

FISCAL NOTE
Requested by Legislative Council
01/14/2019

Bill/Resolution No.: HB 1415

- 1 A. **State fiscal effect:** *Identify the state fiscal effect and the fiscal effect on agency appropriations compared to funding levels and appropriations anticipated under current law.*

	2017-2019 Biennium		2019-2021 Biennium		2021-2023 Biennium	
	General Fund	Other Funds	General Fund	Other Funds	General Fund	Other Funds
Revenues						
Expenditures						
Appropriations						

- 1 B. **County, city, school district and township fiscal effect:** *Identify the fiscal effect on the appropriate political subdivision.*

	2017-2019 Biennium		2019-2021 Biennium		2021-2023 Biennium	
	Counties	Cities	School Districts	Townships		

- 2 A. **Bill and fiscal impact summary:** *Provide a brief summary of the measure, including description of the provisions having fiscal impact (limited to 300 characters).*

The bill requires updating forms and adding an electronic reporting feature for selective service registration.

- B. **Fiscal impact sections:** *Identify and provide a brief description of the sections of the measure which have fiscal impact. Include any assumptions and comments relevant to the analysis.*

This bill will have no significant fiscal impact. The modification of the system will be very small, as this is not a complex or new process. Forms will be updated, however, they are updated after each legislative session, no additional cost.

3. **State fiscal effect detail:** *For information shown under state fiscal effect in 1A, please:*

- A. **Revenues:** *Explain the revenue amounts. Provide detail, when appropriate, for each revenue type and fund affected and any amounts included in the executive budget.*

This bill will have no significant fiscal impact.

- B. **Expenditures:** *Explain the expenditure amounts. Provide detail, when appropriate, for each agency, line item, and fund affected and the number of FTE positions affected.*

This bill will have no significant fiscal impact.

- C. **Appropriations:** *Explain the appropriation amounts. Provide detail, when appropriate, for each agency and fund affected. Explain the relationship between the amounts shown for expenditures and appropriations. Indicate whether the appropriation or a part of the appropriation is included in the executive budget or relates to a continuing appropriation.*

This bill will have no significant fiscal impact.

Name: Glenn Jackson

Agency: NDDOT

Telephone: 328-4792

Date Prepared: 01/16/2019

2019 HOUSE GOVERNMENT AND VETERANS AFFAIRS

HB 1415

2019 HOUSE STANDING COMMITTEE MINUTES

Government and Veterans Affairs Committee
Fort Union Room, State Capitol

HB 1415
1/24/2019
31445

- Subcommittee
- Conference Committee

Committee Clerk Signature Carmen Hart

Explanation or reason for introduction of bill/resolution:

Relating to compliance with federal selective service system requirement

Minutes:

Chairman Kasper opened the hearing on HB 1415.

Rep. Karls: My star witness is out of town, so since this has no fiscal effect, I would request that we delay it one day.

Chairman Kasper: No one has traveled a long distance or anything and without objection from the committee, we will hold the bill over for tomorrow morning.

Chairman Kasper closed the hearing.

2019 HOUSE STANDING COMMITTEE MINUTES

Government and Veterans Affairs Committee
Fort Union Room, State Capitol

HB 1415
1/25/2019
31518

- Subcommittee
 Conference Committee

Committee Clerk Signature Carmen Hart

Explanation or reason for introduction of bill/resolution:

Relating to compliance with federal selective service system requirement

Minutes:

Attachments 1, 2

Chairman Kasper reopened the hearing on HB 1415 because the key witness could not be there the previous day.

Rep. Karls appeared in support of HB 1415. Attachment 1. (:16-1:12)

Tony Mutzenberger, Selective Service Director for North Dakota, appeared in support. Attachment 2. (1:58-9:04)

Rep. Johnston: Referring to No. 3 about an applicant objecting, until that happens are they not able to get a driver's license?

Tony Mutzenberger: They are registered at that time, and they are provided the information. This is the process you would have to go through to be given conscientious objector status which would deal then with our draft boards. They do get their driver's license and all that goes forward right away.

Rep. Hoverson: I wonder if there is a constitutional issue with what is a privilege driver's license with what is a requirement? Also there is an age issue when you get a license at 14 and making that decision versus 18. I am not convinced on using the drivers' license division as the best thing.

Tony Mutzenberger: 41 other states have something like this in place. It is not included in our bill at this time. Some states specifically address those underage people in their bill, and in some cases it is addressed as a procedural thing in the process.

Rep. Rohr: We do not use social security numbers on the licenses, and selective service needs a social security number. How does that work?

Tony Mutzenberger: I am not familiar with what fields in the application would be transmitted.

Chairman Kasper: If other states are doing it, there has to be a way.

Rep. Laning: I believe the social security system has gone away from putting your number on selective service registration. They have your number in their files, but they don't use it on the actual registration.

Glenn Jackson, Director of the Drivers' License Division for DOT, appeared in support. In reference to the social security numbers, we still collect that upon every application. We still verify social security numbers through the social security administration. We have those as part of the driver data that can't be accessed by anyone else but us. We currently provide selective service every year an annual list of all the people that have turned 18 that we have in our system. We are already doing it the way a lot of other states are currently doing it. This change would make it automatic upon application, which is different from us providing the information after the fact behind the scenes. Currently they get the information we provide them but they are not automatically registered. With this change, we provide this information the next day and they are automatically registered for selective service, so there is no guess work. Those 14-17 are in our system, but no information is transmitted. Once they are 18, the information is transmitted as we do now, and then from 18-25 any changes that come in, we verify if they have already registered, if we have already done it so we don't send it a second time. If it is their first time, then we send the information.

Rep. Hoverson: He needed some clarification.

Mr. Jackson: The application itself is going to have clear information on the fact about signing this. The adult has to sign for a minor, so they receive this information as well. It clearly states that signing this is acknowledgement of registration for selective service and it has web addresses and other information for how you can contact the selective service in order to opt out or to be a conscientious objector.

Rep. Hoverson: We are really changing the default. The default is you are in unless you want to opt out.

Mr. Jackson: That is correct.

Rep. Johnston: How can a minor's signature be good? They never signed as an adult. How could a 14-year old's signature be valid at the time they are 18?

Mr. Jackson: We are not providing the information to selective service for anyone under 18. However, today we provide information on anybody who turns 18 without going back to ask them a second time if they want us to send the information on. This is just making this an automatic process.

Rep. Louser: When the 14-year old goes to renew his license at 20, at that point they would register. Is that the case?

Mr. Jackson: The first time you apply, you are in our system, but we don't send information off. When someone turns 18, we are going to upload 18-year old data. If someone has not been in our system before that and they are still between the ages of 18 and 25 and they come in to do it for the first time, we will upload that information to the system.

Rep. Louser: What is the point of renewal in the bill?

Mr. Jackson: Just in case we have missed them and have not been in our system to get that done. Right now to implement this, we won't be starting with people who are getting their initials. We will be starting with people who are doing their renewals.

Chairman Kasper closed the hearing.

Rep. Laning made a motion for a DO PASS.

Rep. Schauer seconded the motion.

Rep. Rohr: How often do we have to renew our driver's license?

Chairman Kasper: Six years.

Rep. Rohr: What if it is beyond 18 years that a male goes in for a renewal and discovers he has to be put into the system? Does it automatically give him a fine?

Chairman Kasper: I don't suspect it is an automatic fine. Theoretically, once you are and don't register, you are subject to the fine.

Rep. Laning: The federal government essentially gives you a waiver out until age 26. Even though you are required by law to do it at 18, there really is no penalty unless you do not register at all.

Rep. Hoverson: I am going to resist and vote no. I think driver's licenses should be driving things and military should do military things.

A roll call vote was taken. 8-5, 1 absent.

Rep. Karls will carry the bill.

Date: 1-25-19
Roll Call Vote #:

2019 HOUSE STANDING COMMITTEE
ROLL CALL VOTES
BILL/RESOLUTION NO. 1415

House Government and Veterans Affairs Committee

Subcommittee

Amendment LC# or Description: _____

Recommendation: Adopt Amendment
 Do Pass Do Not Pass Without Committee Recommendation
 As Amended Rerefer to Appropriations
 Place on Consent Calendar

Other Actions: Reconsider _____

Motion Made By Rep. Laning Seconded By Rep. Schauer

Representatives	Yes	No	Representatives	Yes	No
Chairman Jim Kasper	X		Rep. Pamela Anderson	X	
Vice Chair Vicki Steiner	X		Rep. Mary Schneider	A	
Rep. Jeff Hoverson	X				
Rep. Craig Johnson	X				
Rep. Daniel Johnston	X				
Rep. Karen Karls	X				
Rep. Ben Koppelman	X				
Rep. Vernon Laning	X				
Rep. Scott Louser	X				
Rep. Karen Rohr	.	X			
Rep. Austen Schauer	X				
Rep. Steve Vetter	X				

Total (Yes) 8 No 5

Absent 1

Floor Assignment Rep. Karls

If the vote is on an amendment, briefly indicate intent:

REPORT OF STANDING COMMITTEE

HB 1415: Government and Veterans Affairs Committee (Rep. Kasper, Chairman)
recommends **DO PASS** (8 YEAS, 5 NAYS, 1 ABSENT AND NOT VOTING).
HB 1415 was placed on the Eleventh order on the calendar.

2019 SENATE GOVERNMENT AND VETERANS AFFAIRS

HB 1415

2019 SENATE STANDING COMMITTEE MINUTES

Government and Veterans Affairs Committee
Sheyenne River Room, State Capitol

HB1415
3/21/2019
#34112

- Subcommittee
- Conference Committee

Committee Clerk: Pam Dever

Explanation or reason for introduction of bill/resolution:

Relating to compliance with federal selective service system requirements.

Minutes:

Att #1 – Rep Karls, Att # 2 – Tony Mutzenburger

Chairman Davison: Let's open HB1415.

Rep. Karen Karls, Dist. 35, Bismarck: I am here to introduce the bill. (see att #1)

Tony Mutzenberger, Selective Service System Director, N.D.(SSS): (see att # 2) (1.43-8.15)) N.D. is ranked 5th worst lowest in the nation on registering for selective service for 18-25 year olds. If you do not register, you are not eligible for federal and state tuition and grants. They can't apply for federal job and job training projects. If you are an immigrant, it hampers you becoming a US citizen. After you turn 26, these benefits are no longer available to them.

Sen. Richard Marcellais: (8.18) Thanks for your service. Why are females not in the selective service?

Tony: We have to mirror current law. We have a completely integrated military. There have been law suits for years now. Sen. McCain tried to get a bill passed in Congress to 3-year study to look at women integrated in SSS. That will be briefed in Congress in 2020. If the law changes, N.D. will follow the federal law. (9.38)

Sen. Erin Oban: Could this be written in a way that this would not have to come back if federal changes?

Tony: This is being worked in two other states. We avoid going back to the House. It's just guessing what would change. (10.38)

Sen. Richard Marcellais: You mentioned 61%. Why so low?

Tony: I don't know. I think it is education and lack of awareness. We visited with people in this building, and people did not know there was still selective service. (10.21)

Sen. Shawn Vedaa: When they go to DOT for a license, and there will be a form for an electronic signature.

Tony: When you renew your license, you fill out your form with your social security number and then at the bottom, it will give you a chance to consent to register with SSS. It is part of the existing process.

Sen. Shawn Vedaa: There are always religious objections, etc. Are they able to opt out at that point? (13.08) How do they do it now?

Tony: They will be advised on the form of links to website for conscientious objects. That is under the draft system. Those situations would be solved by N.D. draft boards. These are representatives by the counties. If you don't register, then it is a federal thing and in the justice system.

Sen. Shawn Vedaa: A female can select to sign up for selective service?

Tony: No. That is not an option. (14.40)

Sen. Richard Marcellais: Do they still have the deferred for hardships or education?

Tony: Yes. There are numerous deferments for medical and those that have been around a long, long time.

Sen. Kristin Roers: I am talking about the form you gave us. How do the 'no' people, know they are in that category?

Tony: The information from all that apply will go and it will bounce against our people. If it is duplicated, it will be discarded.

Sen. Kristin Roers: How would the DOT system know that they are ones that don't have to register.

Tony: The wording will be if you have not already registered and are required to do so, the list will show on the bottom.

Sen. Richard Marcellais: What if someone does not go to the DOT? If they don't need a license, they don't have to register?

Tony: No. This whole program will be part of a multiply- faceted part. We reach out to schools throughout the state. We need to get the word out.

Sen. Erin Oban: So if an individual does not want to comply, they would not get their license?

Tony: That is House written. They are not signing up for the military.

Scott Rising: I am here for me. I am the person that failed. This is not a driver's license test. You will be able to get a license without registering for SSS. I am certain of that. We went

from 92% of men registering to 62%. I got a call from a national correspondent when I was driving down the road. He wanted to know why N.D. hated SOS. All the funding had stopped that used to get the word out to the young men who were to register when they turned 18. This national wide budget used to be over \$20 million. Now, there are volunteers around the country that run the SSS. Local people decide what happens if there are objectors if there is a draft. I have 38 years in the military. Knowing who can serve is the first step. Part of this system is to know who are nurses and doctors if we happen to call a draft. That is very important. Current federal law does not have this and it should. People are working to change the. (22.11) Any questions?

Chairman Davison: Any more testimony? Against? We will close the hearing. (22.44)

Sen. Shawn Vedaa: I text my son and asked if he registered. He text back and asked what it is. I think he got something in the mail. He asked if we were going to war. I said law requires you sign up. I have a nervous kid in Moorhead right now.

Sen. Shawn Vedaa: I think it is a great idea. I have concerned that people may not get their license. We need clarification.

Sen. Kristin Roers: Rep. Karls said someone from DOT were going to testify. There was no one from DOT here.

Chairman Davison: Will you follow up with DOT on that, Sen. Shawn Vedaa?
Adjourn. (26.35)

2019 SENATE STANDING COMMITTEE MINUTES

Government and Veterans Affairs Committee
Sheyenne River Room, State Capitol

HB1415
3/21/2019
34130

- Subcommittee
 Conference Committee

Committee Clerk: Pam Dever

Explanation or reason for introduction of bill/resolution:

Relating to compliance with federal selective service system requirements.

Minutes:

Chairman Davison: Look at HB1415.

Sen. Erin Oban: If you are only signing one part and agreeing to all things, it really does not allow someone an option. Not to. I know it is the law to do this. If you are going to arrest someone and charge them with a felony and charge them a fine. I don't feel like the questions was answered.

Sen. Kristin Roers: Think it should say if you agree to signing, like a check box saying I want to opt out of selective service. Not sure how to do that. (1.08)

Sen. Erin Oban: I don't want anyone to do that. I just want to know the process.

Chairman Davison: We can vote later.

2019 SENATE STANDING COMMITTEE MINUTES

Government and Veterans Affairs Committee
Sheyenne River Room, State Capitol

HB1415
3/22/2019
34162

- Subcommittee
 Conference Committee

Committee Clerk: Pam Dever

Explanation or reason for introduction of bill/resolution:

Relating to compliance with federal selective service system requirements.

Minutes:

Chairman Davison: We are on HB1415. What are the committee wishes?

Sen. Erin Oban: I move a DO PASS.

Sen. Richard Marcellais: I second.

Chairman Davison: Discussion? Take roll: YES -- 7 No -- 0 -0-absent
HB1415 PASSED. Vice Chair Meyer will carry the bill.

Done (1.05)

3-22-19
Date:
Roll Call Vote #: 1

**2019 SENATE STANDING COMMITTEE
ROLL CALL VOTES *HD 1415*
BILL/RESOLUTION NO.**

Senate Government and Veterans Affairs Committee

Subcommittee

Amendment LC# or Description:

Recommendation: Adopt Amendment
 Do Pass Do Not Pass Without Committee Recommendation
 As Amended Rerefer to Appropriations
 Place on Consent Calendar

Other Actions: Reconsider _____

Motion Made By Sen. Oban Seconded By Sen. Marcelais

Total (Yes) 7 No 0

Absent

Floor Assignment Sen. Meyer

If the vote is on an amendment, briefly indicate intent:

REPORT OF STANDING COMMITTEE

HB 1415: Government and Veterans Affairs Committee (Sen. Davison, Chairman)
recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING).
HB 1415 was placed on the Fourteenth order on the calendar.

2019 TESTIMONY

HB 1415

1
HB 1415
1-25-19

Rep. Karen Karls, District 35, Bismarck
Testimony on HB 1415 -- January 25, 2019

For the record, I am Rep. Karen Karls, District 35 in Bismarck. Rep. Bob Martinson and I were contacted by a constituent concerning Selective Service in North Dakota.

It's not a topic we hear much about these days; it's been many years since our country has had a mobilization...our country now relies on a volunteer military.

The Selective Service System is authorized by the Article I, Section 8 of the United States Constitution which says Congress "shall have Power To ... raise and support Armies [and] To provide and maintain a Navy;"

Lt Col. Tony Mutzenberger is here to testify on the reasons we need this piece of legislation and Glenn Jackson from DOT will speak on the driver's license piece.

January 25, 2019

2
HB 1415
1-25-19

North Dakota House of Representatives
House Government and Veterans Affairs Committee
600 East Boulevard Ave
Bismarck, ND 58505

RE: House Bill 1415 Linking Selective Service Registration with Application Process for ND Driver/Operator's License, Instruction Permit, or Non-Driver I.D. Card

Chairman Kasper and Members of the House Government and Veterans Affairs Committee:

Thank you for your time this morning. My name is Tony Mutzenberger. I'm originally from Hazen; I live here in Bismarck and I was appointed in April 2018 as the Selective Service Director for North Dakota. Prior to that, in 2017, I retired from the ND Army National Guard after 27 years, including 23 years as a full-time employee and two tours in Iraq.

Purpose: This testimony is to provide additional background and justification in support of HB 1415. The proposed bill would address the low percentage of 18-25 year old male North Dakotans who comply with the federal requirement to register with the Selective Service System (SSS) by tying Selective Service registration to the process for getting a ND driver's license.

Background/Overview: When I was approached to take on this my position, I didn't know very much about the Selective Service System in its current form. In 1980, in conjunction with the all-volunteer military, President Jimmy Carter reinstated the Selective Service as a contingency for national emergencies which could necessitate the need for a draft. Based on previous experience, history has shown that it's easier to continually maintain a smaller, skeleton organization than to completely stand things up during a time of national crisis.

At the state level we have the director position and one National Guard officer is assigned to support our programs (some states have more than one). The director position is a part-time federal job, appointed by the Governor, and is usually held by a retired National Guard officer (only funded for 12 days a year). In ND, our mission is to ensure ND draft boards are staffed with trained and qualified volunteers, to assist with outreach and education programs, and to coordinate as necessary between the state and the national SSS organization. ND has 65 board members, volunteer positions filled by civilian leaders from all facets of the population--at least one representative from each county, who would serve on ND Selective Service boards in the unlikely event of a draft.

Problem: When I took over this position, I quickly identified the problem that North Dakota is among the worst in the nation when it comes to our percentages for Selective Service registration.

Selective Service requirement: With only a few exceptions, the requirement to register with Selective Service still applies to all male U.S. citizens and male immigrants residing in the United States who are 18 through 25 years of age. Failing to register or comply with the Military Selective Service Act is a felony punishable by a fine of up to \$250,000 or a prison term of up to five years. While these strict penalties are not enforced in most cases, the biggest impacts of not registering are that individuals are unable to receive federal student loans and grants, to apply for federal jobs and job training programs, and it impacts their ability to become U.S. citizens. After an individual reaches his 26th birthday, these benefits are no longer available to him.

#2
HB 1415
1-25-19

Low Numbers in ND: In 2017, only 61% of eligible males age 18-25 had complied with the federal requirement to register with Selective Service. As shown in the map attachment to your packet, this percentage was the fifth worst/lowest in the nation, with the only lower numbers coming from Vermont, Guam, the District of Columbia, and the Mariana Islands. In addition to not complying with the federal law, these individuals are not eligible to receive the previously listed federal benefits.

Reduced Registration Numbers are a National Trend: In the last 15 years, decreased Selective Service registration numbers have been a national trend. Much of this decline is generally attributed to a lack of awareness/education, due to budget cuts to previous programs for outreach and advertising (reminders on television and radio commercials, national programs in the schools, etc.).

Solution in other States: The initiative which has been most successful across the country has been for states to adopt a program to tie registration to their drivers licensing program. Similar programs have been adopted by 41 states and two U.S. territories, resulting in dramatic improvement, with many states reaching 95% or higher (the national average was 89% in 2017).

How does it work? Under the proposed bill, when applicable individuals apply for a ND driver's license, including permits, renewals, and non-driver ID cards, individuals who have not already registered will automatically be registered at that time (via data coordination between ND-DOT and the SSS Data Management Center). As indicated in the bill, individuals will be informed on the application that their signature consents to registration.

Cost: Based on information from states already using this program, the cost of implementation has been minimal or at no cost, depending on the individual state's current automation infrastructure (sometimes requires software or hardware updates). Our ND DOT has already been in contact with Selective Service representatives and counterparts in Texas to identify potential requirements.

I respectfully request your recommendation to pass HB 1415 forward from committee and I would be happy to provide any needed clarification or additional information. Please don't hesitate to contact me at (701) 240-0465 or tony.mutzenberger@sss.gov.

Sincerely,



Tony L. Mutzenberger, LTC (Retired)
Selective Service Director for ND

Attachments:

1. Selective Service National HQs Endorsement Letter
2. Map of State Metrics for SSS Registration (2017)
3. "Who Must Register" overview from Selective Service



2



2
HB 1415
1-25-19

Selective Service System

National Headquarters | Arlington, Virginia 22209-2461
www.sss.gov

November 26, 2018

North Dakota State Legislature
State Capitol
600 East Boulevard
Bismarck, ND 58505

RE: Legislation Linking Selective Service Registration with Driver's License, Learner's Permit, and Identification Card Applications

Dear Representative/Senator:

Federal law requires that all men register with the U.S. Selective Service System within 30 days of turning 18. The Military Selective Service Act provides a registration grace period until men reach age 26. Once a man reaches age 26, he is no longer able to register with Selective Service.

Failure to register with Selective Service is a felony punishable by up to 5 years imprisonment and/or a \$250,000 fine. Additionally, those who fail to register with Selective Service are not eligible for federal employment, federal student aid, job training (under the Workforce Investment Act), and citizenship applications are delayed up to 5 years. Additionally, many state governments and private businesses make registration with Selective Service a prerequisite for employment.

The national average Selective Service registration rate is 89%, but North Dakota's registration rate is 61%, placing North Dakota behind all other U.S. states and territories except for Vermont, Guam, and Washington, D.C.

41 states, 2 U.S. territories, and Washington, D.C. have enacted laws that link Selective Service registration with applying for a driver's license, learner's permit, and DMV-issued identification cards. These laws help ensure that young men comply with federal law and avoid a lifetime of denied benefits and opportunities.

Attached to this letter is draft legislation that could be introduced this legislative session in North Dakota.

If you have any questions, please don't hesitate to contact me at Jacob.Daniels@sss.gov or (703) 605-4093.

Sincerely,

Jacob G. Daniels
Legislative Liaison
Public & Intergovernmental Affairs

Attachment

3

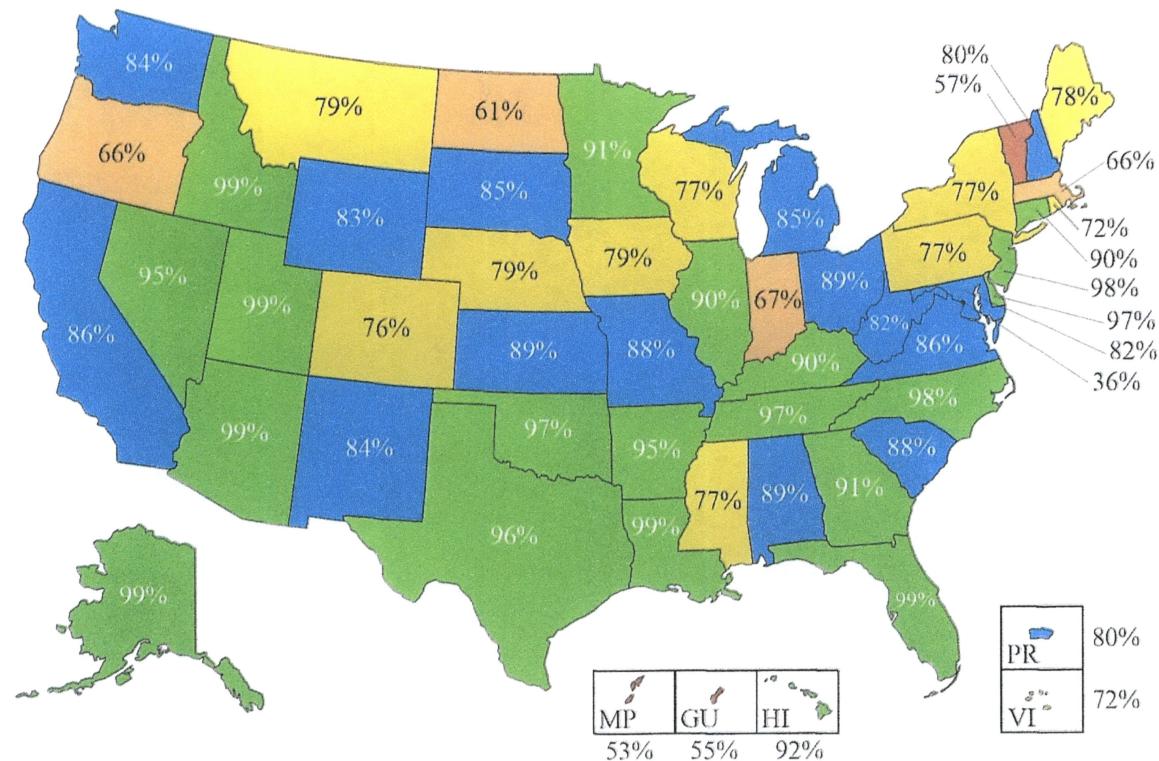


Report Card

Year of Birth 1998 as measured through Calendar Year 2017.

As of May 24, 2018

State-by-State Selective Service Compliance Percentage Rates



Percentage of men born in 1998 registered in Calendar Year 2017, by state and territories.

States	Compliance %
A	88%
MP	53%
GU	55%
HI	92%
PR	80%
VI	72%
C	79%
Montana	79%
Nebraska	79%
Maine	78%
Mississippi	77%
New York	77%
Pennsylvania	77%
Wisconsin	77%
Colorado	76%
Rhode Island	72%
Virgin Islands	72%
Indiana	67%
Massachusetts	66%
Oregon	66%
North Dakota	61%
Vermont	57%
Guam	55%
Mariana Islands	53%
F	36%
D	61%
National Average	88%
Green Zone (A) = 90 thru 100	
Blue Zone (B) = 80 thru 89	
Yellow Zone (C) = 70 thru 79	
Orange Zone (D) = 60 thru 69	
Red Zone (F) = 0 thru 59	

Source: Selective Service System

#2
HB 1415
1-25-19

#2
HB 1415
1-25-19

Selective Service - Who Must Register

NOTE: With only a few exceptions, the registration requirement applies to all male U.S. citizens and male immigrants residing in the United States who are 18 through 25 years of age.

Category	YES	NO
All male U.S. citizens born after Dec. 31, 1959, who are 18 but not yet 26 years old, except as noted below:	X	
Military Related		
Members of the Armed Forces on active duty (active duty for training does not constitute "active duty" for registration purposes)		X*
Cadets and Midshipmen at Service Academies or Coast Guard Academy		X*
Cadets at the Merchant Marine Academy	X	
Students in Officer Procurement Programs at the Citadel, North Georgia College and State University, Norwich University, Virginia Military Institute, Texas A&M University, Virginia Polytechnic Institute and State University		X*
ROTC Students	X	
National Guardsmen and Reservists not on active duty / Civil Air Patrol members	X	
Delayed Entry Program enlistees	X	
Separatees from Active Military Service, separated for any reason before age 26		X*
Men rejected for enlistment for any reason before age 26	X	
Immigrants**		
Lawful non-immigrants on current non-immigrant visas. A complete list of acceptable documentation for exemption may be found at https://www.sss.gov/Portals/0/PDFs/DocumentationList.pdf .		X
Permanent resident immigrants (USCIS Form I-551)	X	
Seasonal agricultural workers (H-2A Visa)		X
Refugee, parolee, and asylee immigrants	X	
Undocumented immigrants	X	
Dual national U.S. citizens	X	
Confined		
Incarcerated, or hospitalized, or institutionalized for medical reasons		X*
Handicapped physically or mentally		
Able to function in public with or without assistance	X	
Continually confined to a residence, hospital, or institution		X
Transgender People		
U.S. citizens or immigrants who are born male and have changed their gender to female	X	
Individuals who are born female and have changed their gender to male		X

*Must register within 30 days of release unless already age 26.

NOTE: To be fully exempt you must have been on active duty or confined continuously from age 18 to 26.

**Residents of Puerto Rico, Guam, Virgin Islands, and Northern Mariana Islands are U.S. citizens. Citizens of American Samoa are nationals and must register when they are habitual residents in the United States or reside in the U.S. for at least one year. Habitual residence is presumed and registration is required whenever a national or a citizen of the Republic of the Marshall Islands, the Federated States of Micronesia, or Palau resides in the U.S. for more than one year in any status, except when the individual resides in the U.S. as an employee of the government of his homeland; or as a student who entered the U.S. for the purpose of full-time studies, as long as such person maintains that status.

NOTE: Immigrants who did not enter the United States or maintained their lawful non-immigrant status by continually remaining on a valid visa until after they were 26 years old, were never required to register. Also, immigrants born before 1960, who did not enter the United States or maintained their lawful non-immigrant status by continually remaining on a valid visa until after March 29, 1975, were never required to register.

AB 1415
3-21-19
Act 1
pg 1

Rep. Karen Karls, District 35, Bismarck
Testimony on HB 1415 – March 21, 2019

For the record, I am Rep. Karen Karls, District 35 in Bismarck. Rep. Bob Martinson and I were contacted by a constituent concerning North Dakota's participation in the Selective Service.

It's not a topic we hear much about these days; it's been many years since our country has had a mobilization...our country now relies on a volunteer military.

The Selective Service System is authorized by the Article I, Section 8 of the United States Constitution which says Congress "shall have Power To ... raise and support Armies [and] To provide and maintain a Navy;"

Lt Col. Tony Mutzenberger is here to testify on the reasons we need HB 1415 and Glenn Jackson from DOT will speak on the driver's license piece.

March 21, 2019

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North Dakota Senate
House Government and Veterans Affairs Committee
600 East Boulevard Ave
Bismarck, ND 58505

RE: House Bill 1415 Linking Selective Service Registration with Application Process for ND Driver/Operator's License, Instruction Permit, or Non-Driver I.D. Card

Chairman Davison and Members of the Senate Government and Veterans Affairs Committee:

Thank you for your time this morning. My name is Tony Mutzenberger. I'm originally from Hazen; I live here in Bismarck and I was appointed in April 2018 as the Selective Service Director for North Dakota. Prior to that, in 2017, I retired from the ND Army National Guard after 27 years, including 23 years as a full-time employee and two tours in Iraq.

Purpose: This testimony is to provide additional background and justification in support of HB 1415. The proposed bill would address the low percentage of 18-25 year old male North Dakotans who comply with the federal requirement to register with the Selective Service System (SSS) by tying Selective Service registration to the process for getting a ND driver's license.

Background/Overview: During this process, I've had a lot of questions about the current state of the Selective Service System itself so I'd like to offer just a brief overview. In 1980, in conjunction with the all-volunteer military, President Jimmy Carter reinstated the Selective Service as a contingency for national emergencies which could necessitate the need for a draft. Based on previous experience, history has shown that it's easier to continually maintain a smaller, skeleton-organization than to completely stand things up during a time of national crisis.

At the state level we have the director position and one National Guard officer is assigned to support our programs (some states have more than one). The director position is a part-time federal job, appointed by the Governor, and is usually held by a retired National Guard officer. In ND, our mission is to ensure ND draft boards are staffed with trained and qualified volunteers, to assist with outreach and education programs, and to coordinate as necessary between the state and the national SSS organization. ND has 65 board members, volunteer positions filled by civilian leaders from all facets of the population--at least one representative from each county, who would serve on our ND Selective Service boards in the event of a national mobilization.

Problem: When I took over this position, I was quickly informed that North Dakota is among the worst in the nation when it comes to our percentages for Selective Service registration.

Selective Service requirement: With only a few exceptions, the requirement to register with Selective Service still applies to all male U.S. citizens and male immigrants residing in the United States who are 18 through 25 years of age. Failing to register or to comply with the Military Selective Service Act is a felony punishable by a fine of up to \$250,000 or a prison term of up to five years. While these strict penalties are currently not being widely enforced, the biggest impacts of not registering are that individuals are unable to receive federal and state student loans and grants, are unable to apply for federal jobs and job training programs, and it delays the process for becoming a U.S. citizen. After an individual reaches his 26th birthday, these benefits are no longer available to him.

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Low Numbers in ND: As shown in the map attachment in your packet, in 2017, only 61% of eligible males age 18-25 had complied with the federal requirement to register with Selective Service. This percentage was the fifth worst/lowest in the nation, with the only lower numbers coming from Vermont, Guam, the District of Columbia, and the Mariana Islands. In addition to not complying with the federal law, these individuals are not eligible to receive the federal benefits I previously mentioned.

Reduced Registration Numbers are a National Trend: In the last 15 years, decreased Selective Service registration numbers have been a national trend. Much of this decline is generally attributed to a lack of awareness/education, due to budget cuts to previous programs for outreach and advertising (PSA reminders on television and radio commercials, national programs in the schools, etc.).

Solution in other States: As shown in your next map attachment, the initiative which has been most successful across the country has been for states to adopt a program to tie registration to their drivers licensing program. Similar programs have been adopted by 40 states, Washington, D.C., and two U.S. territories, resulting in dramatic improvement, with many states reaching 95% or higher (the national average was 89% in 2017).

How would it work? Under the proposed bill, when applicable young men between 18 and 26 years of age apply for a ND driver's license, as well as permits, renewals, and non-driver ID cards, individuals who have not already registered will automatically be registered at that time (via data coordination between ND-DOT and the SSS Data Management Center). As indicated in the bill, individuals will be informed on the application that their signature consents to registration.

Cost: Based on data from states already using this program, the cost of implementation has been minimal or at no cost, depending on the individual state's current automation infrastructure (sometimes requires software or hardware updates). Our ND DOT has already been in contact with Selective Service representatives and counterparts in Texas to identify potential requirements.

In summary, passage of this bill supports the overall readiness of the nation and protects young North Dakotans from violating federal law and being denied valuable benefits.

I respectfully request your recommendation to pass HB 1415 forward from committee and I'm happy to provide any needed clarification or additional information. Please don't hesitate to contact me at (701) 240-0465 or tony.mutzenberger@sss.gov.

Sincerely,

LTC (Ret) Tony L. Mutzenberger
Selective Service Director for ND



Attachments:

1. Map of State Metrics for SSS Registration (2017)
2. Map of State Participation in Driver's License Programs (2017)
3. "Who Must Register" overview from Selective Service
4. Selective Service National HQs Endorsement Letter

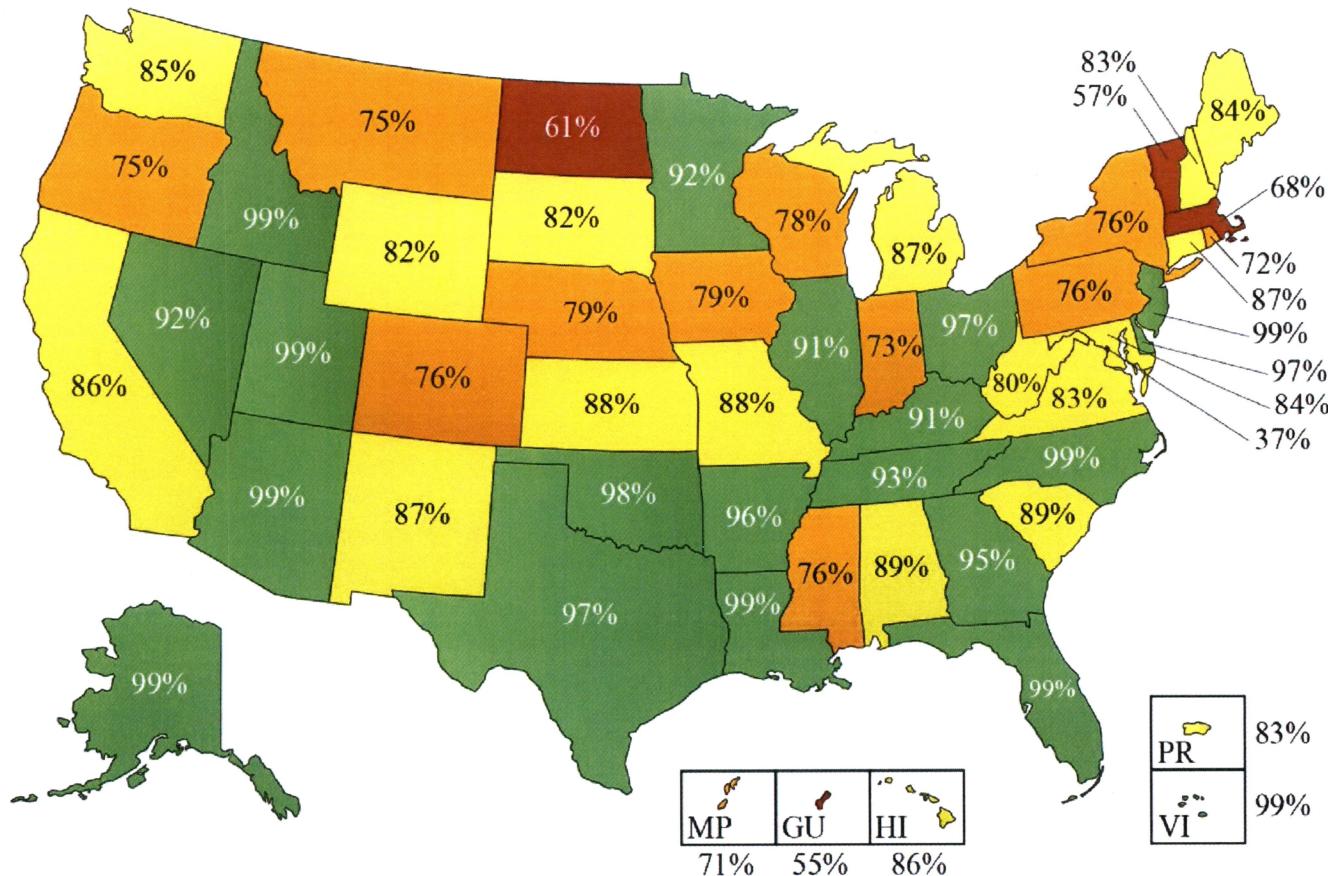


Report Card

Year of Birth 1997 as measured through Calendar Year 2016.

As of February 22, 2018

State-by-State Selective Service Compliance Percentage Rates



by State and Territories.

States	Compliance %
Alaska	99%
Arizona	99%
Florida	99%
Idaho	99%
Louisiana	99%
New Jersey	99%
North Carolina	99%
Utah	99%
Virgin Islands	99%
Oklahoma	98%
Delaware	97%
Ohio	97%
Texas	97%
Arkansas	96%
Georgia	95%
Tennessee	93%
Minnesota	92%
Nevada	92%
Illinois	91%
Kentucky	91%
Alabama	89%
South Carolina	89%
Kansas	88%
Missouri	88%
Connecticut	87%
Michigan	87%
New Mexico	87%
California	86%
Hawaii	86%
Washington	85%
Maine	84%
Maryland	84%
New Hampshire	83%
Puerto Rico	83%
Virginia	83%
South Dakota	82%
Wyoming	82%
West Virginia	80%
Iowa	79%
Nebraska	79%
Wisconsin	78%
Colorado	76%
Mississippi	76%
New York	76%
Pennsylvania	76%
Montana	75%
Oregon	75%
Indiana	73%
Rhode Island	72%
Mariana Islands	71%
Massachusetts	68%
North Dakota	61%
Vermont	57%
Guam	55%
District of Columbia	37%

National Average

Green Zone (A) = 90 thru 100

89%

A

B

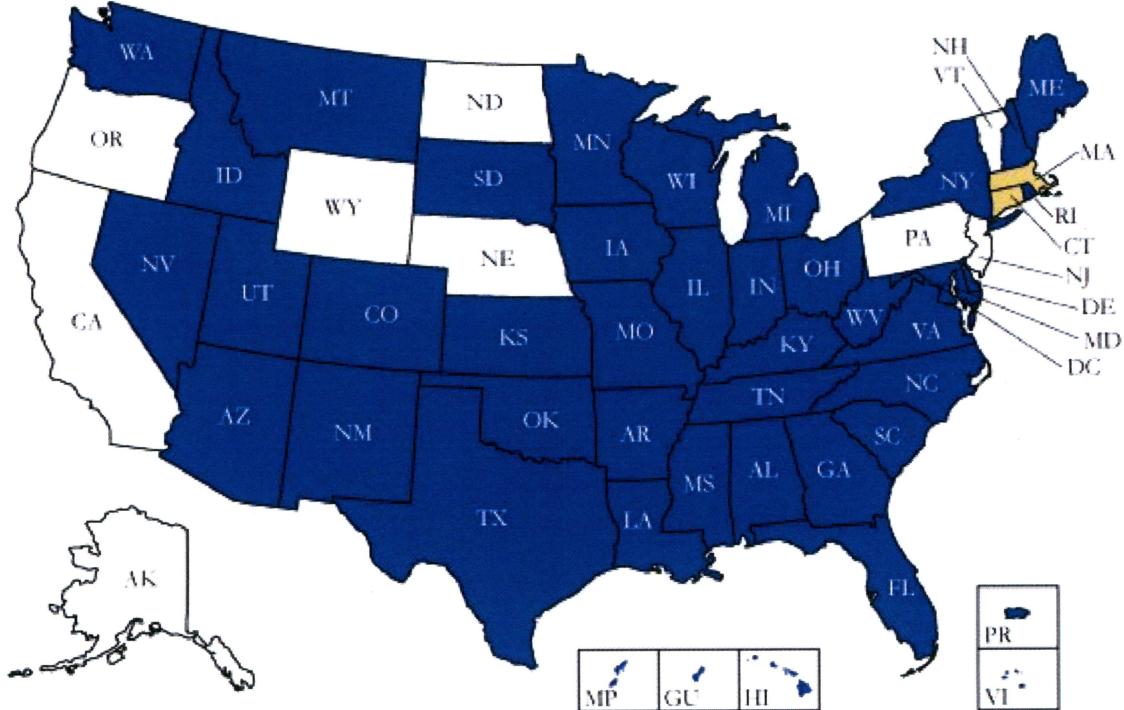
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6/21/18
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LADY
1/21/18

Driver's License Legislation

● Signed/Enacted Into Law (44) ● Bill Introduced (2) ● Bill Drafted (0) ○ No Bill (9)



Source: Selective Service System
As of March 9, 2012

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Selective Service - Who Must Register

NOTE: With only a few exceptions, the registration requirement applies to all male U.S. citizens and male immigrants residing in the United States who are 18 through 25 years of age.

Category	YES	NO
All male U.S. citizens born after Dec. 31, 1959, who are 18 but not yet 26 years old, except as noted below:	X	
Military Related		
Members of the Armed Forces on active duty (active duty for training does not constitute "active duty" for registration purposes)		X*
Cadets and Midshipmen at Service Academies or Coast Guard Academy		X*
Cadets at the Merchant Marine Academy	X	
Students in Officer Procurement Programs at the Citadel, North Georgia College and State University, Norwich University, Virginia Military Institute, Texas A&M University, Virginia Polytechnic Institute and State University		X*
ROTC Students	X	
National Guardsmen and Reservists not on active duty / Civil Air Patrol members	X	
Delayed Entry Program enlistees	X	
Separatees from Active Military Service, separated for any reason before age 26	X*	
Men rejected for enlistment for any reason before age 26	X	
Immigrants**		
Lawful non-immigrants on current non-immigrant visas. A complete list of acceptable documentation for exemption may be found at https://www.sss.gov/Portals/0/PDFs/DocumentationList.pdf .		X
Permanent resident immigrants (USCIS Form I-551)	X	
Seasonal agricultural workers (H-2A Visa)		X
Refugee, parolee, and asylee immigrants	X	
Undocumented immigrants	X	
Dual national U.S. citizens	X	
Confined		
Incarcerated, or hospitalized, or institutionalized for medical reasons		X*
Handicapped physically or mentally		
Able to function in public with or without assistance	X	
Continually confined to a residence, hospital, or institution		X
Transgender People		
U.S. citizens or immigrants who are born male and have changed their gender to female	X	
Individuals who are born female and have changed their gender to male		X

*Must register within 30 days of release unless already age 26.

NOTE: To be fully exempt you must have been on active duty or confined continuously from age 18 to 26.

**Residents of Puerto Rico, Guam, Virgin Islands, and Northern Mariana Islands are U.S. citizens. Citizens of American Samoa are nationals and must register when they are habitual residents in the United States or reside in the U.S. for at least one year. Habitual residence is presumed and registration is required whenever a national or a citizen of the Republic of the Marshall Islands, the Federated States of Micronesia, or Palau, resides in the U.S. for more than one year in any status, except when the individual resides in the U.S. as an employee of the government of his homeland; or as a student who entered the U.S. for the purpose of full-time studies, as long as such person maintains that status.

NOTE: Immigrants who did not enter the United States or maintained their lawful non-immigrant status by continually remaining on a valid visa until after they were 26 years old, were never required to register. Also, immigrants born before 1960, who did not enter the United States or maintained their lawful non-immigrant status by continually remaining on a valid visa until after March 29, 1975, were never required to register.



THE DIRECTOR OF SELECTIVE SERVICE
Arlington, Virginia 22209-2425

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**NORTH DAKOTA SENATE
GOVERNMENT AND VETERANS AFFAIRS COMMITTEE**

**Written Testimony of Donald M. Benton,
Director, U.S. Selective Service System**

Sixty-Sixth Legislative Session

**HB 1415-- RELATING TO SELECTIVE SERVICE
(Testimony in SUPPORT)**

Chairman Davison and Members of the Committee:

My name is Donald M. Benton, and I serve as the thirteenth (13th) Director of the United States Selective Service System.

The mission of the Selective Service is: “To register men¹ and maintain a system that, when authorized by the President and Congress, rapidly provides personnel in a fair and equitable manner while managing an alternative service program for conscientious objectors.”² In addition to providing more personnel in the event of a draft, the existence of the Selective Service is a deterrent to aggression from our foreign adversaries and is considered by the Department of Defense as an “insurance policy” receiving sustained support over the years.

For example, on May 18, 1994, former President Bill Clinton said the following:

¹ Although there has been a recent federal court ruling regarding the constitutionality of male-only Selective Service registration, as an independent agency of the federal Executive Branch, the Selective Service does not make policy and follows the law as written. As such, until Congress amends the Military Selective Service Act or the Judiciary orders Selective Service to change our standard operating procedure, the following remains in effect: (1) Men between ages 18 and 25 are required to register with Selective Service and (2) Women are not required to register with Selective Service. If Selective Service is directed by Congress or the Supreme Court to include women in the registration process, we will implement the ordered changes in a timely fashion.

² <https://www.sss.gov/About/Agency-Mission>

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Maintaining the Selective Service System and draft registration provides a hedge against unforeseen threats... the link between the All-Volunteer Force and our society-at-large. The Armed Forces must also know that the general population stands behind them, committed to serve, should the preservation of our national security so require³

The Selective Service receives strong bi-partisan support from Congress and the Department of Defense.⁴⁵

As such, federal law requires virtually all male U.S. citizens and male immigrants (documented and undocumented) residing in the United States, who are ages eighteen (18) to twenty-five (25), to register with Selective Service. Specifically, the law says that men must register within thirty (30) days of their eighteenth (18th) birthday but are permitted to register through age twenty-five (25). It is too late to register once a man turns twenty-six (26).⁵ Failure to register with Selective Service is a felony punishable by a fine up to \$250,000 and/or a prison term of five (5) years.⁶ Those who fail to register may be precluded from receiving federal student loans and grants, federal job training under the Workforce Innovation and Opportunity Act, federal jobs or security clearance as a contractor, and can have citizenship proceedings delayed up to five (5) years.⁶ In fact, North Dakota requires registration with Selective Service in order

³ <https://www.sss.gov/About/What-does-the-Agency-provide-for-the-Nation>

⁴ <https://www.usatoday.com/story/news/nation/2019/02/25/federal-judge-all-male-draft-unconstitutional-now-whatselective-service/2979346002/> ("The Department of Defense wants to keep the Selective Service System as a backstop to the all-volunteer military") and <https://www.sss.gov/About/What-does-the-Agency-provide-for-the-Nation> ("Registration provides a hedge against a catastrophe we do not yet anticipate... and reminding our youth that public service is a valid part of American Citizenship" – Secretary of Defense Chuck Hagel, May of 2013)⁵ 50 U.S.C. § 3802(a): "Except as otherwise provided in this chapter it shall be the duty of every male citizen of the United States, and every other male person residing in the United States, who, on the day or days fixed for the first or any subsequent registration, is between the ages of eighteen and twenty-six, to present himself for and submit to registration at such time or times and place or places, and in such manner, as shall be determined by proclamation of the President and by rules and regulations prescribed hereunder. The provisions of this section shall not be applicable to any alien lawfully admitted to the United States as a nonimmigrant under section 1101(a)(15) of title 8, for so long as he continues to maintain a lawful nonimmigrant status in the United States."

⁵ U.S.C. App. 462(a) and 18 U.S.C. 3571(b)(3)

⁶ <https://www.sss.gov/Registration/Why-Register/Benefits-and-Penalties>

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to receive student financial aid.⁷ And an increasing number of private sector employers require a Selective Service number as a requisite for employment. Registration is important, and maximum registration rates are necessary to ensure that any future military draft is fair and equitable. (The higher the compliance rate, the more fair and equitable any future draft would be – for every man who does not register, it makes it more likely that a man who did his patriotic duty and registered as required, will be drafted.) House Bill 1415 seeks to achieve this important objective by providing for automatic Selective Service registration of all men “at least eighteen years of age and under the age of twenty-six” who apply for, or renew, an “instruction permit, operator’s license, or nondriver identification card.”⁹ Forty (40) U.S. States, Washington, D.C., and four (4) U.S. territories have enacted legislation similar to House Bill 1415.⁸

Implementation of House Bill 1415 will not be costly or time-intensive. In fact, the attached Fiscal Note submitted by North Dakota Department of Transportation (NDDOT) Licensing Division Director Glenn Jackson states the following:

This bill will have no significant fiscal impact. The modification of the system will be very small, as this is not a complex or new process. Forms will be updated, however, they are updated after each legislative session, no additional cost

Additionally, our agency stands at the ready to work with North Dakota officials to make implementation of House Bill 1415 as seamless as possible.

Although North Dakota is well-known for high military enlistment rates, Selective Service registration rates of eighteen-year-old men in North Dakota are well-below the national

⁷ North Dakota Century Code Title 15. Education § 15-10-36 reads: “No person who is required by the Military Selective Service Act [Pub. L. 759; 62 Stat. 604; 50 U.S.C. App. 451 et seq.] to register with the selective service system may receive student financial aid funds from the state until that person has registered. The state board of higher education may adopt rules to achieve the purpose of this section.”⁹ House Bill No. 1415, Sixty-Sixth Legislative Assembly of North Dakota

⁸ See attached Exhibit A and <https://www.sss.gov/Registration/State-Commonwealth-Legislation>

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average. A recent study determined that only sixty-one (61) percent of eighteen (18) year-old men in North Dakota had registered with Selective Service, compared to the national average of eighty-nine (89) percent.⁹ This means that a significant number of North Dakota men are not in compliance with federal law and risk losing important benefits for life.

There is no doubt that House Bill 1415 will significantly increase registration rates. States that have implemented legislation like House Bill 1415 have typically seen an associated increase in Selective Service registration rates.¹⁰

Increasing North Dakota registration rates not only helps ensure equity in any future draft but also protects North Dakota men from violating federal law and being denied certain federal and state benefits. The federal benefits denied to non-registrants not only hurt the individual but also results in less federal funds flowing into North Dakota.

In closing, thank you for the opportunity to submit written testimony in support of House Bill 1415. We look forward to our continued partnership and appreciate your consideration.

I urge you to vote **DO PASS** on House Bill 1415

Respectfully,



Donald M. Benton

⁹ See attached Exhibit B

¹⁰ See Attached Exhibits A & B