MARK GOTTLIEB

Speaker Pro Tempore
Wisconsin State Assembly

Testimony of Representative Mark Gottlieb
Assembly Bill 80
Assembly Committee on Transportation
April 19, 2007

Chairman Petrowski and Members:

Thank you for holding this public hearing on Assembly Bill 80 (AB 80), relating to special distinguishing registration plates for persons who have had an immediate family member die while in military service.

I introduced AB 80 after my constituent, Tom Hamilton, noticed the Gold Star family license plate created under the 2005 Executive Budget Act was statutorily written in a way that could be very narrowly interpreted. S. 314.14 (6r) (f) 19m creates a special distinguishing license plate for "Persons who have had an immediate family member die in combat while serving in the U.S. armed forces." I have confirmed with DOT that they do take a narrow interpretation of the language "die in combat" and do not consider "die in combat", with regard to these plates, to include service members who for instance:

1) Die in a combat theatre of operations (i.e. Iraq) due to accidental causes, such as, Humvee overturning on patrol, drowning, etc.
2) Die in a military operation for which an Armed Forces Expeditionary Medal or Global War on Terrorism Expeditionary Medal is awarded but which is not formally a "combat" operation (i.e. Lebanon, Somalia, Grenada, Panama, etc.)
3) Die in a terrorist attack like the military service members killed in the Pentagon on 9/11.
4) Die while serving as part of an international peacekeeping force.

Federal law, under 10 USC 1126, clearly defines family members who are eligible for the Gold Star lapel pin and the circumstances for which they become eligible. If a soldier were to die in any of the four scenarios listed above, certain family members would be furnished a Gold Star lapel pin. The criteria, as defined by federal law, to become eligible for the lapel pin include the deaths of U.S. military service members:

1) who lost their lives during WWI, WWII, or during any subsequent period of armed hostilities in which the United States was engaged before July 1, 1958;
2) who lost or lose their lives after June 30, 1958 - (A) while engaged in an action against an enemy of the United States; (B) while engaged in military operations involving conflict with an opposing foreign force; or (C) while serving with

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friendly foreign forces engaged in an armed conflict in which the United States is not a belligerent party against an opposing armed force; or

3) who lost or lose their lives after March 28, 1973, as a result of - (A) an international terrorist attack against the United States or a foreign nation friendly to the United States, recognized as such an attack by the Secretary of Defense; or (B) military operations while serving outside the United States (including the commonwealths, territories, and possessions of the United States) as part of a peacekeeping force.

AB 80 adopts the federal eligibility criteria for families who are furnished the Gold Star lapel pin to clearly define who may obtain special Gold Star license plates, but it does not change the definition under current state law for "immediate family member".

For the simple purpose of providing clarity to this statute, I respectfully ask that the members of this committee support and take executive action on Assembly Bill 80.

Thank you for the opportunity to testify before you today.