

1 **SELECTIVE SERVICE FILING PREREQUISITE TO**
2 **RECEIVING POSTSECONDARY FINANCIAL AID**

3 1998 GENERAL SESSION

4 STATE OF UTAH

5 **Sponsor: Bryan D. Holladay**

6 AN ACT RELATING TO POSTSECONDARY EDUCATION; REQUIRING MALE
7 STUDENTS TO CERTIFY THEIR SELECTIVE SERVICE STATUS AS A PREREQUISITE
8 TO RECEIVING FINANCIAL AID TO ATTEND A STATE INSTITUTION OF HIGHER
9 EDUCATION.

10 This act affects sections of Utah Code Annotated 1953 as follows:

11 ENACTS:

12 **53B-11-104**, Utah Code Annotated 1953

13 *Be it enacted by the Legislature of the state of Utah:*

14 Section 1. Section **53B-11-104** is enacted to read:

15 **53B-11-104. Eligibility for student financial aid -- Filing of selective service status.**

16 (1) A male born after December 31, 1959, may not receive any state-supported loan, grant,
17 or scholarship for attendance at an institution within the state system of higher education unless
18 he has filed a statement of selective service status with the institution.

19 (2) The statement shall certify one of the following:

20 (a) that the male has registered with the selective service system in accordance with the
21 Military Selective Service Act, 50 U.S.C. App. 453, as amended;

22 (b) that the male is not required to register with the selective service system because he
23 is:

24 (i) under 18 or over 26 years of age;

25 (ii) on active duty with the armed forces of the United States other than for training in a
26 reserve or national guard unit;

27 (iii) a nonimmigrant alien lawfully in the United States in accordance with the

1 Immigration and Nationality Act, 8 U.S.C. Sec. 1101(a)(15); or
2 (iv) not a citizen of the United States and is a permanent resident of the Trust Territory of
3 the Pacific Islands or the Northern Mariana Islands.

4 (3) (a) The board of regents, through the commissioner of higher education, shall specify
5 the form of statement to be filed under Subsection (2).

6 (b) Each statement shall contain a section:

7 (i) certifying registration with the selective service system and a space for the student to
8 record his selective service number; and

9 (ii) for the certification of nonregistration and for an explanation of the reason for
10 exemption.

11 (c) The board may require documentation for the certifications under Subsection (3)(b).

12 (4) Institutions within the state system of higher education may not make or guarantee any
13 loan, grant, scholarship, or other state-supported financial assistance to a male student unless the
14 student has filed the statement required under Subsection (1).

15 (5) (a) If an institution within the state system of higher education has received a statement
16 certifying that the individual is registered under Subsection (2)(a) or is exempt from registration
17 for a reason other than he is under 18 years of age, the individual is not required to file any further
18 statement with the institution under this section.

19 (b) If the institution receives a statement of exemption because the individual is under 18
20 years of age, it shall require the filing of a new statement each time the individual seeks to apply
21 for financial assistance for educational expenses, until it receives a statement certifying that the
22 individual has registered with the selective service system or is exempt from registration for a
23 reason other than being under 18 years of age.

Legislative Review Note
as of 12-11-97 3:24 PM

A limited legal review of this bill raises no obvious constitutional or statutory concerns.

Office of Legislative Research and General Counsel