

HB

224

SENATE STATE AFFAIRS COMMITTEE

BILL NUMBER CS HB 224

SPONSOR Cato/Kubina

BILL TITLE Preference in state employment for POWS
and certain vets

DATE REFERRED 2.27.90

HEARING SCHEDULED 4.11.90

FISCAL NOTE PREPARED

SPONSOR CONTACTED ✓

INTERESTED PARTIES CONTACTED

P H O N E	TO	Susie	DATE	3/15	TIME	4:10	AM
	FROM		AREA/CODE				PM
	OF	Leo Land	NO.	(Haines)			
M E S S A G E	EXT.		766-2466				
	RE veteran's preference bill						
	SIGNED S						
	PHONED	CALL BACK	RETURNED CALL	WANTS TO SEE YOU	WILL CALL AGAIN	WAS IN	URGENT

OTHER

DATE: 2/27/90

FURTHER:

DATE TURNED INTO OFFICE: _____

State Affairs Committee considered CS FOR HB 224 (Judiciary)

"An Act creating preferences in state employment for prisoners of war and for certain rehabilitated veterans and prisoners of war; and allowing repeated use of the state employment preference by certain veterans and prisoners of war for applications for nonpermanent positions."

and recommended:

- replace with _____ CS _____
 - or adopt _____ CS _____
 - attached amendment(s)
 - _____ letter of intent adopted
- same title
 - new title
 - technical title change (HB only)

do pass

do not pass

no recommendation

individual recommendations

further referral to _____

ATTACHES NEW FISCAL NOTE(S):
Dept/Date:

fiscal note(s) _____

zero fiscal note(s) _____

appropriation-no fiscal note

APPROVES PREVIOUS:
Dept/Date:

fiscal note(s) _____

zero fiscal note(s) DOA 1.23.90
DMVA 1.24.90

Governor's bill w/fiscal note

SIGNING DO PASS:

OTHER RECOMMENDATIONS:

Janet No Rec.
Paul Kelly (WORE)

Pat Sanchez

Chair: Signature and Recommendation

FISCAL NOTE

REQUEST:

Revision Date: _____ Agency Affected: Department of Administration
 Title: An Act relating to Veteran's preference in State employment BRU: Personnel
 Sponsor: Cato, Grussendorf, et al. Components: Personnel
 Requestor: House Judiciary

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 91	FY 92	FY 93	FY 94	FY 95	FY 96
PERSONAL SERVICES	0	0	0	0	0	0
TRAVEL	0	0	0	0	0	0
CONTRACTUAL	0	0	0	0	0	0
SUPPLIES	0	0	0	0	0	0
EQUIPMENT	0	0	0	0	0	0
LAND & STRUCTURES	0	0	0	0	0	0
GRANTS, CLAIMS	0	0	0	0	0	0
MISCELLANEOUS	0	0	0	0	0	0
TOTAL OPERATING	0	0	0	0	0	0
CAPITAL	0	0	0	0	0	0
REVENUE	0	0	0	0	0	0

FUNDING: (Thousands of Dollars)

GENERAL FUND	0	0	0	0	0	0
FEDERAL FUNDS	0	0	0	0	0	0
OTHER 1034	0	0	0	0	0	0
TOTAL	0	0	0	0	0	0

POSITIONS:

FULL-TIME	0	0	0	0	0	0
PART-TIME	0	0	0	0	0	0
TEMPORARY	0	0	0	0	0	0

ANALYSIS: (Attach a separate page if necessary)

This bill would not have a fiscal impact on the Division of Personnel either in Fiscal Year 90 or in subsequent years.

Prepared by: David K. F. Otto *D.K.F.O.* Phone: 465-4430
 Division: Personnel *Personnel* Date: 1/22/90
 Approved by Commissioner: Frank S. Baxter *Frank S. Baxter* Date: 1/23/90
 Agency: Department of Administration

Distribution (by preparer):
 Legislative Finance
 Legislative Sponsor
 Requestor
 Office of Management and Budget
 Impacted Agency(ies)

FISCAL NOTE

REQUEST:

Revision Date: _____ Agency Affected: Department of Administration
 Title: An Act relating to Veteran's preference in State employment BRU: Personnel
 Sponsor: Cato, Grussendorf, et al. Components: Personnel
 Requestor: House Judiciary

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 91	FY 92	FY 93	FY 94	FY 95	FY 96
PERSONAL SERVICES	0	0	0	0	0	0
TRAVEL	0	0	0	0	0	0
CONTRACTUAL	0	0	0	0	0	0
SUPPLIES	0	0	0	0	0	0
EQUIPMENT	0	0	0	0	0	0
LAND & STRUCTURES	0	0	0	0	0	0
GRANTS, CLAIMS	0	0	0	0	0	0
MISCELLANEOUS	0	0	0	0	0	0
TOTAL OPERATING	0	0	0	0	0	0
CAPITAL	0	0	0	0	0	0
REVENUE	0	0	0	0	0	0

FUNDING: (Thousands of Dollars)

GENERAL FUND	0	0	0	0	0	0
FEDERAL FUNDS	0	0	0	0	0	0
OTHER 1034	0	0	0	0	0	0
TOTAL	0	0	0	0	0	0

POSITIONS:

FULL-TIME	0	0	0	0	0	0
PART-TIME	0	0	0	0	0	0
TEMPORARY	0	0	0	0	0	0

ANALYSIS: (Attach a separate page if necessary)

This bill would not have a fiscal impact on the Division of Personnel either in Fiscal Year 90 or in subsequent years.

Prepared by: David K. F. Otto
 Division: Personnel
 Approved by Commissioner: Frank S. Baxter
 Agency: Department of Administration

Phone: 465-4430
 Date: 1/22/90
 Date: 1/23/90

Distribution (by preparer):
 Legislative Finance
 Legislative Sponsor
 Requestor
 Office of Management and Budget
 Impacted Agency(ies)

FISCAL NOTE

REQUEST:

Revision Date: January 24, 1990
Title: An Act relating to veterans preference
Sponsor: Cato
Requestor: House Judiciary Committee

Agency Affected: Military & Veterans Affairs
BRU: _____
Components: _____

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 91	FY 92	FY 93	FY 94	FY 95	FY 96
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0	0	0	0	0	0

CAPITAL						
---------	--	--	--	--	--	--

REVENUE						
---------	--	--	--	--	--	--

FUNDING: (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER						
TOTAL						

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS : (Attach a separate page if necessary)

This bill will have no fiscal impact on DMVA.

Prepared by: Jeff Morrison, Director
Division: Administrative & Support Services, DMVA

Phone 465-4600
Date: January 24, 1990

Approved by Commissioner: MG John Schaeffer
Agency: Department of Military & Veterans Affairs

Date: January 24, 1990

Distribution (by preparer):

- Legislative Finance
- Legislative Sponsor
- Requestor
- Office of Management and Budget
- Impacted Agency(ies)

hb224.txt

~~MONDAY~~, April 11

CS HB 224, EMPLOYMENT PREFERENCE FOR VETS AND POWS.

NO SCHEDULED TESTIMONY.

Representative Kubina will not be available, Monty Smith will be here to answer questions and approve changes.

UPDATE;

LEGAL SAYS "NO WAY" TO INCLUDING A RESIDENCY REQUIREMENT OF ANY SORT TO THE POW LANGUAGE IN THIS BILL. However, they drafted a CS (not yet available) requiring POWs to have resided in the state one year prior to application for state employment and they are sending a paragraph on the constitutionality of the residency requirement.

THE COMMITTEE DOES NOT HAVE A COPY OF THE CS, DO YOU EVEN WANT TO BOTHER WITH THIS GIVEN THE CONSTITUTIONALITY ISSUE?

Your response: Yes - give committee legal response on constitutionality issue, not CS.

STATE OF ALASKA
THE LEGISLATURE

POUCH Y STATE CAPITOL
JUNEAU, ALASKA 99811
907 465 3800

LEGISLATIVE AFFAIRS AGENCY

MEMORANDUM

April 11, 1990

SUBJECT: Durational residence requirement for preference (CSHB 224 (Judiciary))

TO: Senator Pat Pourchot
 Chair, Senate State Affairs Committee

FROM: Teresa B. Cramer *TBC*
 Legislative Counsel

You have asked whether it would be constitutionally permissible to limit eligibility for the employment preference granted to prisoners of war by CSHB 224 (Judiciary) to those POW's who had been residents of the state for at least a year. In my opinion, a limitation based on state residence would be constitutionally infirm.

In State v. Wylie, 516 P.2d 142 (Alaska 1973), the state supreme court struck down a preference for state hiring granted to all applicants who had been a state resident for at least a year. In doing so, the court held that the residence requirement infringed the constitutionally protected right to travel and that therefore, to justify the legislation, the state would have to show that it served a compelling state interest. The court did not find that this standard was satisfied, either by lowering the rate of unemployment of state residents or by preventing rapid turnover of state employees.

The residence requirement that you ask about would have the same limitation on the right to travel and I am not aware of a justification that would satisfy the compelling state interest standard. Courts in other jurisdictions have held that a five year residence requirement for eligibility for a veteran's preference was not justified. In Carter v. Gallagher, 337 F.Supp. 62 (D.C. Minn. 1971), the District Court found that the five year requirement impinged on the right to travel and that if the purpose of the employment preference was to honor those who served the nation during

Senator Pat Pourchot
Page 2
April 11, 1990

wartime, there was no state purpose at all served by conditioning the preference on the residence requirements. Another District Court reached a similar conclusion in Stevens v. Campbell, 332 F.Supp. 102 (D.C. Mass. 1971), holding that the residence requirements could not even be justified as having a rational relationship to a permissible state purpose.

If I may be of further assistance, please advise.

TC:pl
WKP4/055

Alaska State Legislature

Sen. Pat Pourchot, Chairman

Sen. Jan Faiks, Vice Chairman
Sen. Al Adams
Sen. Tim Kelly
Sen. Rick Uehling



P.O. Box V
State Capitol
Juneau, Alaska 99811

907-465-3712

Senate State Affairs Committee

MEMORANDUM

TO: Senate State Affairs Committee Members
FROM: Senator Pat Pourchot
RE: Friday, April 9 Committee Hearing
DATE: April 7, 1990

On Monday, April 9 at 1:30 p.m. in the Beltz Room the Senate State Affairs Committee will hear the following bills:

SCR 54, relating to the promotion of Assistant Adjutant General Louis Lee Lucas to brigadier general in the Alaska National Guard. Sponsored by the Rules Committee, this resolution contains the military history of Asst. Adjutant General Louis Lee Lucas and requests the Governor to appoint him to brigadier general in the AK. National Guard.

SB 342, An Act relating to the reenlistment bonus for members of the AK. National Guard and the Naval Militia. Senator Duncan's bill allows Department of Military and Veterans Affairs (DMVA) employees to be eligible to receive the National Guard reenlistment bonus as long as their state position does not require them to belong to the National Guard. For a history of the issue, refer to the DMVA position paper. There are currently no state employees directly impacted by SB 342 but it will allow those National Guard members who apply for future ~~for~~ state positions to not sacrifice their bonus eligibility.

* CS HB 224, An Act creating preferences in state employment for prisoners of war and for certain rehabilitated veterans and prisoners of war; and allowing repeated use of the state employment preference by certain veterans and prisoners of war for applications for nonpermanent positions.

Sponsored by Representative Kubina, this bill changes statute to allow for repeated use of state employment preference by eligible veterans and prisoners of war for nonpermanent positions. It does have one exception for veterans or prisoners of war who were terminated because of a service related disability and who have not worked in a permanent position for two years. These people, with medical certification, are entitled to receive a preference for a permanent position.

* CS HB 493, An Act relating to reemployment rights for members of the state's organized militia. Sponsored by Representative Kubina, this bill would allow reemployment rights to AK National Guard, AK Naval Militia and AK State Militia members who are called to state active duty by the Governor. It would require an employer to grant a leave of absence to a member of the organized militia and upon release from active duty, allow that person to

return to their former position or a comparable position. CSHB 493 also requires the employee to meet certain deadlines for reporting back to work after completing active duty.

SS SB 394. An Act relating to eligibility to participate in the state group insurance for certain licensees in vocational rehabilitation programs.

Sponsored by Senator Fahrenkamp, this bill would allow the Division of Vocational Rehabilitation (DVR) to include blind and severely disabled people in business as vendors in the group health insurance program. DVR is currently required to provide insurance for these vendors from the proceeds from vending machines in government buildings which are deposited in the Small Business Enterprise Revolving Fund, at a current cost of \$14, 772 per year. Including the five vendors in group health would create a savings to the revolving fund of \$5,100 per year and the vendors would receive more comprehensive insurance than they presently have.

SJR 63. Proposing an amendment to the Constitution of the State of Alaska relating to the duration of a regular session. The resolution, sponsored by Senator Frank, would limit the legislative session to 90 days, beginning the fourth Monday in January (January 28, 1991). Your packet contains a proposed CS, which would limit the session to 100 days, beginning on the same date.

ployee receiving a promotional appointment retains permanent status in the service and job class from which appointed for the duration of the probationary period and may be demoted to a former class without right of appeal, notwithstanding AS 39.25.170, but if the employee is dismissed from the service the appeal rights under AS 39.25.170 apply;

(8) nonpermanent and emergency appointments to positions in the state service in accordance with AS 39.25.195 — 39.25.200;

(9) provisional appointment without competitive examination when appropriate eligible lists are not available;

(10) transfers from one department to another and from another merit system jurisdiction to the state service;

(11) transfers from one area of the state to another;

(12) the reinstatement of a person who resigns in good standing;

(13) layoffs for reason of lack of money or work, abolition of positions, or material changes in duties or organization; both performance and seniority records shall be considered in the development of layoff orders;

(14) the development, maintenance, and use of employee performance records;

(15) the establishment of disciplinary measures which may include disciplinary suspension without pay;

(16) the procedures for review of disputed personnel actions, for resolving employee and interagency grievances, and for resolving grievances of the general public concerning the operation of the state personnel system;

(17) hours of work for all employees in the state service;

(18) methods and procedures covering overtime work and pay;

(19) the granting of employment preference rights to a veteran not within the area of promotion when the veteran possesses the necessary qualifications in the job classification applied for under this chapter; in an examination to determine the qualification of applicants for entrance into the classified service under merit system examination, five additional points shall be added to the passing grade of a veteran and ten additional points shall be added to the passing grade of a disabled veteran but the additional points may be used only the first time the veteran obtains a position in the classified service; if a position in the classified service is eliminated, employees shall be released in accordance with rules which give due effect to all factors; if all job qualifications are equal, the veteran shall be given preference over the nonveteran and the veteran shall be kept on the job; this paragraph may not be interpreted to amend the terms of a collective bargaining agreement; in this paragraph

(A) "veteran" means a person with 181 days or more active service in the armed forces of the United States who has been honorably discharged after having served during any period between April 6,

1917, and December 1, 1919, between September 16, 1940, and December 31, 1947; or between June 27, 1950, and October 14, 1976;

(B) "disabled veteran" means a veteran who is entitled to compensation under laws administered by the United States Veterans' Administration, or a person who was honorably discharged or released from active duty because of a service-connected disability;

(20) the employment of persons in permanent positions on a part-time basis of 15 hours or more a week, including the employment of two persons to fill one permanent full-time position; these employees shall be designated as permanent part-time employees;

(21) the granting of employment preference to severely handicapped persons; this includes the right to provisional appointment without competitive examination for periods up to four months and the granting of eligibility to a severely handicapped person provisionally appointed under the rules who demonstrates ability to perform the job for permanent appointment without competitive examination; provisional employment under this paragraph may not exceed four months during a 12-month period; "severely handicapped" as used in this paragraph means persons certified by the director of the division of vocational rehabilitation to be severely handicapped;

(22) the establishment of programs facilitating the employment of disadvantaged persons;

(23) the delegation, when feasible, of personnel responsibilities and duties to the principal departments of the executive branch;

(24) the establishment of a transition period of up to 12 months for an employee to be reappointed to a classified position if the employee's position is withdrawn from the partially exempt or exempt service and placed in the classified service;

(25) other rules and administrative regulations, not inconsistent with this chapter, that are necessary for its enforcement. (§ 13 ch 144 SLA 1960; am § 1 ch 130 SLA 1966; am § 1 ch 147 SLA 1962; am § 1 ch 117 SLA 1966; am § 1 ch 147 SLA 1967; am § 3 ch 226 SLA 1970; am § 1 ch 39 SLA 1971; am § 3 ch 42 SLA 1971; am § 1 ch 21 SLA 1973; am § 1 ch 27 SLA 1976; am § 1 ch 4 SLA 1978; am § 2 ch 67 SLA 1979; am § 38 ch 94 SLA 1980; am §§ 1, 2 ch 89 SLA 1982; am § 14 ch 112 SLA 1982; am § 1 ch 7 SLA 1987)

Cross references. — For the pay plan prepared under (2) of this section, see AS 39.27.011.

Effect of amendments. — The 1987

amendment substituted "October 14, 1976" for "November 7, 1975" at the end of paragraph (19)(A).

NOTES TO DECISIONS

The scope of rules prepared pursuant to AS 39.25.050 is limited severely in this section, leaving the director of personnel very little discretion and virtu-

ally no policy-making power. *Kelly v. Zamareilo*, Sup. Ct. Op. No. 705 (File Nos. 1255, 1256), 486 P.2d 906 (1971).

Chapter attempts to ensure most ef-

PRISONER OF WAR MEDAL

Detives POW

1. Eligibility Requirements

a. Authorized by P.L. 99-145, 10 U.S.C. 1128.

b. Authorized for any person who, while serving in any capacity with the U.S. Armed Forces, was taken prisoner and held captive after April 5, 1917.

(1) Civilians and Foreign Nationals. The Prisoner of War (POW) Medal shall be issued only to U.S. and foreign civilians who have received credit for U.S. military service as determined by the DoD Civilian/Military Service Review Board and Advisory Panel under DoD Directive 1000.20.⁷ The period of creditable military service must include the period of captivity from date of capture through date of release.

(2) Missing in Action (MIA). The POW Medal only shall be issued to the legal next of kin (NOK) of military personnel or civilians who have received credit for U.S. military service and whose POW status officially has been confirmed and recognized as such by the Military Departments. The NOK of persons listed as missing but for whom there is no evidence of having been a POW shall not be issued the POW Medal. Return of remains, in and of itself, does not constitute evidence of POW status. The NOK of POWs who die in captivity may be issued the POW Medal irrespective of the length of the captivity period.

(3) Hostages, Detainees, and Internees. The POW Medal shall be issued only to those taken prisoner by an enemy during armed conflict. For the purpose for this medal, armed conflicts are defined as World War I, World War II, Korean Conflict, Vietnam War. Hostages of terrorists and persons detained by governments with which the United States is not engaged actively in armed conflict are not eligible for the POW Medal.

c. Character of Service. Any person convicted by a U.S. military tribunal of misconduct or a criminal charge or whose discharge is less than honorable based upon actions while a POW is ineligible for the medal. POWs whose conduct was not in accord with the Code of Conduct and whose actions are documented by U.S. military records are ineligible for the medal. Resolution of questionable cases shall be the responsibility of the Secretaries concerned.

2. Subsequent Awards. No more than one POW Medal shall be awarded. For subsequent acts justifying award of the medal, service stars shall be awarded and worn on the suspension and service ribbon of the medal. A period of captivity terminates on return to U.S. military control. Escapees who do not return

§ 1126. Gold star lapel button: eligibility and distribution

(a) A lapel button, to be known as the gold star lapel button, shall be designed, as approved by the Secretary of Defense, to identify widows, parents, and next of kin of members of the armed forces of the United States—

(1) who lost their lives during World War I, World War II, or during any subsequent period of armed hostilities in which the United States was engaged before July 1, 1958; or

[See main volume for text of (2), (b) and (c)]

(d) In this section:

(1) The term "widow" includes widower.

(2) The term "parents" includes mother, father, stepmother, stepfather, mother through adoption, father through adoption, and foster parents who stood in loco parentis.

(3) The term "next of kin" includes only children, brothers, sisters, half brothers, and half sisters.

(4) The term "children" includes stepchildren and children through adoption.

(5) The term "World War I" includes the period from April 6, 1917, to March 3, 1921.

(6) The term "World War II" includes the period from September 8, 1939, to July 25, 1947, at 12 o'clock noon.

(An amended Pub.L. 98-94, Title XII, § 1268(8), Sept. 24, 1983, 97 Stat. 706; Pub.L. 100-26, § 7(k)(6), Apr. 21, 1987, 101 Stat. 284.)

1987 Amendment. Subsec. (d). Pub.L. 100-26, § 7(k)(5)(A), substituted "In this section:" for "In this section—".

Subsec. (d)(1). Pub.L. 100-26, § 7(k)(5)(B), inserted "The term" following the paragraph designation.

Pub.L. 100-26, § 7(k)(5)(C), substituted "widower:" for "widower".

Subsec. (d)(2) to (4). Pub.L. 100-26, § 7(k)(5)(B), inserted "The term" in each paragraph following the paragraph designation.

Pub.L. 100-26, § 7(k)(5)(C), substituted "in loco parentis" for "in loco parentis"; "half sisters" for "half sisters"; and "adoption" for "adoption"; respectively.

§ 1127. Precedence of the award of the Purple Heart

In prescribing regulations establishing the order of precedence of awards and decorations authorized to be displayed on the uniforms of members of the armed forces, the Secretary of the military department concerned shall accord the Purple Heart a position of precedence, in relation to other awards and decorations authorized to be displayed, not lower than that immediately following the bronze star.

(Added Pub.L. 98-626, Title V, § 668(a), Oct. 19, 1984, 98 Stat. 2582, and amended Pub.L. 99-145, Title V, § 588, Nov. 8, 1985, 99 Stat. 634.)

1985 Amendment. Pub.L. 99-145 substituted "the bronze star" for "the lowest position accorded any award or decoration for valor".

Legislative History. For legislative history and purpose of Pub.L. 99-145, see 1984 U.S. Code Cong. and Adm. News, p. 4174. See, also, Pub.L. 99-145, 1985, U.S. Code Cong. and Adm. News, p. 472.

§ 1128. Prisoner-of-war medal: issue

(a) The Secretary concerned shall issue a prisoner-of-war medal to any person who, while serving in any capacity with the armed forces, was taken prisoner and held captive—

(1) while engaged in an action against an enemy of the United States;

(2) while engaged in military operations involving conflict with an opposing foreign force; or

(3) while serving with friendly forces engaged in an armed conflict against an opposing armed force in which the United States is not a belligerent party.

(b) The prisoner-of-war medal shall be of appropriate design, with ribbons and appurtenances.

(c) In prescribing regulations establishing the order of precedence of awards and decorations authorized to be displayed on the uniforms of members of the armed forces, the Secretary concerned shall accord the prisoner-of-war medal a position of precedence, in relation to other awards and decorations authorized to be displayed—

(1) immediately following decorations awarded for individual heroism, meritorious achievement, or meritorious service, and

(2) before any other service medal, campaign medal, or service ribbon authorized to be displayed.

(d) Not more than one prisoner-of-war medal may be issued to a person. However, for each succeeding service that would otherwise justify the issuance of such a medal, the Secretary concerned may issue a suitable device to be worn as the Secretary determines.

(e) For a person to be eligible for issuance of a prisoner-of-war medal, the person's conduct must have been honorable for the period of captivity which serves as the basis for the issuance.

(f) If a person dies before the issuance of a prisoner-of-war medal to which he is entitled, the medal may be issued to the person's representative, as designated by the Secretary concerned.

(g) Under regulations to be prescribed by the Secretary concerned, a prisoner-of-war medal that is lost, destroyed, or rendered unfit for use without fault or neglect on the part of the person to whom it was issued may be replaced without charge.

(h) The Secretary of Defense shall ensure that regulations prescribed by the Secretaries of the military departments under this section are uniform so far as practicable.

(Added Pub.L. 99-145, Title V, § 532(a)(1), Nov. 8, 1985, 99 Stat. 633.)

Effective Date. Section 532(b) of Pub.L. 99-145 provided that: "Section 1128 of title 10, United States Code [this section], as added by subsection (a), applies with respect to any person taken prisoner and held captive after April 3, 1917."

Legislative History. For legislative history and purpose of Pub.L. 99-145, see 1985 U.S. Code Cong. and Adm. News, p. 472.

Library References

Armed Services § 30.

C.I.S. Armed Services § 36.

CHAPTER 59—SEPARATION

§ 1162. Reserves; discharge

Notes of Decisions

12. Scope of review

Discharged navy officer did not raise, for administrative review before Board for Correction of Naval Records, claim that citation of this section

in discharge orders did not vest Secretary of the Navy with authority to discharge him because they applied to reserve, not regular, officers, and thus judicial review of that claim was prohibited. *Walton v. Lehman*, D.C.Pa. 1983, 563 F.Supp. 1293.

§ 1163. Reserve components: members; limitations on separation

[See main volume for text of (a) to (c)]

(d) Under regulations to be prescribed by the Secretary concerned, which shall be as uniform as practicable, a member of a reserve component who is on active duty (other than for training) and is within two years of becoming eligible for retired pay or retainer pay under a purely military retirement system, may not be involuntarily

Hold =

April 9, 1990

CS HB 224: Vet's/POW's Preference

FAIKS: What if not disabled — extra 5 points?

Kubina: stress

KELLY: "Alaskan" VET or POW?

Kubina:

OTTO: does not change hiring practice, once in Alaska points kick in. Must show residency.

FAIKS: long time resident VET loses out

OTTO: doesn't change current practice

PAT?

AK. POW: TO OTTO

OTTO: functionally, nothing

FAIKS: Person here in AK. prior to military service.

OTTO: verification of AK. residency.

PAT

Vet. Points — affect on hiring women.

PAT

DOA supports.

Leo Law =

KELLY: questions inequity = AK.

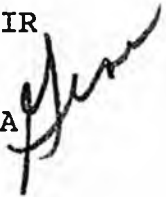
→ will try to do amendment
one year = ?
Constitutional Residency

from the desk of...

REPRESENTATIVE GENE KUBINA

MEMORANDUM

TO: SENATOR PAT POURCHOT, CHAIR
STATE AFFAIRS COMMITTEE

FROM: REPRESENTATIVE GENE KUBINA 

RE: HB 224

DATE: February 28, 1990

I would like to request that HB 224; "An Act creating preferences in state employment for prisoners of war and for certain rehabilitated veterans and prisoners of war; and allowing repeated use of the State employment preference by certain veterans and prisoners of war for applications for nonpermanent positions" be scheduled in your Committee in the near future.

Thank you for your consideration.

P. O. Box V, JUNEAU, ALASKA, 99811 - Phone 907-465-4859

Alaska State Legislature



Sen. Pat Pourchot, Chairman

Sen. Jan Falks, Vice Chairman

Sen. Al Adams

Sen. Tim Kelly

Sen. Rick Uehling

P.O. Box V
State Capitol
Juneau, Alaska 99811

907-465-3712

Senate State Affairs Committee

MEMORANDUM

TO: Senate State Affairs Committee Members

FROM: Senator Pat Pourchot

RE: Wednesday, April 11 Committee Hearing

DATE: April 10, 1990

On Wednesday, April 10 at 1:30 p.m. in the Beltz Room the Senate State Affairs Committee will hear the following bills:

SS SB 394. An Act relating to eligibility to participate in the state group insurance for certain licensees in vocational rehabilitation programs.

Second Hearing. Sponsored by Senator Fahrenkamp, this bill would allow the Division of Vocational Rehabilitation (DVR) to include blind and severely disabled people in business as vendors in the group health insurance program. DVR is currently required to provide insurance for these vendors from the proceeds from vending machines in government buildings which are deposited in the Small Business Enterprise Revolving Fund, at a current cost of \$14,772 per year. Including the five vendors in group health would create a savings to the revolving fund of \$5,100 per year and the vendors would receive more comprehensive insurance than they presently have. At the committee's request, DVR has provided results of a current study on comparative rates for disabled versus non-disabled individuals which generally says that there are no increases in insurance compensation costs nor lost-time injuries.

CS HB 224. An Act creating preferences in state employment for prisoners of war and for certain rehabilitated veterans and prisoners of war; and allowing repeated use of the state employment preference by certain veterans and prisoners of war for applications for nonpermanent positions.

Second Hearing. Sponsored by Representative Kubina, this bill changes statute to allow for repeated use of state employment preference by eligible veterans and prisoners of war for nonpermanent positions. It does have one exception for veterans or prisoners of war who were terminated because of a service related disability and who have not worked in a permanent position for two years. These people, with medical certification, are entitled to receive a preference for a permanent position. We have requested Legal to draft an amendment specifying that POWs be "Alaskans". Legal will respond with a paragraph on the "constitutionality" of a residency requirement.

CSSSHB 218. An Act extending the authority of the Alaska Housing Finance Corporation to assist in the development of congregate housing and directing the Alaska State Housing Authority to develop a pilot program for

congregate housing; and providing for an effective date. Second Hearing. Based on committee concerns, a proposed CS has been developed which requires AHFC to operate within prudent lending guidelines, clarifies that no subsidies will be authorized, defines congregate housing and identifies Alaska State Housing Authority role in the pilot program. Your packet contains the CS, a memo from Representative Ulmer highlighting the changes and an explanation of "layered financing".

CSSS SB 369. An Act relating to members of the boards of fisheries and game; and providing for an effective date. Sponsored by Rules at request of the Governor, this bill requires members of the Board of Fisheries or the Board of Game to disclose any interests in organizations relating to fish and game resources. Language in the CS clarifies the Governor's authority to remove board members convicted of violating a statute or regulation on fish or game and increases board compensation to the federal per diem rate (currently \$125 per day for Anchorage) and an honorarium of \$150 for each meeting day. Senate Resources attached a Letter of Intent which states support for increased compensation for board members and urges "streamlining" their functions to reduce hardships to members, the public and government staff.

SB 106. An Act relating to school boards in regional educational attendance areas. Sponsored by Senator Coghill, this bill amends AS 14.08.051(b), relating to the school board sections of statutes on education in the unorganized borough. It provides that a petition to divide a regional educational attendance area (REAA) into sections to recast section boundaries, or a petition to elect REAA school board members, must contain signatures of qualified voters in the area equal to eight percent (reduced from 15%) of the total vote cast in the most recent regional school board election.