



**TESTIMONY OF
THE DEPARTMENT OF THE ATTORNEY GENERAL
TWENTY-EIGHTH LEGISLATURE, 2015**

LATE TESTIMONY

ON THE FOLLOWING MEASURE:

**S.B. NO. 468, RELATING TO THE SELECTIVE SERVICE REGISTRATION
AWARENESS AND COMPLIANCE ACT.**

BEFORE THE:

**SENATE COMMITTEES ON PUBLIC SAFETY, INTERGOVERNMENTAL AND
MILITARY AFFAIRS AND ON HIGHER EDUCATION AND THE ARTS**

DATE: Tuesday, February 17, 2015

TIME: 1:00 p.m.

LOCATION: State Capitol, Room 229

TESTIFIER(S): WRITTEN COMMENTS ONLY. For more information, call
Diane Erickson, Deputy Attorney General at (808) 586-0618

Chairs Espero and Taniguchi and Members of the Committees:

The Attorney General has concerns about this bill.

This bill adds a new chapter to the Hawaii Revised Statutes, to be titled "Selective Service Registration Awareness and Compliance Act."

This new chapter provides that any person who is not in compliance with the registration requirements of the federal Military Selective Service Act shall not be: 1) permitted to enroll in or receive education from a state-supported post-secondary institution, including any part of the University of Hawaii system; 2) eligible to receive a loan, grant, scholarship, or other financial assistance for post-secondary education that is provided, supported, or guaranteed by the State; and 3) eligible for employment by the State or any political subdivision.

Under the federal Military Selective Service Act, persons who fail to register for the selective service are ineligible to receive federal educational assistance or to be employed by the federal government. According to our information, only eight states have laws making persons who are not in compliance with Selective Service, ineligible to attend state-supported post-secondary educational institutions. On the other hand, approximately twenty-two states have laws similar to the federal law that condition education assistance or state job eligibility, or both, on Selective Service registration.

Conditioning eligibility for education assistance and conditioning eligibility for State or county employment upon registration for Selective Service are legitimate areas of statewide concern. However, we believe that conditioning enrollment in a state-supported post-secondary

institution upon such registration is contrary to article X, section 6, of the Hawaii State Constitution, which provides in pertinent part that the Board of Regents shall "have exclusive jurisdiction over the internal structure, management, and operation of the university."

In addition, we also note that since 2002, Hawaii law provides that anyone who is required to be registered with Selective Service and who applies for a state drivers' license or renewal thereof, is automatically registered with the Selective Service System. See, section 286-102.5, Hawaii Revised Statutes.

Thank you for the opportunity to present our concerns.