

**ASSEMBLY BILL**

**No. 397**

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**Introduced by Assembly Member Kuykendall**

February 20, 1997

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An act to add Part 40.9 (commencing with Section 67700) to, and to add Chapter 1 (commencing with Section 69400) to Part 42 of, the Education Code, and to add Chapter 2.5 (commencing with Section 18170) to Part 1 of Division 5 of Title 2 of the Government Code, relating to government.

LEGISLATIVE COUNSEL'S DIGEST

AB 397, as introduced, Kuykendall. Selective Service Registration.

(1) Existing federal law, the Military Selective Service Act, requires certain males residing in the United States to present themselves for, and submit to, registration at the time and place, and in the manner, determined by proclamation of the President of the United States and by rules and regulations adopted pursuant to that federal law. Existing state law requires all state agencies to cooperate with the United States Selective Service System in efforts to publicize the necessity of, and requirements for, compliance with that act.

This bill would prohibit public postsecondary educational institutions from admitting, enrolling, or permitting the attendance of any person subject to the federal Military Selective Service Act if that person has not registered in accordance with that act. To the extent this prohibition would impose new duties on the governing boards of community

college districts, the bill would impose a state-mandated local program.

The bill also would prohibit any person subject to the federal Military Selective Service Act from receiving any student financial aid if that person has not registered in accordance with that act.

The bill also would prohibit all state agencies, including the University of California and the California State University, from employing or promoting any person subject to the federal Military Selective Service Act if that person has not registered in accordance with that act.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates that do not exceed \$1,000,000 statewide and other procedures for claims whose statewide costs exceed \$1,000,000.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

*The people of the State of California do enact as follows:*

1 SECTION 1. Part 40.9 (commencing with Section  
2 67700) is added to the Education Code, to read:

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4 PART 40.9. SELECTIVE SERVICE REGISTRATION

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6 67700. No public postsecondary educational  
7 institution shall admit, enroll, or permit the attendance of  
8 any person subject to the federal Military Selective  
9 Service Act (50 U.S.C. App. 451 et seq.) if that person has  
10 not registered in accordance with that act.

11 SEC. 2. Chapter 1 (commencing with Section 69400)  
12 is added to Part 42 of the Education Code, to read:

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1           CHAPTER 1. SELECTIVE SERVICE REGISTRATION

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3       69400. No person subject to the federal Military  
4 Selective Service Act (50 U.S.C. App. 451 et seq.) shall  
5 receive any financial aid pursuant to this part if that  
6 person has not registered in accordance with that act.

7       SEC. 3. Chapter 2.5 (commencing with Section  
8 18170) is added to Part 1 of Division 5 of Title 2 of the  
9 Government Code, to read:

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11           CHAPTER 2.5. SELECTIVE SERVICE REGISTRATION

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13       18170. No state agency, including the University of  
14 California and the California State University, shall  
15 employ or promote any person subject to the federal  
16 Military Selective Service Act (50 U.S.C. App. 451 et seq.)  
17 if that person has not registered in accordance with that  
18 act.

19       SEC. 4. Notwithstanding Section 17610 of the  
20 Government Code, if the Commission on State Mandates  
21 determines that this act contains costs mandated by the  
22 state, reimbursement to local agencies and school  
23 districts for those costs shall be made pursuant to Part 7  
24 (commencing with Section 17500) of Division 4 of Title  
25 2 of the Government Code. If the statewide cost of the  
26 claim for reimbursement does not exceed one million  
27 dollars (\$1,000,000), reimbursement shall be made from  
28 the State Mandates Claims Fund.

29       Notwithstanding Section 17580 of the Government  
30 Code, unless otherwise specified, the provisions of this act  
31 shall become operative on the same date that the act  
32 takes effect pursuant to the California Constitution.

