

AMENDED IN ASSEMBLY MAY 5, 1997
AMENDED IN ASSEMBLY MARCH 31, 1997

CALIFORNIA LEGISLATURE—1997-98 REGULAR SESSION

ASSEMBLY BILL

No. 397

Introduced by Assembly Member Kuykendall

February 20, 1997

~~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. An act to add Chapter 1 (commencing with Section 69400) to Part 42 of the Education Code, relating to postsecondary education.~~

LEGISLATIVE COUNSEL'S DIGEST

AB 397, as amended, Kuykendall. *Postsecondary education: Selective Service Registration.*

~~(1) Existing~~

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 federal law also requires a person who is required to register under the act to file with the institution of higher education that the person*

intends to attend or is attending, a statement of compliance with the act and implementing regulations in order to receive any grant, loan, or work assistance under specified provisions of existing 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 and does not show proof of registration. 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

This 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 and does not show proof of registration. The bill would require the Student Aid Commission to develop and distribute to each male applicant for specified financial aid a form on which the applicant shall certify that he has registered with the Selective Service Board, that he is not yet 18 years of age and will register when required, or that he is not required by law to register.

~~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 and does not show proof of registration.~~

~~(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 no*.

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

1 SECTION 1. The Legislature recognizes that failing
2 to register in accordance with the federal Military
3 Selective Service Act (50 U.S.C. App. 451 ~~et. et seq.~~) is a
4 felony under federal law.

5 ~~SEC. 2. Part 40.9 (commencing with Section 67700) is~~
6 ~~added to the Education Code, to read:~~

7

8 PART 40.9. ~~SELECTIVE SERVICE REGISTRATION~~

9

10 ~~67700. No public postsecondary educational~~
11 ~~institution shall admit, enroll, or permit the attendance of~~
12 ~~any person subject to the federal Military Selective~~
13 ~~Service Act (50 U.S.C. App. 451 et seq.) if that person has~~
14 ~~not registered in accordance with that act and does not~~
15 ~~show proof of registration.~~

16 ~~SEC. 3.~~

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

19

20 CHAPTER 1. SELECTIVE SERVICE REGISTRATION

21

22 69400. (a) No person subject to the federal Military
23 Selective Service Act (50 U.S.C. App. 451 et seq.) shall
24 receive any financial aid pursuant to this part if that
25 person has not registered in accordance with that act ~~and~~
26 ~~does not show proof of registration.~~

27 (b) *The Student Aid Commission shall develop and*
28 *distribute to each male applicant for financial aid*
29 *pursuant to this part a form on which the applicant shall*
30 *certify one of the following:*



1 (1) That he has registered with the Selective Service
2 Board.

3 (2) That he is not yet 18 years of age and will register
4 when required.

5 (3) That he is not required by law to register.

6 ~~SEC. 4. Chapter 2.5 (commencing with Section~~
7 ~~18170) is added to Part 1 of Division 5 of Title 2 of the~~
8 ~~Government Code, to read:~~

9

10 CHAPTER 2.5. SELECTIVE SERVICE REGISTRATION

11

12 ~~18170. No state agency, including the University of~~
13 ~~California and the California State University, shall~~
14 ~~employ or promote any person subject to the federal~~
15 ~~Military Selective Service Act (50 U.S.C. App. 451 et seq.)~~
16 ~~if that person has not registered in accordance with that~~
17 ~~act and does not show proof of registration.~~

18 ~~SEC. 5. Notwithstanding Section 17610 of the~~
19 ~~Government Code, if the Commission on State Mandates~~
20 ~~determines that this act contains costs mandated by the~~
21 ~~state, reimbursement to local agencies and school~~
22 ~~districts for those costs shall be made pursuant to Part 7~~
23 ~~(commencing with Section 17500) of Division 4 of Title~~
24 ~~2 of the Government Code. If the statewide cost of the~~
25 ~~claim for reimbursement does not exceed one million~~
26 ~~dollars (\$1,000,000), reimbursement shall be made from~~
27 ~~the State Mandates Claims Fund.~~

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

