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## **Developments in Naturalization & Military Immigration Issues**

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## STATE/COMMONWEALTH LEGISLATION

Many states have passed legislation that supports the federal Selective Service System registration requirement. Generally, these state laws require that a man be registered (or prove he is exempt from the requirement) before he can receive state student financial assistance or be eligible for state government jobs.

Most of the state laws mirror, reinforce or strengthen two federal laws: The Solomon Amendment added Section 12 (f) to the Military Selective Service Act in September 1982. Male students who have a requirement to register with Selective Service must satisfy that requirement as an eligibility precondition for receipt of Title IV federal student financial aid. Title IV aid includes such need-based programs as Guaranteed Student Loans and Pell Grants. In November 1985, the Thurmond Amendment to the Defense Authorization Act established Title 5, U.S. Code, Section 3328, which requires Selective Service System registration (of men who are required to register) as a prerequisite for appointment to most federal jobs. The effect of these Amendments is twofold. They increase public awareness of the registration requirement and ensure that recipients of public funds are in compliance with federal law.

Currently, 42 states, three territories and the District of Colombia have enacted what is often called "Solomon-like" or "Thurmond-like" legislation linking a man's eligibility for state-funded higher education benefits or state jobs to the federal registration requirement, and/or passed laws linking a man's application for a driver's license or I.D. card with Selective Service registration.

Here is a listing of the laws and what they provide:

**Alabama:** Requires Selective Service registration to be eligible to enter institutions of higher learning. Registration is also required as a prerequisite for state employment and promotion. This legislation was signed by Gov. Guy Hunt in 1991 and became on effective Jan. 1, 1992. On Oct. 1, 2001, an Alabama law became effective requiring men to be registered with Selective Service to obtain a state driver's license. Gov. Don Siegelman signed this legislation on May 17, 2001.

**Alaska:** Requires men to register with the Selective Service System as a precondition to state employment, to receive state financial aid for school, and unique to Alaska, to receive a permanent fund dividend. Signed by Gov. Tony Knowles on June 27, 2002, this bill became effective on Jan. 1, 2004.

**Arizona:** Requires registration as a condition for state financial aid for school as well as a precondition for state employment. Signed by Gov. Rose Mofford in 1988. On April 24, 2003, Gov. Janet Napolitano signed into law a bill that requires Arizona men, 18 through 25 years old, to be registered to obtain a state driver's license. This law became effective on July 1, 2003.

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**Arkansas:** Requires registration as a condition for receiving a state education loan, scholarship, or other state financial assistance. Signed into law by Gov. Bill Clinton on Feb. 22, 1989. Also, requires compliance with the Military Selective Service Act as a precondition for state employment or enrollment in a public institution of higher learning. Signed by Gov. Huckabee in 1997. On Feb. 20, 2001, Gov. Huckabee signed into law a bill which requires men under 26 years old who apply for an Arkansas driver's license, permit, or renewal to be registered with Selective Service. This law became effective on Jan. 1, 2002.

**California:** Requires Selective Service registration as a precondition for state student financial aid. Signed into law by Gov. Pete Wilson in 1997.

**Colorado:** Requires statement of compliance from male students born after Dec. **31, 1959**, before they are allowed to enroll at a state supported college or university. Gov. Dick Lamm allowed the bill to become law in **1987**. On Aug. **8, 2001**, a Colorado law became effective requiring men applying for a state driver's license to be registered with Selective Service. Gov. Bill Owens signed the bill on May **30, 2001**.

**Delaware:** Requires Selective Service registration as a precondition for state employment and state student financial aid. Signed by Gov. Michael N. Castle in 1986. On Aug. 4, 2000, Gov. Thomas R. Carper signed into law a bill which registers men 18 through 25 with Selective Service when they apply for a Delaware driver's license, permit, or state I.D. card, if they are required under federal law to be so registered.

**District of Columbia:** On April 27, 2001, Mayor Anthony Williams signed a law stipulating that men 18 through 25 years old in the District may register with the SSS when they apply to obtain or renew a District driver's license.

**Florida:** Requires Selective Service registration as a precondition for state student financial aid. Signed by Gov. Bob Graham in 1985. A law signed by Gov. Bob Martinez in 1988 requires registration as a precondition for state employment. On July 1, 2001, a Florida law became effective requiring men to be registered with Selective Service to obtain a state driver's license. Gov. Jeb Bush signed this legislation on June 5, 2001.

**Georgia:** Requires Selective Service registration as a precondition for state student financial aid. Signed by Gov. Joe Frank Harris in 1986. A law signed by Gov. Zell Miller effective, July 1, 1998, requires proof of registration as a precondition for state employment. On July 1, 2001, a Georgia law became effective which requires men to be registered with Selective Service to obtain a state driver's license. Gov. Roy Barnes signed this legislation on April 18, 2001.

**Guam:** On May 3, 2004, Gov. Felix P. Camacho signed a law stipulating that men 18 through 25 years old in Guam may register with the SSS when they apply to obtain or renew a state driver's license. This law becomes effective on Sept. 1, 2004.

**Hawaii:** A law became effective on Jan. 1, 2002, requiring Selective Service registration as a condition for applying for and receiving a state driver's license. This law was signed by Gov. Benjamin J. Cayetano on May 3, 2001.

**Idaho:** Young men must be registered to be eligible for state employment and state enrollment in post secondary institutions, including financial aid for this schooling. Signed by Gov. Dirk Kempthorne on

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