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Government, Military and Veterans Affairs Committee
April 05, 2011

[LR123 LR141]

The Committee on Government, Military and Veterans Affairs met at 9:30 a.m. on Tuesday, April 5, 2011, in Room 1507 of the State Capitol, Lincoln, Nebraska, for the purpose of conducting a public hearing on LR123 and LR141. Senators present: Bill Avery, Chairperson; Scott Price, Vice Chairperson; Lydia Brasch; Russ Karpisek; Paul Schumacher; and Kate Sullivan. Senators absent: Charlie Janssen; Rich Pahls.

SENATOR AVERY: Good morning. I'm going to go ahead and get started. It's right now just 9:30 because we have to convene the session in 30 minutes. My name is Bill Avery. This is the Government, Military, and Veterans Affairs Committee. We are convening today to hear two resolutions. These are posted outside the door. And we'll follow the order as they are listed there. Before I start, let me introduce the members of the committee. I'll be introducing some empty seats it looks like. Senator Rich Pahls from Millard, who may be here later. Senator Lydia Brasch from Bancroft. Charlie Janssen from Fremont, I think, may not be here today because he's running late. And the Vice Chair of the committee, Senator Scott Price from Bellevue. On my immediate right is the legal counsel of the committee, Christy Abraham. Senator Russ Karpisek, I think, will be here pretty soon, he's from Wilber. And seated next to him is Senator Kate Sullivan from Cedar Rapids. And then Senator Paul Schumacher from Columbus. The committee clerk is Sherry Shaffer and she will be handling the paperwork. If you are testifying for or against any of these resolutions, we want you to fill out this form. They are available at each entrance on the table; and please print the information requested. If you are not planning to testify, but wish to be recorded for or against any of these, then fill out this form and they are also available on the tables. We're going to use the light system because we don't have a lot of time, and it's going to be on a three-minute timer. That means when the green light is on you have two minutes; and when the amber light comes on you get one more minute, and then by the time the red light comes on we ask you to be winding down your testimony, if not finished. If you have any material you'd like for us to look at, and anything that we can keep, please provide us with copies. If you don't have 12 copies, the page will get them for you. Let me introduce the page, Andrew Stilmock from Lincoln, who is our page for the day, will be helping us out. If you have any cell phones on, please turn them off. Any electronic equipment that makes noise, turn that off as well. Now, everything having been said, let's start the hearing with Senator Cornett on LR123. Welcome, Senator.

SENATOR CORNETT: (Exhibit 1) Thank you, Senator Avery. Good morning, Chairman Avery, and members of the Government, Military, and Veterans Affairs Committee. My name is Abbie Cornett, A-b-b-i-e C-o-r-n-e-t-t and I represent the 45th Legislative District. I'm here this morning to open on LR123 which would express the Legislature's support of the Government of Taiwan's interest in joining the International Civil Aviation Organization, ICAO, and the United Nations Convention on Climate Change, UNFCCC, in both as observer status only. In the interest of time, I'm having a letter handed out

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Government, Military and Veterans Affairs Committee
April 05, 2011

from the government of Taiwan on how they have partnered with the United States and particularly with the state of Nebraska over the years. Following me will be someone representing the Taipei Economic and Cultural Offices of Kansas City who will provide more information, also provided to you...with the letter from General Director Liu of the Taipei Economic and Cultural Office of Kansas City which outlines the relationships that I've already spoken of, as well as some of the Director Liu's own words as why they are requesting this resolution. An article by Mao Chi-kuo, Minister of Transportation and Communications of Taiwan, regarding why he would like to see Taiwan as part of the ICAO, and a list of countries currently participating, and a short overview of how the ICAO is structured. With that I'll be happy to answer any questions, and in the interest of time I will also waive closing. [LR123]

SENATOR AVERY: Thank you, Senator. Questions from the committee. Senator Schumacher. [LR123]

SENATOR SCHUMACHER: What is the position of the People's Republic on this? [LR123]

SENATOR CORNETT: The People's Republic of China has always been opposed to any recognition of Taiwan status. This simply recognizes them as an observer, not as a voting member. [LR123]

SENATOR SCHUMACHER: Is there any estimates on how the People's Republic would respond to agricultural overtures made to them by Nebraska? If Nebraska were to pass this, would they be disinclined to deal with us on our farm products? [LR123]

SENATOR CORNETT: I doubt that. The Kansas Legislature and the South Dakota Legislature have passed both similar resolutions this year, I believe, and both are also trade partners. [LR123]

SENATOR SCHUMACHER: Would we gain any competitive advantage by being different from them? [LR123]

SENATOR CORNETT: I don't believe so, because we import different things. The Dakotas tend to import wheat. [LR123]

SENATOR SCHUMACHER: I'm looking at exports. [LR123]

SENATOR CORNETT: No, I know, but...I'm sorry; they export wheat. I went with the Speaker of the House from Kansas, South Dakota, North Dakota, and Missouri last year on an exchange trip with Taiwan. And I know that most of them have introduced similar legislation...or resolutions, pardon me. [LR123]

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office
Government, Military and Veterans Affairs Committee
April 05, 2011

SENATOR AVERY: Senator Price. [LR123]

SENATOR PRICE: Thank you, Chairman, and I'll be brief. As you know, I have an Air Force background, so when you talk about the ICAO, and when you talk about the climate of change, my question would be on the climate change and the different machinations we see there, how does this enable or change things within climate change? [LR123]

SENATOR CORNETT: It just allows them to be an observer of what goes on with the climate change, that's it. [LR123]

SENATOR PRICE: Okay, thank you. [LR123]

SENATOR AVERY: Any more questions? Don't see any. Thank you. [LR123]

SENATOR CORNETT: Thank you. [LR123]

SENATOR AVERY: Proponent testimony. Welcome, Mr. Beermann. [LR123]

ALLEN J. BEERMANN: (Exhibit 2) Thank you. Chairman Avery, members of the committee, my name is Allen J. Beermann, A-l-l-e-n B-e-e-r-m-a-n-n and I reside at 4730 A Street, Lincoln, Nebraska. I'm not a registered lobbyist for, nor am I an agent for the Republic of China, Taiwan. I'm just a citizen who has had a long history of interaction with the Republic of China. They are the sixth largest trading partner for Nebraska. I'm talking mainly about the observer status in terms of flight regulations and flight safety. We have numerous trade delegations including our governmental officials, state senators, our governors. Our agricultural representatives frequently fly in and out of Taiwan, as especially international Chiang Kai Shek International Airport. By Taiwan having the opportunity for a status of observer is extremely important. There cannot be a gap in international safety between and among countries. We simply must do this for the safety of all concerned. I also brought along, Mr. Chairman, with your permission, the original sister state agreements for the state of Nebraska with the Republic of China, Taiwan. I don't know if any members of this committee have ever seen these, but I'll pass them around for you to take a look at because they are kind of interesting and if you want to see what our sister state agreement looks like. I've also reduced my testimony to writing in a 2-page letter that I have recently written to Raymond Benjamin who is the Secretary General for the International Civic Aviation Organization outlining the reasons why I believe we should grant observer status. And by the resolution from the Legislature, it would help encourage that this be done so that everyone can be included in international safety. There's over a million flights that go in and out of Taiwan every year; and so it's important that we have safety, because some of these are transit flights and just moving through. And in answer to the question that Senator Schumacher asked earlier, I don't believe there would be any sanctions by Mainland China because

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Government, Military and Veterans Affairs Committee
April 05, 2011

in other categories such as health, we already do have observer status, that is the Republic of China, our sister state. [LR123]

SENATOR AVERY: Thank you, Mr. Beermann. Questions from the committee. I don't see any. I suppose you want these back, don't you? [LR123]

ALLEN J. BEERMANN: I better have those back. (Laughter) But they're interesting to look like and I can wait around for awhile until you have a chance to at least look at them and know that you've seen them. [LR123]

SENATOR AVERY: Okay, thank you. [LR123]

SENATOR SCHUMACHER: What are the dates of those? [LR123]

ALLEN J. BEERMANN: 1977. Bob Kerrey was Governor. And I was the Signatory in China with the Lieutenant Governor and... [LR123]

SENATOR SCHUMACHER: 1977? [LR123]

SENATOR AVERY: Minor correction. He was not Governor until '82. [LR123]

ALLEN J. BEERMANN: I mean, did I say '77? [LR123]

SENATOR AVERY: '83. [LR123]

ALLEN J. BEERMANN: 1983 was the date of the... [LR123]

SENATOR AVERY: But '77 was the resolution that was passed. [LR123]

ALLEN J. BEERMANN: Right. [LR123]

SENATOR AVERY: Thank you. [LR123]

ALLEN J. BEERMANN: Thank you. [LR123]

SENATOR AVERY: Additional proponent testimony. Good morning. [LR123]

PETE McClymont: (Exhibit 3) Good morning. Chairman Avery and members of the Government, Military, and Veterans Affairs Committee. For the record my name is Pete McClymont, P-e-t-e M-c-C-l-y-m-o-n-t. I'm vice president of legislative affairs for the Nebraska Cattlemen and I've submitted written testimony. And to be brief, our interest in LR123 is not only support of the resolution, but also the importance of Taiwan to the state of Nebraska in beef producers. Taiwan as recently as in 2010 is the sixth largest

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Government, Military and Veterans Affairs Committee
April 05, 2011

importer of Nebraska beef. In 2006 we were the third largest, so it's a very important market for Nebraska beef producers. As I state in my written testimony, to continue the sound and critical trading relationship between Taiwan and Nebraska, it is the hope of the membership of Nebraska Cattlemen that continued market access is based on scientific protocol, not reactionary opinions. Science-based decisions are the evidence to base fair and equitable decisions for long-term relationships. So because the time is short here today, I'll conclude my testimony and be happy to answer your questions, Chairman. [LR123]

SENATOR AVERY: Isn't it true that Taiwan is currently boycotting American beef? [LR123]

PETE McClymont: And that's the reason for my testimony. It is not a full boycott. There is a compound that is fed that has been approved by USDA for over 20 years. And there seems to be a question in whether that compound is what the Taiwanese government wants. So that's why we're continuing to work with our national relationship and want that information known to the committee. [LR123]

SENATOR AVERY: Any questions? Senator Sullivan. [LR123]

SENATOR SULLIVAN: Thank you, Senator Avery. Thank you, Pete, Mr. McClymont. I probably should have asked this question earlier. What's the significance of this resolution that several other states potentially are signing and will it carry weight in terms of eventually having Taiwan be able to be an observer? Do you have any idea? [LR123]

PETE McClymont: To the actual resolution, I think our support is just, obviously, for the long and continued relationship that we've had. So if this helps them be further recognized governmentally within the international community, that's terrific. All my testimony is here to affirm that, but also to state that we just want to be treated fairly in the international place, for instance BSC, when that came about, the OIE is, basically, the international body that referees those decisions. And so we would hope that that same fairness be in place. So if it enhances our relationship with Taiwan in this resolution, but yet they understand that we're watching them and their actions and activities towards our beef producers in Nebraska. [LR123]

SENATOR SULLIVAN: Thank you. [LR123]

SENATOR AVERY: Senator Schumacher. [LR123]

SENATOR SCHUMACHER: So right now the Taiwanese aren't buying that much of our beef? [LR123]

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Government, Military and Veterans Affairs Committee
April 05, 2011

PETE McCLYMONT: From the recent USDA, we're sixth. They are sixth best trading partner behind Mexico, Canada, Japan, South Korea, and Vietnam. So from...after...when BSC was found in our herd in 2004, obviously all of our numbers have declined in terms of exports. But they're slowly coming back. [LR123]

SENATOR SCHUMACHER: Is the People's Republic a larger market? [LR123]

PETE McCLYMONT: Yes. And that's somewhat difficult because there seems to be, from what we can verify from the U.S. Meat Export Federation, there's a lot of beef that's going in through Vietnam and Hong Kong and making its way to the Mainland China. As Senator Cornett shared with me, Taiwan has bought beef by state, by name, as desired. It is a big deal. The Department of Agriculture for Nebraska has worked very hard to enhance market share in Taiwan for Nebraska. [LR123]

SENATOR SCHUMACHER: With the People's Republic being a significant larger market and us in an international competition with access to that market with the countries like Brazil, you guys done any studies as to what impact a rather minor resolution might have on the attitude of the government in Beijing toward being friendly with us in future beef deals? [LR123]

PETE McCLYMONT: Great question, Senator. My discussions with our lobbyist for the National Cattlemen Beef Association said that in their opinion this will not make a difference, hence our support of the LR123. [LR123]

SENATOR SCHUMACHER: I have no further questions. [LR123]

SENATOR AVERY: Any other questions from the committee? I don't see any. Thank you. [LR123]

PETE McCLYMONT: Thank you, Chairman. [LR123]

SENATOR AVERY: Any other proponent testimony? Any opponent testimony? Anyone wish to testify in a neutral position? All right, that closes the hearing on LR123. We'll move to the next item on the agenda, LR141 and invite Senator Price to the table. [LR123]

SENATOR PRICE: (Exhibits 1 and 2) Thank you, Chairman Avery. Members of the Government, Military and Veterans Affairs Committee, my name is Scott Price, that's S-c-o-t-t P-r-i-c-e, I represent the 3rd Legislative District. And in the interest of time I will go through this rather quickly. There are a few people that would like to testify behind me and brevity is key here. LR141 designates the Honor and Remember Flag as the state of Nebraska's emblem of service and sacrifice by the brave men and women of the United States Armed Forces who have given their lives in the line of duty. LR141

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Government, Military and Veterans Affairs Committee
April 05, 2011

also urges Congress to pass H.R.546 which designate the Honor and Remember Flag, the official symbol of our country's concern and commitment to honoring and remembering all members of the Armed Forces who lost their lives in the line of duty. H.R.546 provides days of the year and memorials and other locations on or at which the flag shall be displayed. Six states, Virginia, North Carolina, Delaware, Oklahoma, and Utah have passed similar legislation and a dozen other states are considering adopting resolutions or laws designating the Honor and Remember Flag as the emblem of service by our Armed Forces. I have distributed a document containing a picture of the flag, as well as a document explaining the meanings of the symbols on the Honor and Remember Flag. Again, as I said, there are a few people here to testify. There's also a letter that I would like to have read into the record in case you didn't have it already from Pat Mracek; she is the president of the Nebraska Gold Star Mothers, an organization which represents the mothers of those who have been killed in action. And you can see from that, there's a very symbolic flag and it has a lot of meaning. And this is the first part of a two-part effort; we'll have the LR this year and next year we'll be introducing legislation to where...that would be enabling to have a flag flown at a state building, just as we had to do for the POW-MIA flag. And one of the concerns I had at first off when I heard this, obviously I want to support this, but I didn't want the flag pole at the Capitol or a state building start to look like the mast of a tall ship with multiple flags hanging off it. There's a credibility effort there. But I do know this, that there are two flag poles and I have pictures; there is a Web site for the Honor and Remember. You can see just how it is flown on a separate flag pole from the United States flag on the days they choose to fly the flag. So with that I'll close and answer any questions you might have. [LR141]

SENATOR AVERY: Thank you, Senator. Senator Schumacher. [LR141]

SENATOR SCHUMACHER: What impact will this have on the Vietnam MIA, Missing in Action, POW flag? [LR141]

SENATOR PRICE: POW flag...it will have no adverse action on this. It would be flown...it could be flown with it on that second flag pole. It can be flown at certain times as designated by the political subdivision flying it. [LR141]

SENATOR AVERY: Oh, Senator Brasch. [LR141]

SENATOR BRASCH: I'm working with constituents in our district right now trying to find funding to have the MIA flag flown across the Nebraska truck stops and public facilities. At this point, there is only availability for the Nebraska flag and the United States flag and I believe we're not flying any other flags with that due to cost. I've been told that flags must be traded out every three months. So we're working with veterans offices trying to facilitate some funding for that. Does this replace the MIA flag? I think every flag, the cost estimate was thirty-some dollars. And then needing to take them up and down every evening. We were told it was more complicated than we thought just getting

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Government, Military and Veterans Affairs Committee
April 05, 2011

an MIA flag with our other flags currently being flown. But we're working on it. So I'm kind of curious how this will affect that plan or if we're now looking at another flag. [LR141]

SENATOR PRICE: Senator Brasch, a good point there. First, let me dissect that. If you're dealing with a flag and what we're dealing with here is at the state level, at the state buildings and facilities like that, first of all, all the flags we pay for by private monies. The state is not on the hook for any of the flags; individuals and organizations have taken on that task. If you're talking about truck stops, we don't really have... [LR141]

SENATOR BRASCH: Not truck stops, rest stops. [LR141]

SENATOR PRICE: Rest stops okay, if you're going to do that, yes, there probably would be something that would have to be included, but this is an optional flag, not a mandatory flag. So if someone wants to do it at a rest stop, they want to do it like "Adopt-a-Highway," then they would have to come up with the ability to fund that. But again, what we're starting with here is the enabling legislation to even begin to have the conversation. [LR141]

SENATOR BRASCH: Thank you, Senator. [LR141]

SENATOR PRICE: Thank you. [LR141]

SENATOR BRASCH: Chairman. [LR141]

SENATOR AVERY: Any other questions? I don't see any. Thank you. [LR141]

SENATOR PRICE: Thank you. [LR141]

SENATOR AVERY: Proponent testimony. Good morning, welcome. [LR141]

RUSSELL E. KIRKPATRICK: Good morning, Chairman and members of the committee. My name is Russell E. Kirkpatrick, R-u-s-s-e-l-l, E as in Edward, Kirkpatrick, K-i-r-k-p-a-t-r-i-c-k. I'm a Vietnam era veteran, and I am the chairman for Honor and Remember here in Nebraska. And I'm here to answer any of your questions if you have them or I can make a statement if you wish. [LR141]

SENATOR AVERY: Thank you. Questions from the committee. I don't see any questions. Oh, you have one; Senator Karpisek. [LR141]

SENATOR KARPISEK: Well thank you, Senator Avery. Thank you. Well that's okay. I guess if you would maybe just want to answer Senator Brasch's question a little bit

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Government, Military and Veterans Affairs Committee
April 05, 2011

about the MIA. [LR141]

RUSSELL E. KIRKPATRICK: I'd be happy to. That's a wonderful question. The Honor and Remember Flag, Senator, is a different flag from the MIA flag or the POW flag. There's flags for every...just about every organization, businesses have them. The Honor and Remember Flag, along with our American flag is a flag for the family. This isn't a type of flag that is going to be flown at a rest stop or...like a public place. It could be held or flown at a public event if chose to be. It could be flown at our Capitol if it chose to be. But this flag is more along the lines to be given to a family member that has lost that man or woman to the family. The Gold Star Moms, Pat Mracek, which Senator Price just spoke of, her son died and she has that flag. This flag gives these families closure. It's just something to say that if on the day their son or daughter got killed, they can go out and they can raise that flag themselves and put it up there. I brought another member of mine that she can talk about, but we've had...there's conflicting stories between 96 and 98 members of the state of Nebraska that have died since Iraq. And a few of them are from the Vietnam War. But this is a different flag. [LR141]

SENATOR BRASCH: So this is...excuse me, thank you, Chairman. Thank you. [LR141]

SENATOR AVERY: Go ahead, you're recognized. [LR141]

SENATOR BRASCH: Sorry. Because we have been working really hard through several groups for the MIA flags, so this flag is, basically, a flag for a lost soldier, correct? [LR141]

RUSSELL E. KIRKPATRICK: Correct. [LR141]

SENATOR BRASCH: Okay. And so this flag... [LR141]

RUSSELL E. KIRKPATRICK: A fallen soldier. [LR141]

SENATOR BRASCH: A fallen soldier, a fallen soldier. So this flag would not be one to be at any of the rest stops or a memorial flag to those families specifically...with a fallen soldier? [LR141]

RUSSELL E. KIRKPATRICK: This flag does go specifically to that fallen soldier's family. [LR141]

SENATOR BRASCH: But there isn't an expectation to have this flying at the State Office Building or the Capitol or anything. [LR141]

RUSSELL E. KIRKPATRICK: Not unless possibly it's Veterans Day or something like

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office
Government, Military and Veterans Affairs Committee
April 05, 2011

that, then yes, it could be flown. But we're not asking for any special days, no. [LR141]

SENATOR BRASCH: No, and to have it at all our public...? [LR141]

RUSSELL E. KIRKPATRICK: No. No. [LR141]

SENATOR BRASCH: Okay, I think that does answer my question where it is not an additional flag for funding. It's just to recognize that this flag symbolizes. [LR141]

RUSSELL E. KIRKPATRICK: That's correct, Senator. And I'd like to reiterate, there...this flag needs no funding from the state of Nebraska. [LR141]

SENATOR BRASCH: Has it gone through the VFW, all the official... [LR141]

RUSSELL E. KIRKPATRICK: Yes, it has. [LR141]

SENATOR BRASCH:this is the final stop here at our hearing to have it become a Legislative Resolution? [LR141]

RUSSELL E. KIRKPATRICK: Well, it hasn't gone to everybody, but we've been trying. [LR141]

SENATOR BRASCH: But the military entities, Army, Navy, Air Force. [LR141]

RUSSELL E. KIRKPATRICK: Yes, ma'am; every branch of the service has recognized it. [LR141]

SENATOR BRASCH: Have you had any opponents? [LR141]

RUSSELL E. KIRKPATRICK: Yes, we have. [LR141]

SENATOR BRASCH: And who would those be? [LR141]

RUSSELL E. KIRKPATRICK: Vietnam vets. The only...someone once said that if you look at the flag it kind of looks like a North Vietnamese flag. But if you look at the North Vietnamese flag and this flag, they have a little bit of a resemblance because of the star and the red part of the background, but the white part below it definitely distinguishes it and it says Honor and Remember below it. But that's the only. [LR141]

SENATOR BRASCH: Okay, very good. I don't have any other questions. [LR141]

SENATOR AVERY: One final question, this would not replace the folded American flag that the family receives at the funeral? [LR141]

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Government, Military and Veterans Affairs Committee
April 05, 2011

RUSSELL E. KIRKPATRICK: Absolutely not. [LR141]

SENATOR AVERY: Okay. Senator Karpisek. [LR141]

SENATOR KARPISEK: Thank you, Senator Avery. So, the Vietnam Vets' opposition was the look of the flag, not that the flag existed? [LR141]

RUSSELL E. KIRKPATRICK: Correct, sir. [LR141]

SENATOR KARPISEK: Thank you. [LR141]

RUSSELL E. KIRKPATRICK: And I am a Vietnam Vet, I just wanted to make that clear. And I...very good question, Senator Brasch, this question was risen in Colorado and that's the reason it didn't pass and it was brought up right at the very end. So I want to bring this up right up front, if you look at the North Vietnamese flag, it does not look like that. So we don't have a problem with it. [LR141]

SENATOR AVERY: I don't see any more questions. Thank you very much, sir. [LR141]

RUSSELL E. KIRKPATRICK: Thank you, sir. [LR141]

SENATOR AVERY: Any other proponent testimony? Welcome. [LR141]

KRISTINE NEGLEY: Good morning, members. My name is Kristine Negley, it's K-r-i-s-t-i-n-e and last name is Negley, N-e-g-l-e-y. I would just like to start to let you guys know that I have no military affiliation here. I am the vice chairman of the Honor Member Chapter for Nebraska. And really one of the reasons that I am a proponent is because when I look at the 96-some soldiers from Nebraska that have been killed since Iraq, most of them are in my age category. I'm 26 years old. One of my very best friends has been married now for five years and her husband has been deployed already two times to Iraq for 18 months apiece. So in their five-year marriage he has been gone for three and a half years. And they have two kids and for both of those children he has missed both of their first birthdays and essentially both of their first year and a half of life. So to me that sacrifice is one that when he retires the American Flag will honor that. And just in general, that sacrifice will be honored by the American Flag when he comes home. But if he were to die, there's really nothing that would specifically honor him if he were to die. This flag is one that is going to specifically speak to those that have been killed. And if you look at the symbolism on it, there's the eternal flame of light in the center and that honors everybody who has actually been killed in action and it's to keep their memory alive. So, Senator Brasch, what you had pointed out about the MIA and POW, those flags, I think, will complement this one. I think this one is very deserving of all those that have been killed in action. And I think that they deserve something similar

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Government, Military and Veterans Affairs Committee
April 05, 2011

to the kind of commemoration that those soldiers have received in the past. So, that's really my testimony and I'm sorry to get emotional about it. [LR141]

SENATOR AVERY: That's all right. Thank you for your testimony. Questions from the committee? I don't see any. Thank you. [LR141]

KRISTINE NEGLEY: Okay, thank you. [LR141]

SENATOR AVERY: Any other proponent testimony? Any opponent testimony? Neutral testimony? Senator Price? Senator Price waives closing. That ends the hearing on LR141 and the hearing for today. Thank you all for coming. [LR141]