

JOHN RUBIN
REPRESENTATIVE, 18TH DISTRICT
13603 W. 53RD ST.
SHAWNEE, KANSAS 66216
913-558-4967
rubinshaw@aol.com

ROOM 1515
STATE CAPITOL
TOPEKA, KANSAS 66612
785-296-7690
john.rubin@house.ks.gov



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**TESTIMONY BEFORE THE HOUSE EDUCATION COMMITTEE
IN SUPPORT OF HB 2139
FEBRUARY 24, 2015**

Chairman Highland and members of the House Education Committee:

I want to thank you for this opportunity to testify in strong support of HB 2139, for which I proudly serve as lead sponsor. This is a vitally important bill upholding the Constitution and laws of the United States, respecting and enforcing the rule of law in our state, and protecting the security our homeland and our citizens.

A nation that does not enforce its borders effectively has no borders. And a sovereign nation without borders will not long remain sovereign. Rather, it opens itself to assault from foreign enemies that imperils its citizens and threatens its foundation and its very existence. For proof that this is so, one need look no further than the recent terrorist attacks launched on the citizens of France by Islamic jihadists unrestrained by enforcement of French immigration laws.

Defying his oath to uphold and defend the Constitution of the United States, including its separation of powers between the executive and legislative branches, and disregarding the immigration laws of our country that he has sworn to enforce, the President -- through a series of executive actions that he himself has previously admitted on numerous occasions he was without legal authority to take -- has announced a policy of non-enforcement amounting to a grant of amnesty and eventual citizenship for over five million persons who broke our laws to immigrate here illegally. These lawless actions harm the economy and threaten the safety of our citizens.

But just because the President has taken these unlawful actions, that does not mean that we here in Kansas must acquiesce. Pursuant to Kansas sovereignty under the Tenth Amendment, and in furtherance of public safety and the rule of law, we still have final say on such clearly state functions and policies as who can obtain a Kansas driver's license or non-driver identification card, what business deductions can be taken on a state income tax return -- and who is and who is not entitled to receive Kansas taxpayer funded benefits, preferences or subsidies, such as the grant of in-state tuition to individuals who have come to our state illegally. HB 2139 exercises our right under the Tenth Amendment to have such say. It repeals taxpayer subsidized resident in-state tuition preferences at our colleges and universities for illegal aliens.

It makes no sense to promise our citizens that we will protect them by securing our borders and enforcing the rule of law on immigration, and then to turn around and reward those who flagrantly break these laws to come here with taxpayer benefits and subsidies. That kind of political schizophrenia only encourages others to flout our laws to come here, and thus will serve only to increase the numbers of illegal immigrants residing in our state. Such misguided policy is one reason why Kansas has in recent years become a veritable sanctuary state for illegal immigrants, harming our economy, draining taxpayer resources and claiming jobs at the expense of Kansas citizens *and legal émigrés*.

The grant of taxpayer subsidized instate tuition to illegal immigrants is also fundamentally unjust and unfair, not just to out-of-state citizens who must pay the much higher nonresident tuition rates to attend Kansas colleges and universities, but, even more, to those many *legal* immigrants, green card holders residing here, many of them Latinos -- and all of whom I greatly admire and respect -- who chafe at the notion that they have played by the rules, waited months, or often years, to come here, paid all taxes and fees, and complied with all our laws, only to find themselves in line *behind* illegal aliens in our state for everything from jobs and benefits to eventual citizenship. For this reason, among my most vocal constituents vigorously opposing the grant of Kansas taxpayer funded benefits for illegal aliens in my district are legal immigrants.

And one more thing, returning to the core principle of upholding and enforcing the rule of law in our state. Our current law granting instate tuition preferences to illegal immigrants actually violates existing federal law! The federal Welfare Reform Act of 1996, codified at 8 U.S.C. 1621, specifically states that an illegal alien “is not eligible for any State or local public benefit,” defined to include “postsecondary education...benefits for which payments or assistance are provided to an individual...by an agency of a State or local government or by appropriated funds of a State or local government.” This is a particularly ironic fact to me because, as a member of our House Veterans, Military and Homeland Security Committee, I recently voted to pass to the floor HB 2228 – now on General Orders below the line – which seeks to grant instate tuition at our colleges and universities to active duty military personnel, spouses and dependents regardless of their residency in Kansas, *as required by federal law, specifically the Veterans Access Choice and Accountability Act of 2014*. In short, under current Kansas law in place right now, we are violating federal law by granting taxpayer subsidized instate tuition benefits to illegal aliens who broke our nation’s laws to come here, while at the same time we are also violating federal law by refusing to grant instate tuition benefits to nonresident military personnel who have put their lives on the line for our country, and for their spouses and dependents! Quite the hypocritical double standard if you ask me, and it’s all in defiance of existing federal law.

In conclusion, I ask you to join me in standing strong for our Constitution, for respect for the rule of law in our state, for the protection of our citizens, and for fundamental fairness and justice, by voting for and supporting HB 2139, repealing taxpayer subsidized instate tuition for illegal aliens in Kansas.

Thank you, and I will be pleased to stand for questions.