

Legislative Analysis



SELECTIVE SERVICE REGISTRATION AT SOS OFFICE

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Senate Bill 146 (Substitute H-2)

Sponsor: Sen. Valde Garcia

House Committee: Transportation

Senate Committee: Transportation

First Analysis (9-29-04)

BRIEF SUMMARY: The bill would amend the Michigan Vehicle Code to require the Secretary of State, beginning January 1, 2006, to obtain the consent and information necessary to register males 18 through 25 years of age for the federal Selective Service System in accordance with the Military Selective Service Act (50 USC Appx 453), including an individual's Social Security number, at the time an individual applied for a driver license or chauffeur's license. The bill would take effect January 1, 2006.

FISCAL IMPACT: The Secretary of State does not have an estimate of costs but reports that the bill would result in information technology costs and additional transaction time.

THE APPARENT PROBLEM:

The Selective Service System is an independent agency within the executive branch of the federal government. Under the Military Selective Service Act, the mission of the Selective Service System is to provide the numbers of men needed by the Armed Forces should Congress and the President decide to return to a draft. Selective service also would be responsible for administering a program of alternative service for conscientious objectors.

With few exceptions, all male United States citizens and male aliens residing in the United States and its territories must register for the selective service within 30 days of their 18th birthday. (The exceptions apply to, among others, lawfully admitted non-immigrants on visas and men who are continually confined to a residence, hospital, or institution.) Registration can be accomplished online at the Selective Service website, at a U.S. Post Office, or at a U.S. embassy or consulate.

THE CONTENT OF THE BILL:

The bill would amend the Michigan Vehicle Code to require the Secretary of State, beginning January 1, 2006, to obtain the consent and information necessary to register males 18 to 25 years of age for the federal Selective Service System in accordance with the Military Selective Service Act (50 USC Appx 453), including an individual's Social Security number, at the time an individual applied for a driver license. The bill would take effect January 1, 2006.

Under the bill, by applying for an operator's license or chauffeur's license, a male citizen or an immigrant to the United States 18 to 25 years of age would give his consent for the Secretary of State to provide information to the Selective Service System.

The application forms for the licenses would be required to state that the submission of the application served as the applicant's consent for the Secretary of State to provide the information. The Secretary of State would then be required to provide the information obtained in the applications to the Selective Service System in a format consistent with Selective Service System requirements.

MCL 257.307b

HOUSE COMMITTEE ACTION:

The House Committee on Transportation adopted a substitute for the Senate-passed bill that delays implementation for an additional year (to January 1, 2006 rather than January 1, 2005) and limits the bill's application to men 18 through 25 years of age (rather than specifying no lower age limit). Some information in this analysis is derived from the Senate Fiscal Agency analysis of this bill dated 7-6-04.

ARGUMENTS:

For:

Supporters say that a male who is required to register for the Selective Service System but does not is barred from receiving federal loans and grants, job training, and in some cases, employment. In 2002, reportedly, 750 Michigan men failed to register for the Selective Service. For many people, failure to register is not deliberate. The bill would provide a convenient way for men to avoid the negative consequences of inadvertently failing to register. Further, one could argue there is a fairness element involved. That is to say, those who have not registered would be automatically added to the pool of men in the system, if they want a driver's license, making for a more inclusive, and fairer, system should a draft be instituted.

Against:

Some persons believe that requiring registration for the draft violates religious liberties guaranteed by the First Amendment to the United States and by Michigan's Constitution. Allowing the Secretary of State to register male citizens and non-citizens for the draft goes far beyond the scope of custodial and other duties outlined in the statute.

Response:

The First Amendment does not exempt a person from registering for the draft on the grounds of religious belief; the U.S. Constitution vests in Congress the power to raise and provide for armies and naval forces for defense or to execute the laws, suppress insurrection and repel invasion.

POSITIONS:

The Secretary of State indicated support for the bill to the House Committee on Transportation. (9-22-04)

The Department of Transportation has indicated that it is neutral on the bill. (9-22-04)

Legislative Analyst: E. Best

■ This analysis was prepared by nonpartisan House staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.