

Assembly Bill No. 397

CHAPTER 575

An act to add Chapter 7 (commencing with Section 66500) to Part 40 of, and to add Chapter 1 (commencing with Section 69400) to Part 42 of, the Education Code, relating to postsecondary education.

[Approved by Governor September 29, 1997. Filed
with Secretary of State September 30, 1997.]

LEGISLATIVE COUNSEL'S DIGEST

AB 397, Kuykendall. Postsecondary education: 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 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 require each public postsecondary educational institution to make every reasonable effort to inform all male applicants for undergraduate admission of their obligation to register in accordance with the federal Military Selective Service Act, as specified. Under provisions of existing law, this requirement would not apply to the University of California except to the extent that the Regents of the University of California, by appropriate resolution, make it applicable. The imposition of this requirement on community colleges and community college districts 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 pursuant to specified provisions of existing state law 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.

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

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

SEC. 2. Chapter 7 (commencing with Section 66500) is added to Part 40 of the Education Code, to read:

CHAPTER 7. SELECTIVE SERVICE REGISTRATION

66500. Each public postsecondary educational institution shall make every reasonable effort to inform all male applicants for undergraduate admission of their obligation to register in accordance with the federal Military Selective Service Act (50 U.S.C. App. 451 et seq.) through one or more means, as determined by each institution. This effort may include, but is not limited to, all of the following:

(a) Including a Federal Application For Student Aid form in application or registration materials.

(b) Including referral information to the Selective Service Agency or its homepage in written documents, such as an application, or electronic communications, such as a homepage or an electronically mailed application.

(c) Placing selective service registration cards in admissions offices, or other appropriate administrative offices.

SEC. 3. Chapter 1 (commencing with Section 69400) is added to Part 42 of the Education Code, to read:

CHAPTER 1. SELECTIVE SERVICE REGISTRATION

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

SEC. 4. Notwithstanding Section 17610 of the Government Code, if the Commission on State Mandates determines that this act contains costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code. If the statewide cost of the claim for



reimbursement does not exceed one million dollars (\$1,000,000), reimbursement shall be made from the State Mandates Claims Fund.

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

O

