

**CS FOR HOUSE BILL NO. 271 (STATE AFFAIRS)
IN THE LEGISLATURE OF THE STATE OF ALASKA
SEVENTEENTH LEGISLATURE - FIRST SESSION**

BY THE HOUSE STATE AFFAIRS COMMITTEE

**Offered: 5/2/91
Referred: Resources, Finance**

Sponsor(s): HOUSE SPECIAL COMMITTEE ON MILITARY AND VETERANS' AFFAIRS

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to persons who served in the Alaska Territorial Guard."

2 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

3 * Section 1. LEGISLATIVE PURPOSE. The purpose of this bill is to recognize the dedication and
4 hardships endured by the members of the Alaska Territorial Guard during their service to their state and
5 their country during World War II and to accord them the same status as other veterans in the state.

6 * Sec. 2. AS 05.15.210(34) is amended to read:

7 (34) "veterans organization" means a civic, service, or charitable organization in
8 the state, or a branch or lodge or chapter of a national or state organization in the state,
9 not for pecuniary profit, the membership of which consists of individuals who were
10 members of the armed services or forces of the United States or persons who served in
11 the Alaska Territorial Guard.

12 * Sec. 3. AS 16.05.341 is amended to read:

13 Sec. 16.05.341. FREE LICENSE FOR DISABLED VETERANS. A person may receive
14 a resident hunting and sport fishing license (AS 16.05.340(a)(5)) without charge if the person

1 (1) has been discharged from military service under honorable conditions, [;
2 (2)] is eligible for a loan under AS 18.56.101, [;] and
3 [(3)] is certified by the United States Veterans' Administration as having incurred
4 a 50 percent or greater disability during military service; or

5 (2) served in the Alaska Territorial Guard, is eligible for a loan under
6 AS 18.56.101, and incurred a 50 percent or greater disability while serving in the Alaska
7 Territorial Guard.

8 * Sec. 4. AS 18.55.470 is amended to read:

9 Sec. 18.55.470. DEFINITIONS. In AS 18.55.300 - 18.55.470

10 (1) "authority" means the Alaska State Housing Authority;

11 (2) "moderate cost" means a cost determined by the authority that is below the
12 level at which private enterprise is currently building a needed volume of reasonably safe and
13 sanitary dwellings for sale in the locality involved;

14 (3) "moderate rental" means a rental rate determined by the authority that is below
15 the level at which the dwellings are currently being offered for rent by private persons in the
16 locality involved.

17 (4) [REPEALED

18 (5)] "veteran" means a person

19 (A) honorably separated from the military service of the United States who
20 has at any time resided continuously for at least a year in the state and who served in the
21 armed forces of the United States for at least 90 days or whose service was for less than
22 90 days because of injury or disability incurred in the line of duty, between

23 (i) [(A)] September 16, 1940, and July 25, 1947;

24 (ii) [(B)] June 25, 1950, and January 31, 1955; or

25 (iii) [(C)] August 4, 1964, and November 7, 1975;

26 (B) who served in the Alaska Territorial Guard for at least 90 days
27 or whose service was for less than 90 days because of injury or disability incurred
28 in the line of duty, and who has at any time resided continuously for at least a year
29 in the state;

30 (C) who is ["VETERAN" ALSO INCLUDES] the spouse or widow or
31 widower of a person described under (A) or (B) of this paragraph [VETERAN].

1 * Sec. 5. AS 18.56.101 is amended to read:

2 Sec. 18.56.101. ELIGIBILITY FOR VETERANS' INTEREST RATES. The following
3 persons are eligible veterans for the purposes of AS 18.56.098(g) and (h):

4 (1) a person who served in the armed forces of the United States for 90 days or
5 more, or whose service was for less than 90 days because of injury or disability incurred in the
6 line of duty, after April 6, 1917, whose discharge was under honorable conditions;

7 (2) the widow or widower of a member of the armed forces or an eligible veteran
8 if the member or veteran served in the armed forces for at least 90 days after April 6, 1917, and
9 the veteran's discharge was under honorable conditions;

10 (3) a person who has served for not less than five years in the Alaska Army
11 National Guard, or the Alaska Air National Guard, or a reserve unit of the United States armed
12 forces if the reserve unit required, as a minimum, one weekend each month of duty and 15
13 consecutive days of active duty training each year and

14 (A) whose discharge was under honorable conditions; or

15 (B) who is currently in an active status in the guard or a reserve unit;

16 (4) a person who has served as a commissioned officer of the Regular or Reserve
17 Corps of the Public Health Service whose discharge was under honorable conditions;

18 (5) a person who served in the Alaska Territorial Guard for 90 days or more
19 or whose service was for less than 90 days because of injury or disability incurred in the
20 line of duty;

21 (6) the widow or widower of a person who served at least 90 days in the
22 Alaska Territorial Guard.

23 * Sec. 6. AS 26.05.295(a) is amended to read:

24 (a) Each active enlisted member of the Alaska National Guard or the Alaska Naval
25 Militia who has completed the initial voluntary enlistment period of service that fulfills the
26 mandatory requirement for military service under 50 U.S.C. App. 451 - 456, 458 - 471 (Military
27 Selective Service Act of 1967) and a person who served in the Alaska Territorial Guard for
28 90 days or more or whose service was for less than 90 days because of injury or disability
29 incurred in the line of duty are [IS] eligible for educational assistance benefits in Alaska
30 educational facilities. Notwithstanding the reference to mandatory military service requirements,
31 each active enlisted female member is fully eligible for educational assistance benefits under this

1 section after completing six years of enlisted service.

2 * Sec. 7. AS 26.05.295(c) is amended to read:

3 (c) For the purposes of computing eligible benefits under this section when the eligibility
4 is based on being an active enlisted member of the Alaska National Guard or the Alaska
5 Naval Militia, each retirement point earned as a member of the Alaska National Guard or the
6 Alaska Naval Militia is equivalent to one day's active military service. Computation of credit for
7 retirement points is based on the retirement credits record in accordance with existing federal
8 National Guard and Reserve regulations.

9 * Sec. 8. AS 26.05.296(a) is amended to read:

10 (a) To the extent funds are available, the adjutant general shall authorize the payment of
11 not more than 50 percent of the cost of tuition and required fees for each active or retired
12 member of the Alaska National Guard or the Alaska Naval Militia and each person who served
13 in the Alaska Territorial Guard for 90 days or more or whose Alaska Territorial Guard
14 service was for less than 90 days because of injury or disability incurred in the line of duty,
15 if the member or person [WHO] attends an educational, vocational, or technical training school
16 in Alaska. Payments authorized under this section for active or retired members of the Alaska
17 National Guard or the Alaska Naval Militia continue so long as the active member participates
18 satisfactorily in unit training activities or a retired member is on the retired list and pursues the
19 course of study in a manner acceptable to the school. Payments authorized under this section
20 for persons who served in the Alaska Territorial Guard continue as long as the person
21 pursues the course of study in a manner acceptable to the school.

22 * Sec. 9. AS 26.10.060(b) is amended to read:

23 (b) In this section, "veteran" means a person
24 (1) subject to the Universal Military Training and Service Act; or
25 (2) who served in the Alaska Territorial Guard.

26 * Sec. 10. AS 26.10 is amended by adding a new section to read:

27 Sec. 26.10.090. DEFINITION. In this chapter, except where otherwise indicated,
28 "veteran" includes a person who served in the Alaska Territorial Guard.

29 * Sec. 11. AS 26.15.160 is amended to read:

30 Sec. 26.15.160. EXTENSION OF CHAPTER TO MEMBERS OF THE ALASKA
31 TERRITORIAL GUARD AND TO VETERANS OF KOREA AND VIET NAM. The

1 provisions of this chapter, except those provisions relating to the payment of bonuses, are
2 extended to persons who served in the Alaska Territorial Guard, who served other than
3 dishonorably on active duty between June 25, 1950, and January 31, 1955, who served other than
4 dishonorably on active duty between August 4, 1964, and November 7, 1975, and to dependents
5 of those persons, subject to the following provisions and eligibility qualifications.

6 (1) Persons are eligible

7 (A) who served in the Alaska Territorial Guard, who were discharged
8 other than dishonorably from the armed forces of the United States, or who are released
9 to a reserve component; and

10 (B) who at the time of entry into the service were bona fide residents of
11 the territory or State of Alaska and had been residents of the territory or state for not less
12 than one year before their entry into the service; and who have returned to the territory
13 or state within a reasonable length of time after the end of their service in the Alaska
14 Territorial Guard or their discharge or separation as residents with the intention of
15 remaining in the territory or state; or who, not being bona fide residents of the territory
16 before their entry into the service, have lived in the territory or state for at least five years
17 following their release from active military service; and

18 (C) who served in the armed forces of the United States for 90 days or
19 more, or whose service was for a lesser period because of injury or disability incurred in
20 line of duty, between June 25, 1950, and January 31, 1955, or who served in the armed
21 forces of the United States for 90 days or more or whose service was for a lesser period
22 because of injury or disability incurred in line of duty, between August 4, 1964, and
23 July 1, 1977, or who served in the Alaska Territorial Guard for 90 days or more or
24 whose service in the Alaska Territorial Guard was for a lesser period because of
25 injury or disability incurred in the line of duty.

26 (2) Persons are eligible who were dependent upon a member of the Alaska
27 Territorial Guard or armed forces or upon a veteran, including persons who served in the
28 Alaska Territorial Guard, eligible for the benefits of this chapter at the time of the member's
29 or veteran's death if the member or veteran was a resident of the territory for one year before
30 entry into service and died before November 5, 1975. Dependents must be unmarried and the
31 deceased veteran or member of the armed forces must have been their chief means of support

1 and they must be either a widow, widower, minor child, or a mother, father, sister, or brother
2 incapable of self-support. Dependents must be residents of the state at the time of application and
3 shall intend to remain residents in the state permanently. The rights of minor children under this
4 chapter may be exercised only if they have no surviving parent and have an appointed guardian
5 who may apply on their behalf for the benefits of this chapter for their care, support, or
6 education.

7 (3) A person who is eligible for veteran's benefits under the laws of any other
8 state or territory is not eligible for the benefits of this section unless the person has lived in the
9 state or territory for at least five years following the end of the person's service in the Alaska
10 Territorial Guard or release from active military service. A World War II veteran who
11 received a bonus under former AS 26.15.120 and former AS 26.15.150 need not repay the bonus
12 in order to qualify under the loan provisions of this section.

13 (4) For persons otherwise eligible for the benefits under this section, who did not
14 return to the state or territory within one year after the end of the persons' service in the
15 Alaska Territorial Guard or separation from the service unless prevented from doing so for
16 medical, educational, or other valid purposes approved by the Department of Commerce and
17 Economic Development within one year after the end of the persons' service in the Alaska
18 Territorial Guard or separation from the service, an additional requirement of four years'
19 residence in the state or territory before their entry into the service is imposed to entitle them to
20 the benefit provisions of this section.

21 * Sec. 12. AS 28.10.181(d) is amended to read:

22 (d) Vehicles owned by disabled veterans, including persons disabled in the line of duty
23 while serving in the Alaska Territorial Guard, and handicapped persons. A person who
24 presents to the department written proof that the person is at least 70 percent disabled or
25 medically handicapped and should be given special consideration by the public with respect to
26 the parking or standing of the person's vehicle in designated spaces, may register one passenger
27 vehicle without charge. The proof required under this subsection may consist of evidence that
28 the person receives at least 70 percent disability compensation from a government agency at the
29 time of registration or an affidavit signed by a physician licensed to practice medicine in this
30 state. Upon the request of the applicant the department shall issue a specially designed
31 registration plate that displays

1 (1) recognition of the disabled veteran if the applicant's disability originated from
2 the applicant's service with the Alaska Territorial Guard or the armed forces of the United
3 States; or

4 (2) the standard handicap symbol (the wheelchair logo).

5 * Sec. 13. AS 28.10.181(p) is amended to read:

6 (p) Vehicles owned by veterans. The department, upon receipt of written proof, shall
7 issue special registration plates for one noncommercial motor vehicle to a person who is a
8 veteran or retired veteran of the armed forces of the United States or who served in the Alaska
9 Territorial Guard. The commissioner, after consulting with the director of the division of
10 veterans affairs, shall determine the design and color of the veteran or retired veteran plates.

11 * Sec. 14. AS 29.45.030(i) is amended to read:

12 (i) In (e) - (i) of this section,

13 (1) "disabled veteran" means a disabled person

14 (A) separated from the military service of the United States under a
15 condition that is not dishonorable who is a resident of the state, whose disability was
16 incurred or aggravated in the line of duty in the military service of the United States, and
17 whose disability has been rated as 50 percent or more by the branch of service in which
18 that person served or by the Veterans' Administration; or

19 (B) who served in the Alaska Territorial Guard, who is a resident of
20 the state, whose disability was incurred or aggravated in the line of duty while
21 serving in the Alaska Territorial Guard, and whose disability has been rated as 50
22 percent or more;

23 (2) "real property" includes but is not limited to mobile homes, whether classified
24 as real or personal property for municipal tax purposes.

25 * Sec. 15. AS 29.45.050(i) is amended to read:

26 (i) A municipality may by ordinance approved by the voters exempt from taxation the
27 assessed value that exceeds \$150,000 of real property owned and occupied as a permanent place
28 of abode by a resident who is

29 (1) 65 years of age or older;

30 (2) a disabled veteran, including a person who was disabled in the line of duty
31 while serving in the Alaska Territorial Guard; or

1 (3) at least 60 years old and a widow or widower of a person who qualified for
2 an exemption under (1) or (2) of this subsection.

3 * Sec. 16. AS 38.05.067(e) is amended to read:

4 (e) In this section, "veteran" means a person with 90 days or more of active service in
5 the armed forces of the United States who has been honorably discharged or a person with 90
6 days or more of service in the Alaska Territorial Guard.

7 * Sec. 17. AS 38.05.940(b) is amended to read:

8 (b) To be eligible for a discount under this section, a veteran shall submit proof, as
9 required by regulation, that the veteran

10 (1) is 18 years of age or older on the date of sale;

11 (2) has been a state resident for a period of not less than one year immediately
12 preceding the date of sale; and

13 (3) has served

14 (A) in the Alaska Territorial Guard for at least 90 days, unless the
15 service was shortened due to a service connected disability; or

16 (B) on active duty in the U.S. Armed Forces at least 90 days, unless
17 tenure was shortened due to a service connected disability or due to receiving an early
18 separation upon return from a tour of duty overseas, [;] and

19 [(4)] has received an honorable discharge or a general discharge under honorable
20 conditions.

21 * Sec. 18. AS 39.25.159(c) is amended to read:

22 (c) In this section,

23 (1) "disabled veteran" means a veteran who is entitled to compensation under laws
24 administered by the United States Department of Veterans Affairs, [OR] a person who was
25 honorably discharged or released from active duty because of a service-connected disability, or
26 a person who was disabled in the line of duty while serving in the Alaska Territorial Guard;

27 (2) "prisoner of war" means a person who has been a prisoner of war during a
28 declared war or other conflict as determined by the Department of Defense under federal
29 regulations;

30 (3) "veteran" means a person

31 (A) with 181 days or more active service in the armed forces of the United

1 States who has been honorably discharged after having served during any period
2 (i) [(A)] between April 6, 1917, and December 1, 1919, between
3 September 16, 1940, and December 31, 1947, or between June 27, 1950, and
4 October 14, 1976; or
5 (ii) [(B)] in which the person was awarded a campaign badge,
6 expedition medal, the Purple Heart, or an award or decoration for heroism or
7 gallantry in action;
8 (B) who served 181 days or more in the Alaska Territorial Guard.

9 * Sec. 19. AS 44.35 is amended by adding a new section to read:

10 Sec. 44.35.100. DEFINITION. In this chapter, "veteran" includes a person who served
11 in the Alaska Territorial Guard.