Good for you.

DIEGO AGUILLAR: Thank you.

REP. WILLIS: Thank you for -- you did an amazing job.

DIEGO AGUILLAR: Thank you very much.

REP. WILLIS: And it's great of you to come here to share your story.

DIEGO AGUILLAR: My pleasure.

REP. WILLIS: Representative Candelaria.

REP. CANDELARIA: Well first of all congratulations on your outstanding academic achievement. You mentioned something that caught my attention and it was specifically that you were to pay an international rate instead of an out of state --

DIEGO AGUILLAR: Out of state, yeah.

REP. CANDELARIA: All right, thanks.

REP. WILLIS: Senator Boucher.

SENATOR BOUCHER: Thank you, Madam Chairman. And congratulations for such a great job and doing such a terrific job here in front of us -- in front of this committee. Many people -- trust

me, and adults are intimidated by the process and your definitely not and I'm sure you're going to do extremely well.

One of the things that I'm most concerned with is, individuals such as yourself getting a great education which you will one way or another, with this bill or without. You have the academic standings for sure. Is your concern and worry -- you know, once all this is done the current prohibitions for employment that we have in this country and -- and in here there is a section that talks about having to declare your position which you've already done now publically being here and on the record, but that it allows for application so that you could legalize your immigration status. Have you thought about this provision in the law and how it affects you personally?

DIEGO AGUILLAR: Yes, it's something I desperately want to do, to become resident -- to become a citizen of the United States of America. But as the law stands right now I'm not able to apply. I'm not -- I don't fulfill the qualifications of the process.

SENATOR BOUCHER: If you were to say graduate and -- and you would probably be a very highly desirable candidate or applicant for any position would there be ways in which a perspective employer might help you in that -- in that regard?

DIEGO AGUILLAR: I have no knowledge of it but I will look into it. I'm -- that's something I really -- -

SENATOR BOUCHER: Something that I would encourage you to do particularly as we've yet to accomplish something important in this area on a federal level which I would hope to see for sure.

Again thank you very much for your excellent testimony.

DIEGO AGUILLAR: Thank you.

REP. WILLIS: Obviously the passage citizenship is -- with the passage of the DREAM ACT in Washington and that's what needs to happen. So you can make that application because that is the problem right now.

Again I -- I -- thank you for coming here today.

Oh, I'm sorry, Representative LeGeyt was supposed to ask questions and I go so taken with what you had to say I -- I forgot all about it. I apologize, Representative.

REP. LEGEYT: Thank you, Madam Chair.

And welcome Diego. I too was quite taken by your presentation and the way you carry yourself and speak for yourself and represent what you firmly believe in. I admire you for that.

DIEGO AGUILLAR: Thank you.

SENATOR LEGEYT: I believe that this bill is about the cost of getting an education.

DIEGO AGUILLAR: Correct.

REP. LEGEYT: And yet we certainly are concerned here on the higher ed committee with other aspects of getting a postsecondary education. And so I wanted to ask you in your application process to UConn were you accepted?

DIEGO AGUILLAR: Yes.

REP. LEGEYT: And it's only because of monetary cost reasons that you were unable to go. Is that correct?

DIEGO AGUILLAR: Correct.

REP. LEGEYT: Was there anything in your process of applying and being accepted to UConn that you noticed or had an impact on you that had nothing to do with the cost of going there but all about the application process? Were you -- were you treated fairly? Were you --

DIEGO AGUILLAR: Yes. There's a scholarship for valedictorian to UConn as you may know and I asked for it and they said I couldn't take it and that was the only thing that really bothered me about it.

REP. LEGEYT: Okay. Again congratulations to you on what you've done with yourself to this date and best of luck in what I'm sure will be a bright future for you. And thanks for coming here today.

DIEGO AGUILLAR: Thank you very much.

REP. WILLIS: I believe it says Keith Templeton. Welcome, sir.

KEITH TEMPLETON: Thank you. My name is Keith Templeton and I appreciate this opportunity to address you Representative Willis and Members of the Higher Education Committee. I live in Washington, Connecticut and I would like very much for all these young men and women to have the opportunity for an education at the University of Connecticut or one of the Connecticut State Universities. And I think you should provide that opportunity if you can do so lawfully.

As with most things there is a right way and a wrong way to go about it. If we do it wrong as we will with this bill as presently written we run aground on the federal law. Following the line of reasoning of the first witness this morning we can reasonably expect certification of a class action by out of state students every June following enactment of the bill.

A $30 million barrel of money invites lawyers the way a barrel of honey invites a swarm of bees. If instead we do this the right way there will be a single rate of tuition for all students. By having one rate for all tuition the references in the bill to residents and domicile become surplusage. Domicile is an excellent word to get out of any bill any way possible. Many lawyers have gotten rich arguing about the meaning of domicile.

Thank you very much.

REP. LEBEAU: Could you talk about -- explain to me what pot of $30 million you're referring to?

KEITH TEMPLETON: Well the pot of $30 million is the estimate that your risk management people came up with and it was referred to by the first witness. I think that --

REP. LEBEAU: I -- I was late so -- go ahead.

KEITH TEMPLETON: -- looking at the website for UConn yesterday I noticed a $15,000 differential between in-state and out of state tuition. And as I understand it, there's 2,000 students and I'm not real good at arithmetic but that seems to come to right around $30 million. And if everybody joined that class -- and I supposed there might be a few stragglers or nay-sayers who

aren't interested in getting back $15,000 at the end of each school year, but assuming there aren't too many of those that would come out to right around $30 million in the pot for that class.

REP. LEBEAU: That would be if -- that -- assume that everybody -- the $15,000 difference --

KEITH TEMPLETON: Correct.

REP. LEBEAU: -- but most -- I mean -- the only --

KEITH TEMPLETON: And the out of state --

REP. LEBEAU: -- I was going to say --

KEITH TEMPLETON: -- excuse me --

REP. LEBEAU: No -- no, I'm asking the questions, sir. So the -- but the only people this would apply to who would have any -- if you're making some kind of a class action law suit would be those who are from out of state. And there are 2,000 out of state students? Is that what you're saying?

KEITH TEMPLETON: I stand corrected. There are 1,000 by the testimony here this afternoon. I can't vouch for any of those figures. The first witness said there were $30 million at risk. I don't know, I would have to agree with you that if there are only 1,000 out of state students there would only be $15 million at risk each year.

REP. LEBEAU: Okay, thank you, sir.

Madam Chairman, back to you.

REP. WILLIS: Thank you very much.

Robert Fishman.

ROBERT FISHMAN: Good afternoon, Co-chairs Roberta Willis and in absentia Senator Bye, Members of the Higher Education and Employment Advancement Committee. The committee renamed quite properly I believe.

My name is Robert Fishman, I'm President of the Connecticut Immigrant and Refugee Coalition and Executive Director of JFACT, Jewish Federation Association of Connecticut. Both of your boards of directors heartily support House Bill 6390.

Currently federal law states we should educate these children in our public schools who are undocumented through high school but it is silent on postsecondary education. I don't know if it's been mentioned before but President Obama did call for the passage of the DREAM ACT in the recent State of the Union Address. It fell on deaf ears from one side of the isle and doesn't seem to be going anywhere like it hasn't for a number of years now. The DREAM ACT would provide a legal pathway to citizenship for these students. Congress does not show the will or the courage to enact such legislation which would assist these well-meaning children who number about 65,000 across the United States. That is the graduation number every year from the Immigration Law Center. In Connecticut our flagship University of Connecticut has verified -- and I have those numbers that it averages two -- two students a year who fall into the category of undocumented immigrant youth who have spent at least four years in the Connecticut school system. Currently these students are paying that full tuition. And UConn basically says that 70 percent of UConn students are in-state and pay in-state rates, 30 percent out of state rates. Those two students would not dramatically reflect

that percentage change. Experience in the states that have passed in-state tuition bills suggest that such legislation does not deprive the states of the revenue from large numbers of students who would otherwise pay out of state tuition rather it raises the percentage of high school graduates who pursue a college degree.

I do want to say that -- quickly, that our interim president of UConn, Philip Austin is neutral on this issue but the incoming president, Susan Herbst has made it clear that -- unfortunately she doesn't start until July 1, in this case, that she would be in full support of bill 6390 and how she looks forward to joining our enlightened state when she arrives here.

So very briefly, if you let me say one more thing, the National Immigration Law Center says currently only about 5 to 10 percent of undocumented youth who graduate from high school go on to college compared with about 75 percent of their classmates. And it's primarily because of the burden of financing their education. And the ten states you already know about and that Colorado and Maryland are considering it and Massachusetts Governor Patrick has said if the legislature voted for it he would sign it. So that would be another state. This bill is legal, it's been mentioned before and Court have rejected any challenges to similar bills enacted in other states.

I simply would like to say we urge the committee to pass 6390, give our deserving Connecticut youth a chance to realize their dreams of higher education and a brighter future.

Thank you very much.

REP. WILLIS: Thank you, Bob; always good to see you. I said always good to see you.

ROBERT FISHMAN: You too.

REP. WILLIS: I'm sorry. A question Senator Boucher.

SENATOR BOUCHER: Thank you, Madam Chair.

And it's wonderful to see you again. I know how active you've been involved over the years on these immigration issues. And -- and some of them are really -- concern me a great deal and they're problematic. And I know that you have a network -- and hopefully at the federal level because I'm still having a hard time and -- and I'm sure you do too, particularly counseling the individuals that you do on what's the path to legalization, the path to getting and holding a job after investing so much in a good educational system.

ROBERT FISHMAN: Right.

SENATOR BOUCHER: And how we make that path better -- easier so that there's not the breaking of the law feeling that's going out there. And -- and really creating a lot of future barriers. It's tragic yes not to be able to access higher ed without maybe working two or three jobs and saving up for a number of years and then being able to do it. But it's even more of a tragedy to be able to have that education and not be employable.

ROBERTH FISHMAN: Well, I mean there are students who are here -- and my own experience in colleges, not necessarily typical because I met my wife after college, but most people do meet spouses in college. So it would not be unusual in that four year education that somebody falls in love and

falls in love with a citizen and then they have a pathway to citizenship. I hope that happens for a number of people until the law changes.

And secondly you mentioned what about employers; yes there is a possibility for employers in certain fields where they actually need special skills that they can apply for their employer to get a pathway to citizenship.

The third thing, which is actually very tragic when you think about it, because we just lost a Connecticut solider and he was obviously from Korea, the assumption I'm making is that he was adopted because his family name was Schnider until he took back -- or Snyder or something, and took back his Korean name. The first solider who was killed in Iraq was undocumented. And the United Stated decided to give that person citizenship after he died. Does that make sense? So it seems to me that the pressure should be on Congress to make this happen. And I hope everybody pushes this button. I was so delighted to see Senator Lieberman, yesterday saying that as a lame duck basically, this is one of those issues that he's going to fight for. He's always been behind this. So at least we know that there will be some leadership in Connecticut and -- and frankly we know that he has -- above all of our members of the delegation, closest relationships to the other side of the isle -- or the republican side of the isle since he's an independent, and hopefully maybe make some break through.

It's been disappointing to me and I hope to you that some of the republican leaders have flip-flopped on this issue. Senator Oren Hatch of Utah was behind the DREAM ACT for years and when the leadership of the Republican Party said, nope, we're not going to go with President Obama

on this, he backed off. And the same thing we've seen time and again from other people and that very disappointing. And don't forget that Utah is one of the states that has this. And -- and we have on record that he was -- he praised his state for being behind in-state tuition so why wouldn't he do it in Washington? It doesn't make sense to me.

SENATOR BOUCHER: Well I agree that we should be working really hard at the federal level but we should also point out, I think it was President Bush that pushed --

ROBERTH FISHMAN: Yes.

SENATOR BOUCHER: -- the -- it --

ROBERT FISHMAN: He was behind it too.

SENATOR BOUCHER: -- he actually started the ball rolling until --

ROBERT FISHMAN: Absolutely.

SENATOR BOUCHER: -- he had a tremendous amount of pushback. So I would say that it's not one party or the other on this.

ROBERT FISHMAN: Yes, but -- but we need the courage from both parties at this point. That's the way I think I'd have to leave that.

REP. WILLIS: I want to thank you for adding that too, because I think that's important perspective to bring to members of the committee who may not be familiar with the national landscape on this. And the fact that Utah and Texas are two of the states that have this already in place --

ROBERT FISHMAN: Right.

REP. WILLIS: -- and they were push through by former President Bush and by Oren Hatch who as you said --

ROBERT FISHMAN: Yes.

REP. WILLIS: -- changed his mind.

ROBERT FISHMAN: Right.

REP. WILLIS: So it's a very important point to bring to this conversation. Thank you very much.

ROBERT FISHMAN: Okay. Thank you for all you do.

REP. WILLIS: Representative -- Mr. Fishman.

REP. ROVERO: Thank you.

REP. WILLIS: Sorry.

REP. ROVERO: No, I don't -- I don't address it particularly to him. I have to agree with you 100 percent but -- because when that last -- the gentleman a couple speakers ago that came in we asked him why he didn't apply for citizenship and he said he didn't qualify, that bothered me.

And when I read in the newspaper and I know a few gentlemen that spent three years in the military on a foreign soil defending us and when he came back to the United States he wasn't entitled to become an American citizen. I have a problem with that. But I'm glad you agree that these problems are not really the State of Connecticut's problem, it's the citizens in the State of Connecticut but not the state itself. And I think that all of us should get behind, like you said; to go to Washington, put pressure that we change some of our immigration laws.

But this isn't really pertaining to that -- this bill doesn't pertain to that and I -- I hope that none of us lose sight of that fact. But you are 100 percent right and I thank you very much for your testimony.

ROBERT FISHMAN: Thank you.

REP. ROVERO: Thank you, Madam Chair.

REP. WILLIS: Actually I'm glad that Representative Rovero brought that up because I think it is also important too that you can be undocumented and serve in the military.

ROBERT FISHMAN: Yes.

REP. WILLIS: And once you've done that it is a pathway to citizenship. So thank you for raising that.

REP. ROVERO: Thank you very much.

REP. WILLIS: Paul Filson. I saw Paul -- I guess he -- we'll go down to Nadya Omar.

NADYA OMAR: Good afternoon, Higher Education and Employment Advance Committee. My name is Nadya Omar, I'm from Waterbury, Connecticut and I am a former undocumented immigrant. HB6390

I would like to share my experience with you and ask you to support the in-state tuition bill.

When I was three-years-old my family came to the US legally on a visitor's Visa and my father decided that we would have a better education if we grew up here. Unfortunately we over-stayed and that is where my story begins. Although my father was able to get his status adjusted to

permanent resident my mother, my siblings and I were not so lucky. Years of lengthy immigration proceedings and due to our cases being misplaced several times delayed our adjustment of status. My parents instilled a love of education in me at an early age and as a result I excelled in all my classes and enjoyed going to school. All through high school I worked extra hard so that I could get into the college of my choice. It was during these years that I realized that I had a secret. I was undocumented. I rarely told anyone about this because I was afraid. It was already difficult enough to try to comprehend why I could not enjoy rites of passage that all my friends were experiencing such as getting a license or getting a first job. But now the reality set in that my dreams of going to college were going to be just that, dreams. Graduation was the hardest time of all. As my classmates walked to get their diplomas, the name of the college they would be attending was announced as well. Instead of being excited I dreaded hearing my name because I -- being called because I knew that there would be no mention of college after it.

I was able however to get into a community college that fall. However, after a semester I was told that I could not return to the college because I did not have a social security number. I was told to contact the Commissioner of Higher Education and after I did he held a meeting with the college and I was able to return.

In 2004, I graduated with an Associate's Degree but still I was undocumented and I could not go on to a four year college because I would be considered an out of state student since I could not prove my legal residency in the State of Connecticut and would be unable to afford the tuition.

Fortunately for me my case was approved in 2006, and I hit the ground running. I got accepted into UConn and I worked two jobs and paid off my tuition before completing my Bachelor's in Business and Technology in 2008.

I stand before you today about to complete my Master's in Social Work Administration and International Issues this May from the University of Connecticut. Looking back I never thought I would make it this far. Fortunately for me my story does have a happy ending. But for 100's of Connecticut's undocumented students their story will come to a stop unless this bill is passed.

They, like myself, did not have a choice to come here or stay here illegally. They live their lives like normal American teenagers and they deserve a chance to pursue a higher education like everyone else. They are not asking for a handout but just a chance at an affordable education.

I would like to thank the committee for taking the time to listen to me speak and I hope that my story will help shed some light into the experience of an undocumented student and the importance of this bill to these students and the economy of Connecticut.

Thank you.

REP. WILLIS: Thank you very much. You're a wonderful spokesperson.

NADYA OMAR: Thank you.

REP. WILLIS: Yes, Representative LeGeyt.

REP. LEGEYT: Thank you, Madam Chair.

Welcome, Nadya.

NADYA OMAR: Thank you.

REP. LEGEYT: I'm impressed by your story and by your resilience and persistence and the success that you've acquired. I heard you say that you weren't able to get into a four year college and so you went to a community college.

NADYA OMAR: Um-hum.

REP. LEGEYT: You got an Associate's Degree and then in 2006, you said that something changed and you were able to get into UConn. Can you share again what that was? What -- what changed?

NADYA OMAR: My change was permanent, I became a permanent -- well my case to become a legal resident was approved.

REP. LEGEYT: I see -- I see. Well it's not necessarily a -- an example for all the undocumented residents who are struggling to get into college for lack of the ability to pay but I commend you for having worked through that process.

NADYA OMAR: Thank you.

REP. LEGEYT: And congratulations to you.

NADYA OMAR: Thank you.

REP. WILLIS: Hearing no other questions or comments, thank you very much.

NADYA OMAR: Thank you.

REP. WILLIS: Jessica Reyes and after that Lynn Taborsak.

JESSICA REYES: I'm sorry. Good afternoon.

REP. WILLIS: Good afternoon, Jessica.

JESSICA REYES: I'm just here for her, in support of her. We went to the same schools, we grew up in the same town but she worked twice as hard as I did. And when it came to that time in my life to go to college I had all the rights -- but I wanted to find myself a little bit and relax and she didn't. And she works so much harder than me and she continues to work hard every day to be an example for -- for young people to get involved and she inspires me every single day. And she can't vote but I can so I'm going to be -- I'm going to be the voice for her. And for all the young people out there who weren't given what I was given and what many people -- and what many young people don't take advantage of. So I'm just here in support of them and I can vote and she can't so I'm going to be the voice for them.

Thank you.

REP. WILLIS: Lynn Taborsak. Lynn, how are you? Our former member of the house, so good to see you.

LYNN TABORSAK: Thank you very much.

REP. WILLIS: We love having your son here.

LYNN TABORSAK: He's busy in general law.

REP. WILLIS: Well it's good to see you. I haven't seen you in a while.

LYNN TABORSAK: I'm actually here to testify on behalf of the Unitarian Universalist Congregation of Danbury.

And I will cut to the chase so all of the people behind me have a chance to testify.

But in 2008 our congregation went through a process to become a New Sanctuary Congregation and we made a commitment to both welcome and support the newest immigrants to our community regardless of their immigration status. For those of you who aren't from the part of Connecticut that's in New York, Danbury has a population of about 80,000. It's the 7th largest city in Connecticut. And according to the most recent census projections Hispanic and Latino residents make up 25 percent of your population.

We have one of the state's largest high schools, with just under 3,000 students and 600 to 700 members if the Class of 2011 will graduate this June. Many of them will apply to Western Connecticut State University which is a jewel of the state university system that's located in Danbury.

WestConn will receive about 6,000 applications for 800 slots in their freshman class. That won't change with the passage of this bill. The application process is very competitive; students are selected based on their high school rank, their SAT scores, their high school grades and a written essay that they submit with their application.

Danbury High graduates who are accepted at WestConn through this very competitive process are then separated into two groups; those that will pay the in-state tuition of $4,451 a semester and those who will pay double that

amount; $9,634 a semester. They aren't that different at all, they're Danbury residents; they're residents of the State of Connecticut. They're capable, intelligent young people who will play an important role in our educated workforce and in our state's economic future.

So this bill is about equal access. It's about fairness. And please give all of our qualified Connecticut students the same access to postsecondary education.

REP. WILLIS: Thank you, Lynn. You always stand for fairness.

Any other questions or comments? Oh, Senator LeBeau.

SENATOR LEBEAU: And our chairman just said it, you always stood for fairness and you are continuing to stand for it. It's great to see you. You got younger; I don't know how you did it. It must have been -- it must be -- no one will get this but it must be all the GORP.

LYNN TABORSAK: It is -- GORP. If someone could continue that tradition it really helps.

SENATOR LEBEAU: It really -- if you could -- please supply him, Lynn, so we could --

LYNN TABORSAK: I'll have a chat with him.

SENATOR LEBEAU: You'll have to bring some up to the Senate now, okay. Thank you very much. Thank you for being here.

LYNN TABORSAK: You're welcome.

SENATOR LEBEAU: great to see you.

REP. WILLIS: Emanuel Lima -- Emanuella, excuse me. Is Ms. Lima here, from the Tribune Newspaper? I assume it's a school newspaper. No? What is it? Oh, okay.

Wendy Cardenas.

WENDY CARDENAS: Good afternoon, everyone. My name is Wendy Cardenas and I am an undocumented and unafraid American. I am currently a Norwalk Community College Student paying out of state tuition. I support this bill because it will allow me to become a full time student and be able to apply to a four year school. HB6390

I am now taking two classes, which is three times more compared to the in-state tuition. There is not enough chance for me to become a full time student because I can't afford paying as much.

I work around 30 to 35 hours a week and go to school two days a week. It's really hard to maintain good graded in class when I barely have time to study. But I can proudly say I have maintained a 4.0 GPA. Education is my priority but sometimes I feel tired and feel like giving up. Like everyone, I have goals and dreams in my life and that's what keeps me motivated because I was born a fighter not a quitter.

My family has been a big support economically and emotionally in my life. Since we arrived in Connecticut we've been paying taxes and going by the law. My parents work a lot in order to help me pay college because even though I work it is not enough. We don't get any benefits, no help from anywhere; we just contribute to the state like any other American citizen.

I came here when I was 12 years-old and all I have done is serve in a positive way. I am not a

criminal. I love Connecticut, I love this country and all I want is to serve the country and the state.

Thank you.

REP. WILLIS: Thank you. It's good of you to come here and share your story.

WENDY CARDENAS: Thank you.

REP. WILLIS: Ana Bortolleto. Good afternoon, Ana.

ANA BORTOLLETO: Good afternoon, Representative Willis and members of the committee. Thank you for giving me the opportunity to speak. My name is Ana Bortolleto; I'm a resident of Danbury for over 13 years. A graduate of Western Connecticut State University and I'm also undocumented. I'm here in favor of Governor's Bill 6390.

I moved here from Brazil with my parents when I was 9 years-old. We came on a visa and we just overstayed it. Being undocumented I know from first-hand experience what an in-state tuition bill will mean to students like me.

I walked the halls of Danbury High School feeling that I was no different than my American classmates. But when college application time came around I found out this is not the cased. Unable to get financial aid I knew that going to the college of my choice was going to be difficult but I did not give up. My status did not stop me from working hard in high school. Like many others in my situation, I was a straight A student, in honors and AP classes and I regularly volunteered in my community. I graduated in the top 5 percent of my class. After graduation I ended up going to WCSU. It was the only school my parents could afford and

even that was a struggle, especially because my sister and I went to college at the same time. I remember when I found out that I was classified as an out of state student. I only found this out after I had already registered for my classes so when the bill came it was quite a surprise. I thought they had made a mistake. I didn't understand why I had to pay the out of state tuition. You see, in my mind I was not an out of state student. I went to the Admissions Office and I asked how can this be, how can I be an out of state student when I lived in Danbury for 9 years. When I finished elementary school here, went to middle school here and graduated from Danbury High School when my parent have paid taxes to the state all these years. I offered to bring them 9 years of utility bills, 9 years of income tax receipts, anything that could prove what I already knew, that I was a resident of Connecticut. But all they told me was that until I could bring proof of my legal status there was nothing they could do. I was being denied acceptance and membership in the community I had grown up in. The community I felt I belonged to, because I didn't have the right piece of paper.

It is important to know that undocumented students do not qualify for financial aid, federal loans or most scholarships. This bill would do nothing to change that. Currently few if any undocumented students will be able to afford to pay out of state tuition. Therefore the choice that undocumented students face is not between paying out of state tuition and in-state tuition it's between paying in-state tuition or paying no tuition at all. Therefore by opposing this bill you are not safeguarding school's tuition revenue. The only thing you are doing is denying access to education to some of our state's most brightest students. All you are doing is telling these kids that after living

most of their lives in the state you are telling them that they don't belong here and relegating them to life in the shadows. You are denying them a sense of hope and community and telling them to give up on their dreams of higher education.

Unlike most undocumented students I was able to go to college and I'm here today as a college graduate. I would not sit here before you today if I had not gone to college because a college education has given me opportunities and opened doors for me. It has allowed me to plan for my future, allowed me to have a future and see that there is a future for me that despite my status my life is not a waste.

Therefore I urge you to support this narrow bill which at its core is based on the principles of equality and meritocracy that this nation was founded upon.

Thank you.

SENATOR BYE: Thank you, Ana. It was nice to meet you when Representative --

ANA BORTOLLETO: Um-hum.

SENATOR BYE: -- and I came out to Western. And taking the time for input on the Governor's Bill as well.

Any questions from the committee for Ana? No, well thank you very much for your testimony.

ANA BORTOLLETO: Thank you.

SENATOR BYE: But no -- we're -- we're going to try to avoid displays of -- of clapping etcetera.

Next is Cynthia Romina-Calderon, followed by Maria Bortolleto.

CYNTHIA ROMINA-CALDERON: Good afternoon. My name is Cynthia Calderon and I'm an undocumented American asking to please don't fail to recognize the importance of education regardless the status of a person.

I came to this country when I was -- when I was 14. Back then I wasn't aware that so many things would be taken away from my life due to my legal status, which I didn't choose. With a big effort on sacrificing a lot of my necessities -- also my family's necessities, I will be graduating in Norwalk Community College with an Associate in Medical Management. However I feel that my education might stop there because of my restrictions that an undocumented student face and cannot achieve the requirement. I don't want my education to stop here; my dream is to continue for even higher education to become a social worker to help to make a difference in the community.

Education is the key to opportunity in our society. We only need that key to open the door to an educated future, a freedom to choose and learn; a necessity in all aspects of improvement. If this country didn't improve its wealth today we would live in a country segregated. Today we wouldn't have an African-American President and many other people who struggled and overcame to be outstanding people just like your parents many of them immigrants, because this country is made of immigrants.

I know most of you have children and will fight to make changes to improve their life just like my parents.

Thank you.

SENATOR BYE: Thank you, Cynthia. I just have a couple of questions --

CYNTHIA ROMINA-CALDERON: Um-hum.

SENATOR BYE: -- because I wasn't clear. You said you came here when you were 14?

CYNTHIA ROMINA-CALDERON: Yes.

SENATOR BYE: And you're now where in school?

CYNTHIA ROMINA-CALDERON: I'm sorry?

SENATOR BYE: Where are you now in school?

CYNTHIA ROMINA-CALDERON: Norwalk Community College.

SENATOR BYE: Norwalk --

CYNTHIA ROMINA-CALDERON: Um-hum.

SENATOR BYE: -- and your -- and your major there?

CYNTHIA ROMINA-CALDERON: Medical Management.

SENATOR BYE: Medical Management. So what does that entail?

CYNTHIA ROMINA-CALDERON: All the medical assistant and -- but it's an Associate Degree so I can m -- I can be a manager and I can be -- I can do clinical which is similar to what a nurse does.

SENATOR BYE: So you're saying you've been able to access community college at this point?

CYNTHIA ROMINA-CALDERON: Yes.

SENATOR BYE: And is it your concern that when you finish at community college you won't be able to afford the next step?

CYNTHIA ROMINA-CALDERON: Yes. I'm paying right now out of state tuition and it's real expensive. I mean, my parents pay for my education and I pay for my education as well but it's really hard and even if I go to a four year college it's even harder now because it's more expensive and even -- I think three times more than what I'm paying.

SENATOR BYE: So is it your testimony that you wouldn't be able to access the next level --

CYNTHIA ROMINA-CALDERON: No, I wouldn't be able.

SENATOR BYE: -- after community college? And -- and what do you want to do? What's your dream?

CYNTHIA ROMINA-CALDERON: I want to be a social worker.

SENATOR BYE: A social worker.

CYNTHIA ROMINA-CALDERON: I want to improve people's lives, children's especially.

SENATOR BYE: So sometimes that takes a Master's Degree.

CYNTHIA ROMINA-CALDERON: Yes. Actually I want to get a Master's.

SENATOR BYE: Um-hum.

CYNTHIA ROMINA-CALDERON: And I want to --

SENATOR BYE: And -- and where did your family immigrate from?

CYNTHIA ROMINA-CALDERON: Peru.

SENATOR BYE: From Peru?

CYNTHIA ROMINA-CALDERON: Yes.

SENATOR BYE: Okay.

CYNTHIA ROMINA-CALDERON: My parents when back to Peru and my brother graduated from Sacred Heart University but he had to come -- he went back to Peru because he couldn't find more opportunities.

SENATOR BYE: Yeah, okay.

CYNTHIA ROMINA-CALDERON: And he stopped fighting but I just want to continue here.

SENATOR BYE: Okay. Well thank you for sharing your story.

Any other questions from committee members? No. you did a great job.

CYNTHIA ROMINA-CALDERON: Okay, thank you.

SENATOR BYE: Thank you.

Next is Maria Bortolleto, followed by Maier Negugogor. Hello, Maria.

MARIA BORTOLLETO: Hello. Hello members of the committee. I would like to thank you for hearing my testimony today. My name is Maria Camila Bortolleto and I'm here to testify in favor of Governor's Bill 6930.

I am a recent graduate of Western Connecticut State University. I graduated with a BA in Biology and a minor in International Studies, top of my class, Summa Cum Laude. I was in the

University Honors Program and I was also the co-editor in chief of my yearbook and the head of the Commuter Student Organization. Here's something not in my resume, I am an undocumented student.

I came here from Brazil with my parents when I was 9 years old. I grew up feeling like any other American teenager but when it came time for college I discovered I wasn't like my classmates because even though I had lived most of my life in Danbury, Connecticut less than 10 minutes away from WCSU, I had to pay the out of state tuition. At that point in my life I was rather naïve about my situation. In my mind I had lived most of my life in Danbury, had graduated from Danbury High and my parents paid taxes. I had just assumed that I would pay in-state tuition. I actually only found out that I had to pay out of state after I had already registered for classes. It was very tough for me -- for my family to pay for both me and my sister to attend college.

But most undocumented students can't afford out of state tuition and as a result don't go to college. This is because out of state tuition is more than double the cost of in-state. At WCSU in-state tuition is $4,400 and out of state tuition is $9,600. As such, the law as it stands right now presents a huge barrier to higher education for most immigrant families. For undocumented students this bill would mean the difference between actually being able to go to college and not going at all. One of the arguments against this bill is that all those undocumented students paying out of state tuition would switch to in-state and the state would lose money. But the truth is there are very few undocumented students that can afford out of state tuition and are going to college right now.

It's important to note that undocumented students don't qualify for any federal financial aid or for most scholarships, and this bill wouldn't change that, so even those undocumented students who take advantage of in-state would be paying their own entire way through college. So this bill is not a handout, it's not giving a benefit only to undocumented student it is merely a step to providing equal access to higher education to all our state's students.

The truth of the matter is that this is a very narrowly tailored bill; there are not a huge number of students that will benefit from it. However the bill would have a huge impact on the lives of those that it does effect by enabling them to continue their education. You might say that this bill does not fix the core problem with is the student's immigration status and you're right, it doesn't. But it's not up to the CT assembly to change that it's up to the federal government. And while they're playing politics in DC and while you wait, kid's lives are passing them by. Bright motivated students, students at the top of their high school classes -- and if given the chance, to be the top of the college classes, are losing hope and not going to college and giving up on the future. Is this what we want? We cannot let the students give up. This bill will give them hope, hope that there is a future for them. And this bill is something that we can do right now.

So I urge you to pass this bill and help student achieve their dreams.

Thank you.

SENATOR BYE: Thank you very much, Maria. I -- I have a question for you. So you've been sitting here today listening and here you are -- you're

undocumented, you had to pay out of state tuition and both you and your sister made it through. What do you say to people who say, well you did it why can't -- why can't others do it?

MARIA BORTOLLETO: Well not everybody can afford out of state tuition and me and my sister were lucky enough to receive a scholarship that covered a part of the tuition not all of it. But most aren't as lucky so this -- the law right prevents a lot of people from going to college because they just can't afford out of state.

SENATOR BYE: Okay.

Other questions from committee members?

Representative LeGeyt.

REP. LEGEYT: Thank you, Madam Chair.

Welcome, Maria. Nice to see you again.

MARIA BORTOLLETO: Nice to see you.

REP. LEGEYT: As I've said several times today, it's my belief that this bill is about cost of education. But I want to ask you ask I asked Diego a few minutes ago, in your process of applying to Western Connecticut State University aside from the difficulties in finding a way to pay for that education did you experience anything that -- where you felt that you were being affected differently than any other student who was applying in your application process or your -- in your acceptance process?

MARIA BORTOLLETO: No, I felt that I was treated fairly by WestConn.

REP. LEGEYT: Thank you.

SENATOR BYE: Any other questions? Thank you. Thank you very much, Maria.

Next Maier, followed by Tania Martinez.

REP. WILLIS: Maier.

MAIER NEGUGOGOR: Howdy.

REP. WILLIS: You all have to know who this is if you don't. she's our former LCO for Higher Education and --

MAIER NEGUGOGOR: Hello.

REP. WILLIS: -- we are working on several products of -- of yours. Your labors -- I want people on this committee to know that the strategic plan bill that we're working on was the work of Maier. Yes. And actually did you work on this bill too, when you were here --

MAIER NEGUGOGOR: Yes.

REP. WILLIS: -- the in-state? You did, see.

MAIER NEGUGOGOR: It was already drafted and had been --

REP. WILLIS: Well we miss you. Where are you?

MAIER NEGUGOGOR: Well -- I won't --

REP. WILLIS: Are you going to tell us? Are you coming back?

MAIER NEGUGOGOR: I apologize, I'm a little nervous.

REP. WILLIS: You're nervous?

MAIER NEGUGOGOR: A little bit.

REP. WILLIS: You know us all so well.

MAIER NEGUGOGOR: I'm not used to speaking in public.

REP. WILLIS: How could you be nervous?

MAIER NEGUGOGOR: Good afternoon --

REP. WILLIS: Actually you know a lot more about us than -- but anyway, go on.

MAIER NEGUGOGOR: My name is Maier Negugogor, and I'm here today to support House Bill 6390. I feel very fortunate to be here today in support of this bill because three years ago when this bill was before the committee I was the LOC Attorney. I was unable to testify at that time and I now work as an immigration attorney in Bridgeport, Connecticut.

My parents are immigrants who entered the US legally. My father was a Hili player and entered the US with my mother and sister on temporary visas. Although they entered legally at some point after my brother and I were born my father had problems renewing his visa. We were all supposed to leave the country. I was in 4th grade when this happened; my sister who became illegal was in middle school. When children of illegal immigrants say they feel American it is because for most of them this country is all they know and this is the place they call home. I remember as a child praying to God not to deport my family. I remember visiting the offices of immigration lawyers and hearing my parents discuss ways they would be able to stay. My parents and sister eventually received their green cards.

When I hear arguments against providing in-state tuition to children of undocumented immigrants I'm extremely saddened by the lack of compassion and empathy. It reminds me that the barrier is still in place that prevents people like me from entering. There is so much anger in some of the comments that I've read on line and on blogs sometimes. The message is clear, you are not wanted; go back to where you came from. You don't belong here. People who are born here deserve help, not illegals. Well I was born here, my sister wasn't. So I deserve my education and she didn't? Or maybe I too shouldn't have been given the opportunity to pursue higher education either.

This bill is about providing deserving high achieving students an opportunity to pursue higher education. Children of undocumented immigrants are not eligible for financial aid. Therefore their chance of pursuing higher education is very slim. This will -- this bill would provide them with that chance. It's not about giving them a free ride or break. There are more obstacles than tuition facing children of immigrant families.

I can't speak for other families, only my own but I can tell you from personal experience that I'm extremely fortunate to be where I am today. I was able to go to college, I supported myself through school. While all my classmates were at parties I was waiting tables. And I also envied a lot of my classmates who had parents that were involved and were supportive when I always felt I was on my own and struggling internally with even whether I belonged in school.

Lastly I kind of want to end with saying that I'll never forget the day that I graduated law school. My father hugged me and held on to me for

what felt like hours. Tears were bursting from his eyes and he was overwhelmed with joy. For my parents, my achievement meant everything. My parents have had a hard life as immigrants in this country and they still struggle to this day. Nothing has ever been free in their life. When I hear comments people make about undocumented immigrants and their children it breaks my heart. These are people just like you and me, people with families who want to provide for their children and see their children succeed. My childhood and my immigrant family experiences made me who I am today. Io chose law as a profession because I wanted to help others. I chose to live in Connecticut because this is my home. Without higher education I would most likely be waiting tables today and not paying nearly as much in taxes.

I strongly support this bill which will provide students the opportunity to pursue higher education and fulfill their dream.

Sorry for going over the time.

REP. WILLIS: That's all right. We give the special dispensation for former LCO's, especially those that make us look good here and you surely -- while you were here made us look good.

MAIER NEGUGOGOR: Thank you.

REP. WILLIS: And your work continues so I'm sure that's good to hear. But I -- I'm amazed that you worked on that bill and all was -- going all through that and we -- you know, what a professional you are. I had no idea that you could relate to -- in a very detached way to something that you were working on and had feelings about.

MAIER NEGUGOGOR: Yeah, well I think that's why I -

REP. WILLIS: Really incredible objectivity.

MAIER NEGUGOGOR: Yeah. Well I took my role seriously. But I am definitely in a better place I think, in the job that I'm doing and -

REP. WILLIS: Well I don't know if I feel that way but -- but again it was great to have you here today.

Any questions or -- does somebody may have questions about actually the bill since Maier felt that -- was part of all the discussions we had when we framed it? No? Yes?

SENATOR BYE: Welcome back to the committee.

MAIER NEGUGOGOR: Thank you.

SENATOR BYE: My question is, there's been a lot of discussion today about federal immigrations rules and we should wait to fix this federally.

MAIER NEGUGOGOR: Um-hum.

SENATOR BYE: I've heard that on other issues in this chamber myself and opted to advocate for -- for state law first. Tell us where you think we are with federal immigration law and how close we are to having a real path to citizenship for children and families who are here currently in an undocumented way.

MAIER NEGUGOGOR: I mean I think that's an excellent question but its Washington and people are afraid and don't have the courage to do it and it's very unpopular as you guys know. I think it's going to eventually happen. We have to do something and the thing is, when that happens a lot of the -- you know, students that are here today, that

it's going to affect. You know, now is the time where they're entering the schools. We need to help them now not down the road when it's too late, you know. My sister couldn't go to school because she wasn't eligible. I was lucky I was born here. You know, I could get financial aid.

SENATOR BYE: So -- so how long do you think we'll wait? I mean if you had -- if you were guessing, do you think that within the next five years as a country we'll have a way -- a path to citizenship that's navigable for the majority of undocumented residents that are here?

MAIER NEGUGOGOR: I would hope so. I -- I can't really say when that will happen. It's when the will-power is there, when more people support this issue, when there's -- you know, when you can --

SENATOR BYE: Well it seems like you work in the thicket every day trying to help families become legal residents. Is that accurate? You said you work in immigration? What -- what's your --

MAIER NEGUGOGOR: Yes.

SENATOR BYE: -- role there?

MAIER NEGUGOGOR: We do business immigration so there's a lot of different areas of immigration but yes I do work on getting green cards to people -- the pathway to get legal.

SENATOR BYE: And -- and how much would you say the average client has to pay to find their way to that path of citizenship? Is it something that you need to have a lot of resources to --

MAIER NEGUGOGOR: Thousands of dollars to pay. But I mean, undocumented people right now are stuck

because if you've been illegal for a certain amount of time there isn't a way for you to adjust your status. There was a provision in the law previously that had expired and some had it so now they have to wait for something to happen from Congress to allow them to.

SENATOR BYE: Well based on what you're saying --

MAIER NEGUGOGOR: I mean people can find, you know, sponsorships through employment and family relationships but the being illegal for a certain amount of time in the country precludes them from being able to adjust status. So even -- you know, if you had a sponsor or a job and stuff you would still face this law.

SENATOR BYE: So it's not like we're on the 90 yard line. As -- as I hear you talk it seems like there's a way we have to go for families to achieve citizenship who are here in the state and the children are here in the state.

MAIER NEGUGOGOR: Well it depends too, like the other speaker who was here; there was a time when -- like even in my family where you're in the limbo stage. Every person is different. You know, some people they already have something going but -- you know, it's stuck. Or they are -- you know, don't have legalization yet. And those people will suffer -- you know, eventually they will. And I think eventually everyone who's undocumented will find a way too.

SENATOR BYE: Okay. Thank you.

Representative Rovero.

REP. ROVERO: Have -- have you ever heard the song, Do it my way?

MAIER NEGUGOGOR: I --

REP. ROVERO: Because I think they should write a song about you and it says, I enjoy it more, I did it the hard way. Congratulations. I think you did one heck of a job and --

MAIER NEGUGOGOR: Thank you.

REP. ROVERO: -- you're a real example for what we should all do in this country.

MAIER NEGUGOGOR: Thank you.

REP. ROVERO: Thank you very much.

SENATOR BYE: Any other? Well thank you for coming today and coming back to this committee. We're always happy to have former LCO's here.

MAIER NEGUGOGOR: Thank you very much.

SENATOR BYE: And next is Reverend Laurel Scott, followed by Ricardo Torres.

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REVEREND SCOTT: Good afternoon, Senator Bye and members of the committee. Thank you for the opportunity to present this testimony on behalf of the Church and Society Committee of the New England Annual Conference of the United Methodist Church.

I've submitted written testimony so I will simply highlight what I've said. You heard from my colleague Paul Fleck earlier who is from the New York Annual Conference. Our denomination happens to split Connecticut by the Connecticut River so I am representing the 30 congregations that are east of the river and are in the New England Annual Conference

You've heard references -- I come at this from a position of faith and my appeal is of a compassionate nature. You've heard others who have quoted our scriptures that -- that affirm so many times that we are to be kind to the stranger. Quoting from the Book of Matthew, when I was a stranger you welcomed me. From the Book of Leviticus, the alien who resides with you shall be to you as the citizen among you, you shall love the alien as yourself for you were aliens in the land of Egypt. I am the Lord your God.

The church is especially concerned about the struggles of young men and women who came to the United States as children of undocumented immigrants. For them America is their country to love and their home in which to feel safe. They grew up working on their education with high hopes and dreams for their future just like all of their friends in their schools, churches and communities. However their undocumented status closes every door to their future and their contributions in the only country they have known to live in and to love. Before they were children of the undocumented they are children of God whom God has given to us as gifts to be cherished and dreams to be fulfilled.

We urge the good people of Connecticut to see these children as their own and pass H.B. 6390 not only for their sakes but for all of God's children's sake.

And for myself I am an immigrant. I came to this country as a young adult, having to come before I was 21 so that I could come as -- as the child of adult immigrants. My parents came ahead of me and prepared the way so that I came in as a legal resident. And I have served, I have gone to school to -- I received in-state tuition in New

York State where I was resident. I also have served the States of Massachusetts and now Connecticut and I think that I present myself as an example of what can happen when persons are given access to education and can do good for their communities.

Thank you.

SENATOR BYE: Thank you. Let me just check, hold on, we have some committee member questions.

Representative Stallworth.

REP. STALLWORTH: Not a question, Thank you, Madam Chair. Not a question but just a statement. Thank you so much for being here. I know was a pastor you're very busy --

REVEREND SCOTT: Yes.

REP. STALLWORTH: -- working with your denomination and you (indiscernible) quite well. Thank you so much.

REVEREND SCOTT: Thank you.

REP. STALLWORTH: Okay.

REVEREND SCOTT: Thank you. I'm also studying the issue of immigration from a moral standpoint at Boston University. So I come at it both as a pastor and as a scholar.

REP. STALLWORTH: Thank you so much.

SENATOR BYE: Reverend Scott, thank you so much. You're wearing the BU colors --

REVEREND SCOTT: Yes.

SENATOR BYE: -- today.

REVEREND SCOTT: And the Methodist colors.

SENATOR BYE: Okay, you have both.

REVEREND SCOTT: So they're both.

SENATOR BYE: Well thanks for waiting and thank you for your testimony.

Ms. Tania Martinez, to be followed by Ricardo Torres.

TANIA MARTINEZ: Good afternoon. My name is Tania Martinez; I am a graduate student of the University of Connecticut's School of Social Work and an employee of a non-profit organization and a United States citizen.

I would like to thank you for the opportunity to testify today. I am here in support of the Bill Number 6390.

I am in favor of this bill because I believe that any resident of Connecticut should have the opportunity to further their education and improve their skills in order to have a better life. In addition, an individual with a degree not only is helping his or her self but is also helping the community where she or she reasons. For such reason, accepting the Bill Number 6390 is not only a moral thing to do but also -- but -- but the logical thing to do. As an immigrant I had experience the difference that postsecondary education made in my life. My father brought me to this country with the purpose to have a better life. And my parents always told me that a better life could be achieved by a postsecondary education. Where I -- where I come from my parents could not afford any type of

postsecondary education. In the process of my parents wanting the best future for me, when I was 14 years old my parents decided that I should move to United States, even though I did not wanted to come to this country. This period of my life was not easy because my mother and sister stayed behind in Peru. As many young immigrants that come to the United States you have no choice on deciding to come to this country. And eventually however, this country becomes all that you know.

Now I am a graduate student of the University of Connecticut's School of Social Work and furthering my education in order to enhance my skills and better contribute to my community. Postsecondary education changed my life because in the process of obtaining a degree, I did not only obtain a diploma but I also obtained the skills to have a better opportunity in life. I changed from somebody that would not like to talk in public because my face will turn red, to somebody secure, confident and willing to take new challenges.

I have been working in the social work field for eight years. Throughout these years I mainly had work with clients in the inner cities. I had experienced how my clients struggle trying to graduate high school. Nevertheless it breaks my heart knowing that after they graduate they will continue struggling trying to attend college because they would not be able to afford the out of state tuition fees and will not have the same opportunities that I had.

I urge you to support this legislation for a variety of reasons. The main reasons are because Connecticut will have a younger skillful work force, which can provide higher tax returns and more home ownership. Furthermore it is the right

thing to do because you're providing a youth the opportunity for better life as well as the logical thing to do because the Bill Number 6390 could provide more economic powers to Connecticut.

Thank you.

SENATOR BYE: Thank you very much, Tania. Congratulations on your -- on your degrees.

Any questions from the committee?

Thanks for waiting and thanks for your testimony.

Next, Ricardo Torres and then it looks like I have two Connecticut Students for a DREAM, Lorella and Maria Pareli. Do you want to testify together or individual? You got it. We just saw an opportunity there.

LUIS ORTIZ: I'm Luis Ortiz, Community Organizer at Heart, and I will be translating for --

SENATOR BYE: Sure. You want to do me a favor? What if you sit at that microphone next to -- the next one, yeah, and you can turn that on as well and then as he pauses you can translate.

Okay, welcome.

LUIS ORTIZ: Good afternoon to all Honorable Members of Higher Education Committee. My name is Ricardo Torres and I'm here on behalf of Hartford Areas Rally Together. I'm here to speak in support of Bill 6390.

There are many students in Hartford and across our state who attend school every day with the hope of going to college after they graduate.

Some of these students came to Connecticut as young children because their parents brought them here from other parts of the world. These students don't have documents but they work hard in Connecticut schools and they strived to be successful.

These kids do their homework and they play with their friends in Connecticut cities and towns. These students grow up in our communities yet when they finish high school they are told that they will have to pay almost three times the college tuition than their friends because of their immigrant status.

We need to support the effort of hard working students in Connecticut by making college accessible for every one of them. These kids are our neighbors and they want to contribute to our state.

By passing Bill 6390 we can make college assessable for more students.

When there are more students who can pay tuition Connecticut benefits because of the additional revenue that will come in.

Passing Bill 6390 doesn't take anything away from any other student and it won't cost Connecticut any money. I think the better question is, can we afford not to pass Bill 6390?

This is the right thing to do for these students and it's the right thing to do for Connecticut.

Thank you.

SENATOR BYE: Gracias. And -- and thank you for coming and this Capital is everyone's Capital and

I'm glad you made an accommodation so you could tell us in your own words what you believe.

Any questions from committee members?

Representative Candelaria.

REP. CANDELARIA: My question is, does he have a family member that will benefit if we pass this legislation?

LUIS ORTIZ: Currently he doesn't have any one that would benefit but he's hopeful that his -- some of his family members will benefit in the future of this.

SENATOR BYE: Thank you for coming and thank you to Heart for taking the time and having testimony. And thank you for your work on behalf of Heart and the people of Hartford.

LUIS ORTIZ: Thank you.

SENATOR BYE: Next Lorella Praeli, followed by Maria Praeli.

LORELLA PRAELI: Good afternoon, Senator Bye, Representative Willis and members of the committee.

This past December I was told to wait. When the US Senate vote on the Federal Development and Relief and Education for Alien Minor DREAM Act fell five votes short we were told to wait to put our dreams on hold. Ladies and gentlemen our dreams are too important, too valuable to be put on hold.

My name is Lorella Praeli, I am undocumented American, unafraid and unapologetic. I stand before you today representing thousands of

undocumented youths around the State of Connecticut and across our United States of America. I stand before you speaking for those that have been plagued with fear, giving up on their dreams on education and for those who continue the battle undocumented youth know too well are claiming new spaces and reaching for their dreams.

I stand before you asking you to support and vote yes on House Bill 6390. Asking you to refuse and say no to empty arguments. To those arguments that dehumanize our presence. To those that say we are not deserving, that we would be taking up spots for deserving Connecticut residents. There is no room for these arguments because we are residents of the State of Connecticut. We have attended and graduated from Connecticut public high schools. Many like my sister have been members of the Connecticut public school system since they were in kindergarten. You have invested in our education.

Today I want to tell you about our Connecticut undocumented youth. I want you to know about Diego Aguillar, Camiella Bortolleto, Hafid Dumet and Jorge Padila(phonetic) and many more. I want you to know that Jorge is a senior at Wilbur Cross High School, that he's in the top 5 percent of his class, that's he's a three varsity sport player and the captain of the cross country team.

Our dreams are too valuable and too important. House Bill 6390 allows us to continue going on with our education. It makes college more accessible. We cannot change federal immigration policy but we can do something right here in our state by making some of these dreams a reality.

Thank you.

REP. WILLIS: Thank you. Thank you for your testimony. How -- how old were you when you came here?

LORELLA PRAELI: I was ten when I came here.

REP. WILLIS: Ten?

LORELLA PRAELI: Yeah.

REP. WILLIS: And you came from where?

LORELLA PRAELI: From Peru.

REP. WILLIS: Your English is impeccable.

LORELLA PRAELI: Thank you.

REP. WILLIS: Wow, very impressive. Sounds like you're from New Britain actually. Thank you so much.

REP. CANDELARIA: I'm a little concerned her English wouldn't be that good.

REP. WILLIS: We're not going to go there.

REP. CANDELARIA: I shouldn't have said that. I can just see the letters from New Britain.

REP. WILLIS: I know.

Thank you so much.

LORELLA PRAELI: Thank you.

REP. WILLIS: Maria. I assume this is your sister, cousin?

MARIA PRAELI: Yeah, my sister.

REP. WILLIS: Your sister.

MARIA PRAELI: I have two vivid memories from my childhood in Peru. One is that I would always gather caterpillars at this park in front of a candy store and bring them back to my grandmother's house and put them in her garden. Always going back the next day and getting upset because I couldn't find the caterpillars.

The other is the playground of the preschool I attended. It was all just cement floor with high cement walls surrounding it. No swing, no slide, no nothing.

I remember arriving to America stepping out of the plane into the cold air and seeing my breath for the first time. I thought it was the coolest thing ever. I remember my first days of kindergarten, how when I went outside for recess the playground was amazing. Nothing compared to the one -- or lack of one back at home. Ever since the moment I fell in love with the playground I have loved the public schools I have attended.

My name is Maria Praeli, I am an undocumented American, unafraid and unapologetic. I am 17, a junior at New Milford High School. I walk the halls of my high school with a smile on my face. I am happy to be there, I am involved in my school and I help run and organize fund raisers. I have both relationships with my fellow peers and with my teachers. Now with senior year around the corner everyone is getting excited and talking about colleges and which ones they are applying to. And I just sit there. I sit there and plant a smile on my face because what else can I do.

I am asking you to support and vote yes on House Bill 6390. I am asking you to help me write the next chapter of my life in the State of Connecticut. I am here because I want to graduate and go to a state university. I am here to tell you that all this is not possible without your support. That this is not possible because I can't pay out of state tuition, not possible and not fair because I have grown up, attended and am about to graduate from Connecticut public state system. I sit here and ask all of you who are opposed to passing this bill, why you want to crush my dreams so badly? Do you not like me? Do you know me and simply don't want to see me progress in my life? I sit here and I will remain here because I am not going anywhere. I as well as all the other undocumented youth that are here, we are here. We are your neighbors, we are your kid's friends, we hold the doors for you. We are here and we just want a fair chance and an opportunity, an opportunity to pursue further education and make something out of ourselves, an opportunity to continue to contribute and give back to this beautiful state which we love so much.

REP. WILLIS: Thank you so much. You and your sister are just amazing what you've been able to accomplish. Anyway, we're very proud of you.

MARIA PRAELI: Thank you.

REP. WILLIS: Any questions of comments from members of the committee?

Thank you. Mariano and then followed by Juan Caballero and then Bill Shields and after that up on deck is Rita Conrad.

MARIANO CARDOSO: I thank you all for giving us the change to be heard today. My name is Mariano

Cardoso Jr. I'm in support of House Bill 6390. I am undocumented, I am no afraid, I am not alone.

I share with you today the story of myself, a student who is optimistic with a chance to become a civil engineer. I'm not asking this bill to pass just because I've been here for more than ten years but rather because I have been willing to work for it.

I'm currently in my last semester at Capital Community College. This means that in May I will graduate with an Associate's Degree and continue to a four-year college such as Central Connecticut State University. This bill will help me access to a level playing field for me to become a civil engineer. I cannot afford out of state tuition. I am a resident of Connecticut and I promise you today that I will find a way to continue back -- to continue giving back to my community and the State of Connecticut.

Thank you all.

REP. WILLIS: Thank you.

Questions or comments?

Yes, Representative Candelaria.

REP. CANDELARIA: You mentioned that you are about to complete your Associate's Degree?

MARIANO CARDOSO: Yes.

REP. CANDELARIA: Well congratulations on that. I guess my follow up question to you would be, based on your status you will have to pay out of state tuition fees. Have you been able to secure resources to do that?

MARIANO CARDOSO: Not secure them, no.

REP. CANDELARIA: So I'm assuming that you're struggling currently in figuring out when you graduate and receive your Associate's my assumption is that you will want to go and finish your Bachelor's Degree?

MARIANO CARDOSO: Correct.

REP. CANDELARIA: Correct. So at the end of the day you'll probably have to work two or three jobs just to accomplish that, huh?

MARIANO CARDOSO: Right.

REP. CANDELARIA: So if we pass this bill this will help you not only financially -- because this is not a free ride, you'll still have to pay, but it will help you greatly to achieve that American dream that we all want?

MARIANO CARDOSO: Right.

REP. CANDELARIA: Okay, thank you.

MARIANO CARDOSO: Thank you.

REP. WILLIS: Juan. Oh, he's not here. Okay, Bill Shields. Bill Shields? Rita Conrad, Mary Long -- Mary Long, Ramon Rosado, Dahlia -- Dahlia, Raphael. Ah, Raphael, you've been sitting here -- good to see you again. Is this -- is this the case -- oh, did you -- is that Dahlia? Good to see you.

RAPHAEL APARICIO: Good to see you.

REP. WILLIS: You testified before us at least once before.

RAPHAEL APARICIO: That's correct.

REP. WILLIS: And you -- both times you sat here all day, if I remember correctly?

RAPHAEL APARICIO: It seems to happen to me.

REP. WILLIS: Anyway, better late than never.

RAPHAEL APARICIO: Well thank you so much for -- for your patience and -- and being here for my testimony.

My name is Raphael Aparicio, I had the pleasure of testifying before this committee back in 2007. I have resubmitted my testimony from that time so I won't read it, I'll just rather summarize my background and experience.

I attended the Stamford Public School System, graduated an honors student, attended the University of Central Florida, earned my Bachelor's Degree in Accounting, and became a CPA. Later on I attended the University -- New York University, achieved an MBA in Finance and International Business. My career includes senior executive positions at companies such as Coco-Cola, IBM and Cadbury Schweppes. I have recently run my own private equity firm and I stand here humbled before you because in spite of all that success there has been an awful lot of challenge and struggle because I too am -- came here to this country seven-years-old from Peru as an undocumented child.

You know, let me just share with you a little bit of the history of this -- this law. First of all ten states have passed this law. There were only two challenges as -- as you've heard to that law and in both states, Kansas and California, the

challenges were dismissed. This legislation has enjoyed broad support from the community, from social organizations, from religious organizations and in spite of that broad support and support from two -- from the current and prior chancellor of the state university system, we play politics. We play politics with the future of these children. I am a registered Republican but I was sad to see that the last time this was voted on every Republican voted against it, every Democratic voted for it, practically. And it's -- it's a shame regarding a bill that has so much economic merit, so much social importance and some terrific moral benefits that we should play politics with something like this.

Let me just sum up with a couple final points. Any financial analysis that says that there is a cost to this state is flawed. I make my life and my living evaluating investments and making profit and we have made an investment in these children through their high school years. And to suddenly encumber them and hinder them despite their qualities and their capabilities and their achievements is just criminal. We've wasted our investment in these children.

My plea is simply this, that you stand up for what is right, that you recognize that it is not a federal issue, you are elected officials representing the State of Connecticut. I ask you to do what's right for the State of Connecticut. There are ways in which qualified students can become citizens, let the federal government handle that but do not pass the buck. Please do what's right for Connecticut, that's why you were elected to your office. There are -- finally there are great political leaders and people of faith that have stood up for what is right. And you know them all, Martin Luther King, Bong

Harper, William Wilberforce, to just name a few. And I ask you to follow their lead and follow the lead of many other states to do the right thing.

God Bless you.

REP. WILLIS: Thank you for coming again. And hopefully this will be the last time you have to come.

RAPHAEL APARICIO: Hopefully.

REP. WILLIS: Okay. Lynn Gold, followed by Hafid Dumet, and then Thomas Breen is up last.

LYNN GOLD: Lynn Gold here. Good afternoon. I am testifying because I am firmly against giving any benefit to any illegal alien. You are opening up a Pandora's Box just as apparently many of these other states have. You've got a state that is heavily in debt. We have budget cuts that are being proposed which the state university system and junior college system will be having to have cutbacks if those go through. HB6390

I've listened to all sorts of people talk about leveling the playing field, all sorts of things about fairness. What perhaps you need to understand is that if one is an illegal alien that person is a felon and I see absolutely no reason why anyone should be rewarded for being a felon and having committed felonious acts. Their parents and them have already usurped K through 12, which has been a tremendous burden on local school systems. Now, I have two university degrees, I'm working on a third one, because of the health care mess, I'm going back for a Bachelor's in Science in Nursing. In addition to that I'm listed in many historical reference books such as Who's Who in the East, Who's Who in the World, Personalities of America. I'm a

member of MENSA and I have been the Connecticut State Coordinator for Inter Tel in years past. This situation, if Barbara Jordan in 1995, had been listened to about not giving aid to any illegal aliens we would be in the mess we're in now. You've got the recent finical crisis with all those houses and mortgages that were given -- and I just recently read something in a book that said that many of the people who got those mortgages never even moved in because they couldn't afford to make the first payment. So you've got that scam. We've got a heath care crisis, we've got an obesity epidemic, a diabetes epidemic, cancer has just replaced heard disease as the number one cause of death. We've got a state that used to be quite finically viable. We're not now. Any money that is being spent should be spent helping the legitimate citizens of the United States. We've got 22 million -- probably even more, people who are unemployed. We have a gentleman over here who is concerned that his child may get bumped -- bumped by someone who is now been given a right who is essentially a felon. That's what he's going to tell his constituency. You've been bumped because I've given that place to a felon.

Any questions?

REP. WILLIS: No, thank you -- none, thank you.

Thank you for your testimony.

LYNN GOLD: Okay, may I make one more comment. I do not believe --

REP. WILLIS: No, your time is up ma'am, I have a whole list of people that still need to go.

LYNN GOLD: I know but you've allowed other people to have a few moments more when they were friends.

REP. WILLIS: That's right. That's the rules -- you know, that a chairman of -- sitting here can -- can make that determination. And we made that --

LYNN GOLD: Yeah, did you have a question, sir?

REP. WILLIS: The person who I gave that dispensation to happened to write the bill, so I thought she could add something to the discussions.

Representative LeGeyt.

REP. LEGEYT: Thank you, Madam Chair.

Ma'am, you and I -- excuse me?

LYNN GOLD: I'm sorry, did you have a question?

REP. LEGEYT: Yes, I do.

LYNN GOLD: Yeah?

REP. LEGEYT: You and I don't share agreement on your reference to these people as felons. I believe --

LYNN GOLD: If you're an illegal alien --

REP. LEGEYT: I believe --

LYNN GOLD: -- I believe you are.

REP. LEGEYT: it's my turn to speak.

LYNN GOLD: Okay.

REP. LEGEYT: I believe that even to -- even to engage that discussion that someone who's a felon has to have execrated some insensitive and intention to do whatever they have done. And many of the

people who have testified today -- especially the students, by no act of their own, by no intention of their own are they in the situation they're in. so I take great umbrage with you referring to them --

LYNN GOLD: They are --

REP. LEGEYT: -- as --

LYNN GOLD: -- they're reaping what their parents -

REP. LEGEYT: -- felons.

LYNN GOLD: -- have done.

REP. LEGEYT: That -- that to me doesn't categorize them as felons. And I'm -- I'm disappointed that you took that position.

Thank you.

LYNN GOLD: Well I represent millions of people who are very upset over things like this going on in state legislatures. So I hope you will give due consideration to your fiduciary duty to other people who are not illegal.

REP. WILLIS: Thank you. Dumet -- Hafid Dumet.

HAFID DUMET: Good afternoon, Members of the Committee of Higher Education.

My name is Hafid and I'm not a felon, I'm not a criminal, I just an undocumented student American, here. I'm a senior who goes to Western Connecticut State University, one of the universities here in Connecticut system. It wasn't until my senior year in high school that I learned to be an undocumented student -- a person who did not have the proper documents to live in

the states but had the same values, aspirations and plans as my classmates did who aspired to find a purpose to live in this, our world. But my life turned into a nightmare once my counselor informed me during our post high school graduation planning meetings that I could not attend college because I did not qualify to be accepted into a college here. I do not want to blame -- I don't want to place the blame on her -- my counselor, because she was unaware of students who were in that position of mine. After she mentioned this several times my life was a constant battle in regards of my future. I found myself demoralized because the plans that I had since I was a child -- whether I wanted to become a lawyer or an accountant or a leader in my community, did not seem a possibility in the near further or at least I thought in this life. I began to question where all these plans could fit in my life if my parents raised me to become someone successful.

I took a year off but I decided to go to my former high school in New Milford and talk to my counselor and -- and apply for a different schools. Fortunately I was accepted into many -- into a few schools and I even received a few grants and scholarships from the private colleges. However they did not offer me enough money so I ended up choosing WestConn for the quality of professors, diversity university environment, quality of education programs and affordability. In spite of the latter, it was still costly for me to pay out of pocket due to my status. I only qualified for the out of state rates which is three times more than the state rate which a Connecticut resident will pay. I had the choice to enroll as a part time student since the fall of 2006. Fortunately I have been able to afford financially these five years thanks to the generous support of my family and

local organizations through private scholarships. While I have one semester left at WestConn I'm taking me six years to almost done with a degree in Accounting. Without the affordability of the state schools nothing of this would have been a reality. By approving the in-state tuition many of my fellow students who have not been able to come today who are still striving to conclude with their undergraduate degree could have more affordable education here in Connecticut if requirements are met.

Legislators, I thank you for your time and I ask you to consider HIV(sic) 6390 to be a part of the change that this country needs to see, a more accessible education for everyone.

I want to leave you with a quote from one of my professors at WestConn, Dr. Kukk, I like to work with those who are always finding excuses to make things a reality. So here I am to help you in any way that I can.

REP. WILLIS: Thank you very much for your testimony.

Any further comments or questions? Thank you very much.

HAFID DUMET: Thank you.

REP. WILLIS: Good luck to you, best of luck.

I -- someone was out of the room; I believe it was Ramon Rosado.

Welcome, sir.

RAMON ROSADO: Thank you, Madam Chair, distinguished Senators, Representatives.

I am Deacon Ramon Rosado, I am currently a deacon at St Augustine's Church in Hartford. I'm also the Director of Religious Education at St. Peter's Church in Hartford and I am employed as the Hispanic Youth and Young Adult Coordinator for the Archdiocese of Hartford.

You've heard many testimonies on the legal side; you've heard testimonies on the religious side. I stand here -- sit here I should say, as a parent, as a concerned parent. Now being born in Puerto Rico my children did not fact the challenges these young people face but I would like to point out one of my children if I may. My youngest daughter Melanie, in high school Berkley High School, she excelled in all her grades, she was an honor student, athlete with three sports in school. She was accepted and rejected at many many colleges. I don't know why some colleges rejected her, it didn't matter. She also was offered a four-year, $18,000 a year, grant to attend St. Joseph's College in Vermont. However she chose to attend UConn. Unfortunately two months before high school graduation my daughter passed away in her sleep. It was not something dramatic, it was not a violent crime or anything like that, she simply went to sleep and didn't wake up.

When I look at these children, when I look at these young people and I see their dreams in their eyes I see my daughter Melanie. She was a -- the winner of the 1988 San Juan -- Miss San Juan Pageant where she was asked what advise do you give the young people in our community? She said, follow your dreams. Make goals for yourself and don't let anybody - don't let anybody stop you from reaching your dreams. Become a positive role model for the children of our community. These children are positive role models for the children of our community. My

daughter's dreams -- my daughter's dreams were stopped by Divine Intervention, the opportunity for her to give her talents and her financial help to the community was stopped by Divine Intervention. I can accept that, I live with that, that is okay. She's living in a better kingdom right now. What I cannot accept -- we cannot accept is that we do not allow these children -- these young people, these bright minds to excel and become positive role models for our community.

So I urge you please, support Bill H.B. 6390.

Thank you.

REP. WILLIS: Thank you. And I'm sorry about your loss.

RAMON ROSADO: Thank you.

REP. WILLIS: But I think that's wonderful that you feel -- you know, inspired to come here and speak on behalf of other children. It's very commendable.

RAMON ROSADO: Thank you very much.

REP. WILLIS: Okay. Dahlia.

DAHLIA SAJUTI: Senator Bye, Representative Willis, and Member of the Higher Education Employment Advancement Committee.

It is an honor to come before you today to offer testimony in support of Senate Bill 6390, AN ACT CONCERNING ACCESS TO POSTSECONDAYR EDUCATION. My name is Dahlia Sajuti. I attend the Muhammad Islamic Center of Greater Hartford and I am a member of the Greater Hartford Interfaith Coalition for Equality and Justice. I'm

submitting this testimony on behalf of the 27 member congregation of the Interfaith Coalition, on behalf of our president, the Reverend Joshua Mason Pawelek, who was unable to be here with me today and in solidarity with many organizations around the state that care deeply about the rights of both documented and undocumented immigrants.

We support any effort to make higher education more affordable and more accessible to as many students as possible. We support bill Numb er 6390 because it will put higher education in Connecticut within the reach of young people who lack the legal immigration status. We are speaking specifically about children who were brought to the United States as a ve4ry young age when their parents entered the country without proper documentation. These are children who have been raised in Connecticut, who have attended public school in Connecticut, who frequently have excelled in all the ways their friends with legal status have excelled. These are young people who aspire to achieve the American dream as much as anyone else. They love the United States. They love Connecticut, they want to succeed in Connecticut and give back to Connecticut for providing them with the opportunity to pay in-state tuition rates for higher education a very simple thing your committee and the General Assembly can do to help these young people who face considerable barriers in life due to no fault of their own.

Please support this -- please support Bill Number 6390. This bill has been introduced by Senator Looney in General Assembly.

Thank you.

REP. WILLIS: Thank you.

DAHLIA SAJUTI: Thank you very much.

REP. WILLIS: Thank you for your comments.

Questions or comments?

Thank you for coming here today. Sorry you had to wait so long.

Thomas Breen.

THOMAS BREEN: Good afternoon. My name is Thomas Breen and I'm Deacon of the Church of the Assumption in Manchester, a very diverse community, racially and ethnically however I come here as a -- as a private citizen. I did not intend to speak when I arrived but I think there is one thing missing.

As an aside, I would like to say I'm glad to see Senator LeBeau here since I'm sure his exulted position is intimately related with the work I did on some of his early campaigns. But anyways --

SENATOR LEBEAU: Without you I wouldn't be here.

THOMAS BREEN: Yeah probably.

The -- but in a previous life I was in public education, worked at the State Department of Education, Hartford Public Schools and worked in statists. I know that in the last few years the enrollment at the community college has risen as a result partly of the recession -- more people are going to get degrees and to use a less expensive means of higher education. In the future however we hope that the economy will recover and we will be looking for students to fill those seats in the community colleges. This

-- at the present time, if I -- my statists are correct, the public school population -- in fact the total school population, elementary and secondary in the State of Connecticut is declining -- you know, demographically. There are going to be fewer high school graduates to fill the seats in our colleges. This opens up by allowing it -- making it easier for these children without documents to attend school since they will be paying in-state tuition. It makes it easier for them to go to college and therefore will fill some of those otherwise unfilled seats in our community colleges.

This is beyond discussions of -- of the morality or the -- the justice involved in denying these children access to -- to higher education. But it also -- it would mean that there would be no students who are denied seats because there are a new pool of candidates to be students in our -- in -- in the community colleges or in the public universities because there will be seats available due to declining population.

So I speak in support of this bill. I would also like to repeat what was said here, that people who break civil laws such as those who come or stay here illegally are not felons. All right, I added my two cents to that. But -- thank you very much. I hope I'm under the three minutes.

REP. WILLIS: You are and thank you very much.

Questions or comments from members of the committee?

Ah, don't get much better than that.

Thank you very much. And is anyone else out there that did not sign up and would like to testify? Is there anyone else who's out there

who would like an opportunity to testify? I will ask one more time before I close the hearing.

No you can't ask them. You can -- what you can do is you can email members of the committee if you want to add something to your testimony. That's a good way to go.

Hearing no other people wanting to testify, I will close this public hearing.

Thank you.

Good afternoon member of the Higher Education Committee

My Name is Hafid Dumet and I am not a felon, I am not a criminal, I am undocumented, student American.

HB6390

I am a SENIOR and part-time student at WCSU.

It wasn't until my senior year in high school that I learned to be an undocumented student – a person who did not have the proper documents to live in the States but had the same values, aspirations, and plans as my classmates did who aspired to find a purpose to live in this, OUR world - but my life turned into a nightmare once my counselor informed me during our post high school graduation planning meetings that I could not attend college because I would not qualify to be accepted into a college here. (I do not want to blame this on my counselor because my counselor was unaware of students like myself back in my school)

After, she mentioned this several times; my life was a constant battle in regards of my future. I found myself demoralized because the plans that I had since I was child – whether I wanted to become a lawyer, or an accountant, or a leader in my community– did not seem a possibility in the near future or at least I thought in this life. I began to question where all these plans could fit in my life if my parents raised me to become someone successful.

I took a year off but I was determine to not give up regardless, I went back to my former high school counselor's office and ask her that I was going to apply regardless. She was happy and she happily helped me in the application process. Fortunately, I was accepted to all the schools I applied to and even received a few grants and scholarships from the private colleges. However they all did not offered

me enough money, so I ended up choosing Westconn, for the quality of professors, diverse university environment, quality of education programs and affordability. In spite of the latter, it was still costly for me to pay out of pockets. Due to my status, I only qualified for the Out-State Rate which is three times more than the in state rate which a CT – resident would normally pay. I had the choice to enroll as a part-time student since the Fall of 2006. Fortunately, I have been able to afford financially these five years, thanks to the generous support of my family, local organizations through private scholarships, and working as many hours as possible to meet the required payments each semester. While, I have one semester left at Westconn, and taking me six years to be almost done with a degree on Accounting, without the affordability of the state schools, nothing of this would have been a reality. by approving the In-state-tuition many of my fellow students who are still striving to conclude with their undergraduate degree could have a more affordable education here in Connecticut, if requirement are met. Legislators, I thank you for your time. And I ask you to consider this bill, to be a part of the change that this country needs to see, "A more accessible education for everyone" and I would like to leave you as one of my professors at WCSU would say,Dr. Kukk "I like to work with people who make excuses to make things a reality" Thank you.

Statement: Paul Filson - March 15, 2011

SEIU
Stronger Together

CONNECTICUT
STATE COUNCIL

SERVICE EMPLOYEES
INTERNATIONAL UNION
CTW, CLC

My name is Paul Filson. I am Director of the Service Employees International Union Connecticut State Council. SEIU is the largest union in the United States, with 2.2 million members and the largest union in Connecticut with over 55,000 members. Our membership base is made up of health care workers, janitors, and public sector employees. SEIU represents more immigrants than any other union.

Governor's Bill No. 6390- *AN ACT CONCERNING ACCESS TO POSTSECONDARY EDUCATION* –aims to correct an injustice that exists in Connecticut. Children of immigrants who come to the United States attend schools, often consider themselves to be American, find out for the first time that they are "undocumented" when they are accepted to attend one of Connecticut's schools of higher learning. Their undocumented status was not their choice nor was it under their control.

The blame for our country's misguided and broken immigration policies lies not with immigrants arriving in our country by the millions, but with shortsighted band-aid approaches adopted over many years by elected officials. Immigrants come to Connecticut looking for work from countries where there is no work. In Mexico, and elsewhere around the world, unemployment has soared and decent jobs in rural areas have been destroyed by Free Trade treaties designed to protect multi-national corporations not workers.

SEIU represents all workers, regardless of their legal status in this country. Immigrants, who are members of our union pay taxes, do skilled and unskilled work and receive living wages, health care benefits and pensions. Our members are hardworking and productive participants in our society. Many of our members do some of society's most important work – taking care of our children in day care centers and our parents and grandparents in nursing homes. Immigrants to the United States endure incredible hardships to come and work. They send massive amounts of money back to their poor countries of origin.

SEIU supports **HB 6390** that provides a common sense approach towards allowing the undocumented children of undocumented immigrants the right to attend college for the in state tuition. These kids, when accepted to college, have earned this benefit. Their parents have paid taxes, contributed to their communities and these kids have done well enough in school to move forward. Denying them in state tuition as well as Federal aid effectively denies many of them the right to attend college. Education is the best way to grow our economy and to grow the pool of productive workers for Connecticut.

SEIU also supports workplace protections and basic legal rights – like the right to join a union, for all workers – including undocumented immigrants.

I deplore all racist attempts to place blame for unemployment in our cities on undocumented immigrants. It is despicable to use a broad brush to paint a target on Latinos and Arabs and Asian and West Indian workers and blame them for budget problems the state is facing. It is outrageous that the children of tax-paying immigrants are denied in state tuition or that xenophobic groups call for deportation of whole groups of people trying to survive in an unfair global economy.

The United States and Connecticut need to be the land of opportunity, fairness and inclusion – please pass the **Governor's Bill 6390**

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CEA
Advocating for teachers and public education

Connecticut Education Association

Governance
Philip Apruzzese, President
Sheila Cohen, Vice President
Cheryl Prevost, Secretary
Jeff Leake, Treasurer
Maureen Honan, NEA Director
Tom Nicholas, NEA Director

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Affiliated with the National Education Association

Testimony of

Ray Rossomando
Connecticut Education Association

Before the
Higher Education and Employment Advancement Committee

Re: ***HB 6390 An Act Concerning Access to Postsecondary Education***

March 15, 2011

Good afternoon Senator Bye, Representative Willis, and members of the Higher Education and Employment Advancement Committee. My name is Ray Rossomando, Legislative Coordinator for the Connecticut Education Association, representing 45,000 active and retired teachers across the state.

We testify today in strong support of *HB6390 An Act Concerning Access to Postsecondary Education.* HB6390 extends in-state tuition status to undocumented immigrants who have graduated from a high school in Connecticut after attending for four years.

We commend Governor Malloy for submitting this legislation and making it part of his biennial budget. The language in this bill was originally passed by the legislature as Public Act 07-135, only to be vetoed by Governor Rell. Connecticut should not wait any longer to have this legislation signed into law.

Connecticut's competitive advantage has long been its educated workforce. However, Connecticut has seen too many of its college-bound graduates head for distant states, many of whom ultimately settle outside of our borders. At a time when the State's need for competitive graduates is at an all time high,.we should be dismantling hurdles that diminish access to our public institutions of higher education. This bill is a step in the right direction.

To date, 10 other states permit in-state tuition for graduates from high schools in their states (CA, IL, KS, NE, NM, NY, TX, UT, WA, WI). Connecticut should join them. However, it should be noted that HB6390 requires students to attend a high school in Connecticut for 4 years. No other state requires more than 3. New York, for example, requires only 2 years attendance in a New York high school. As the committee deliberates over this bill, we ask that members consider lowering the required years of in-state high school attendance consistent with the other states that have successfully enacted similar legislation.

As public school teachers, we recognize that students can be energized by their future aspirations. By providing in-state tuition to a population of students who, most often by no fault of their own, attend our schools without legal immigration status, we make such dreams and aspirations more possible. This can only lead to a better Connecticut.

Thank you.

CharterOak
STATE COLLEGE
Degrees Without Boundaries

March 15, 2011
Testimony by Ed Klonoski, President, Charter Oak State College

I am Ed Klonoski, President of Charter Oak State College and I would like to submit testimony in support of Governor's Bill 6390: ***AN ACT CONCERNING ACCESS TO POSTSECONDARY EDUCATION.***

Charter Oak State College charges out of state students higher fees than in-state students because the latter are subsidized by the block grant we receive from the General Assembly. According to the rules that now apply, we must charge in-state students whose parents are not legal immigrants the out of state rate. This creates several issues for us.

First, we must discover that the parents of our students are illegal immigrants. This is usually done through the Federal financial aid process. But only 25% of our students participate in this process, so we do not know the status of the parents of most of our students. Second, all of our students are adults, and 60% are working and living in Connecticut. To assign those of them with illegal parents out of state status, when they are the very students that the state is attempting to subsidize, is illogical and counterproductive.

From an institutional perspective, the Governor's bill would provide a welcome change to an irrational regulation.

From a personal perspective, I find the idea that the children of illegal parents, individuals who have lived, worked, and paid taxes to the state of Connecticut and who often have no idea that they are actually illegal, should be punished for the sins of their parents. And for that punishment to be the removal of their in-state status for educational purposes is particularly destructive. We have always told immigrants that if they work hard, learn, and invest in their local communities they will be participants in the American dream. Children of illegal immigrants have done those things, and yet the current regulation singles them out as non-participants in that dream. This is nothing less than the creation of a permanent underclass, the very thing that drove my grandparents to immigrate to the U.S.

Thank you.

AFT Connecticut
A Union of Professionals

Written Testimony of
AFT Connecticut

H.B. 6390 - An Act Concerning Access to Post-Secondary Education

Higher Education & Employment Advancement Committee

March 15, 2011

AFT Connecticut is a state federation of more than 80 local unions representing a diverse membership of 28,000 public and private sector workers. Included AFT Connecticut's' membership are the non-faculty professional employees of the University of Connecticut and the University of Connecticut Health Center, as well as the faculty members of the Regional Community-Technical Colleges.

AFT Connecticut supports HB 6390. By allowing undocumented students to attend public higher education institutions at in-state tuition rates, our state will be investing in the futures of all of our residents, not just those who were lucky enough to be born here.

Minor children, who immigrated to the United States by their parents, did not choose to live here or break the law in order to live here. They broke the law by virtue of a decision their parents or guardians made. It is unfair to punish them, diminish their potential and have our society suffer for mistakes they inherited.

Many undocumented students have grown up entirely in our state and have no memory of their former homelands. As far as they are concerned, Connecticut is home and they are Americans in every sense but a legal one. At a time when Connecticut loses more of its young professionals than it retains, it makes sense to invest in students who are likely to remain here and contribute to our society and economy.

The existence of in-state tuition rates indicates a state preference to educate students who already live within Connecticut borders. It is not an indication to only educate those who were born in Connecticut. We urge the committee to act favorably on HB 6390.

Thank you.

From: Jack McCarthy [mailto:jurists@att.net]
Sent: Sun 3/13/2011 11:08 PM
To: Phillips, Jeanie
Subject: HB 6390

Dear Jeannie - This is a poor substitute for my presence there tomorrow, the 15th, but dental problems interferred with my being able to attend in person. I Emailed Andrew at Numbers at USA recently and said I'd be Emailng my opposing comments to H.B. 6390 to you. Please send me the outcome of the hearings or,at least, the effect that all of you in person made on the Committee with respect to trouncing HB 6390 if that's reasonable for you to do under the circumstances.

My Comments:

Former Michigan U.S. Senator Jacob Howard author of the citizenship clause in the 14th Amendment, made the intent of citizenship crystal clear to the US. Senate: "This will not, of course, include persons born in the UnitedStates who are foreigners, aliens [illegal] , who belong to ambassodors or foreign ministers accredited to the government of the United States, but will include all other classes of persons."

The 14th Amendment of the US Constitution was never meant to reward illegal aliens the grand prize of becoming a parent of a new American Citizen who would then serve as immunity and insulation from punishment for violating US immigration laws, or as an "anchor baby" to gain access to welfare benefits, viz.
subsidizing them with free tuition to schools and colleges.

Illegal aliens are law-breakers; criminals, without a doubt. Are you crazy to encourage more of these criminals to steal into our country? Who is paying you off in cash &/or favors?. You should be arrested for aiding and abeting criminals which is a felony.

The fact that you would even offer illegals any opportunity to participate in such benefits which American citizens have is abhorent. You should have them arrested and deported either directly or otherwise

Don't you even dare to recognize an illegal alien as having any rights at all. Stop there. Don't proceed any further. Deny HB 6390.

John J.McCarthy
125 Putnam Avenue, Apt. 402
Hamden, CT 06517

203-288-1611

From: Natalie Pysa [mailto:natalie.pysa@gmail.com]
Sent: Saturday, March 12, 2011 10:51 AM
To: Phillips, Jeanie
Subject: CT legislature subsidizing tuition for illegal aliens

Dear Jeanie Phillips,

I am shocked and disgusted that Connecticut is considering subsidizing tuition for illegal aliens.
Why do we have to support illegal's, why can't we support our own legal student's. I do not want any of my tax money going towards any illegal's. It took me 13 years to become a naturalized legal citizen. No tax payer had to pay anything for me.
I do not support this HB 6390 bill, now or ever. This bill has to be stopped, we need a law for these illegal's as they have in Arizona.
If there is a petition for this bill I will sign it, as well as my husband.

Regards,
Natalie Pysa
Ridgefield, CT

From: Bob McGarrah [mailto:grayrock@charter.net]
Sent: Saturday, March 12, 2011 6:14 AM
To: Phillips, Jeanie
Subject: HB 6390

To:
Elected representatives of the tax payers of Connecticut.

As a Connecticut resident, tax payer and US Navy Veteran, I strongly protest the use of my tax dollars to pay for the education of people who have broken the law and are living illegally in the United States.
We, the US citizens and legal residents of the United States currently pay a substantial amount of tax dollars to provide low/no cost medical care and housing for people in the US illegally. How much more will it take before this burden destroys our country?
We have thousands of needy US citizens worthy of educational aid and assistance. Charity begins at home. Lets support our own citizens and provide educational assistance for Connecticut citizens first.
My wife and I educated three children and not without sacrifice. I can appreciate the value and the need of a good education.
I can also appreciate the plight of many of our own citizens, friends and neighbors, struggling to educate their children today. Funding college educations for illegal's is just plain wrong, rewards illegal behavior and sends a very bad message to hard working Americans.
If there is a desire to educate people who are in the US illegally, let the private colleges and universities fund the programs, not the US taxpayer.
My children all attended private universities and I know there are many programs available to provide assistance for well qualified candidates, regardless of immigration status. That is the choice of the private sector - not the mandate of the State or Federal government.
I am against any further subsidies, aid, assistance and incentives to encourage people to break the law to enter the United States. No tuition aid in Connecticut.
Bob McGarrah
16 Woodview Drive
Brookfield, CT. 06804
203 775 8883

From: long500@cox.net [mailto:long500@cox.net]
Sent: Sunday, March 13, 2011 5:01 PM
To: Phillips, Jeanie
Subject: Hearing on In-state tuition for illegal immigrants

Hello,
I plan to come to the legislative hearing on Tuesday, March 15th, at 11:00 a.m.and would like to speak against HB6390.
My main concerns are the following:
1) Using taxpayer's money to support education for illegal alien students while denying the same to legal residents of neighboring states is unfair, especially at a time of fiscal difficulties for the state and its residents.
2) Rewarding illegal alien students and their families with subsidized higher education is rewarding the illegal behavior that has enabled these families to come to this country and/or stay in this country
3) The illegal alien students has received free elementary and/or secondary education while in this country and to demand subsidized higher education is unfair and should be denied. If illegal aliens attend CT colleges they should pay the full tuition and not expect taxpayers to foot the bill.

Thank you.

From: Lorraine Messenger [mailto:lorrainemessenger@sbcglobal.net]
Sent: Sunday, March 13, 2011 4:38 PM
To: Phillips, Jeanie
Subject: HB 6390

I don't understand why, with this country in the condition it is in, that we would even consider this. Please do not let this happen.
Lorraine Messenger

From: David Becker [mailto:davidbecker9@gmail.com]
Sent: Friday, March 11, 2011 5:25 PM
To: Phillips, Jeanie
Subject: HB 6390

Jeanie,
I am writing this e-mail to OPPOSE this Bill. I cannot be there in person for this Hearing on the 15th, but I am most seriously opposed to allowing these individuals a free or almost free education at the expense of the CT taxpayers!! Thank you in advance for your cooperation in this matter.

David M. Becker D.D.S.

291 S. Lambert Rd.

Orange, CT 06477

203-799-2929

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David M. Becker DDS

From: Suze Barone [mailto:dillon9872@aol.com]
Sent: Thursday, March 10, 2011 3:06 PM
To: Phillips, Jeanie
Subject: HB6390

As a long time CT resident, I strongly oppose HB6390; our education system is already pulled tight, staffwise and financially.

Susan M. Barone
9 Island Court
East Lyme, CT 06333

From: Tom Melanson [mailto:tom@tommelanson.com]
Sent: Thursday, March 10, 2011 3:40 PM
To: Phillips, Jeanie
Subject: Re: HB 6390

While Connecticut and the country as a whole is facing unprecedented deficits, as well-intentioned as this bill may be, this is no time to put it forward.

Please do the really right thing and vote down HB 6390. The drunken sailers in our government need to wake up; stop pandering and do what's right.

From: Neil Rathjen [mailto:neilrathjen@gmail.com]
Sent: Thursday, March 10, 2011 5:43 PM
To: Phillips, Jeanie
Subject: Please oppose an amendment to HB 6390

- Please oppose an amendment to HB 6390 that would offer illegal aliens access to in-state tuition rates. At a time in which Connecticut's public colleges and universities face up to 10% funding cuts, and the cost of tuition is expected to rise, extending in-state tuition to illegal aliens makes no sense.

- In-state tuition fees are highly subsidized by state taxpayers. Students who qualify for in-state tuition benefits receive a savings of more than $10,000. That means adding a provision to HB 6390 that would extend the benefit to illegal aliens would force Connecticut taxpayers to pay the difference.

- Connecticut faces a budget deficit of $3 billion. This is not the time to be handing out benefits to illegal aliens thereby encouraging more illegal immigration.

- The Illegal Immigration Reform and Illegal Immigrant Responsibility Act of 1996 prohibits offering in-state tuition to illegal aliens without offering the same benefit to all U.S. citizens. Adding language to Hb 6390 that extends in-state tuition benefits to illegal aliens not only violates this federal law, but it is also a slap in the face to Connecticut taxpayers.

Neil Rathjen
203-746-1212

From: Phil [mailto:wolf@wolfdenftp.com]
Sent: Thursday, March 10, 2011 4:50 PM
To: Phillips, Jeanie
Subject: HB 6390

Hello, I am unable to attend the meeting March 15th as I am working at that time.

I find it highly offensive that my hard earned tax dollars go to welfare freeloaders who only make more welfare freeloaders and clog the hospitals and in general burden the hard working law abiding TAX payer in this state.

This is the land of opportunity and as such I worked through college, graduated and then went on to learn a trade and complete an apprenticeship and now am a licensed journeyman. On the construction site now are licensed tradesmen and mexicans who speak no American, work like slobs with poor workmanship and often urinate in plastic bottles and leave them in corners.

We working class know we pay most of the taxes and are watching. Our new governor lied about raising taxes and his proposals hint at cuts that we know will never happen, even if he defined them. Before we all move from this state because we are certainly overtaxed, I suggest you who we elected to represent us, listen to us.

NO to tax dollars for illegals. Come on, if illegals don't get deported, but instead rewarded with free everything, why should we be citizens and pay taxes. This is common sense.
Not to mention the budget deficit. CUT spending, cut welfare. Land of opportunity, not entitlements. What did any of them do to deserve entitlements?

Wake up, see the reality, not the illusion, and like the hard working families who struggle to survive and adjust to pay the outrageous gas prices so we can go to work, our state government must also tighten the belt. Make welfare parasites work, cleaning streets & neighborhoods, parks and remove graffiti. I am drug tested for my employment, they should also be regularly drug tested. People need a license to drive and get married, there should also be a license to have children, proof of being able to support them and provide a healthy upbringing. My employer doesn't pay me more if I have a bigger family, welfare/food stamps shouldn't get more either.
STOP enabling the parasites and illegals. We working tax payers have had enough. Please.

I thank you for your time & understanding.
May God Bless the United States.

From: Brian and Kirsten Gosper [mailto:gospergang@ct.metrocast.net]
Sent: Monday, March 14, 2011 11:14 AM
To: Phillips, Jeanie
Subject: HB6390
Importance: High

Hello,
I am writing to express my extreme dissatisfaction with the proposed HB6390 bill that would subsidize tuition for illegal aliens in CT!
This is an outrageous confiscation of tax payer money to be given DIRECTLY TO THOSE WHO DO NOT HONOR OR RESPECT OUR COUNTRY'S SOVEREIGNTY AND BORDERS!
Connecticut is already facing HUGE deficits and tax increases due to the excesses of this government and its pandering to groups that think nothing of stealing money from the true hard working tax payers in this state. As budgets are crunched both in our home and in Hartford, we should never forget that the number one job of lawmakers is to be fiscally responsible and giving money to those who should not be here in the first place is UNACCEPTABLE and OFFENSIVE!

Connecticut has over a $3 billion dollar deficit and is already cutting $145 million to universities and state schools! How about you deny funds to illegal's and give this money back to the schools and pay down our massive deficit instead of putting people like myself on the hook for people that have NO RIGHT to it--PERIOD! If my kids end up going to a state college WE will pay the price of illegal aliens by paying higher tuition rates to off the money given to the illegal's! Are we going to get a break?? I doubt it! How screwed up are you people for sticking it to legal citizens while your reward lawbreakers!

And even when illegals graduate they can't legally hold a job anyway, it takes in-state tuition spots away from legal state residents, violates 1996 federal immigration law!

A disgrace...

Brian Gosper
Danielson

March 13, 2011

Dear Jeanie Phillips:

It is with much concern that I feel compelled to write to you regarding HB 6390. I must speak out against extending in-state tuition status to undocumented Immigrants residing in Connecticut who meet certain criteria.

Education is precious commodity and a very vital part of what makes the state of Connecticut, and this nation, continue in its prosperity. The ability to participate in post-secondary education should be available to all who wish to participate. As such, it must be available to all those who meet a school's standards and at the same cost. There is absolutely no basis for providing undocumented Immigrants free access to the Connecticut post-secondary in-state schools while those who are residents of this great state have to pay their way.

As a nation in general, and Connecticut, in particular, we are all struggling to find the means to provide our children with the best education possible. The education system in Connecticut is always under budgeted and under staffed. There never seems to be enough to go around. As residents of Connecticut, we expect to contribute to our children's education. Everyone (including the state government) needs to contribute their piece to make the system the best that it can be. There is no reason allow certain individuals to ride for free. Especially individuals who are not legally documented. It almost appears as a bribe; "if you register as an immigrant, the state of Connecticut will provide you free post secondary education at one of our in-state schools". It is a privilege to register to become a U.S. citizen. But this privilege entitles one to pursue becoming an American and to accept the costs that come with it.

I oppose providing free post secondary, in-state education to undocumented citizens. Period. Should this bill pass, it will set a horrible precedent to those of us who are legal residents and who struggle day to day with the cost of educating our children. Please advise on how to explain to our children that the undocumented child down the street will attending UCONN in the fall for free, but we cannot afford to send our children there.

March 14, 2011

Dear Connecticut Legislators:

My name is Robert Emigh and I am an Associate Professor of English as a Second Language at Norwalk Community College in Norwalk, Connecticut. I am writing to strongly urge the legislature to pass the Governor's Bill 6390—the DREAM Act. I often ask fulltime students who are struggling with missing assignments or late essays, if they are working, thinking this would help me to understand their situation. I am truly astounded by the number of students who tell me they are working *fulltime, 40-hour work weeks in addition to being full time students.* They will tell me there is no other way to afford the out-of-state tuition, which is roughly three times that of an in-state student.

It is one thing if students choose this path of their own volition; it is an entirely different thing if students are forced into this almost untenable situation through no fault of their own. It is in your power to right this wrong. As a society, we are a beacon to those from other countries who see the United States as a country where each individual will rise, or fall, on his or her own merits. This is something I have also heard from my ESL students many times—it often the reason they immigrated to this country. It is for this reason that I have found previous failures to pass the DREAM Act so inexplicable. It seems to me that this right—to rise or fall solely dependent on the content of one's own character—is an almost inherent right that we bestow on all who abide by our laws and play by the rules. The DREAM Act student is the exception to this principle—a student who is discriminated and punished for something he or she had no control over. I urge you to redress this situation and pass the Governor's Bill 6390.

Sincerely,

Robert Emigh
Associate Professor of English as a Second Language
Norwalk Community College
188 Richards Avenue
Norwalk, CT 06854

March 14, 2011

To Whom It May Concern:

I believe the In State Tuition Bill will be a fair opportunity to allow undocumented students become successful professionals in a nation they call home. The United States was a country created by immigrants and I think it is unfair to charge undocumented students outrageous fees to get a college degree after all their hard work to stay focus and graduate from high school. Furthermore, I believe it is unreasonable for the United States to allow them to continue their education yet limit them to a certain level of success. If these undocumented American students are interested in working in a profession the United States is understaffed at, why not allow them to do so? If these students are interested in giving back to the United States for all the opportunities granted to them, why not? These individuals have the potential to give back to our country in great ways without being a burned to the system. By giving students In State Tuition fees we are not giving them a free education but a more affordable education just like any other American student.

I have an undocumented friend that struggled a lot to pay for her first three semesters at a public college in Connecticut. Her parents were separated and her mom was the single parent in her house. Her mother worked while her children went to school. However, my friend had to pay an out of state tuition and could no longer afford it after her first three semesters in college because her family expenses in addition to her tuition were too expensive. Instead she helped he mother pay for the house expenses because the out of state tuition fees were nearly double the regular in state tuition fees. Although there are some scarce resources to receive aid to pay for college like scholarships for undocumented students, these methods were very selective and competitive. However, she received a scholarship that helped her for her first three semesters, but these alternatives plummeted afterwards. And the truth is that my friend could have been a successful bilingual educator at a local elementary school. However, because she did not have the means to pay for an out of state tuition she will continue to work in the service sector like most immigrants in this country.

To conclude, I would like to say that we have the opportunity now to offer many of these undocumented American students the chance to be successful professionals, why not do it? Many of these students are not loitering around their neighborhoods and instead are looking for other means to make a difference in our society. For this reason, on Tuesday March 15, 2011 we have the opportunity to make a difference by giving these students seeking higher levels of success the chance to pay In State Tuition fees. Let's work together to make that difference and have many more professionals in our society.

Sincerely,
Sandra Gonzalez

Testimony On Behalf Of The
Connecticut Regional Office of the
Anti-Defamation League

IN SUPPORT OF
Governor's Bill 6390
AN ACT CONCERNING ACCESS
TO POSTSECONDARY EDUCATION

March 15, 2011

The Anti-Defamation League was founded in 1913 with a mandate to fight the defamation of the Jewish people and secure justice and fair treatment for all. Today the ADL is one of the country's leading civil rights organizations. As part of our long tradition of fighting bias, prejudice, bigotry and hate, we have always been an advocate for fair and humane immigration policies.

It is for these reasons that I am here today to express our strong support for Governor's Bill 6390, which would provide in-state tuition status to certain immigrants residing in the state of Connecticut.

A critical element of ADL's mission of seeking justice and fair treatment for *all* people compels us to combat inequity in whatever form it takes and against whomever it may be directed. Others here today will describe in greater detail how the current inability of certain immigrants to receive in-state tuition status negatively affects the economic and emotional state of hard-working young people pursuing their dream of higher education and self-improvement, and the impact of the current situation on the state and society.

ADL strongly believes that immigration policy must take into consideration and strive to protect civil and human rights. We are concerned about the future of the students brought here as children and educated here who face barriers to higher education and the accompanying opportunity to be an integrated, contributing part of their community. We believe that all such students should receive equal access to available human services, including the opportunity for an affordable postsecondary education, without discrimination based on immigration status.

In our experience, injustice against *any* individual or group of people not only hurts the individuals it targets, but negatively impacts the environment in which it arises and the community as a whole. Providing access to in-state tuition status to immigrants living in Connecticut sends a clear message to the community that disparate treatment based on immigration status is impermissible, and will deliver a powerful deterrent signal to those who may contemplate acting on their prejudices and violating the civil and human rights of any individuals residing here.

Much of America's greatness has derived from its ability to successfully integrate diverse groups of people into a vibrant, pluralistic democracy. Ten states have passed laws permitting certain

undocumented students to pay the same in-state tuition as their classmates at public postsecondary institutions. We urge you to join them by supporting Governor's Bill 6390.

Dear Higher Education and Employment Advancement Committee:

I support Connecticut's In-State Tuition Bill, which would allow undocumented students to pay in-state tuition at Connecticut colleges. All students should have the right to education, including higher education. Education helps people succeed, and contributes to the overall health and prosperity of society. If we have more people with college educations, then we have more people who can build bridges and care for the sick and the elderly.

Immigrants come to the United States for a better life, and we should be able to provide them with that. They are willing to work hard and do work hard, helping our society function and contributing to our communities. Immigrants add to the diversity of this country and we should be thankful that they want to be a part of it.

Since the economic argument is often used in today's politics, I will also invoke it here. Allowing undocumented students to pay in-state tuition allows more of them to attend Connecticut colleges, which means more money for the state. Why would we want to waste the money that we have put into their elementary, middle and high school education by not allowing them to continue on to college? That doesn't make any sense.

I am a student just like the thousands of students who graduate from high school every day but aren't able to continue on to college. The only difference between them and me is a piece of paper. Does that mean that I deserve to go to college more than them? I don't think so. Many undocumented students are valedictorians and heads of their sports teams. The reality is that a huge barrier to them entering college is not their lack of qualifications, since many are readily accepted into Connecticut colleges, but rather their inability to pay out-of-state tuition. Some of these students have lived in Connecticut almost their whole lives, and then colleges tell them that doesn't matter. That is not right. All students should be able to use their education and continue on to college. I urge you to please pass the In-State Tuition Bill to help all Americans, documented and undocumented. Thank you for your time and consideration.

Sincerely,

Theresa Meehan

Vice President of Stop the Raids! Students of Trinity College

From: BRUCE MUDZINSKI [mailto:bruce_j_mudzinski@sbcglobal.net]
Sent: Monday, March 14, 2011 1:09 PM
To: Phillips, Jeanie
Subject: Bill No. 6390 Access to PostSecondary Education

Jeanie,
As a resident of Connecticut and a taxpayer, I am opposed to the proposed changes to Bill No. 6390 that make illegal aliens eligible for in-state tuition rates. I understand that illegal aliens are allowed to attend public colleges but it is an entirely different matter to provide such a substanial discount that is going to be an additional burden on taxpayers in this state. In good times it would questionable; in these difficult economic times, it is irresponsible and reckless. We already know that Connecticut is facing a $3.2 billion deficit in the next fiscal year and the govenor has proposed cuts of $143.5 million over two years for state colleges and universities. As residents of this state,with a daughter currently at Southern Connecticut State University, my wife and I understand that some belt tightening will be required, but handing out such "freebies" to illegals is insulting. In particular, when family members from other states can not get the same benefit, there is something terribly wrong with this picture.
I am looking forward to attending the Higher Education and Employment Advancement Committtee meeting on Tuesday, March 15th at 11:00 a.m. in Room 1E of the legislative office building. Please let me know if there are any changes to this schedule.

Thank you,

Bruce Mudzinski
6 Farm Hill Road
Wallingford, CT 06492
(203) 265-286

From: Michael S Ellis [mailto:m.shawn.ellis@gmail.com]
Sent: Monday, March 14, 2011 2:08 PM
To: Phillips, Jeanie
Subject: Public Hearing for Bill 6390 - In-state tuition for children of immigrants

To whom it may concern,

I am a fellow voter for the failed DREAM Act and I would like to once again stand up for children of illegal immigrants by asking that you pass this bill for these children, by no fault of their own, be allowed the same benefits of college tuition as legal children. I believe this to be fair, just, and right because we have many legal children graduating high school every May that will not go to college and just go right to work or maybe decide to take advantage of the Government and get paid to stay at home by doing the numerous things you can do to get money from the Government and not stimulate economic growth or keep this country from moving forward due to their lack of laziness and ambition. Here we have children that are not a citizen of this country but have strong work ethics, the ambition, and the desire to not only benefit and better themselves but also make our country move forward with their desire for furthering their education but our Government wants to make this a more expensive for them while throwing away millions and millions of dollars to lazy americans as I listed above. Please have a heart, stand up for the Constiution of the United States and please help our Children, though not born here, make their dreams come true because after all THIS COUNTRY WAS BUILT BY IMMIGRANTS. Remember the MAYFLOWER? Thank you have a great day!

Shawn Ellis

From: cafcah@comcast.net [mailto:cafcah@comcast.net]
Sent: Friday, March 11, 2011 6:54 AM
To: Phillips, Jeanie
Subject: Re: In-state tuition for Illegals

Dear Ms. Phillips:
How can you even think of giving in-state tuition to Illegal aliens when Governor Molloy and the state legislature is trying to find ways to CUT SPENDING? It is terrible to try to make CT taxpayers pay for Illegals. You should be sending the Illegals home instead!
I am so sick of you politicians catering to foreigners and Illegals. Why not instead give in-state tuition to AMERICAN CITIZENS WHO LIVE IN NEW ENGLAND STATES(MA, RI, ME, VE) instead?

NO IN-STATE TUITION FOR ILLEGALS! HOW CAN YOU POLITICIANS EVEN THINK OF THIS WHEN CT IS LOSING JOBS AND CT TAXPAYERS ARE HURTING.

Carol Hallbach

From: Lillian [mailto:lillianmw@charter.net]
Sent: Sunday, March 13, 2011 5:53 PM
To: Phillips, Jeanie
Subject: Giving money to illegal alien students

I received the e-mail about the meeting in Hartford regarding illegal alien students. I have a doctor's appointment, so I cannot attend. However, I would like to send the following message:

I am totally against providing money for illegal alien students, as they should not even be in this country! Our state is having so many problems with our financial status that it outrageous to even consider giving these students money. In addition, with our state budget how it is and how Governor Malloy is also raising taxes on every little thing, to even think about giving money to these illegal alien students is definitely offensive!

Lillian Wright

From: bobsecula@sbcglobal.net [mailto:bobsecula@sbcglobal.net]
Sent: Monday, March 14, 2011 10:15 AM
To: Phillips, Jeanie
Subject: No tuition assistance for non tax payers

Illegal aliens have broken our law by being here, they have also broken our laws by working without paying taxes, as an honest taxpayer I am very offended that my children are not eligible for any assistance because the funds are allotted to someone who shouldn't even be here.

Thank you for your time,
Robert Secula.
Sent from BobSec

Page 23 Line 3

From: Lynn Gold [mailto:lynnknabel@hotmail.com]
Sent: Saturday, March 12, 2011 10:27 AM
To: Phillips, Jeanie
Subject: March 15th testimony in Hartford

Dear Jeanie,

I will be testifying AGAINST anything to aid these illegals. I would like all the informatin you have, or at least a good portion of it, which will help me prepare my testimony.

Personally, I consider this at least malfeasance on the part of the CT legislature and probably treason to do such a thing.

These illegals, of all ages, should be exited from the USA ASAP without any further ado. We also need to change our citizenship regulatins and the immigration laws.

I have 2+ college degrees, am listed in many historical reference books and speak well in public, am a member of Mensa, etc.

Please let me know exactly where I need to send a summary of my testimony.

Lynn Gold
203-400-2293

From: Sharyn DUrso [mailto:sharyndurso@yahoo.com]
Sent: Monday, March 14, 2011 11:29 AM
To: Phillips, Jeanie
Subject: RE: In-State Tuition

Dear Madam Ms. Phillips:

I think it very important to grant in-state tuition to children of immigrants. I also support the DREAM Act for children of immigrants. As an immigration attorney, I have had many encounters with immigrants, both legal and illegal. Their children appreciate the opportunities afforded by their life in the United States . They do exceptionally well academically; they are focused and work hard to obtain good grades in school. Many graduate at the top of their class only to be stymied by the high cost of tuition that prohibits them for continuing in school. Charging this class of students higher tuition is unfair and mean. Instead of supporting their ambition and desire to further their education so that they can become contributing members of society, Connecticut law holds them back. This is unproductive with no social benefit. The better educated the people of Connecticut , the less burden on social welfare programs. Moreover, most of my
clients and their parents are paying both federal and state income taxes and paying into the social security system.

I am hopeful that the federal government will act to legislate in favor of real immigration reform; in the meantime, I support the proposal of in-state tuition for foreign born children. benefit on in-state tuition.

Sharyn N. D'Urso, Esq.

This e-mail is intended only for the use of the individual or entity to which it is addressed and may contain information that is privileged, confidential and exempt from disclosure. If the reader of this e-mail message is not the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited. If you have received this communication in error, please notify me immediately by telephone at (203)562-0041.

From: Mason, Carol A [mailto:CMason@gwcc.commnet.edu]
Sent: Monday, March 14, 2011 11:29 AM
To: Phillips, Jeanie
Subject:

I think it very important to grant in-state tuition to children of immigrants. I also support the DREAM Act for children of immigrants.

Keith J Crews
5 Vincent Avenue
Stamford CT 06905.

Dear Sirs,

I am a new LEGAL CITIZEN of the USA and now a resident of Connecticut.
When looking for universities for my son to attend, UCONN was one of the universities to which my son applied.
Even though we were residents of Connecticut and paying taxes in Connecticut as we had not established the required residency period in Connecticut my son would have been required to pay OUT-OF-STATE TUITION.
However under this new proposal those living in Connecticut ILLEGALLY are going to be allowed to pay IN-STATE TUITION?
This is plain wrong is it not? Unless ALL STUDENTS from EVERY state pay IN-STATE TUITION.

Not being resident in Connecticut was NOT MY CHILDRENS FAULT. And yet they could NOT receive IN-STATE Tuition even though they and their family are legal residents and citizens.
Apparently "its not the children's fault" is a major argument in the push for subsidized tuition for illegal people. This argument also applies to all students in other states and so just does not make sense.

Please do not forget that the illegal aliens the subject of this proposed subsidized tuition HAVE ALREADY received High School education for which they are NOT ENTITLED at the expense of the taxpayer.

Keith J Crews.

From: val264@aol.com [mailto:val264@aol.com]
Sent: Thursday, March 10, 2011 5:14 PM
To: Phillips, Jeanie
Subject: Illegal aliens & our money

As the granddaughter of immigrants, I am all for allowing legal immigration. However, coming into this country illegally is a crime. Criminals should not get awarded, especially with MY tax dollars. I am unemployed and struggling to keep a roof over our heads and food in the stomachs of my family. The last thing I want is to provide assistance in any way to people who shouldn't even be here!!

WESTERN
CONNECTICUT
STATE UNIVERSITY

Testimony by President James Schmotter
Western Connecticut State University
Before the Higher Education and Employment
Advancement Committee
March 15, 2011

For the record, I am James W. Schmotter, President of Western Connecticut State University, and I write in regard to House Bill 6390, "An Act Concerning Access to Postsecondary Education." I am writing in support of the provision which allows undocumented students who went to high school in Connecticut and live in the state to receive in-state tuition at the state's public postsecondary institutions.

This provision addresses an unfortunate dilemma that, **through no fault of their own**, promising young residents of Connecticut face. Often brought to our state by undocumented parents as young children, these individuals complete—and often excel—in high school curricula. They then find the door to affordable higher education effectively closed because of the current policy that requires, because of their visa status, that they pay out-of-state tuition. Few such potential students have the financial wherewithal to surmount this obstacle. Thus hardworking, intelligent potential members of the state's future knowledge workforce are denied opportunity.

Many commentators and scholars have observed that the nation's federal immigration policies are complex and, in many ways, broken. Yet while we wait for a neat fix of this massive issue (a fix unlikely given other national priorities and the fierce level of emotional partisanship that surrounds immigration), each year produces more and more graduates of Connecticut's high schools whose dreams of higher education and social mobility must be deferred or even abandoned. The commonsense policy changes House Bill 6390 proposes can remedy that.

The young people who will benefit from this change want, unlike many, to stay in our state and build careers and lives here. With the solid education gained at our public colleges and universities, they will be our future scientists, business owners, teachers and nurses. It is not only in their interest, but in the interest of all citizens of Connecticut that they have this opportunity.

House Bill 6390 is also an example of the inclusive spirit that, over the decades, has attracted millions of immigrants to our shores—immigrants who have built today's America. That history of immigration is full of pendulum swings between restriction and welcome. In this small way, we can push it toward the latter here in Connecticut. For reasons both moral and economic, it is the right thing to do.

I thank the committee for reading my comments.

Southern Connecticut State University
501 Crescent Street
New Haven, CT 06515-1355
School of Health & Human Services
Departments of Communication Disorders • Marriage & FamilyTherapy
Nursing • Public Health • Recreation & Leisure Studies • Social Work

Testimony in support of H.B. 6390
AN ACT CONCERNING ACCESS TO HIGHER EDUCATION.

Edward Glaeser, a professor of economics at Harvard University, suggests that education is the "single best strategy for making a city prosperous" (Glaser, 2011). Education expands the minds and enhances the abilities of our young people to make productive contributions to our communities as they move into adulthood.

The Connecticut public colleges and universities have an application process to identify and admit those students who have demonstrated academic achievement during their high school education. Only those students with a track record of academic success are accepted.

Two students, classmates conceivably throughout their 12 years of schooling in Connecticut, distinguished academically, having passed the rigorous admissions process for a Connecticut public university; are treated differently once they accept their invitation to a post secondary education at a state institution. One student must pay anywhere between two to three times their classmate's tuition rate because one student was brought into the country as a baby without documentation, the other classmate was born here. Since undocumented students are ineligible for financial aid, students must come up with the out-of-state tuition fees themselves. This cost is prohibitive for most students.

So we have, at the present time, Connecticut students who accepted to our public colleges and universities on the basis of academic merit who are then required to pay out-of-state tuition rates simply because of a decision made by their parents when they were young. They have lived in Connecticut for most of their lives, have demonstrated the ability and desire to continue their education, but they lack the means.

H.B. 6390, "An Act concerning access to higher education," would provide the means for them to continue their education. This bill would bridge the divide between the two groups of Connecticut students by allowing undocumented students to pay the same in-state tuition fees as their peers. This bill would provide the same access to undocumented students that our documented students have.

I am an active leader, and past-Parish Council President, of St. James Catholic Church in Stratford, and our church is a member of the Connecticut Sponsoring Committee. The Connecticut Sponsoring Committee is a new organization in Southern Connecticut that brings 30

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School of Health & Human Services
Departments of Communication Disorders • Marriage & FamilyTherapy
Nursing • Public Health • Recreation & Leisure Studies • Social Work

religious congregations together – Black, White and Latino; urban and suburban; Roman Catholic, Protestant and Jewish to fight for the interests of those in our pews, to fight to protect the common good, to bring our values to bear in the public arena.

I am also a social worker and faculty member at Southern Connecticut State University. I have witnessed the power of education to transform the ways students think about and participate in the day-to-day activities in their communities. The Code of Ethics of my profession charges me to challenge injustice and other forms of discrimination (National Association of Social Workers, 2008). H.B. 6390 would correct the current inequity by providing equal access for ALL of our Connecticut students who demonstrate academic merit. I strongly urge you to support H.B. 6390.

Sincerely,

Elizabeth Keenan

Elizabeth King Keenan, Ph.D., LCSW
BSW Coordinator & Associate Professor
Southern Connecticut State University
Department of Social Work
101 Farnham Avenue
New Haven, CT 06515
(203) 392-5108
KEENANE1@southernct.edu

References

Glaser, E. (2011). *Triumph of the City: How Our Greatest Invention Makes Us Richer, Smarter, Greener, Healthier, and Happier*. New York: Penguin Books.

National Association of Social Workers (NASW). (2008). *Code of Ethics of the National Association of Social Workers*. http://socialworkers.org/pubs/code/code.asp.

Collaborative Center for Justice, Inc.

40 Clifford Street
Hartford, CT 06114-1717

Phone: 860-692-3066
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Testimony for the General Assembly Higher Education and Employment Advancement Committee
March 15, 2011

In Support of Raised Bill: H.B. 6390 – An Act Concerning Access to Postsecondary Education

We, Sister Mary Alice Synkewecz, RSM, and Sister Linda Pepe, CSJ, the Director and Associate Director of the Collaborative Center for Justice, add our voices, and that of our six sponsoring congregations of women religious, along with their membership of approximately 1,000 sisters and associates, in support of H.B. 6390 – An Act Concerning Access to Postsecondary Education.

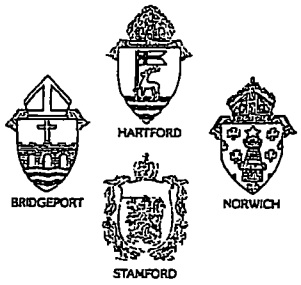
As advocates for justice and equity, we are compelled to speak in support of this raised bill that would allow young men and women the opportunity to attend our colleges and universities by paying in-state tuition rates. When students cannot afford higher education, they do not attend college. The ramifications of this decision are not only individual, but societal, because it means a less educated work force in Connecticut.

Opponents of this bill will raise the issue that these students are undocumented, and therefore, they do not deserve such consideration. We believe these young people do not deserve to be punished, or denied an affordable education, because they were brought to this country as infants and young children by their parents. Many of these students are products of our educational system from early childhood education through high school. They have been challenged by their teachers to develop their potential, and many of them are numbered among our brightest graduates. They have, therefore, demonstrated the intelligence and ability to compete with others who meet the criteria for admission in our colleges and universities. Is it right or just to punish children for the desperate acts of their parents? Should they be denied the opportunity to continue their education based on the geography and economics of birth? We think it is wrong to deny children a right to higher education based on the actions of their parents, or circumstances of their birth.

H.B. 6390 does not provide a "free ride" for these undocumented students. The bill specifically states that these students qualify only if they live in our State and have attended four years of high school in one of our cities or towns. Having met the criteria of residence and academic competence, should they not at least be given the opportunity to compete with other students from our State for a place in our colleges and universities? When education is unaffordable, we remove the most powerful tool an individual possesses to address poverty, violence, social injustices, unemployment, homelessness, and a myriad of other social, political and economic evils that plague our society. To deny these young people an affordable education, we not only deny them the tools to overcome the obstacles that have been placed in their path, but we also deny them the opportunity to contribute in a meaningful way to life in our State.

We believe education is a right, not a luxury, and as a right, we believe it should be extended to all, regardless of the circumstances surrounding birth. We support, and ask that you support, H.B. 6390 – An Act Concerning Access to Postsecondary Education.

Thank you.



CONNECTICUT CATHOLIC PUBLIC AFFAIRS CONFERENCE, INC.
134 FARMINGTON AVENUE
HARTFORD, CONNECTICUT 06105-3784

MICHAEL C. CULHANE
EXECUTIVE DIRECTOR

DEACON DAVID W. REYNOLDS
LEGISLATIVE LIAISON

Testimony before the
Committee on Higher Education
and Employment Advancement

Governor's Bill No. 6390,

An Act Concerning Access To Postsecondary Education
March 15, 2011

The Connecticut Catholic Public Affairs Conference supports Governor's Bill No. 6390, which would provide in-State college tuition rates to undocumented students who have attended a Connecticut high school for four years and have signed an affidavit attesting to their efforts to become a legal citizen of the United States. These young men and woman have a major goal in life, which is to become successful and contributing members of our State and nation and this legislation will help them to achieve that goal.

The Conference urges you to look beyond the negative attitude toward undocumented immigrants which is pervasive in our society today and consider the facts when reviewing this legislation. First, the young people affected by this bill have been living in our State for many years and had no part in determining whether or not to enter this country illegally. Their entry into this country was not their decision, but that of their parents. These young men and women should not be denied the chance to a successful life because of choices their parents made years ago. Secondly, these students have already been attending our public schools, many since the elementary grade levels. This bill would help them to continue their education and become productive members of society. The fact is that these young people are already members of our society and will continue to be well into the future. This legislation will help to determine the quality of that future.

It is natural within the political process to look at the fiscal impact of legislation. Fortunately, the financial impact of this legislation has been determined to be minimal by the State's Office of Fiscal Analysis. Our State colleges will not be exposed to a negative financial impact if this legislation is enacted into law. It is also highly questionable that this legislation would lead to the denial of slots in State colleges to legal students, since many of the colleges

they would attend have sufficient openings. The adoption of this legislation, therefore, is not one of financial concern or available openings, but one of fairness. Is it fair potentially to deny approximately 200-250 young students who have worked hard in their academic life a chance at a better future? All people deserve the opportunity to better themselves socially and economically, and the students affected by this legislation should not be denied that opportunity.

We are a nation of immigrants and should be proud of this fact. Each of the different immigrant groups has brought diversity to our society, making it rich in cultural differences, customs and social tolerance. Our history is full of people struggling to find a better life for themselves and their families within the borders of our nation. Unfortunately, history also reveals that as each new group has come to our nation it has encountered initial acts of prejudice and injustice. Fortunately, those shortcomings were eventually corrected and our nation was strengthened. Hopefully, our nation's leaders will soon address many of the current issues surrounding the immigration process in our country. Until this is done, the State of Connecticut should join with the other ten (10) states in our nation which have passed in-State tuition legislation to assist undocumented students.

The Catholic tradition has always been to support immigrants attempting to find a better life for themselves and their families. Because of this tradition, and the facts outlined above. The Connecticut Catholic Public Affairs Conference urges you to support Governor's Bill No. 6390.

Testimony on Senate Bill #6390
"An Act Concerning Access to Postsecondary Education"
Higher Education and Employment Advancement Committee
March 15, 2011

Ms. Dahlia Sajuti and the Rev. Joshua Mason Pawelek

Senator Bye, Representative Willis and Members of the Higher Education and Employment Advancement Committee:

It is an honor to come before you today to offer testimony in support of Senate Bill 6390, "An Act Concerning Access to Postsecondary Education." My name is Dahlia Sajuti. I attend the Muhammad Islamic Center of Greater Hartford and I am a proud member of the Greater Hartford Interfaith Coalition for Equity and Justice. I am submitting this testimony on behalf of the 27 member congregations of the Interfaith Coalition, on behalf of our president, the Reverend Joshua Mason Pawelek, who was unable to be here with me today, and in solidarity with many organizations around the state that care deeply about the rights of both documented and undocumented immigrants.

While we support any effort to make higher education more affordable and more accessible to as many students as possible, we wholeheartedly support SB 6390 because it will put higher education in Connecticut within the reach of young people who lack legal immigration status. We are speaking specifically about children who were brought to the United States at a very young age when their parents entered the country without proper documentation. These are children who have been raised in Connecticut, who have attended public schools in Connecticut, who frequently have excelled in all the ways their friends with legal status have excelled. These are young people who aspire to achieve the American dream as much as anyone else. They love the United States. They love Connecticut. They want to succeed in Connecticut and give back to Connecticut. Providing them with the opportunity to pay in-state tuition rates for higher education is a very simple thing your committee and the General Assembly can do to help these young people who face considerable barriers in life due to no fault of their own.

We don't offer this testimony lightly. We understand the complexities of immigration law. We understand the nature of the federal debate over immigration. Nevertheless, we feel strongly that a country that prides itself on being a "nation of immigrants" ought to do everything in its power to welcome and befriend new immigrants and their children, to offer them whenever possibly, the same blessings of life, liberty and the pursuit of happiness we offer to all citizens. Such welcome and such blessings are the hallmark of a just and loving society--not a society that tears people down and crushes them, but a society that builds people up and enables them to succeed. Passage of SB 6390 is one step on the path to a truly just and loving society. Please support SB 6390. Thank you.

Page 21 Line 14

Testimony of Tania Martinez

In-State Tuition

Higher Education Committee

March 15, 2011

My name is Tania Martinez and I am a student of the University of Connecticut's School of Social Work and an employee of a non-profit organization.

I would like to thank you, the Higher Education Committee, for the opportunity to testify today. I am here in support of the bill H.B No 6390, An Act Concerning Access to Postsecondary Education.

I am in favor of this bill because I believe that any resident of Connecticut should have the opportunity to further their education and improve their skill in order to have a better life. In addition, an individual with a degree not only is helping his or her self but is also helping the community where he or she resides. For such reason, accepting the bill H.B. No 6390 is not only the moral thing to do, but the logical thing to do. As an immigrant I had experience the difference that Postsecondary education made in my life. My father brought to this country with the purpose to have a better life and my parents always told me that a better life could be achieve by a Postsecondary education. My native country is Peru and where I come from my parents could not afford any type of Postsecondary education. In the process of my parents wanting the best future for me, when I was fourteen years old my parents decided that I should move to United States, even though, I did not want to come to this country. This period of my life was not easy because my mother and sister stayed behind in Peru. As many young immigrants that come to United States you have no choice on deciding to come to this country and eventually, however, this country becomes all that you know.

Now, I am a graduate student of the University of Connecticut's School of Social Work and furthering my education in order to enhance my skills and better contribute to my community. Postsecondary education changed my life. I was very shy and insecure when I was attending high school because I struggled adapting to this country and learning the language. In the process of obtaining a college degree I did not only obtained a diploma but I also obtained the skills to have a better opportunity in life. I changed from somebody that would not like to talk in public because I my face would turn red, to somebody secure, confident and whiling to take new challenges. Currently my husband and I are home owners, which we were able to afford due to our carriers.

I had being working in the social work field for eight years. Through these years I mainly had work with clients in the inner cities. I had experience, how my clients struggle trying to graduate high school. Nevertheless, it breaks my heart knowing that after they graduate, they will continue

struggling trying to attend college because they would not be able to afford the out-state tuition fees and will not have the same opportunities that I had.

I urge you to support this important legislation for a variety of reasons. The main reasons are because Connecticut will have a younger skillful work force, which can provide higher tax returns, more home ownership, and a younger work force living in Connecticut, besides there is a decrease of high school student attending college. Furthermore, is the right thing to do because you are providing a youth the opportunity for a better life. As well as the logical thing to do because the bill H.B. No. 6390 could provide more economic power to Connecticut.

Thank you,

Tania Martinez

Support the instate tuition bill

My name is Carlos Miranda and I am a student at Trinity College, I am in support of the instate tuition bill because I have seen first-hand how the fact of paying out of state tuition for undocumented students affect people. I have had close friends whole had to deal with this issue and some have struggle really hard to pay for the education and some, as much as they try, it impossible to be able to pay so much money. How is it possible for a great student, who is more than qualified.to go to college, to not be able to go to even a community cause because of the cost.

One thing that bothers me is that how to you expect undocumented student to come up with such money, since they cannot work legally. This process is just making them break the law and work illegally just so that they can go to college. This is making the situation worst. This is why having the instate tuition bill will help a lot of students whose only wish is to continue their education. It is frustrating to see way less qualified citizen student have no problem going to college while an student who can benefit the USA way more not have that opportunity.

Passing this bill will not only benefit the students but the whole state. The more educated people we have the better of we will be. Let's face it, we are not going anywhere, so why not benefit from this than cause more and more people go uneducated into the streets of our state. Education is for everyone and everyone has the right to fight for the will to educate themselves.

Page 21 Line 9

New England Annual Conference of United Methodist Church

Church and Society Committee

To Whom May It Concern;

Greetings and peace to you in the spirit of God who call all God's children beloved!

We write to you in sincere and earnest plea for passing of House Bill 6390 "An Act Concerning Access to the Postsecondary Education." The Church and Society Committee represents more than 100,000 United Methodists in New England.

The alien who resides with you shall be to you as the citizen among you; you shall love the alien as yourself, for you were aliens in the land of Egypt: I am the Lord your God. *Leviticus 19, NRSV*

A call to love and stand with undocumented immigrants in our midst is a sacred mandate from God who called the people of Israel to love the aliens in their land as themselves. Undocumented immigrants are the very neighbors whom Jesus calls us to love as ourselves. Jesus even identified himself with an immigrant, probably an undocumented one if it applies to our time, when he said, ***"When I was a stranger, you welcomed me."*** **(Matt 25:35)** The United Methodist Church affirms **"all persons, regardless of country of origin, as members of the family of God,"** and calls **"the Church and society to recognize the gifts, contributions, and struggles of those who are immigrants and to advocate for justice for all."** (The Book of Discipline, 162.H) The Book of Resolutions of the United Methodist Church urges our churches to welcome migrants, regardless of their legal status, into our community and the nation and to advocate for comprehensive immigration reform. (The 2008 Book of Resolutions 3281 "Welcoming the Migrants to the United States")

As people of God and United Methodists, we are deeply concerned about the lack of progress in passing comprehensive national immigration reform, which has pushed our immigrant brothers and sisters into the deeper shadows of our community. We reject the current "enforcement only" policy as it denies the human dignity of undocumented immigrants and breaks their families and lives apart.

We are especially concerned about the struggles of those young men and women who came to the United States as the children of undocumented immigrants. For them America is their country to love and their home in which to feel safe. They grew up working on their education with high hopes and dreams for their future just like all their friends in their schools, churches, and communities. However, their undocumented status closes every door to their future and their contributions in the only country they have known to live in and love.

The Development, Relief and Education for Alien Minors (DREAM) Act, legislation that would provide a pathway to citizenship for the children of the undocumented has been their only hope. The DREAM Act aims to create pathways to citizenship for immigrant children who were brought to this country before age 16, are under 30 years of age, and have lived here for a minimum of five years, and wish to attend college or join the military. The Congressional Budget Office recently released a report evaluating the latest version of the DREAM Act and found it would reduce deficits by $1.4 billion between 2011 and 2020. The fortune 500 companies and the Department of Defense endorsed the DREAM Act as it is beneficial to both our economy and security. However, Congress failed the dreams of these children last December when the Senate failed to pass the bill by five votes. As a people of faith, we are deeply disappointed and yet still even more deeply committed in this dream of justice for the children of the undocumented immigrants.

Before they were children of the undocumented, they are the children of God whom God has given to us as gifts to be cherished and dreams to be fulfilled. We urge the good people of Connecticut to see these children as their own and pass HB 6390 not only for their sake but for all God's children's sake.

We Chang, Chair,
Belmont United Methodist Church
421 Common Street, Belmont, MA 02478
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Laurel E Scott, Member
Church and Society Committee
Senior Pastor, North United Methodist Church
300 Parker Street
Manchester, CT 06040

Maria Camila Bortolleto
Testimony for **Governor's Bill 6930:** An Act concerning Access to Post Secondary Education HB6390

Hello Chairwoman Bye, and members of the Committee. I would like to thank you for hearing our testimony today. My name is Maria Camila Bortolleto and I am here to testify in favor of Governor's Bill 6930.

I am a recent graduate of Western Connecticut State University. I graduated with a BA in Biology and a minor in International studies, Summa Cum Laude. I was in the University Honors Program, I was also the co-editor in chief of my university yearbook and the head of the Commuter Student Organization. Here's something not in my resume, I am an undocumented immigrant student. I came here from Brazil with my parents when I was 9 years old.

I attended elementary school, middle school, and high school in Danbury, CT. I grew up feeling like any other American teenager, but when it came time for college I discovered that I wasn't like my classmates. Because even though I had lived most of my life in Danbury, CT, less than 10 minutes from WCSU, I had to pay out of state tuition at WCSU. At that point in my life, I was rather naive about my situation. In my mind I had lived most of my life in Danbury, had graduated from Danbury High, and my parents paid taxes, I had just assumed that I would pay in state tuition, it did not cross my mind that I would have to pay the out of state rate. I actually only found out that I had to pay the out of state rate after I had already registered for classes; it really came as a shock. It was very tough for my family to pay for both me and my sister to attend college. I almost wasn't able to attend.

But most undocumented students can't afford out of state tuition, and as a result don't go to college. This is because out of state tuition is more than double the cost of in state tuition. At WCSU in state tuition is $4,451.50 and out of state is $9,634.00. As such, the law as it stands right now presents a huge barrier to higher education for most immigrant families. For undocumented students, this bill would mean the difference between actually being able to go to college and not going at all. One of the augments against this bill is that "all those undocumented students paying out of state tuition would switch to in state tuition and the state would lose money" but the truth is that there are *very few* undocumented students that actually can afford out of state tuition and are going to college.

It is important to note that undocumented students do not qualify for any federal financial aid or for most scholarships, and this bill would do nothing to change that. So even those undocumented students who would take advantage of in state tuition, would be paying their own entire way to college, which even with in state is still expensive. Most documented college students receive aid. This bill is not a hand out, it is not giving a benefit only to undocumented students, it is merely is a step to providing equal access to higher education to our all state's students.

The truth of the matter is that this is a very narrowly tailored bill; there are not a huge number of students that would benefit from it. However, the bill would have a huge impact on the lives of those that it does affect, by enabling them to continue their education. You might say that this bill does not fix these students' immigration status, and you're right it doesn't. But it is not up to the CT assembly to change that, it is up to the federal government. And while they're playing politics in DC, while you wait, kids' lives are passing them by. Bright, motivated students; students that are at the top of their high schools classes, and if given the chance could be at the top of their college classes, are not going to college and giving up on their future. Is this what we want? An uneducated group of young people? How long must we wait? This bill would

change that by allowing these students to go college. Documented or not, an education creates character, an education opens doors, an education can never be taken away from you. Educated young people can only benefit Connecticut's future. And that's what this bill is about, about increasing access to higher education. The students that this bill would benefit are students just like me, who have lived in CT for most of their lives, students who may not even remember their "home country", students who will stay in CT because this is the only place they consider home. We cannot let these students give up, this bill would give them hope, hope that there is a future for them. I urge you to help these students achieve their dreams and pass this bill.

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Wendy Cardenas

Norwalk Community College

March 14th, 2011.

My Testimony

Hello everyone, my name is Wendy Cardenas and I'm Undocumented and Unafraid American Student. I am currently a Norwalk Community College Student, paying out-state tuition. I support this bill because it will allow me to become a full time student and be able to apply to a four year school.

I am now taking two classes, which is six credits for both and I pay two thousand two hundred sixty eight dollars, plus the service and activity fee. If I was given the opportunity to pay in-state tuition the amount would be seven hundred fifty six dollars, which is a difference of one thousand five hundred and twelve dollars from out state. If I would like to become a full time student right now, and take twelve or more credits I would pay the amount of four thousand five hundred and thirty six dollars, compare to in-state which is one thousand five hundred and twelve dollars.

I work around thirty to thirty five hours a week and go to school two days. Is really hard to maintain good grades in class when I barely have time to study but I can proudly say I've maintained my 4.0 GPA. Education is my priority, but sometimes I feel tired and feel like giving up, but like everyone I have goals and dreams in my life and that's what keeps me motivated, because I was born a fighter not a quitter.

My family has being a big support economically and emotionally. Since we arrived to Connecticut we've being paying our taxes and going by the law. My parents work two jobs in order to help me pay college, because even though I work almost full time, it is not enough. We don't get any benefits, no help from anywhere; we just contribute to the state like any other American citizen.

I came here, and all I have done is serve in a positive way. I expect legislation that would allow me to do good. I am not a criminal. I love Connecticut, I love this country and all I want is to serve the country and the state.

Good morning Senator Bye, Rep Willis and members of the committee. Thank you for giving me the opportunity to speak. My name is Ana Bortolleto. I'm a resident of Danbury for over 13 years, an alumni of WCSU, and I'm also undocumented. I'm here in favor of Governor's Bill No. 6390, "An Act Concerning Access to Postsecondary Education." In particular, item 9 in the bill.

Being undocumented, I know from a firsthand experience what this In State Tuition provision would mean to students like me.

I walked the halls of DHS feeling that I was no different from my American classmates. But when college application time came around, I found out this was not the case. Unable to get financial aid, I knew that going to the college of my choice was going to be difficult. But I did not give up; my status did not stop me from working hard in high school. Like many others in my situation, I was a straight a student, in honors and AP classes and regularly did community service. I graduated in the top 5% of my class. After graduation, I ended up going to WCSU, it was the only school my parents could afford, and even that was a struggle, especially because my sister and I went to college at the same time, and it is not a good feeling to feel guilty about getting a higher education.

I remember when I found out I was classified as an out of state student and had to pay out of state tuition, I only found this out after I had already registered for my classes, so when the bill came, it was quite a surprise. It didn't make sense to me, I thought they had made a mistake, I didn't understand why I had to pay the out of state tuition; in my mind I was not an out of state student. I went into the admissions office and asked "how can this be? How can I be an out of state student when I've lived in Danbury, where wcsu is, for 9 years? When I finished elementary school here, went through middle school and graduated from Danbury HS, when my parents have played taxes all these years to the state?" I offered to bring them 9 years of utility bills, 9 years of income taxes receipts, anything that could prove what I already knew, that I was a resident of Connecticut. But all they told me was that I until I bring proof of my legal status, there was nothing they could do. I was being denied acceptance and membership in the community I had grown up in, the community I felt I belonged to, because I didn't have the right piece of paper.

SB1101

It is important to note that undocumented students do not qualify for financial aid, federal loans or most scholarships, and this bill would do nothing to change that. Much is made of a supposed revenue loss that will occur if these students start paying in state tuition. However, because these students do not qualify for financial aid, few, if any are able to currently afford to pay out of state tuition. For example, at WCSU In State Tuition is $4,451, while out of state is $9,634. I want to highlight that the choice these students have is not between paying out of state or paying in state tuition, it's between paying in state tuition and not paying any tuition at all. Therefore, by opposing this bill, you are not safeguarding school's tuition revenue, the only thing you are doing is denying access to education to some our state's brightest students, all you are doing is telling these kids that after living most of their lives in this state, after contributing to their community, you are telling them they don't belong here, marginalizing them and relegating them to a life in the shadows, denying them a sense of hope and community, telling them to give up on their dreams of higher education and social mobility. You are wasting their talents and their dreams, and punishing them because of a situation they find themselves in through no fault of their own, punishing them for a choice they did not make.

When you are considering this bill, I urge you to remember that an uneducated person is more likely to be a drain on society, more likely to end up in prison and more likely to take advantage of public benefits, while an educated person gives back to the community.

Unlike most undocumented students, I was able to go to college, and I'm here today as a college graduate. And I would not sit here before you today if I had not gone to college, because a college education has given me opportunities and opened doors for me. It has allowed me to plan for my future, allowed me to have a future and see that there is a future for me, allowed me to see that my life is not a waste, that there is a place for me in Connecticut as a contributing member of society, despite my status. This is because Education is key to social mobility and advancement.

Further, Governor Bill 1011, which reorganizes the state's higher education system, explicitly says that the state's higher education strategic plan shall "improve access to higher education for minorities and nontraditional students, including, but not limited to, part-time students, incumbent workers, adult learners, former inmates and immigrants"

I urge you to support this narrow bill, which at its core is based on the principles of equality and meritocracy that this nation was founded upon.

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unitarian universalist
CONGREGATION OF DANBURY

Testimony of Lynn Taborsak
Social Action Committee
Unitarian Universalist Congregation of Danbury
on HB 6390, AAC Access to Postsecondary Education
March 15, 2011
Higher Education and Employment Advancement Committee

Senator Bye, Representative Willis and committee members. I am here to testify in support of HB 6390, An Act Concerning Access to Postsecondary Education and I will cut to the chase so that everyone who wishes to speak has the opportunity to be heard.

In 2008 our congregation went through a process to become a "New Sanctuary Congregation". We made a commitment to welcome and support the newest immigrants to our community regardless of their immigration status.

Danbury has a population of 80,000. It's the 7th largest city in Connecticut. According to census projections, Hispanic or Latino residents made up 25% of our population.

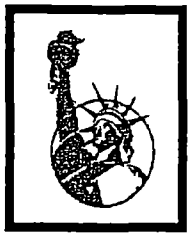
We have one of the state's largest public high schools, with just under 3000 students. 600 to 700 members of the Class of 2011 will graduate this June. Many of them will apply to Western Connecticut State University – a jewel of the state university system located in Danbury.

WestCONN will receive about six thousand applications for the 800 slots in its' freshman class. That won't change with passage of this bill. The application process is very competitive. Students are selected based on high school rank, SAT scores, high school grades and a written essay they submit with their application.

Danbury High graduates who are accepted at WestCONN through this competitive process are then separated into two groups. Those that will pay in-state tuition of $4451 a semester and those that will pay double that amount or $9634 a semester.

They aren't different at all. They are Danbury residents, residents of the state of Connecticut; they are capable, intelligent young people who will play an important role in our educated workforce and our state's economic future.

This bill is about fairness. Please give all of our qualified Connecticut students the same access to postsecondary education.



CONNECTICUT IMMIGRANT AND REFUGEE COALITION
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CIRC is a broad-based network of community agencies, religious groups, legal service providers and immigrant rights activists committed to protecting the rights and welfare of refugee and immigrant communities in the state

Testimony of Robert J. Fishman to the Committee on Higher Education and Employment Advancement on behalf of the Jewish Federation Association of Connecticut (JFACT) and the Connecticut Immigrant and Refugee Coalition (CIRC)

In support of House Bill 6390
March 15, 2011

Co- Chair Rep. Roberta Willis and Co-Chair Beth Bye, and members of the Higher Education and Employment Advancement Committee, I am Robert J. Fishman, President of the CT Immigrant and Refugee Coalition and the Executive Director of JFACT (Jewish Federation Assoc. of Ct.) Both of our boards of directors heartily support HB. 6390, An Act Concerning Access to Post Secondary Education, which will provide in-state tuition to Connecticut high school graduates who are undocumented and were brought to the United States by their parents.

Currently, Federal law states we should educate these children in our public schools through High School but is silent on post-secondary education. President Obama called for passage of the Dream Act in his recent State of the Union Address. The Dream Act would provide a legal pathway to citizenship for these students. Congress does not show the will or courage to enact legislation to assist these well-meaning children numbering about 65,000 across the U.S. In Connecticut, our flagship University of Connecticut has verified that it averages 2 students a year who fall into the category of undocumented immigrant youth who have spent at least 4 years in the Connecticut school system. Currently, these 2 students are paying out of state tuition and allowing them to pay in-state tuition will not change the percentage of tuition rates at UConn, which are 70% in-state and 30% out of state. Experience in the states that have passed in-state tuition bills suggests that such legislation does not deprive the states of the revenue from large numbers of students who would otherwise pay out-of-state tuition. Rather, it raises the percentage of high school graduates who pursue a college degree.

In the case of other schools in our State system, it is believed about another 65 or so would also benefit from in-state tuition and some others may feel more comfortable enrolling as they and their families can afford the lower costs of tuition. Do we really want to penalize this relatively small number of students from pursuing their dreams? We do know that immigrant children

whether documented or not, tend to stay in the state as they want to remain close to their families. These young immigrants are key to our ability to counteract the serious demographic challenges we face. We must raise the caliber of our work force through higher education to have a chance to maintain a strong economy. Each person who can attend college and obtain a professional job means one less drain on the social service budget of the state and an asset in terms of payment of taxes and the attraction to our state of high-wage employers seeking well-educated workers. Currently, only about 5 to 10 percent of undocumented youth who graduate from high school go on to college, compared with about 75 percent of their classmates, primarily because of the burden of financing their educations (National Immigrant Law Center, 2010).

For those who would support this initiative but still remain skeptical about how these students can ultimately become citizens, please realize that in addition to the changes that will come with Federal Immigration Reform, these young people will meet citizens in college and some will marry Americans, therefore making them eligible for naturalization.

The following 10 states have already passed similar legislation for in-state tuition – California, Texas, Utah, New York, Oklahoma, New Mexico, Kansas, Illinois, Washington and Nebraska. Maryland and Colorado are currently considering it. This bill is legal and does not violate federal law in any way. Courts have rejected challenges to similar bills enacted in other states.

We urge the committee to pass HB 6390 in order to give deserving Connecticut youth a chance to realize their dreams of higher education and a brighter future.

Higher Education and Employment Advancement Committee
Public Hearing, March 15, 2011

Testimony Submitted in Support of H.B. 6390: An Act Concerning Access to Postsecondary Education

Submitted by the Worker and Immigrant Rights Advocacy Clinic at Yale Law School, on behalf of the Connecticut Sponsoring Committee

Senator Bye and the Members of the Higher Education and Employment Advancement Committee:

We are members of the Worker and Immigrant Rights Advocacy Clinic at Yale Law, testifying today on behalf of the Connecticut Sponsoring Committee ("CSC"). The CSC has asked the Legal Services Organization at Yale to analyze the lawfulness of H.B. 6390, which would allow undocumented students who meet certain requirements to pay in-state tuition to attend Connecticut public colleges and universities. We conclude that this proposal is lawful, and that if passed, any legal challenge to the law would fail.

I. Legal challenges to similar bills in other states have failed

The issue of this bill's legality has already been litigated. The California Supreme Court ruled last year that an almost identical law was perfectly legal, and that law is in operation in California today.[1] In other states among the ten that have similar laws,[2] challenges to them have failed before any court has heard them on the merits.[3] We agree with the California Supreme Court and believe that if H.B. 6390 becomes law, any challenge to it would be rejected.

In the California Supreme Court case, that court addressed California's in-state tuition law, which is substantially the same as H.B. 6390. It requires that, in order to attend a public university at the in-state tuition rate, the student graduate from a high school in that state, and that the student have attended a high school there for a required time period—in California's case, three years, as opposed to H.B. 6390's proposed four.

In that case, the law's opponents claimed that the law was invalid because of preemption—the argument that the law illegally conflicted with a federal statute. Specifically, the opponents claimed that the California law violated a federal statute that prohibits unlawful aliens from receiving any postsecondary education benefits based on residence within a state unless citizens or nationals are also eligible for that benefit. They argued that most U.S. citizens who are not residents of the state have to pay out-of-state rates, and that allowing undocumented students who go to school in California to pay the in-state tuition rate created an illegal exemption to this rule. However, the California Supreme Court rejected this argument. The court pointed out that *anyone* who meets the requirements of the statute—not just undocumented immigrants—could benefit from in-state tuition, which means that the law did not create a special benefit just for undocumented students. Moreover, the court found that the bill's requirements were *different*

[1] Martinez v. Regents, 117 Cal. Rptr.3d 359 (Cal. 2010).
[2] States with similar laws include California, New Mexico, New York, Illinois, Kansas, Nebraska, Texas, Utah, Washington, and Wisconsin.
[3] *See, e.g.*, Day v. Bond, 500 F.3d 1127 (10th Cir. 2007) (rejecting challenge to Kansas bill for lack of standing).

from the more general requirements defining residency. Further, not all undocumented immigrants who would qualify for residency if not for their immigration status could receive the benefit. As such, this was not a benefit conferred based on residence, but rather an *exception* to the requirement that non-residents pay higher tuition fees. Therefore, the California law did not violate the federal statute.[4]

In its holding, the court strongly asserted that Congress has left room for a law that would give undocumented students access to in-state tuition rates. "If Congress had intended to prohibit states entirely from making unlawful aliens eligible for in-state tuition," the court noted, "it could have done so. ... But it did not do so."[5]

II. H.B. 6390 is not in conflict with any federal law

For the same reasons articulated by the California Supreme Court, the Connecticut in-state tuition proposal would likely survive any legal challenge based on federal preemption. H.B. 6390 does not conflict with either federal provision cited by opponents of the California law. It does not conflict with chapter 8, section 1623 of the United States Code,[6] which prohibits a state from making unlawful aliens eligible "on the basis of residence within a State" for a postsecondary education benefit, primarily because residence in Connecticut is not the only criterion used for granting in-state tuition. It does not conflict with chapter 8, section 1621 of the United States Code,[7] which prohibits undocumented individuals from being eligible for a state or local benefit unless a state law affirmatively provides for such eligibility, precisely because the legislature *is* affirmatively providing for eligibility through this bill.

The in-state tuition proposal will survive a challenge based on section 1623 primarily because it does not provide for in-state tuition merely "based on residence." In fact, just as in the case of the challenged California law, H.B. 6390 is both sufficiently over and under-inclusive to avoid conflicting with the language of section 1623. It is under-inclusive because not all undocumented students who reside in the state will be eligible for in-state tuition purposes. Unlike their documented peers who can establish domicile in this state after residing here for one year, undocumented students will still have to pass a number of additional hurdles, such as having completed at least four years of high school level education in this state, before being granted such in-state status. In this sense, the bill establishes that residing in Connecticut is necessary to gain in-state tuition status, but does not deem that to be a sufficient condition. As we have described, the California court found that a similar under-inclusiveness weighed in favor of the bill's validity under a section 1623 challenge[8]. Second, the bill is also slightly over-inclusive. It

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[4] *Martinez*, 117 Cal. Rptr.3d at 365 ("Because the exemption is given to all who have attended high school in California for at least three years (and meet the other requirements), and not all who have done so qualify as California residents for purposes of in-state tuition, and further because not all unlawful aliens who would qualify as residents but for their unlawful status are eligible for the exemption, we conclude the exemption is not based on residence in California. Rather, it is based on other criteria. Accordingly, section 68130.5 does not violate section 1623.").

[5] *Id.* at 370.

[6] 8 U.S.C. § 1623.

[7] 8 U.S.C. § 1621.

[8] *Id.* at 365.

provides a mechanism for some students with lawful immigration status to be classified as having in-state status despite not being able to establish domicile under Connecticut's existing law. For example, under Connecticut General Statutes section 10a-29(b), an unemancipated person will be deemed to have the domicile of his or her parent. Thus, for example, a boarding school student who resides in this state during her high school years but whose parents are domiciled outside of the state would not qualify for in-state tuition under existing law but could qualify if H.B. 6390 were passed. It is precisely this form of over- and under-inclusiveness that the California Supreme Court found fatal to the section 1623 challenge[9].

Furthermore, federal law does not otherwise preempt the in-state tuition proposal. In particular, chapter 8, section 1621 of the United States Code,[10] which requires a state to "affirmatively provide" for eligibility for a state or local public benefit granted to an undocumented individual. In this case, it is quite clear that if the legislature passes H.B. 6390, it will have affirmatively provided for an exception to the federal law's general prohibition on granting state and local benefits, and its intent will be reinforced through the bill's legislative history. Furthermore, the law's textual requirement of an affidavit, which specifically contemplates the enrollment of undocumented students at in-state tuition rates, provides additional evidence that the law "affirmatively provides" for such an exemption. The statute itself does not require state legislatures to reference the text of section 1621, although including such a textual reference would only add to the strength of the claim that this legislature is making use of section 1621's exemption.

The bill will also survive any challenge based on "field preemption"—the claim that Congress intended federal law to exclusively govern immigration, and that states therefore cannot regulate law in this area in any way. However, as the Supreme Court has clarified,[11] a state statute that touches on immigration issues is preempted only if it can be deemed a "regulation of immigration," i.e., "a determination of who should or should not be admitted into the country, and the conditions under which a legal entrant may remain." This bill clearly does not attempt to determine who should be admitted into the country. Therefore, like the potential challenges based on specific federal statutes, any challenge based on field preemption would similarly fail.

III. Conclusion

In sum, we are confident that H.B. 6390 will withstand legal challenges and encourage the legislature to pass this bill.

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[9] Moreover, Michael Olivas, a professor at the University of Houston Law Center and an expert who has advised numerous states on similar laws, has argued that in-state tuition bills should survive a section 1623 challenge because eligibility for in-state tuition should be considered a status, not a benefit, for the purposes of that federal statute. However, no court has yet directly addressed such an argument. *See* Michael Olivas. *IIRIRA, The DREAM Act, and Undocumented College Student Residency*. 30 J.C. & U.L. 435, 454 (2004).

[10] 8 U.S.C. § 1621.

11 De Canas v. Bicas, 424 U.S. 351 (1976).

Barbara M. Schellenberg
38 Haviland Drive
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Testimony in support of H.B. 6390
AN ACT CONCERNING ACCESS TO HIGHER EDUCATION

Senator Bye, Representative Willis and other distinguished committee members, thank you for this opportunity to address H.B. 6390.

Thousands of Connecticut residents graduate from high schools each year, and many apply to Connecticut's public colleges and universities to continue their education. But some of our high school graduates are treated differently than the rest, despite the fact that they have demonstrated the ability and desire to continue their education. These are undocumented youth, many of whom have lived in Connecticut most of their lives, have distinguished themselves in our public schools as highly motivated and industrious individuals, and seek to continue their education so that they can serve as productive members of our communities. These students are forced to pay anywhere between two and three times their classmates' tuition rate. Since they are ineligible for financial aid, they must come up with the out-of-state tuition fees themselves. Unfortunately, for most of these students, the cost is prohibitive, and they are effectively denied access to our public colleges and universities.

H.B. 6390, "An Act Concerning Access to Higher Education," would provide the means for undocumented youth to continue their education. This bill would bridge the gap between the two groups of Connecticut students by allowing undocumented students to pay the same in-state tuition fees as their peers. This bill would provide the same access to undocumented students that our documented students currently have.

I have lived in Trumbull for over twenty years with my husband, and we raised our three children there. I am a member of Congregation Beth El in Fairfield and a leader in The Connecticut Sponsoring Committee. I am also a member of the Connecticut bar and a practicing attorney in Bridgeport. I submit this testimony to let you know that I feel education of all our youth is essential to laying the foundation for a healthy and prosperous society. My values also compel me to challenge injustice and discrimination. H.B. 6390 would correct an inequity in our higher education system by providing equal access for all of our Connecticut students who demonstrate academic merit. I strongly urge you to support this bill.

Barbara Schellenberg

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TESTIMONY on HB 6390
An Act Concerning Access to Postsecondary Education
March 15, 2011

My name is Terry Freeman. I have lived in New Haven over 40 years, working as a high school teacher, and later as a social worker. My current position is Director of Adolescent Programs at The Consultation Center, where my work include training, consultation, and program development for youth programs around the state.

In my work, in my neighborhood of Fair Haven, and in my parish church, St. Rose of Lima, I have met and come to know well a number of immigrant students who would benefit from HB 6390.

These students are academically equal (and sometimes better) than their peers. They are proficient in English, and are outstanding students, taking Advanced Placement courses, studying for the SATs, working hard to get good grades. They play sports, join dance groups, tutor younger children for community service, help their parents at home, and teach catechism at their church. Their teachers and their schools recommend them for college study, and their parents value education and back it up with huge sacrifices. In short, they are not very different from American-born students who want to continue their education.

Many people who know them have encouraged these students to continue their education, but since they are ineligible for federal loans and grants, out-of-state tuition is a huge obstacle at Connecticut's public colleges and universities. They are not asking for scholarships, but only for access to the same tuition rate charged of their classmates.

These students are academically qualified to attend college. They are fully bilingual, they live here, and they think of Connecticut as their home. They desperately want to continue their education. There is room for them in our colleges, we are told. Connecticut needs an educated population, and they have SO MUCH to contribute. I believe it would be wrong to waste their talents, and believe that this bill will be good for all of us.

Please consider these arguments carefully, and vote yes on HB 6390.

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Senior Legislative Secretary
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Testimony of the Latino and Puerto Rican Affairs Commission in support of the Governor's Bill 6390, "An Act Concerning Access to Post Secondary Education" ~ Tuesday, March 15, 2011 11:00 A.M.
Legislative Office Building, Hartford, CT

"It is essential in today's society to provide opportunities for people to work hard in order to continue the process of maintaining diligent work ethic."
--Isaias T. Diaz, Chairman of the LPRAC

Good morning madam Co-Chairs Bye, Willis and members of the Higher Education Committee. My name is Werner Oyanadel, Acting Executive Director of the Latino and Puerto Rican Affairs Commission. I am here today to speak in support of the Governor's Bill 6390, "*An Act Concerning Access to Post Secondary Education.*"

The legislation before your committee today provides in-state tuition status to certain students that have attended a Connecticut high school for at least four years, graduated from high school and have been accepted at a higher education institution in our state. Students also would be required to file an affidavit with their school stating that they are seeking legal status or will in the future if they become eligible. Please keep in mind that these requirements for immigrant students are much stricter than the residency requirements for out-of-state students to gain in-state tuition. The intent of this program is to help children who were brought up here by their parents as infants without immigration

papers, grown up in our state and already received an education in Connecticut to have equal access to higher education.

Ten states have already enacted similar legislation to allow long-term immigrant students to become eligible for in-state tuition if they meet certain requirements as listed herewith such as California, Illinois, Kansas, Nebraska, New Mexico, New York, Texas, Utah, Washington, and Wisconsin.

For the record, any child, regardless of immigration status has a right to attend public schools – both primary and secondary education – under a 1982 Supreme Court decision called Plyler v. Doe. The justices, according to Thomas A. Saenz, President of the Mexican and Legal Education Fund (MALDEF) "*[R]ecognized that we as a nation would depend on the contributions of these students regardless of their status toward our future economy.*" This proposal before you today is an extension of that reasoning as Mr. Saenz so eloquently stated and "*therefore a reflection of the strong national constitutional values of equal protection that are embedded [in Plyler v. Doe].*"

You may ask yourself, how much will this bill impact the state budget? This proposal may have a positive impact to our budget considering that many of these students, who are able to get in higher education, do not attend college because they cannot afford

the out-of-state tuition, which can be three times the cost per year more than in-state tuition. The increase in enrollment at community colleges is a potential revenue gain and considering that community colleges do not have a cap on enrollment they will not be replacing out-of state students.

I must tell you that I am delighted that this bill is having a public hearing on such an important issue of equity and fairness. A pluralistic rich and vibrant democracy depends of an informed and engaged citizenry. Democracy in Connecticut is very much alive as evidenced by the turnout here today. These students are currently being accepted to college on their own merits, this bill would not change that; these students are not asking for "free tuition"; this bill would not change that; these students are not asking for financial aid, and this bill would certainly not change that. All they are asking for equal access to higher education so that they may continue to contribute to our society and our economy.

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OFFICE OF THE MAYOR

165 CHURCH STREET • NEW HAVEN • CONNECTICUT 06510

JOHN DEFSTEFANO, JR.
Mayor

The vision of New Haven's children is our city's greatest resource

Mayor John DeStefano Jr., City of New Haven
Testimony in support of Governor's Bill 6390
An Act Concerning Access to Postsecondary Education
Higher Education and Employment Advancement Committee
March 15, 2011

Chairman Bye, Chairman Willis, My name is John DeStefano. I am the Mayor of the City of New Haven. Thank you for the opportunity to testify on behalf of Governor's Bill No. 6390: An Act Concerning Access to Postsecondary Education.

Today, many of us wonder what kind of world will emerge from this recession. And although this recession continues to challenge us, Connecticut can best position itself to win the future and set a course for economic growth and wealth creation by removing barriers and providing better access to higher education for all our kids- native born and immigrant because in our increasingly knowledge based economy the muscle in our heads is much more important the muscles in our backs.

The New Haven my grandparents came to almost exactly 100 years ago experienced its greatest period of population and economic growth. That immigration fueled growing populations and resulted in more new workers to meet labor market demands and heightened entrepreneurial innovation. According to the U.S. Census Bureau, Connecticut has a fast growing population of aging Baby Boomers. Between 2000 and 2030 retirees are expected to grow by 69 percent and a comparatively small number of young U.S.-born workers are available to replace them in the workforce. But the immigrant population is growing quickly and is expected to boost the number of young, employable adults.

Immigrants that come to this country are hard workers, entrepreneurs that create jobs. It is worth noting that in America between 1990 and 2005 immigrants started 1/4 of all venture backed companies.

Frankly New Haven and Connecticut benefit from the restrictive immigration policies of other nations. Population growth is essential to wealth creation, and in New Haven and in America; immigration has consistently driven that growth over our history. Countries that have stagnated, have by and large failed to integrate newcomers into their society and workforce. Connecticut and America are at their best when they are open and welcoming.

Immigration grows economies. It does not subtract from them. Entering as we are an increasingly complex knowledge based, globalized world the smart public policy makers will align our policies, communities and institutions to that future. And immigration has been, is and will be a big part of determining who the winners and losers of the future.

Our country is not a perfect place but the great thing about America is that we have always striven to make itself more perfect over time by relying on traditional values of hard work and good behavior. By tearing down barriers to education, Connecticut can position itself to best compete in a 21st century. This bill has my full support. Thank you for the opportunity to be here today.

Testimony by Louise H. Feroe
Acting Chancellor, Connecticut State University System
Before the
Higher Education and Employment Advancement Committee
March 15, 2011

Senator Bye, Representative Willis and members of the Higher Education and Employment Advancement Committee. For the record, my name is Louise Feroe and I am Acting Chancellor of the Connecticut State University System. I would like to comment briefly and share my views regarding House Bill 6390, *An Act Concerning Access to Postsecondary Education.*

As the Committee is aware, in Connecticut's high schools there are currently highly motivated, highly capable and incredibly talented individuals who, generally through no fault of their own, lack legal status in this country. Quite often, these young people have been attending our public schools for many years, having been brought here as youngsters, or as infants. They have advanced through our local schools and been a part of our communities. And quite often, these young people have already contributed to the quality of life and economic vitality of our state.

Understandably, a college education is a goal for these young people, as it is for their classmates. It is a goal that is financially challenging and at the same time academically attainable for many, but because current state law does not clearly permit them to qualify for in-state tuition, such an option can fall beyond their reach.

I understand that there are many factors to consider in evaluating the potential benefits of such a policy, but I believe the plusses outweigh the minusses. I also recognize that there are fundamental legal issues that must be carefully considered. From my perspective, however, I see students who can excel in higher education, and whose talents and expertise can greatly benefit the State of Connecticut for years to come.

In my view, students who have completed four years of high school in Connecticut, and have graduated from a high school here, should be provided an opportunity to access higher education at in-state tuition levels. Because we all understand that the difference between in-state and out-of-state tuition for these young people is often the difference between going to college or not, such a policy is the right thing to do.

Simply put, it is my view that these Connecticut high school students should be permitted to qualify for in-state tuition, and thereby share with their classmates – many of whom they've attended school with since grade school – the realistic opportunity to pursue their education, earn a degree, and contribute to their state.

Thank you very much.

State of Connecticut

HOUSE OF REPRESENTATIVES
STATE CAPITOL
HARTFORD, CONNECTICUT 06106-1591

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LEGISLATIVE MANAGEMENT COMMITTEE

Testimony on HB 6390
An Act Concerning Access to Postsecondary Education
Higher Education Committee Public Hearing
March 15, 2011

Senators Bye, LeBeau and Boucher; Representatives Willis, Candelaria and LeGeyt; and the honorable members of the Higher Education Committee:

The Governor's bill to provide in-state tuition for illegal immigrants not only serves as a major distraction from our budgeting needs, but it is based on bad public policy. Regardless of how one feels about the issue of illegal immigrants, this bill has fatal flaws from inception. If Connecticut chooses to codify giving in-state tuition rates to illegal immigrants, under federal law, the state is exposed to being required to give all non-residents in-state tuition rates. Under current policy, it is my understanding that state institutions do not verify citizenship. Therefore, a student graduating from a Connecticut high school is already entitled to in-state tuition rates.

Federal Law Title 8, Chapter 14, Sec. 1623 states: "an alien who is not lawfully present in the United States shall not be eligible on the basis of residence within a State... for any postsecondary education benefit unless a citizen or national of the United States is eligible for such a benefit." Connecticut taxpayers invest dearly in our educational system by being one of the highest per capita taxpayers in the country. This law not only proposes to give tax subsidies to individuals who are not legally able to pay taxes, but exposes Connecticut to higher education costs by reducing tuition rates for anyone that chooses to go to a Connecticut school. The bill will cost us millions in lost tuition revenue if any out-of-state citizen chose to challenge this law. Currently, no court in this state or 2nd Federal Circuit has ruled on this issue, and Connecticut is certainly in no fiscal condition to afford such a risk.

This bill requires that these illegal immigrants make a good faith effort to become legal United States citizens by requiring that an affidavit be submitted with the application. By requiring this, proponents argue that the state would be investing in a future workforce for Connecticut employers. This argument, however, fails to recognize that any person in the United States illegally is foreclosed from applying for citizenship under federal law and would be subject to deportation. If these individuals cannot gain citizenship, they cannot seek gainful, legal employment within the United States, let alone Connecticut. By passing this bill, you are investing in a future workforce, not for Connecticut, but for some other country.

In January when the General Assembly was sworn into office, we took an oath to uphold the laws of the State of Connecticut and the United States. Offering in-state tuition to illegal immigrants flies in the face of federal law and demonstrates a willingness to recklessly gamble our tax dollars. These bills that encourage illegal immigration to Connecticut is stripping us of our financial check valve, opening up the faucet, and filling the catch basin with more uncontrolled expenses and liabilities. At what point does a budget crisis become so severe that we, as lawmakers, stop spending tax dollars on social experiments and begin to tackle the budget crisis? These types of proposals merely serve to take our eye off the ball and fail to address the real problems. Lawmakers have a moral obligation to provide a balanced budget and I hope this committee would reject this proposal.

Respectfully submitted,

Vincent J. Candelora

Vincent J. Candelora
Deputy House Republican Leader

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SENATOR MARTIN M. LOONEY
MAJORITY LEADER

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March 15, 2011

Good Morning Senator Bye, Representative Willis and Members of the Higher Education and Employment Advancement Committee. I am here to testify in support of H.B. 6390 AN ACT CONCERNING ACCESS TO POSTSECONDARY EDUCATION. This proposal would allow the children of undocumented immigrants to attend state institutions of higher education at the in-state tuition rate IF the children have attended school in Connecticut and have graduated from a Connecticut high school.

These children do not qualify for any financial aid. This proposal does NOT provide them with financial aid; it simply sets their tuition at the rate that applies to all other state residents. Its benefits to our state include strengthening the labor market by slowing the rate of loss of talented workers and increasing the number of taxpayers, thus reducing the overall burden on families. Students with degrees from public universities and colleges are more likely to build careers in Connecticut.

In 2007, the General Assembly approved a similar bill which was, unfortunately vetoed by the then governor. I have remained committed to passing legislation to make higher education more affordable for high-achieving young people who often have no memory of life anywhere but Connecticut and whose education has been in our schools.

Ultimately, the most compelling reason to expand opportunity for all Connecticut high school graduates is fairness. Children who were brought to the U.S. by their parents should not be penalized for something over which they had no control. Many of these students have lived in our state for virtually their entire lives; they are our neighbors and our children's friends and classmates. They are also a significant part of Connecticut's future.

Beyond the fairness and compassion argument, there is a pragmatic economic reason for Connecticut to pass this legislation: those with degrees from public universities and colleges are more likely to build careers in Connecticut. Connecticut has had an above average out-migration of young people (ages 18-34). It is widely accepted that university attendance in a particular state increases the likelihood that students will remain in that state upon graduation. However, the cost of attending Connecticut's public colleges and universities has been increasing dramatically.

Reducing costs naturally means that more young people have the opportunity to attend college and succeed. Terri Carbaugh, the Vice Chancellor of the California Community College system, stated that "The higher the number of degree-holders living in our state, the more likely we are to meet future workforce demands." She is correct; we must do all we can to create a workforce that is attractive to businesses. California is one of the states which already has a law similar to what is being proposed for Connecticut. These states are California, Illinois, Kansas, Nebraska, New Mexico, New York, Texas, Utah, Washington, and Wisconsin.

College graduates generally pay much more in taxes than those without degrees and they are six times more likely to have a job. In addition, the jobs tend to be higher paying for the college educated, who are less likely to commit crimes or seek government assistance of any kind. This legislation will increase the number of future taxpayers, thus reducing the overall burden on families.

The failure of Connecticut to have uniform tuition for residents drives away some of the brightest students. Successful colleges are economic multipliers for communities, attracting federal research dollars and jobs with good pay. We would all gain if Connecticut's public universities had the recruiting tools necessary to compete with any college in the world.

The most common argument against the proposal is that, while it may help the economy in the future, its immediate costs are excessive. However, if this bill has any impact on the state budget at all, it is likely to be a positive one. Many of these students, who would be accepted into the public university system do not attend college because they cannot afford the additional $10,000 for out-of-state tuition. The increase in enrollment could be of great financial benefit to the currently under enrolled Connecticut State University system.

Thank you for hearing this legislation of extraordinary importance.

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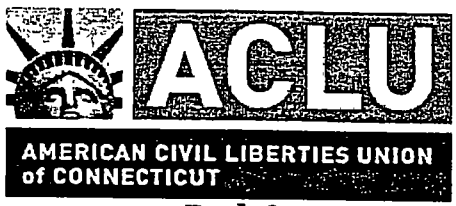

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To: Higher Education and Employment Advancement Committee Members

From: David McGuire, Staff Attorney

Written Testimony Supporting Governor's Bill No. 6390

An Act Concerning Access to Postsecondary Education

Good afternoon Senator Bye, Representative Willis and members of the Higher Education and Employment Advancement Committee. My name is David McGuire. As the Staff Attorney for the ACLU of Connecticut, I am here to support Governor's Bill No. 6390, An Act Concerning Access to Postsecondary Education.

The ACLU-CT has consistently protected the rights of immigrants by ensuring equal protection and fairness under our laws. To this end, the ACLU-CT supports this bill because it guarantees all Connecticut students, regardless of immigration status, the right to attend Connecticut institutions of higher education at an affordable rate.

Ten states[1] have enacted laws permitting all students who attended and graduated from an in-state public high school to pay the in-state tuition rate at public universities. By enacting equal education laws, these states chose not to penalize children who were brought to the U.S. at a young age by their parents. Significantly, these states have recognized that a well-educated population leads to increased earning potential and incomes that stimulate economic growth in their state economies. Equal education laws remove discriminatory economic impediments that often prevent undocumented high school graduates from pursuing higher education.

[1] California, Illinois, Kansas, Nebraska, New Mexico, New York, Texas, Utah, Washington and Wisconsin.

Many undocumented students educated in Connecticut K-12 public school system come from impoverished backgrounds and are not able to attend college without in-state tuition. Denying affordable higher education access to all Connecticut students is a failure to capitalize on Connecticut's investment in their K-12 education.

In analyzing Public Act No. 07-135, the 2007 version of this bill that Governor Rell vetoed, the Office of Fiscal Analysis reported that the Connecticut State University (CSU) and the Community-Technical College Systems (CTC) would potentially gain revenue if additional students chose to attend college as a result of lower tuition rates. The report found that CSU and CTC were not at full capacity and would not be replacing out-of-state students. This bill will create revenue for Connecticut's colleges.

The ACLU-CT urges you to support Governor's Bill No. 6390, An Act Concerning Access to Postsecondary Education, because this bill is critical to achieving fundamental fairness in access to public higher education.

Testimony of Kelly Albuquerque DaRosa
March 15, 2011

In support of H.B. 6390 An Act Concerning Access to Postsecondary Education

Good Morning Members of the Higher Education and Employment Advancement Committee. My name is Kelly Albuquerque DaRosa. I am in support of the In-State Tuition Bill. As a resident of West Hartford and student I would personally like to thank Beth Bye for all her support. Also Beth if you could let Dr. Wilson know Kelly Albuquerque says hello, I was a former student of hers and a Conard graduate. I am a current graduate student at the Uconn School of Social Work and a Family Service Worker for a non-profit Head Start Program. I would also like to thank every committee member present here today for the opportunity to testify.

As an American Citizen born from an immigrant Portuguese family. I have witnessed the hard work and dedication that my parents made day in and day out to provide a better life for my brother and I so that we could live the American Dream. At a young age I realized the importance of pursuing an education and was the first in my family to not only graduate high school but also to go to college. I remember applying for financial aid at the college I was attending and being denied because my parents made too much. I felt saddened because I thought to myself how can my family afford this and I don't understand how I am not eligible. My parents are not wealthy and we live paycheck to paycheck. My parents did not let that stop them from helping me. Their dream for me was to have the opportunity to an education because unfortunately they were unable to have that for themselves. I remember my father telling me " don't worry Kelly we'll make it work, I want you and your brother to further your education so that you can have a better life, I don't want you to get stuck working in a factory like I do " From the age of 16, I worker three part-time jobs and made honors every semester. I was able to complete my bachelor's degree in 2 years while working part-time in a factory. It was a struggle and I was getting charged In-State Tuition. I was faced with the same obstacle when applying for graduate school but this time around I am a single mother of an 18 month old baby, without a husband due to the immigration process. If I am struggling and I am an American citizen being charged In-State tuition, I can not imagine these children from immigrant families, who unjustly are being charged Out-of State Tuition.

These families are not asking or looking for a free ride to college for their children. Instead their asking to be treated fairly. To these children and their families the state of Connecticut is home to them. For those of us who are parents we can agree that we want the very best for our children and want to see them succeed in life. As a Family Service Worker, I remember working with an undocumented mother. I asked her how I could assist her. She shared that she and her husband were grateful that her son was receiving an education through our head start program but then she began to cry. I asked why she was crying and she stated "all I want for my son is that he gets the education I was not able to and is able to live a better life, yet I fear the day that I have to tell him he cannot go to college because he was not born here and I don't know if we will be able to afford it". I remember fighting back my tears because all I could think about is looking at

my baby girl and telling her that she could not further pursue her education. Could you bring yourselves to tell your children that? We should not judge theses individuals motives for coming to the United States until we ourselves have walked in there shoes. Although these families are aware that due to their status they are being charged out of state tuition they accept this injustice because they want to allow their children the opportunity to further their education. Martin Luther King Jr describes this when he stated " One who breaks an unjust law that conscience tells him is unjust, and who willingly accepts the penalty of imprisonment in order to arouse the conscience of the community over its injustice, is in reality expressing the highest respect for law. " All I ask is that you give these children an opportunity to a fair and just education by supporting the In-State Tuition Bill Our children are the future of our state and our country and they deserve a chance. Thank- you for your time and I end with another quote from Martin Luther King Jr "Life's most persistent and urgent question is, 'What are you doing for others?'

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Higher Education and Employment Advancement Committee
Public Hearing March 15, 2011

Testimony of Rev. Michael E. Carroll, Deacon
St. John's Parish, Waterbury, Connecticut
In Support of HB 6390
An Act concerning Access to Post Secondary Education

Respected Chairpersons and Distinguished Members of the Committee My name is Michael Carroll and I am here to today to relay the vigorous support of my parish in Waterbury for HB 6390.

Seven years ago our parish initiated a tutorial program for inner city youngsters to support literacy, math skills and combat the dropout rate which has historically impacted the lives of urban youngsters to an alarming extent. The program is staffed entirely by volunteers and serves any child who walks in the door on Saturday mornings. For the past seven years we have averaged 18 youngsters. During that time not one child has dropped out of school and there has been only one teen pregnancy among the children we serve.

I am here today to advocate for one of our participants who has resided in Waterbury for the past 15 years. She crossed the border at Tijuana in the arms of her parents as a three year old. Her school grades, Proficiency tests and Sats were should have qualified her for admission to any college to which she applied. She was admitted to none. Presently, she attends Naugatuck Valley Community Technical College. She would like to be a nurse, and is now working three part time jobs to afford the books and tuition. She is not eligible for any loans. Any hospital in Waterbury would be delighted to have a bilingual nurse on staff. As a retired senior clinical therapist in the Adolescent Behavioral Health Unit of Waterbury Hospital I have witnessed, first hand, the value of Spanish speaking medical personnel making important clinical contributions both in my own unit and in the Emergency Department. SB 40

The bill under consideration will provide relief to a number of our students who have challenged themselves during their high school years. As a subgroup, they have demonstrated that our urban high schools provide excellent preparation to youngsters intent on getting a good education.

Some of our higher achieving kids are the target of peer taunts at school for their commitment to excellence. They have been called "straight edge" or "goody-goodies" Such peer criticism has not deterred them. But high tuition bills will likely accomplish what peer taunts could not. They cannot attend schools that they cannot afford.

The people of our parish have contacted our senators and representatives in Washington to support efforts to reintroduce the Dream Act on the Federal level. In the meantime we look to you for a positive response on the state level. Excellence serves us all. Thank you.

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Esteemed Senators and Representatives:

We come to you today as people of faith in support of Proposed Governor's Bill 6390 and/or Senate Bill 40, the Connecticut DREAM Act, which would provide in-state tuition for children of undocumented immigrants. We do not come only because it makes sound economic sense to do everything we can to insure that all of Connecticut's workforce, both documented and undocumented, have the skills necessary to compete and be gainfully employed in the 21st century. We come most of all because the biblical witness compels us to speak out on behalf of the resident alien in our midst.

We feel compelled to make this statement because we know that immigrants, like all of us, are individuals of sacred worth made in God's image. The first man and woman, Adam and Eve, were cast out of the Garden of Eden to live an alien existence in a land that was not originally their own. We know that Abraham and Sarah—the father and mother of the nations--were immigrants. Moses was an immigrant in the land of Midian. He led the Israelites, who were immigrants in the land of Egypt, out of bondage. Ruth the Moabite, mother of the Davidic line, was an immigrant in ancient Israel. We know that David fled from Saul and became an immigrant among the Philistines. Esther, who went on to become Queen of all of Persia, was a Jew, the daughter of immigrants.

We know that Jesus was an immigrant in the land of Egypt as a young boy, and that his family eventually settled in Nazareth as immigrants to avoid persecution by Herod Archelaus in Judea. When Jesus became a man, he emigrated to Capernaum by Galilee. Jesus is known for saying, "[f]oxes have holes, and the birds of the air have nests, but the Son of Man has nowhere to lay his head." (Matthew 8:20)

The Hebrew Bible is overrun with laws and proscriptions to treat the resident alien within our midst as we would ourselves. Consistent throughout is the view that because the Hebrew people were once aliens in the land of Egypt, they should not oppress the resident alien (Exodus 22:21; Exodus 23:9). Exodus 23:9 reads: "You shall not oppress a resident alien; you know the heart of an alien, for you were aliens in the land of Egypt." I would ask you, as Senators and Representatives, if any of your forebears were once aliens in this land.

With respect to the legislation before you, the ancient authorities recognized a sort of Golden Rule. Leviticus 19:33-34 reads: "[33] When an alien resides with you in your land, you shall not oppress the alien. [34]The alien who resides with you shall be to you as the citizen among you; you shall love the alien as yourself, for you were aliens in the land of Egypt: I am the Lord your God." In all things, the Hebrews recognized aliens' equality before the law, as in Leviticus 24:22: "You shall have one law for the alien and the citizen: for I am the Lord your God."

In ancient Israel, there was a practice called gleaning. It meant leaving out spare sheaves of grain, not reaping to the very edges of one's field, and allowing fallen and left over grapes to be gathered for the benefit of the resident alien and the poor.(Leviticus 19:9-10[1], 23:22[2];

[1] "When you reap the harvest of your land, you shall not reap to the very edges of your field, or gather the gleanings of your harvest. You shall not strip your vineyard bare, or gather the fallen grapes of your vineyard; you shall leave them for the poor and the alien: I am the Lord your God."

Deuteronomy 24:19-22[3]). The modern economy does not always have fields in which to glean, *per se*. But this in-state tuition bill is a perfect example where modern-day gleanings can be made available for the alien in our midst.

We therefore ask and pray that you will give favorable consideration to Senate Bill 40.

Sincerely,

Ximena Diaz-Varas
Co-Chair, Immigration Task Force of the New York Annual Conference of The United Methodist Church
Derby, CT

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Prospect United Methodist Church
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Rev. Iwy Patel-Yatri
1790 Huntington Turnpike
Trumbull, CT 06611

Rev. Woodrow W. Eddins, Jr.
Simsbury UMC

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[2] "When you reap the harvest of your land, you shall not reap to the very edges of your field, or gather the gleanings of your harvest; you shall leave them for the poor and for the alien: I am the Lord your God."

[3] "When you reap your harvest in your field and forget a sheaf in the field, you shall not go back to get it; it shall be left for the alien, the orphan, and the widow, so that the Lord your God may bless you in all your undertakings. When you beat your olive trees, do not strip what is left; it shall be for the alien, the orphan, and the widow. When you gather the grapes of your vineyard, do not glean what is left; it shall be for the alien, the orphan, and the widow. Remember that you were a slave in the land of Egypt; therefore I am commanding you to do this."

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