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Government, Military and Veterans Affairs Committee
February 15, 2012

[LB795 LB819 LB999 LB1023 LB1141]

The Committee on Government, Military and Veterans Affairs met at 1:30 p.m. on Wednesday, February 15, 2012, in Room 1507 of the State Capitol, Lincoln, Nebraska, for the purpose of conducting a public hearing on LB1141, LB795, LB1023, LB819, and LB999. Senators present: Bill Avery, Chairperson; Scott Price, Vice Chairperson; Charlie Janssen; Russ Karpisek; Rich Pahls; Les Seiler; Kate Sullivan; and Norm Wallman. Senators absent: None.

SENATOR AVERY: We're going to get started since we just achieved a quorum. My name is Bill Avery. Welcome to the Government, Military and Veterans Affairs Committee. I represent District 28 here in the heart of Lincoln, and I am Chair of this committee. We will be taking up five bills today in the order they are as presented outside the door, starting with LB1141 and then moving through LB795, LB1023, LB819, and LB999. That might be a long afternoon, but we welcome your presence here and welcome you to participate in the hearing. Before we start, I want to introduce the members of the committee starting on the right here with Senator Rich Pahls from Millard. Seated next to him is Senator Les Seiler from Hastings, and soon to join us will be Senator Charlie Janssen from Fremont. The big guy here on my right is Senator Scott Price; he is Vice Chair of the committee, and he is from Bellevue. On my immediate right is Christy Abraham. She is the legal counsel for the committee. And soon to join us will be Senator Russ Karpisek from Wilber, and next to him will be Senator Kate Sullivan from Cedar Rapids. And all of the...almost by himself over there is Senator Norm Wallman from Cortland. The last person at the table here is Sherry Shaffer, who is the committee clerk. If you plan to testify for or against any of the bills being taken up today, we want you to fill out a testifier's form. These are available at the entrance to the room. Each entrance has a table with these forms available. We ask that you fill them out, print clearly the information requested, and when you come to the table to testify, give this to the clerk, and this provides us with a clear record of who you are and what bill you are opposing or supporting. We ask that when you do take the chair that you state your name clearly for the record into the microphone. Spell your name even if it's a commonly known name; we do need to make sure that we have a clear record. We will be also...I mean, I have to tell you that if you are here and wish to record your opposition to or support for a bill but do not wish to testify, there's another form you can fill out, and they're available at the tables at each side of the room as well, and that will be put into the record. If you're testifying, we are going to be using the lights system. We have three lights: a green light that means you have four minutes; and the amber light will come on when you are entering the fifth and last minute of your time; when the red light comes on, it means you should be finished. Now because you have five minutes, that doesn't mean you need to take all that time. If you have been listening to the testimony prior to your turn at the table and what you have to say is largely repetitive, then try to be as brief as you can and mention that the points you want to make have already been made. But your presence and your opposition to or support

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for will be noted nonetheless. The...if you have printed material that you would like for us to see you will need 12 copies, and you give that to the clerk, and she will get it distributed. If you don't have 12 copies, give the...give your original to the page; she will get copies for you. Our page is Catherine Larsen from Omaha, over there in the black and white uniform. And also when you take the table or the seat to testify, we ask that you answer our questions. It is not an inquisition; we treat you with kindness and respect. But it's not a dialogue, so we don't take questions from the testifiers; we ask our questions, and we ask that you answer them. If you have any electronic devices that make noise, we ask you to turn them off. If you are a member of the credentialed press, you are allowed to use your computers, and those are the only people that we allow to have computers on and operating during the proceedings. We've found that electronic devices can be disruptive. All right, if you have a printed copy of your testimony, that would be nice for us to have for the record as well. If you don't, that's okay, but if you do and you don't have 12 copies, we'll be happy to get those for you. All right, I believe Senator McGill has sent her legislative aide here to testify on this first bill, LB1141. So we'll start with you, and I'm going to turn the chair over to the Vice Chair for a moment.

AMY WILLIAMS: Good afternoon, members of the committee. My name is Amy Williams, A-m-y W-i-l-l-i-a-m-s. I am the legislative aide to Senator Amanda McGill, District 26, and I am here today to introduce LB1141 on her behalf. This bill streamlines the process for the Nebraska National Guard members' reimbursement of expenses. The men and women of the Nebraska National Guard swiftly respond to emergencies in our state, and we are of course very grateful. We count on these service members to be able to complete their duties in an efficient manner. Most recently, the men and women of the Nebraska National Guard provided invaluable service in response to flooding in our state. Most of these service members were called away from home with little time to plan or make arrangements, and in such a situation personal expenses are incurred. And under our current statutory scheme, Guard members must use our state's policy for reimbursement of expenses in these situations. This process has proven quite cumbersome and led to the introduction of LB1141. In an emergency situation, it is more efficient for reimbursement to occur on a per diem basis which is consistent with the federal method of reimbursement. Iowa, Colorado, and Missouri use the per diem method of reimbursement as does Louisiana, which we know is a state that does a lot of emergency response. I appreciate your attention, and I am happy to answer any questions though there will be some experts testifying immediately after me. [LB1141]

SENATOR PRICE: Thank you, Ms. Williams. Are there any questions from the committee? Seeing none, thank you. We will now move to proponents. Can we have the first proponent, please, for LB1141? Good afternoon, sir. [LB1141]

CARL OESTMANN: (Exhibit 1) Good afternoon, sir. Well, good afternoon, Committee on the Government, Military and Veterans Affairs. I am Senior Master Sergeant Carl Oestmann, C-a-r-l O-e-s-t-m-a-n-n, a traditional Air Guard member with the 155th Air

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Refueling Wing located in Lincoln. Thank you for the opportunity to testify in support of LB1141. On June 16 last year, I was informed that the Air National Guard was being requested to support Douglas County, including the Omaha area, dealing with the flooding in our state. The support involved us conducting levee surveillance. I was a noncommissioned officer in charge of 18 volunteers from the 155th Air Refueling Wing. We arrived at our predetermined location in Omaha on June 17. We received training from the Army Corps of Engineers and Omaha Public Works. The training and discussions involved on what to observe on the levee, reporting those observations, documentation, and safety measures. Our original 18 Air National Guard members provided 24/7 levee surveillance both by foot and vehicle which encompassed 13 miles of the levee in the Omaha area. Most of our Air Guard members were from the Lincoln area. The levee surveillance involved us to observe changes to the levee, mark and report those changes to local authorities, and monitor those changes. Our members worked the same areas of the levee to better prepare them in noticing even minor changes to that levee. We did increase our staffing to 28 to make it more manageable in observing changes that were occurring on the levee. I was involved until July 2, and during that time one of the issues I felt that needed to be reviewed was the meal reimbursement process. When we first began this duty, the instructions provided indicated that each person would submit a reimbursement form weekly with itemized receipts. Some of our members were having problems getting itemized receipts from businesses. If a mistake was made on the form, that also delayed the member getting reimbursed. I had several lower-rank airmen who were doing tremendous work supporting the state and making minimal pay. With the number of weekly reimbursement forms being taken to Lincoln for review not only from Air Guard members but Army Guard members, our airmen weren't getting reimbursed for an extended period of time. This caused hardship for our guardsmen for them being delayed and being reimbursed. On July 16, I received a message from the person who replaced me and he mentioned that July 18, there would be two briefings for our folks on meal reimbursement and clarification. This was now one month into State Active Duty. This also caused some difficulty in briefing some incoming members to work levee surveillance and how they will be reimbursed and for how much. If given approval for a set per diem rate, this is to me seems that it would be fiscally sound for our state. My understanding is that in August there was a large amount of paper copies dealing with meal reimbursements which were being processed. My understanding is that the forms are reviewed by at least two departments within the Military Department for authorized expenses. Once it passed the audit, it was then input for payment for processing. So if you worked in July, you would not expect a reimbursement for your meals until the end of August. This can and did cause hardship for our National Guard members. Hopefully, there is a better way of ensuring our members receive the correct amount, clear instructions, and approved timeliness in their payment. A set per diem rate would address one of these issues. In my opinion, this would be more effective and efficient. One suggestion for authorized per diem expenses would be by going off of the Joint Federal Travel Regulations. I appreciate your time in listening to me and thank you for

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your time and support for the Nebraska National Guard. I would like to end by saying out of my 20 years in the military, this is one of the best missions I have ever been associated with, due in large part to the support of our citizens of the state and especially in the Omaha and the Douglas County area. Nebraska National Guard answered the call to support our neighbors. I urge you to support LB1141 for consideration. Thank you for the opportunity to testify today, and I stand ready to address any questions you have. [LB1141]

SENATOR AVERY: Thank you, sir. Any questions from the committee? Senator Wallman. [LB1141]

SENATOR WALLMAN: Thank you, Chairman Avery. Yeah, thanks for coming down here. Do other states just have a flat per diem, you know, like sometimes construction jobs you just get so much a day? [LB1141]

CARL OESTMANN: I have not done the research on other states, sir. I'm sure others have that are in support of this bill. I could, if you would like for me to, obtain that information and get back to you. [LB1141]

SENATOR WALLMAN: Okay, sure. Thank you; it would be nice. [LB1141]

SENATOR AVERY: Any other questions? I don't see any. Thank you for your testimony. [LB1141]

CARL OESTMANN: Okay, thank you, sir. [LB1141]

SENATOR AVERY: Any other proponent testimony? Welcome, sir. [LB1141]

THAD FINERAN: (Exhibit 2) Good afternoon, Chairman Avery and members of the committee. I am Major Thad Fineran, T-h-a-d F-i-n-e-r-a-n, and I am a member of the National Guard Association of Nebraska. I represent our membership, which includes all current commissioned and warrant officers in the Nebraska Army and Air National Guard as well as a large number of retired officers. I also represent the citizen soldiers and citizen airmen who respond to the state of Nebraska in times of disaster, emergency, or other service to our Governor and to the state. Altogether, they number approximately 5,000 in service today. I appreciate the opportunity to share with you why I support LB1141. As a soldier, officer, and aviator in the Nebraska National Guard, I have the unique opportunity and privilege to serve our state and our citizens when activated by the Governor. Since I joined the National Guard in 2004, I have had the opportunity to serve during a number of unique and difficult times for our state. In 2005, I was activated to lead helicopter medical evacuation and rescue efforts after hurricane Katrina. In 2006, I was activated to fight wild fires in Valentine, Chadron, and Harrison. In 2007, we flew recovery efforts after the winter ice storm shut down much of central

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and southern Nebraska's power. I was deployed to Operation Iraqi Freedom in 2008 and much of 2009 but again activated in 2010 to support ice dusting operations on the Platte and Elkhorn Rivers. Most recently, during the floods of 2011, I and many of our soldiers and airmen responded to contain flooding and protect vital communities and infrastructure in North Platte and the Missouri River Valley. These instances are only a fraction of the efforts of our citizen soldiers and citizen airmen in service during times of emergency and disaster. Despite the physical and environmental challenges of activation to our state active duty, our soldiers and airmen truly enjoy and appreciate the ability to serve our neighbors, friends, and family during these times. One of our real challenges, however, is the reimbursement and administration of compensation for these men and women. Our present system of travel expense reimbursement requires significant paperwork, receipt documentation, and excessive scrutiny. Further, our present system of paying soldiers and airmen for duty compensation doesn't even provide an earnings statement that details how many days they've been paid, their entitlements, or their deductions. This bill will simplify the reimbursement of travel expenses and allow the soldiers and airmen to focus on their state mission. This simple improvement goes a long way toward easing service members' frustrations and uncertainty when they are serving for unknown periods of time away from their normal job and likely away from their home. I am often asked by my soldiers the difficult question when I call them to State Active Duty. They ask, will our pay and travel be as difficult to fix as it was last time? They do not question leaving home, they do not question where they will sleep or how long they will have to work; they only wonder how hard it will be to complete the paperwork and reimbursement requirements at the end of the service period. I am confident that after this legislative session I will be able to let our soldiers and airmen along with the membership of the National Guard Association in Nebraska know that their state appreciates this difficulty and has taken positive steps to improve the efficiency of their travel reimbursements. Thank you for the opportunity to share our experiences, and I urge you to support LB1141. I'll be happy to...any questions you or this committee may have. [LB1141]

SENATOR AVERY: Thank you, Major. I have one. When you...I understand the difficulty of keeping receipts for actual expenses. But under the proposal here we would be following the Joint Federal Travel Regulations? Tell me how that works. Is it similar to a per diem based upon rank, or do you have to...or is it...or is there some way of accounting for actual expenses in that? [LB1141]

THAD FINERAN: Senator, the Joint Federal Travel Regulation provides for a travel reimbursement based off of a locality per diem. [LB1141]

SENATOR AVERY: Okay. [LB1141]

THAD FINERAN: The way that differs from our current system is it's not based off of certain amounts for certain meals that are capped and required to be documented.

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[LB1141]

SENATOR AVERY: Um-hum. [LB1141]

THAD FINERAN: It's a flat per diem per locality. [LB1141]

SENATOR AVERY: And do officers get paid more per diem than enlisted men?
[LB1141]

THAD FINERAN: No, Senator. The per diem authorizations are a fixed rate per locality,
not based off of rank. [LB1141]

SENATOR AVERY: That's good to hear since I was enlisted. [LB1141]

THAD FINERAN: Yes, Senator. [LB1141]

SENATOR AVERY: Any questions from the committee? Thank you, Major. [LB1141]

THAD FINERAN: Thank you, Senator. [LB1141]

SENATOR AVERY: Any other proponent testimony? Any opponent testimony? Anyone
wish to speak in a neutral position on this bill? Okay, do you wish to close? [LB1141]

AMY WILLIAMS: We waive closing. [LB1141]

SENATOR AVERY: You're waiving closing? Okay, that ends the hearing on LB1141.
Now it's my turn. [LB1141]

SENATOR PRICE: Yes, it is, Senator Avery. Has everybody adjusted? We're going to
move on to LB795; Senator Avery will be opening here momentarily. Senator Avery, you
know how to clear a room. [LB1141]

SENATOR AVERY: Yes, I do; it's easy and I have a lot of experience doing that. Okay,
my name is Bill Avery, B-i-l-l A-v-e-r-y, representing District 28 here in south central
Lincoln. I am here to present to you LB795. This...that is the correct one, right? [LB795]

SENATOR PRICE: Yes, sir. [LB795]

SENATOR AVERY: Okay. This idea was brought to me by the Disabled American
Veterans group. The bill will allow veterans to have additional organizations to help
them make application for admission to one of Nebraska's veterans homes. Currently,
only county veteran service officers are allowed to perform this function. The current
process is...the current process for getting admitted to a veterans home has two steps.

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One, the person makes application for membership to his or her county veterans service officer. Second step, the county veterans service officer--we'll call them CVS's because it's easier--they forward the application to the Veterans' Home Board--I understand we have a member of the board that will be testifying in a few minutes--and this board makes the final determination on admissions. The board is composed of two members selected by each of the recognized veterans organizations in Nebraska and the Director of Veterans Affairs who serves as the board's secretary; that's Mr. Hilgert. LB795 allows an application for membership to a veterans home to be made by a recognized veterans organization or by a Nebraska veterans home itself, so it would remove the county veterans service officers from that process. The veterans organization or veterans home would then forward the application to the Veterans' Home Board. You might be interested in knowing who are the recognized veterans organizations. They are defined in our statutes as the American Legion, the American Ex-Prisoners of War, the Disabled American Veterans, the Military Order of the Purple Heart, the Paralyzed Veterans of America, Veterans of Foreign Wars of the United States, the Vietnam Veterans of America, and any other veterans organization recognized by the Director of Veterans Affairs. Obviously, allowing a recognized veterans organization or the veterans home to receive an application from a veteran will make the process of admission more accessible to more veterans, and that will make it easier. So I would urge you to advance this General File. I'd be happy to take any questions. [LB795]

SENATOR PRICE: Thank you, Senator Avery. I just want to make sure we understood or if I have misheard. We are not removing the ability of the CVOs or the county veterans service officers to do this; we're adding extra people along with them to be able to make application. Is that correct, Senator Avery? [LB795]

SENATOR AVERY: This allows...yeah, it allows additional nominations. It doesn't say that the veterans service officers cannot do it anymore. [LB795]

SENATOR PRICE: Thank you. [LB795]

SENATOR AVERY: I may have misstated that. [LB795]

SENATOR PRICE: Yeah, well, we're clear on that on the record now. Are there any other questions from the committee? Senator Sullivan. [LB795]

SENATOR SULLIVAN: Thank you, Senator Price; and thank you, Senator Avery. And just to kind of further clarify that, not knowing enough about the whole continuing process, where does that leave the CVSO in, I guess, keeping track of the veterans in that county? Will they be...will they know when an application from a veteran in that county will...? [LB795]

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SENATOR AVERY: Yes, they have a representative on the Home Board. [LB795]

SENATOR SULLIVAN: Okay. [LB795]

SENATOR AVERY: In fact, their organization has a...I think a standing appointment on that Home Board, and the Home Board makes the final decision. [LB795]

SENATOR SULLIVAN: So the local county CVSO will receive notice of when one of their veterans make... [LB795]

SENATOR AVERY: I would expect that would be through the representative that the CVSOs have on the Home Board, yes. [LB795]

SENATOR SULLIVAN: Would this in any way diminish the--because I wouldn't want this to happen--diminish the need for a CVSO? [LB795]

SENATOR AVERY: No, they have adequate responsibilities as it is. [LB795]

SENATOR SULLIVAN: Okay. [LB795]

SENATOR AVERY: And we've looked at this issue of the CVSOs before, and I think at one point we had a proposal to prepare...provide some training--mandatory training. I don't think that went anywhere, but...and the reason why we were looking at it was that the activities of these CVSOs tend to be fairly extensive, and we wanted to make sure there was some uniform implementation of benefits and uniform approach to making veterans aware of what benefits were available. But as I recall, the reason for that was because the activity is pretty extensive, so they'll have plenty to do. [LB795]

SENATOR SULLIVAN: Thank you. [LB795]

SENATOR PRICE: Thank you, Senator Sullivan. Are there any other questions from the committee? Seeing none, we'll move to proponents for LB795. Good afternoon, sir. [LB795]

GREG HOLLOWAY: Good afternoon. My name is Greg Holloway, G-r-e-g, last name H-o-l-l-o-w-a-y. I'm the department commander for the Disabled American Veterans and also the vice chair of the Nebraska Veterans' Home Board, and I serve on the Nebraska Veterans' Council. We asked Senator Avery to introduce this bill. It's a commonsense piece of legislation that will enhance the ability of...to obtain a veterans home application. I was a county veterans service officer back in the '90s. I know that I filled out a lot of applications, and you keep pretty busy; there's a lot of duties. And the veterans service officers, we have some here today that will explain a little bit more of their duties, but this is more of a common sense. With the consolidation of a lot of the

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counties, it is more and more difficult for families and spouses of veterans to reach and have the ability to fill out the application personally; and if they go and take care of a...go visit one of the veterans homes, they could...if they like it, they could sit down and get busy with the application process, which will just move the time line up and everything will work much better, I think, for all the veterans. It's just common sense. And a lot of the county veterans service officers also act as post and chapter service officers within their county and their veterans organization, so it's...they all work together, and we have a very good, very good, one of the best county veterans services officers programs in all of the United States in Nebraska. I...as being commander of Disabled American Veterans, I deal with a lot of states and issues on service-connected disabilities, and by far Nebraska outshines any other state when it comes to keeping everybody on the same page. And John Hilgert, our Director of Nebraska Department of Veterans' Affairs, is very efficient and makes sure things get done right or not at all. If you have any questions for me, I'll be more than glad to answer them. [LB795]

SENATOR PRICE: All right, well, thank you very much, Mr. Holloway, for coming in, and thank you for your continued service. And I would echo the excellent job that they do particularly in the homes because I had a coworker come up to me one day, and just out of nowhere he had operational control of his mother, and she ended up with dementia and Alzheimer's. Father had been a veteran; he was very perplexed in the process. [LB795]

GREG HOLLOWAY: Yes. [LB795]

SENATOR PRICE: He went to the home and three...within less than three months, start to finish, you know, tooth to tail, they had found her a place in Grand Island and it worked wonderful for that entire family, so that's a great thing. But I'll ask, are there any comments from the committee? Questions? Senator Karpisek. [LB795]

SENATOR KARPISEK: Thank you, Senator Price. Thank you, Mr. Holloway. Is...would there be any extra work? I mean if there's duplicate apps sent in, say if the CVSO sends one in and the Legion sends one in and somebody else? [LB795]

GREG HOLLOWAY: Odds are, that won't happen. Is there...it's enough work to do one let alone people running around and having the county because it has to be taken upon as a request by a family member or a conservator of a veteran. They make the requests for the applications, and odds are that they wouldn't be making a request in more than one spot to start with. We're just trying to make things a little more efficient, a little more acceptable, yeah. [LB795]

SENATOR KARPISEK: I think it's a great idea. I just could see that someone maybe being a little...if dementia played in or a small town where people do help each other out, that more than one app might go in, but I guess what would be the harm in that?

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[LB795]

GREG HOLLOWAY: It would get worked out, yeah. [LB795]

SENATOR KARPISEK: Great. [LB795]

GREG HOLLOWAY: The homes are very efficient, yeah. [LB795]

SENATOR KARPISEK: Thank you. Thank you, Senator Price. [LB795]

GREG HOLLOWAY: Yeah. [LB795]

SENATOR PRICE: Thank you, Senator Karpisek. Are there any further questions? Seeing none, thank you for your testimony, sir. [LB795]

GREG HOLLOWAY: Thank you. [LB795]

SENATOR PRICE: Next proponent, please? Welcome, sir. [LB795]

ERIC WILLIAMS: Good afternoon. Eric Williams, E-r-i-c W-i-l-l-i-a-m-s. I'm the Fillmore County veterans service officer. I also serve on the Veterans' Home Board. This year, I am chairman of the Nebraska Veterans Council, and I'm also the state commander for the Veterans of Foreign Wars. We're here to support LB795 for a variety of reasons. It's come up a few times at Veterans' Home Board meetings where families go to look at the veterans homes to see if they like it and take their loved one, the veteran, or the spouse, the widow, to see if they would like it, and it confuses them when they can't fill out an application there which is the way it's done at many private facilities throughout the state, so this piece of legislation addresses that issue. The application itself is pretty complex and takes some time for the family to pull all that information together; plus, there's a need for a medical evaluation that goes along with that application, along with powers of attorney, and all those issues have to be in place before somebody enters a veterans home. Those applications are sent to the Department of Veterans Affairs, and they input that information, so it kind of goes to one person. So if they got a dual application for somebody, they would contact both the people that sent them in and find out what was going on, but I don't see that being an issue. From there, the application goes out to the veterans home that the person has chosen, and an evaluation is done, and then it comes back to the Veterans' Home Board who makes the final decision. So it can be a lengthy process; three months is about average, I suppose, on getting in. But the veterans organizations taking them? Like the DAV commander said, many of us that are county veterans service officers also fill those roles in our areas, so I don't see too many of them being done that way, but I think that the veterans home will see quite a few. That's all I have. [LB795]

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SENATOR PRICE: Well, thank you, Mr. Williams. Are there any...? Senator Sullivan. [LB795]

SENATOR SULLIVAN: Thank you, Senator Price. Thank you for your comments. Just a clarification. So in this process, no matter who makes the application for the individual, then who informs the individual as to the result? [LB795]

ERIC WILLIAMS: Okay, the...once the application reaches the Department of Veterans Affairs, a letter is sent to that person notifying them that their application has been completed and gives them an estimated cost for the home. That's the first notification that goes out. Once the veterans home has made contact with those people and have done their assessment, they get another letter that states that, you know, depending on the medical issue, whether we can meet it or not, there...it gets pretty complex. Or if there's room in the dementia area for whatever facility they chose it will tell them, you know, you either get to move to the list, or we're...we can accept you on this date or so on. And a duplicate copy of that is also sent to the county veterans service officer, but... [LB795]

SENATOR SULLIVAN: Thank you. [LB795]

SENATOR PRICE: Thank you, Senator Sullivan. Senator Karpisek? [LB795]

SENATOR KARPISEK: Thank you, Senator Price. Hi, Eric. [LB795]

ERIC WILLIAMS: Hi. Hello. [LB795]

SENATOR KARPISEK: I just had to...I don't know how many times you'll be up, so we'll have to... [LB795]

ERIC WILLIAMS: This is it. [LB795]

SENATOR KARPISEK: Yeah, okay, good thing I got in then. When Mr. Holloway talked about our service being the best in the country, I just wanted to say I know that you do a wonderful job. [LB795]

ERIC WILLIAMS: Um-hum. [LB795]

SENATOR KARPISEK: I get a lot of constituents saying how good you do and I appreciate that. Thank you. Where are...how full are we on veterans homes? Are we over? Are we packed? Do we have a really long waiting list? [LB795]

ERIC WILLIAMS: Okay, the waiting list...How does Char (phonetic) put it, the lady that works at the department there? It's a living, breathing deal that changes daily. Right

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now, the biggest waits seem to be for the Bellevue home. We could have actually built that facility twice as large as we did; there's well over 100 people on that list for the Bellevue home. The other facility that seems to have a lengthy waiting list is Scottsbluff, and the reason for that is people want to come in as couples. The Department of Veterans Affairs has its rules, and its rules are there can only be a certain percentage of nonveterans in the veterans home. So, therefore, we have to wait until a nonveteran passes away before we can bring in another nonveteran, but...and it will vary, especially it seems like there's a very high amount of dementia diseases amongst veterans population. Those facilities that are able to handle that are usually in that area pretty full, but those are the two that we hear the most about having the lengthiest times. [LB795]

SENATOR KARPISEK: And then I know that there's homes that have VA contracts. [LB795]

ERIC WILLIAMS: Yes, separate. [LB795]

SENATOR KARPISEK: Do the...do you as the board try to work with those centers to fill, to get the waiting list down, or how does that work? [LB795]

ERIC WILLIAMS: The people that are eligible for those VA/federal VA contracted facilities are veterans that meet a pretty small criteria. They are 60 percent service connected with individual unemployability or 70 percent service connected or higher to even be eligible for that, and that is handled through the VA medical facilities. Most of it in our area is handled through the Grand Island area, and the placement is based on the private nursing home's contract and their availability for beds. [LB795]

SENATOR KARPISEK: Okay, I work in Beatrice and we are a VA. Probably the biggest problem is the rate of...that they'll pay, and--which I think is very wrong--but to bring them in, I think sometimes the facility is better off not to have them there. They may lose money on it, which... [LB795]

ERIC WILLIAMS: That's become an issue. In some cases, the difference between the veteran's pay and the Medicare rate, it is lower. From what I've been...through training been explained to me was that the Medicare rate pays for everything that that patient would need--medications, wheelchairs, all that--where the VA rate specifically pays for just the housing and the care of the person where they're able to get those medications and wheelchairs and all that other stuff at a VA facility. [LB795]

SENATOR KARPISEK: Which, I mean, I realize you can't do anything about it nor can we, but I don't think it's right. I don't think we're helping our vets. [LB795]

ERIC WILLIAMS: It should be equal, yeah. [LB795]

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SENATOR KARPISEK: But anyway, thanks again for the good work, and thank you, Senator Price. [LB795]

ERIC WILLIAMS: All right. [LB795]

SENATOR PRICE: Thank you, Senator Karpisek. Are there any other questions from the committee? Seeing none, thank you for your testimony, sir. [LB795]

ERIC WILLIAMS: All right, thank you. [LB795]

SENATOR PRICE: Do we have further proponents on LB795? Good afternoon, sir. [LB795]

JEFFREY BAKER: (Exhibit 1) Good afternoon. My name is Jeffrey Baker, J-e-f-f-r-e-y B-a-k-e-r. I am the Seward County veterans service officer, and I come before you today to testify in support of LB795. I am here today on behalf of the Nebraska Association of Professional Veterans Advocates, a group of dedicated, educated, and professional county veterans service officers from across the state of Nebraska who stand committed to providing quality and professional services to the veterans of this state. I'd like to thank Senator Avery for introducing LB795 and his commitment to Nebraska's veterans and their dependents. This bill provides additional assistance to veterans when they wish to apply for membership to the veterans' homes. LB795 allows a veteran to make that application directly to the veterans home if they so desire. It is the position of the majority of members of NAPVA that allowing the veterans home to take applications directly could only be seen as a positive approach to ensuring that Nebraska's veterans receive all entitlements under the law that they so unselfishly earned by their service to their country. LB795 provides an additional avenue for veterans when seeking assistance and provides the Nebraska Department of Health and Human Services-Veterans' Home Division the ability to serve the veteran when they approach the home for help. This ability will ensure that all veterans throughout the great state of Nebraska receive the assistance that they so rightfully deserve. In addition, LB795 will allow post service officers from local veterans' organizations like the American Legion, Veterans of Foreign Wars, and Disabled American Veterans to complete applications and assist veterans through the application process. There are those who have expressed concerns relating to this section of the legislative bill and the serious implications of allowing access to pertinent health and financial information to someone who may not be covered by federal or state confidentiality laws. It is the position of the majority of members of NAPVA that if the Legislature feels that the veterans' health and financial information can be safeguarded and the veteran feels comfortable sharing his information, we have no formal objection. We would only ask that the veteran's privacy be considered and that the appropriate training be implemented by various veterans' organizations to their respective post service officers. NAPVA stands ready to provide any assistance that we may...they may need. I would

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like to close my testimony today and thank every member of the Government, Military and Veterans Affairs Committee for their continued support of all Nebraska veterans, and thank you again for this opportunity today. [LB795]

SENATOR PRICE: Thank you very much, Mr. Baker. Are there any questions? Senator Sullivan. [LB795]

SENATOR SULLIVAN: Thank you, Senator Price. Thank you for your testimony, but your comment does give me pause to think. With this new application process, will there need to be some education and training taking place so some of the new entities that can now receive applications know how to do that? [LB795]

JEFFREY BAKER: I would agree with that statement, Senator. Unfortunately in Seward we have seven legion posts, and we have one VFW post. I am only eligible to serve as the post service officer for the legion that I am a member of, so in my case it would be Milford. I am also the service officer for the VFW, so those other entities under the bill would be able to submit applications on behalf of the veteran. In my situation, more than likely the veteran...the post service officer would just refer them to me, but in other areas of the state that may not be the case, so... [LB795]

SENATOR SULLIVAN: I see. Okay. [LB795]

SENATOR PRICE: Thank you, Senator Sullivan. Are there any further questions? Seeing none, thank you for your testimony, sir. [LB795]

JEFFREY BAKER: Thank you. [LB795]

SENATOR PRICE: (Exhibit 2) Do we have any further proponents to LB795? Would anybody like to testify in opposition to LB795? Do we have anybody wishing to testify in the neutral? Then we'll read into the record here, we have a letter of support from the Governor who regrets being unable to attend today, but the Governor does support LB795. [LB795]

CHRISTY ABRAHAM: John. [LB795]

SENATOR PRICE: Well, now I have to correct myself there: the director, John Hilgert, who is perhaps Governor one day. Thank you very much. (Laughter) [LB795]

SENATOR KARPSEK: Good save. Wow. [LB795]

SENATOR PRICE: And with that, Senator Avery, would you like to close on your bill? [LB795]

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SENATOR AVERY: I will waive closing, but I'll take questions if there are any more. [LB795]

SENATOR PRICE: Are there any questions? Senator Wallman. [LB795]

SENATOR WALLMAN: Thank you, Senator Price. Yeah, Senator Avery, do you know if the veterans have any assisted living places, like I know in Kansas there used to be one, or is it just full nursing home license? [LB795]

SENATOR AVERY: I would think that some of these veterans homes have graduated services. [LB795]

SENATOR WALLMAN: Okay. [LB795]

SENATOR AVERY: I've visited the one out in Grand Island, and I believe they have levels of care that as you need more care you move to different parts of the facility. [LB795]

SENATOR WALLMAN: Um-hum. Thank you. [LB795]

SENATOR PRICE: Are there any other questions? Seeing none, that will close the hearing today on LB795. [LB795]

SENATOR AVERY: There's two here. [LB795]

SENATOR PRICE: And we will move right on to your next bill, Senator Avery, LB1023. [LB1023]

SENATOR AVERY: Thank you, Senator Price. My name, for the record, is Bill Avery, B-i-l-l A-v-e-r-y, representing District 28 here in Lincoln. I bring to you LB1023, a waiver of fees for dependents of veterans. This idea was brought to me by the Disabled American Veterans. Currently in law the University of Nebraska, the state colleges, and the community colleges waive the cost of tuition for a dependent of a veteran. A dependent of a veteran is defined as a resident of this state who meets the college's residency requirements for paying in-state tuition and has a parent, stepparent or a spouse who died of a service-connected disability or died subsequent to discharge as a result of an injury sustained while in the armed services or is permanently or totally disabled or the member is classified as missing in action or a prisoner of war. So this would not apply to dependents of able-bodied veterans and it would also not apply to dependents of partially disabled veterans; you have to be totally disabled and permanently so or meet the other criteria. LB1023 requires these colleges and universities in the state, in addition to waiving tuition, to waive all student fees remaining due after subtracting awarded federal financial aid grants and state scholarships and

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grants for dependents of a veteran. Student fees, for those of you who may remember being in college, can be a substantial part of the cost of going to college. I have a son who is a junior at the University here now, and I am acutely aware of this although I do not qualify for this benefit, thank you. But I think at the University of Nebraska-Lincoln you can pay as much as \$1,400 a year in fees. That's lab fees, student activities fees, and fees that cover membership in the rec center and all kinds of fees like that. Some people have suggested that the universities and colleges are moving more of the expenses of higher education into fees and out of tuition so as not to have tuition rise to such a prohibitive level that people can't afford it. But the fees are a part of the cost of going to college, so what we are trying to do here is--in LB1063 (sic)--use language that is similar to language used in existing law we have in this state. I believe it was passed last year--In the Line of Duty Dependent Education Benefit. This program was created for children of law enforcement officers and firefighters killed in the line of duty, and it waives tuition and fees after the college subtracts federal financial aid programs and state scholarship programs and grants. This bill proposes a slightly different system for dependents of veterans. The dependents of veterans will still have their tuition completely waived first; fees will be waived, however, after subtracting awarded federal and state scholarships and grants. Again, fees can be a substantial part of the cost of going to college. The bill tries to strike a balance between helping the college students of--qualified dependents--of veterans and not overburdening our state colleges and universities with lost income. With that, I would ask you to advance to General File. [LB1023]

SENATOR PRICE: Thank you, Senator Avery. Are there any questions from the committee? Seeing none, we'll move on to proponent testimony. [LB1023]

GREG HOLLOWAY: Again, my name is Greg Holloway, G-r-e-g H-o-l-l-o-w-a-y, and presently I am 100 percent service-connected disabled veteran, but...actually, I came out of Vietnam in 1968 as 100 percent service connected disabled veteran, but I dropped that and went back to work and worked most of my life. And then when I decided I didn't want to do it no more, I went back on my service-connected disabilities. But I have put a couple kids through school under it, and the fees do hit you pretty hard when you're on a static income. When you're 100 percent service connected, it's just hard to actually get that extra income in there to pay for some of those extra things, so you have to cut somewhere and it's getting to the point these days where you just...there's no place to cut. This was brought to the Disabled American Veterans' attention by a member of the Disabled American Veterans, and we just thought that it should be on equal playing ground with the other organizations and other deserving--as far as I'm concerned--persons. Widows, or we'll say surviving spouses anymore because we do have members of the military forces that are female and that have lost their lives and become severely disabled due to the actions of their military service, so surviving spouses and spouses of veterans and dependents because the spouse of a veteran, when he's 100 percent service connected, can also go back to school under

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the Waiver of Tuition Program. So this affords the opportunity that a service-connected disabled veteran's spouse could actually get an education which would further their ability to make a better living and contribute to the taxes within the state of Nebraska because there is arguments that it will be a financial impact on the University of Nebraska, but with education comes better jobs. I know because I only went through the ninth grade, so I know how important education process is. I finished it up right after I got back from Vietnam when I was 21 and was just a little more settled, you know. So better taxes, better jobs, better taxes, more income for the state of Nebraska, the more opportunity for a spouse or a dependent of a veteran to stay within the state of Nebraska, earn a good income, and contribute to our state. So I really implore you to consider this action, to accept this legislation, and give the veterans of this state just that little more assistance. I know you do a lot for us; I don't argue with anything that you give for us. But the best veterans...Nebraska Veterans' Aid, which is an application that can be taken by county service officers and post service officers, too, that's a good program for Nebraska veterans. Nebraska has the best programs for veterans in the United States, so I'm glad I live here, so thank you. If there's any questions, I will answer them to the best of my ability. [LB1023]

SENATOR PRICE: Does the committee have any questions? Seeing none, you got off easy this time. Thank you very much, Mr. Holloway. [LB1023]

GREG HOLLOWAY: You bet. Thank you. [LB1023]

SENATOR PRICE: Next proponent. [LB1023]

ERIC WILLIAMS: I cheated and saved a tree and put both bills on the same form. Eric Williams, E-r-i-c W-i-l-l-i-a-m-s. I'm going to speak in favor of this bill. To be eligible for this, a person has to be 100 percent service-connected permanent disabled or have passed away. What does that mean to Nebraska? That program is run through the Department of Veterans Affairs. It averages--the 10 years that I've been kind of tracking it--somewhere between 300-400 recipients a year. I don't think it's ever gotten over 400, so we're talking about a very small group luckily. But as Senator Avery pointed out, as a father of four teenage children and one in college and one to go this year, it does seem that the...that seems to be the way the college is doing it is moving some of those expenses that they have over to fees which could make it hard. And I like the way the bill sets it, you know, if the person is eligible for some other federal funding and that takes care of it, well, then that's fine, so you're not waiving anything that doesn't need to be waived, so we appreciate... [LB1023]

SENATOR PRICE: Thank you, Mr. Williams. [LB1023]

ERIC WILLIAMS: You bet. [LB1023]

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SENATOR PRICE: Are there any questions from the committee? Seeing none, thank you. [LB1023]

ERIC WILLIAMS: You bet. [LB1023]

SENATOR PRICE: Do we have any further proponents for LB1023? Do we have any opponents for LB1023? Would anybody like to testify in the neutral? Seeing none, Senator Avery, would you like to close? Senator Avery waives closing. That will close the hearing on LB1023, and we will move on to our next bills. [LB1023]

SENATOR AVERY: This appears to be the day the committee gets its bills heard. Welcome, Senator Price. We'll open the hearing here on LB819. [LB819]

SENATOR PRICE: (Exhibit 1) Chairman...thank you, Chairman Avery, members of the Military, Veterans, and of course the Government Committee (sic). My name is Scott Price, S-c-o-t P-r-i-c-e, and I represent the 3rd Legislative District, and I appear before you today to introduce LB819. LB819 deals with the treatment of military medals as unclaimed property. Before we go further, I want to let you know this bill came to me because this happened; what we're going to talk about happened in another state. That state had to figure a way to deal with it; they dealt with it in a similar fashion and moved on. We wouldn't think that we'd...this would ever be something we have to deal with, but since it has come to light and it was brought to me, we decided to go ahead and introduce this and get it dealt with. Section 1 of the bill defines a military medal as any decoration or award that may be presented or awarded to a member of a unit of the Armed Forces or National Guard. After introduction of LB819, it came to my attention that portions of the bill might cause some problems without unclaimed properties collected and handled. After several meetings, the Nebraska Bankers Association and the State Treasurer's Office have come to an agreement on an amendment which I would like to offer to the committee. The amendment makes the following changes, and let me get that amendment for you. And I'll wait for those to get distributed to you so we can read along on this...truly moving to a paperless society. Thank you. Section 2 returns the language of the bill back to what is currently in statute. Section 3 amends the bill so the collection of the medals as unclaimed property are uniform with current practices. Section 4 allows the Treasurer's Office to hold the medals until the owners have their...or their heirs can be identified. After 10 years, the Treasurer may designate a veterans organization or government entity as a custodian of the medal, and once that has taken place, the Treasurer will no longer be responsible for the safekeeping of the medals. Bottom line, these artifacts have an intrinsic value much greater than the materials they're made out of, but I'm sure everybody agrees with that. And I could talk from a personal experience similar in nature in that I had a great-uncle who was one of those great Americans who fought in World War II, and at the end of everything, long after he passed away, the last person in the family to have these items passed away and lived in another state far away, and they were going to go out in a brown trash bag

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on the side of the street to go to a landfill. Luckily, those reside in my shadowbox in my home right now, and they're given proper honor and for the family and everybody to remember. So to think--I know in Nebraska it wouldn't happen--but to think that that could happen is why I bring the bill to you today, to hopefully address these concerns. And if you have any questions, I would be more than happy to try to answer them. [LB819]

SENATOR AVERY: Thank you, Senator Price. The current law allows the State Treasurer to sell abandoned property, so this would prevent medals from being disposed of in that manner? [LB819]

SENATOR PRICE: That is the intention, yes, sir. [LB819]

SENATOR AVERY: Yeah. [LB819]

SENATOR PRICE: And it would...and the ribbons, whatever it is, I believe the Liberation of Kuwait medal, if you actually have that--I'm pretty sure that's the one--lot of gold in it; it could be worth a lot of money if you just wanted to take the money, but there's a value beyond that. [LB819]

SENATOR AVERY: Um-hum. And it also would allow the State Treasurer to locate the owners of these medals? [LB819]

SENATOR PRICE: I believe that's currently what they can do now in statute for unclaimed property. [LB819]

SENATOR AVERY: Yeah, I know that there are professional finders, professional locators. [LB819]

SENATOR PRICE: Yes, sir. [LB819]

SENATOR AVERY: They comb through the unclaimed property lists, and they try to locate heirs. Sometimes you have unclaimed property that might go to heirs scattered all...in five or ten states, and these locators, if the amount is sufficient to make a finder's fee of 10 percent, they will do the location, they'll do the finding. And I don't know if the Treasurer depends on these locators or not, but I suspect that the Treasurer doesn't have a whole lot of time and resources to be locating unclaimed property owners. [LB819]

SENATOR PRICE: Senator Avery, I agree with you, and I believe from my...two years ago, I went to the State Fair. The Treasurer's Office had a list there: Look your name up. I looked my name up, and lo and behold I had some unclaimed property that was sent to me in a check. So I'm not sure of the modality that they use, but they're already, I'm

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pretty sure, statutorily required to make a list, to make that available, and that people can go to do that, and I believe that's what would be here. I'm sure there will be people...I'm hoping there will be people behind me who will address this a little bit more. [LB819]

SENATOR AVERY: Okay, thank you. Any questions from the committee? Senator Wallman? [LB819]

SENATOR WALLMAN: Chairman Avery. Senator Price, this piqued my interest. In our church, there's a guy that had a Purple Heart in the Second World War and nobody claimed this ribbon, so we got it in our trophy case with...next to trophies of our teams--you know, softball, every...all this stuff. So what should we do with this medal? [LB819]

SENATOR PRICE: Well, Senator... [LB819]

SENATOR WALLMAN: The family, nobody was alive anymore. [LB819]

SENATOR PRICE: Well, Senator Wallman, this bill wants...notwithstanding your question, this bill helps to address what happens if it's in a financial institution, it was in somebody's, you know, safe deposit box. I agree; I applaud you for what you've done there. And this wouldn't...this bill takes that logical step in having a service organization take up the mantle for that. [LB819]

SENATOR WALLMAN: Thank you. [LB819]

SENATOR PRICE: Thank you, Senator Wallman. [LB819]

SENATOR AVERY: Any other questions? I don't see any. Thank you. All right, we'll move to proponent testimony. Welcome, Mr. Holloway. [LB819]

GREG HOLLOWAY: Again. [LB819]

SENATOR AVERY: You're getting a workout today. [LB819]

GREG HOLLOWAY: I am. This is...there's a lot of things that piqued my interest today also. (Laughter) H-o-l-l-o-w-a-y; first name Greg, G-r-e-g. This is kind of an interesting bill and an interesting problem. County veterans service officer left, but I'm going to speak for him anyway since I was a county veterans service officer and I helped a lot of veterans obtain the medals that they so rightly deserve. The awards and decorations, they're not only just medals. I have two Purple Hearts, and there are certificates that go along with those Purple Hearts that says that...when and where that you received the wounds in combat that receive those, so that's a part of the whole thing too. Not just

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that, there's documents that go along with this, and I am pretty sure that veterans organizations within the state, lots of American Legion chapters or posts, lots of DAV posts, lots of VFW posts in the state, and county veterans service officers would be more than glad to be the stewards for these awards and decorations and assist the families in finding the rightful place to display them or to put them, so I don't see any problems with this legislation whatsoever. That's...in mandating a little extra work for our Treasurer's Office, but they're up for it I think. They need something to do; they just sit around all day. (Laughter) But I think...well, that's true, isn't it? (Laughter) They...I think this is a good idea. I think this is a good idea, and the Disabled American Veterans do support it. The Nebraska Veterans Council, we only gave four bills as mandatory that we supported, but we support this also; they're all for it through the Nebraska Veterans Council. And I act as the junior vice commander of that organization, so...and the Disabled American Veterans would assist in any endeavors that would relate to these. I don't know what my kids are going to do with the ones I have hanging on my wall from when I was in Vietnam, but they'll figure out something to do with them. Any questions, I'll answer them. [LB819]

SENATOR AVERY: Thank you, Mr. Holloway. [LB819]

GREG HOLLOWAY: Thank you. [LB819]

SENATOR AVERY: Questions from the committee? I don't see any. Thank you. [LB819]

GREG HOLLOWAY: Good. [LB819]

SENATOR AVERY: Additional proponents? Good afternoon, sir. [LB819]

JERRY STILMOCK: (Exhibit 2) Hi, Senator. Mr. Chair, members of the committee, my name is Jerry Stilmock, J-e-r-r-y; Stilmock, S-t-i-l-m-o-c-k, testifying on behalf of the Nebraska Bankers Association in support of LB819. It's been a pleasure to work with Senator Price on something of this stature and the meaningfulness behind the medals, and of course, once...in working with Senator Price and extend that thanks as well to the Treasurer's Office to come up with a very workable amendment. The amendment of which Senator Price spoke of, in the green copy, it...the bill required/mandated the Treasurer hold on to these medals indefinitely. And what the...Senator Price has brought in the form of the amendment would limit that now to ten years and then, as you've heard already, allow those medals to be held in safekeeping by either the veterans organization, the awarding agency, or of a governmental entity. You all undoubtedly, if not personal experience, have somebody that's touched your life in some special way because of their military service. And it draws upon the inner reflection of what those medals mean to not only the recipient but perhaps mom and dad, perhaps family members certainly down the line, and this bill simply allows that measure to recognize the special nature of those medals and preserves them for

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perpetuity. And we'd urge the committee to adopt the amendment and transfer the bill, move the bill out to General File. Thank you, Senators. [LB819]

SENATOR AVERY: Thank you, Mr. Stilmock. Questions from the committee? I don't see any. Thank you. [LB819]

JERRY STILMOCK: Yes, sir. Thank you. [LB819]

SENATOR AVERY: Additional proponent testimony? You barely got here in time. [LB819]

DON STENBERG: I just barely got here in time. Thank you, Senator. Mr. Chairman, members of the committee--and I'll complete my paperwork after I'm done--I'm Don Stenberg, State Treasurer, spelled S-t-e-n-b-e-r-g. Senator Price's bill...and we were not original sponsors of the bill or...but we worked with the Nebraska Bankers Association and Senator Price's office, and the amendments deal with operational issues. And with those amendments I'm here to support the bill, and I would be happy to answer any questions. [LB819]

SENATOR AVERY: Thank you, Mr. Treasurer. Questions from the committee? Well, you barely got here in time, but it was worth it. [LB819]

DON STENBERG: Perfect timing. Thank you very much. [LB819]

SENATOR AVERY: Thank you. Any other proponent testimony? We're on LB819. Any opponent testimony? Neutral testimony? Senator Price will waive? Okay, and we still need you at the table since your bill is next. That ends the hearing on LB819, and we'll now move to hear LB999, also by Senator Price. Welcome, sir. [LB819]

SENATOR PRICE: Thank you, Chairman Avery and members of the Government, Military and Veterans Affairs Committee. My name is Scott Price, S-c-o-t-t P-r-i-c-e, and I represent the 3rd Legislative District still, and I appear before you today to introduce LB999. LB999 authorizes the display of the Honor and Remember Flag at public buildings. Language currently exists in statute to allow for the display of a POW/MIA on or near the State Capitol, the Governor's Residence, or any other courthouse, city or village hall, schoolhouse, or other public administrative building in Nebraska. The law further says the flag shall be displayed in accordance with accepted flag protocol, and a request to have such a flag flown can be made by any veterans organization, any group, or any person. LB999 would include in current statute the display of an Honor and Remember Flag and defines such a flag as a flag that is recognized and accepted by internationally recognized veterans organizations as commemorating and honoring the members of the United States Armed Forces who lost their lives in the line of duty. The idea of an Honor and Remember Flag was brought to me last year, which led to the

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introduction of LR141. This LR141 received a hearing before this committee and was advanced to the body where it was adopted. LR141 provided that the Legislature 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, and it urges Congress to pass HR546. The introduction of LB999 is the next step in the process to display an Honor and Remember Flag. Please keep in mind the design of the flag is still contingent upon approval of internationally recognized veterans organizations, so the design that we have seen most recently may not be the exact design that we'll...that is eventually approved. Thank you for considering this legislation; I would be happy to answer any questions you might have. [LB999]

SENATOR AVERY: Thank you. This is not mandatory, it simply allows? [LB999]

SENATOR PRICE: That is correct, sir. [LB999]

SENATOR AVERY: All right. Questions from the committee? Senator Sullivan? [LB999]

SENATOR SULLIVAN: Thank you, Senator Avery; and thank you, Senator Price. Can you get...? Maybe I just overlooked it and missed it in your comments. Where are we with this flag? I mean, is it ready to go? Do we have it ready to be flown and...? [LB999]

SENATOR PRICE: There is currently an adoption or a rendition of the flag that is given out to family members. Matter of fact, there is a person in the room who has brought one with her. She will not display it during her testimony, but it will be available for members to see. There is some concern of...let me back up one step. The flag and design has not been adopted yet by Congress. [LB999]

SENATOR SULLIVAN: Okay. [LB999]

SENATOR PRICE: It's on the docket in almost every state right now; almost every governor and everybody has signed on board. The POW/MIA flag took 18 years from start to beginning, and so what we're trying to do and what I'm trying to do with this legislation is sit there and say, we've agreed on the concept, we have a design that we're making sure gets finalized, but when it is finalized and...by Congress, in Nebraska we won't have to start with the legislation moving forward. [LB999]

SENATOR SULLIVAN: So who is taking the lead in designing this or coming up with a design? [LB999]

SENATOR PRICE: There are a couple of entities that are doing it now at the national level and, I don't have exact...probably there are people behind me who can talk to more...hopefully have a little more specificity. [LB999]

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SENATOR SULLIVAN: Thank you. [LB999]

SENATOR AVERY: Any other questions? You don't want to address the issue of the design in specifics? [LB999]

SENATOR PRICE: No, and if you look...and we were very careful here. And if you look at the statutory language of the POW/MIA flag to have it flown, what we're looking at here again is the enacting of the ability to fly it at a public building like the State Capitol or...they didn't tell you what the flag looks like. They just tell you, you can when it's accepted, and we followed the same parameters as laid out there. [LB999]

SENATOR AVERY: And let that fight take place somewhere else. [LB999]

SENATOR PRICE: Yes, sir. Thank you, sir. [LB999]

SENATOR AVERY: I know it's very difficult to get unanimity on the design and colors of flags. [LB999]

SENATOR PRICE: Yes, sir. [LB999]

SENATOR AVERY: It is. Okay, questions from the committee? I don't see any. Thank you. [LB999]

SENATOR PRICE: Thank you. [LB999]

SENATOR AVERY: Proponents to LB999? Good afternoon, sir. [LB999]

RUSSELL KIRKPATRICK: Good afternoon, Senators. My name is Russell E. Kirkpatrick, R-u-s-s-e-l-l K-i-r-k-p-a-t-r-i-c-k. I am the director for the Honor and Remember Flag committee here in Nebraska. I've got a brief statement I'd like to read. It is my desire to see the Honor and Remember Flag adopted as a...the state of Nebraska as a nationally-recognized symbol of remembrance. I promise to support the state/federal legislation that will make the Honor and Remember Flag an official emblem of the state of Nebraska and the United States of America, perpetually recognizing the sacrifice of our military fallen heroes and their families. On December 29, 2005, George Anthony Lutz, II--Tony--was killed by a sniper's bullet while he was on patrol in Fallujah, Iraq. His family and friends endured the shock and emotional agony and overwhelming loss that accompanied the news of Tony's death. Just like the many families who have suffered the same tragedy, in the month that followed Tony's funeral his father George visited our families who had lost loved ones in Iraq war. He began to sense that he was...joined the ranks of unique fellowship. These families were only the latest additions to a group that originated with the American Revolution when the first soldiers shed their

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blood for our freedom and gave their lives. George Lutz found another commonality among the families of fallen soldiers. After this grief had transitioned to a numbness and finally to acceptance, the families wanted to forget these concerns. This led George Lutz to a quest to discover if there was a universally recognized symbol that specifically acknowledges the American servicemen and women who never made it home. To his surprise he found nothing, thus the Honor and Remember Flag was conceived. Honor and Remember, Inc., is a 501(c)(3) charitable organization. The Honor and Remember Flag has been endorsed by--specifically here in Nebraska--by the NBDC, which is the Nebraska Business Development Center, and the Veterans in Business Forum, also nationally the American Gold Star Mothers, Inc., the Gold Star Wives of America, the Blue Star Mothers of America and the Vietnam Veterans of America, the Fleet Reserve Association and Military Officers Association of America, the Association of the United States Army, Navy, and Air Force and the Air Force Security Forces Association, and the United States Naval Reserve Association. Among many other organizations, the flag has already been adopted as an official state symbol by Delaware, Virginia, Ohio, and since my last testimony while I was here, North Carolina and Oklahoma and Alaska. Legislation is also pending in many other states, and more information can be found at the national Web site at www.honorandremember.org. I'd like to additionally state here today in my testimony that there has been some opposition of what the flag looks like. There's also been other opposition of where we're going to fly the flag. I want to alleviate that in front of you here today. There's different variations of the flag because when a fallen soldier gets killed, the flag itself, his name gets put on the bottom of the flag. We can't show you that here today because they're not allowed, but there's a couple different variations of it; and the main flag itself, it has to start someplace. A flag can only be so big, Senators. There's hundreds and thousands of flags. There's corporations that have flags. I mean, Nebraska has a state flag; United States has a flag. I mean, Prudential, who just contacted me this week here in Nebraska, has asked to come on and be a corporate sponsor. They have a flag. It's not what the flag looks like; it's the meaning of the flag. If your son or your daughter or your wife or your son gets killed, I'm going to sit on that board, and I'm going to make sure that you get that flag and it will just be the honoring and remembering that fallen soldier. [LB999]

SENATOR AVERY: Thank you, thank you very much. Questions from the committee? Senator Sullivan? [LB999]

SENATOR SULLIVAN: Thank you, Senator Avery. Well, just a clarification. You said there are flags out there right now, but Congress hasn't approved the official design. Is that right? [LB999]

RUSSELL KIRKPATRICK: Congress hasn't approved of it. The way I understand the legislation, the only reason they haven't approved of it is because of the money. They...there's so many federal buildings, and in our current economy the federal government doesn't want to spend the money for the flags. [LB999]

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SENATOR SULLIVAN: Is it they...? [LB999]

RUSSELL KIRKPATRICK: They don't have a problem with what the flag looks like. [LB999]

SENATOR SULLIVAN: Oh, okay. [LB999]

RUSSELL KIRKPATRICK: Did I answer your question and...? [LB999]

SENATOR AVERY: Well, if they approve the flag are they then required to fly it? [LB999]

SENATOR SULLIVAN: Yeah. [LB999]

RUSSELL KIRKPATRICK: They're not required to fly it, but they can fly it if they want to. [LB999]

SENATOR AVERY: So there wouldn't be necessarily a cost incurred if they just approve the design, and then other people could produce it and fly it; they wouldn't have to fly one in every federal building. [LB999]

RUSSELL KIRKPATRICK: Absolutely, you're exactly right, Senator. [LB999]

SENATOR AVERY: Well, you would expect them to figure that out, wouldn't you? [LB999]

RUSSELL KIRKPATRICK: The...it's really kind of simple. Our organization isn't asking to replace a POW flag or an MIA flag. As a matter of fact, there are corporations in lying, waiting to sit there and say we will pay for the flags. This...we're having a flag ceremony here in Nebraska which is going to be the very first formal one here, May 19, which is Armed Forces Day, and I'll make sure that every single one of you get an invitation. Please come. But corporations are willing to pay for it. We're not asking for the government, our state, or federal to pay for it, at least not here in Nebraska. [LB999]

SENATOR AVERY: Questions, anyone? Don't see any. Thank you, sir. [LB999]

RUSSELL KIRKPATRICK: Thank you, Senators. [LB999]

SENATOR AVERY: Any other proponent testimony? Welcome. [LB999]

PAT MRACEK: Thank you. My name is Pat Mracek, P-a-t M-r-a-c-e-k. Good afternoon. I would like to thank Senator Price for sponsoring this legislation and to this committee

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for your support. I am president of the Nebraska Gold Star Families. I belong to this organization because my only son, Sergeant Cory Mracek, was killed in Iskandariyah, Iraq, January 27, 2004, only eight days after arriving in country. This group is one that no one wants to join, but we have no choice. Cory was so proud of his country that he gave four years of his life to serve. He left the Army, and after 9/11 he decided his country needed him. He had to go back to protect the citizens of the United States. That was what he was trained to do. He was sent to Korea and then joined the 82nd Airborne. Needless to say, he is my hero. I wish I had one more day to hug him, to see his smile, to hear his giggle, to say I love you. All these heroes have a story. We have other Gold Star families in this room that also feel the way I do. George Lutz began this mission after his son Tony died in Iraq. He realized that there was no flag specifically honoring those who gave their all. He has made it his undertaking to honor and remember all servicemen and women who have never made it home while it also remembers those who died while in service to their country. They, too, are Gold Star families. One of Mr. Lutz's visions is to get every family across the United States a personalized flag. These flags are beautiful and are a wonderful tribute. I would like to show...or I have one with me that I will show you if you'd like to see it after the hearing. I received my flag in July 2010, right here in the Rotunda of the Capitol by Governor Heineman. My family and many others have joined in this cause because we all walk in freedom every day. Men and women in the military sign a blank check, fully aware that they may give their life for their country, and so many have, but very few people understand what the price of freedom really is and what it means. They gave their all. Our country and our state should be willing to honor and remember those heroes. We cannot forget their sacrifice ever, or we are in jeopardy of losing that freedom. This flag, when it starts to fly across the United States, will be seen and recognized for what it is: a remembrance of those heroes that have a name, they have a face, they have a story, and they have a family. Let us never forget that. Many times in past years, in memorial services, street dedications, wreath-laying ceremonies, or other events, our politicians will say, let me know if there's anything I can do for you. We are letting you know this is what we want done for us. Do this for all of us, especially the Vietnam heroes who never had any honors, whose families have received nothing. Do this for Sergeant Cory Mracek and all these families in this room. These families want this to happen. As president of the Nebraska Gold Star Families, I have met many families across the state through Facebook and in my travels, and I always hear the same sentiment: Please don't forget them. This flag would make sure that does not happen. As long as the American flag flies freely above the land in any soil in which it is planted, no sacrifice will be in vain. Because of the purity of what we do, we do not want this flag politicized. Gold Star families will tell you it makes no difference how or where they were killed; at the end of the day, they are not coming home. You can't make politics out of that. We all want to believe and to be proud of our loved ones regardless of circumstances. Sixty-seven soldiers from Nebraska have died since 2003. We do not want to replace the POW/MIA flag; we just want to honor those that have given their all. Gold Star families forever live with the pain of losing their loved one. In closing, I would again like

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to thank you for your consideration, and God bless you and God bless America. [LB999]

SENATOR AVERY: Thank you, Ms. Mracek, and thank you for your sacrifice. [LB999]

PAT MRACEK: Thank you. [LB999]

SENATOR AVERY: Questions from the committee? Don't see any. Thank you. Any other proponent testimony? Welcome, sir. [LB999]

JAKE SEEMAN: Hi. Hello, everybody. My name is Jake Seeman, J-a-k-e S-e-e-m-a-n, and I would just like to note that since Nebraska...that our territory was created, Nebraskans have been setting out and giving their lives for not only the nation but their home. What...something that they found here in Nebraska that they deemed necessary to give their lives for. Thirty-five Nebraskans gave their lives. It was 35 people from the territory of Nebraska gave their lives in the American Civil War; 121 Nebraskans gave their lives and answered the call to remember the Maine in the Spanish-American War; 751 Nebraskans died in the trenches of World War I to stop the Central Powers; 3,839 Nebraskans gave their lives to stop the spread of fascism and imperialism in the Second World War; 225 Nebraskans gave their lives and have essentially become forgotten in the war that bears that name, the Forgotten and the Korean War--the Forgotten War; 422 Nebraskans died in the jungles of Vietnam; and 67 Nebraskans have died in Iraq. There is no better way to honor these Nebraskans than this flag. When...during the Civil War, Abraham Lincoln wrote a letter that was made famous in a movie, "Saving Private Ryan." But at the end of the letter to a mother who had lost reportedly five children in the Civil War, he wrote to her that he hoped that she'd be left with "the cherished memory of the loved and lost, and the solemn pride that must be yours, to have laid so costly a sacrifice upon the altar of Freedom." Well, how about the solemn pride that is ours as Nebraskans to have laid such a sacrifice for our nation? Five thousand four hundred and thirty-one Nebraskans have died in our nation's struggles; let's pass this bill to support them and honor them. [LB999]

SENATOR AVERY: Thank you, Mr. Seeman. Questions from the committee? I don't see any. Thank you for your testimony. [LB999]

JAKE SEEMAN: Thank you. [LB999]

SENATOR PRICE: Any other proponent testimony? All right, we'll move to opponent testimony. Any opponents? Any neutral testifiers? I think that's it, Senator Price, if you want to close. [LB999]

SENATOR PRICE: I will take the opportunity to close on this bill. Thank you, Chairman Avery and members of the committee. Obviously, you've heard the passion and how people are imploring us to do something. And I appreciate the efforts and the inputs we

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received from all our citizens--Mr. Holloway, everybody included--and I would ask that we move this bill forward. And if you have any questions that I can't answer right now, we'll get you those answers. [LB999]

SENATOR AVERY: Thank you. Any more questions from the committee? We seem to be satisfied. Thank you. [LB999]

SENATOR PRICE: Thank you. [LB999]

SENATOR AVERY: That ends the hearing on LB999 and the hearings for today. Thank all of you for coming and participating. [LB999]