

COMMITTEE ON MILITARY AFFAIRS AND PUBLIC SAFETY
HOUSE OF REPRESENTATIVES AMENDMENTS TO H.B. 2165
(Reference to printed bill)

1 Strike everything after the enacting clause and insert:

2 "Section 1. Section 38-491, Arizona Revised Statutes, is amended to
3 read:

4 38-491. Eligibility; age limit

5 A. ~~The~~ THIS state, or any political subdivision of ~~the~~ THIS state
6 ~~which~~ THAT employs personnel of any branch of its service under a merit
7 system, civil service system or other system of employment on the basis of
8 merit, by whatever name known, and whether pursuant to law, ordinance, rule,
9 regulation or otherwise, shall provide that a veteran of the armed forces of
10 the United States as defined by title 37, chapter 1, section 101, United
11 States Code, separated from active duty under honorable conditions, ~~shall be~~
12 IS eligible to apply for and receive employment under such A merit system
13 regardless of age, if otherwise qualified, subject only to the requirement
14 that ~~he~~ THE VETERAN is below the regular retirement age at the time of
15 entering the employment, if a retirement age is prescribed.

16 B. ANY POLITICAL SUBDIVISION OF THIS STATE THAT EMPLOYS PERSONNEL OF
17 ANY BRANCH OF ITS SERVICE UNDER A MERIT SYSTEM, CIVIL SERVICE SYSTEM OR OTHER
18 SYSTEM OF EMPLOYMENT ON THE BASIS OF MERIT, BY WHATEVER NAME KNOWN, AND
19 WHETHER PURSUANT TO LAW, ORDINANCE, RULE, REGULATION OR OTHERWISE, SHALL
20 PROVIDE THAT ANY VETERAN WHO IS ENTITLED UNDER 10 UNITED STATES CODE CHAPTER
21 1223 TO RETIRED PAY FOR NON-REGULAR SERVICE OR, BUT FOR AGE, WOULD BE
22 ENTITLED UNDER THAT CHAPTER TO RETIRED PAY FOR NON-REGULAR SERVICE IS
23 ELIGIBLE TO APPLY FOR AND RECEIVE EMPLOYMENT UNDER SUCH A MERIT SYSTEM
24 REGARDLESS OF AGE, IF OTHERWISE QUALIFIED, SUBJECT ONLY TO THE REQUIREMENT
25 THAT THE VETERAN IS BELOW THE REGULAR RETIREMENT AGE AT THE TIME OF ENTERING
26 THE EMPLOYMENT, IF A RETIREMENT AGE IS PRESCRIBED.

27 Sec. 2. Section 38-492, Arizona Revised Statutes, is amended to read:
28 38-492. Preferences

29 A. A veteran of the armed forces of the United States who is separated
30 from the armed forces under honorable conditions following more than six
31 months of active duty and who takes an examination for employment by ~~the~~ THIS
32 state or any political subdivision OF THIS STATE under a merit system of
33 employment as provided by section 38-491 ~~shall~~, in the determination of the
34 veteran's final rating on ~~such~~ THE examination, SHALL be given a preference
35 of five points over persons other than veterans. The preference shall be

1 added to the grade earned by ~~such~~ THE veteran, but only if ~~such~~ THE veteran
2 earns a passing grade without preference. ANY VETERAN WHO IS ENTITLED UNDER
3 10 UNITED STATES CODE CHAPTER 1223 TO RETIRED PAY FOR NON-REGULAR SERVICE OR,
4 BUT FOR AGE, WOULD BE ENTITLED UNDER THAT CHAPTER TO RETIRED PAY FOR
5 NON-REGULAR SERVICE AND WHO TAKES AN EXAMINATION FOR EMPLOYMENT BY ANY
6 POLITICAL SUBDIVISION OF THIS STATE UNDER A MERIT SYSTEM OF EMPLOYMENT AS
7 PROVIDED BY SECTION 38-491, IN THE DETERMINATION OF THE VETERAN'S FINAL
8 RATING ON THE EXAMINATION, SHALL BE GIVEN A PREFERENCE OF FIVE POINTS OVER
9 PERSONS OTHER THAN VETERANS. THE PREFERENCE SHALL BE ADDED TO THE GRADE
10 EARNED BY THE VETERAN, BUT ONLY IF THE VETERAN EARNS A PASSING GRADE WITHOUT
11 PREFERENCE.

12 B. A disabled person who takes an examination for employment by ~~the~~
13 THIS state or any political subdivision OF THIS STATE under a merit system of
14 employment ~~shall~~, in the determination of the disabled person's final rating
15 on such examination, SHALL be given a preference of five points. The
16 preference shall be added to the grade earned by the disabled person but only
17 if such person earns a passing grade without preference. For the purposes of
18 this subsection, "disabled person" means an individual who has a physical or
19 mental impairment that substantially limits one or more major life activities
20 of the individual or who has a record of such an impairment or is regarded as
21 having such an impairment.

22 C. A person qualified for a preference pursuant to subsections A and B
23 of this section shall be given a ten point preference.

24 D. A spouse or surviving spouse of any of the following, otherwise
25 qualified pursuant to subsection A of this section, shall be given a five
26 point preference as if the spouse or surviving spouse were an eligible
27 veteran pursuant to subsection A of this section:

- 28 1. Any veteran who died of a service-connected disability.
- 29 2. Any member of the armed forces who is serving on active duty and
30 who, at the time of application, is listed by the secretary of defense of the
31 United States in any of the following categories for not less than ninety
32 days:
 - 33 (a) Missing in action.
 - 34 (b) Captured in the line of duty by a hostile force.
 - 35 (c) Forcibly detained or interned in the line of duty by a foreign
36 government or power.

1 3. A person who has a total, permanent disability resulting from a
2 service-connected disability or any person who died while the disability was
3 in existence.

4 E. An honorably separated veteran who served on active duty in the
5 armed forces at any time and who has a service-connected disability or is
6 receiving compensation or disability retirement benefits under laws
7 administered by the ~~veterans-administration~~ UNITED STATES DEPARTMENT OF
8 VETERANS AFFAIRS, army, navy, air force, coast guard or United States public
9 health service shall be given a ten point preference pursuant to this
10 section.

11 F. If a person is eligible for a preference pursuant to this section
12 and the person applies for employment with ~~the~~ THIS state or any political
13 subdivision OF THIS STATE under a merit system of employment as provided by
14 section 38-491 in which applicants are assessed and evaluated but scores are
15 not given, preference shall be given by granting applicable preference codes
16 to qualified applicants.

17 G. No person eligible for a preference pursuant to this section shall
18 be allowed more than a ten point preference.

19 H. If a department, division or agency of ~~the~~ THIS state or any
20 political subdivision OF THIS STATE is operated under a merit system
21 prescribed by the federal government or a department, division or agency of
22 the federal government, the provisions of that system, including preferences,
23 prevail."

24 Amend title to conform

and, as so amended, it do pass

DAVID GOWAN
Chairman

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