

This Document can be made available in alternative formats upon request

State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-FIRST SESSION

H. F. No. 4530

1.1 A bill for an act  
1.2 relating to military affairs; limiting when the governor may release the National  
1.3 Guard to federal active duty; proposing coding for new law in Minnesota Statutes,  
1.4 chapter 190.

1.5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.6 Section 1. [190.035] NATIONAL GUARD FEDERALIZATION.

1.7 Subdivision 1. **Limitations.** Notwithstanding any law to the contrary, the governor must  
1.8 withhold or withdraw approval of the transfer of the National Guard to federal control in  
1.9 the absence of:

- 1.10 (1) a military invasion of the United States;
- 1.11 (2) an insurrection; or
- 1.12 (3) a declaration of war by the United States Congress.

1.13 Subd. 2. **Review of federal requests.** The governor must examine every federal order,  
1.14 present and future, that places the National Guard on federal active duty to determine whether  
1.15 the order is constitutional according to article I, section 8, clause 15, of the Constitution of  
1.16 the United States. If the governor determines that the order is not constitutional, the governor  
1.17 must take all appropriate action to prevent the National Guard from being placed or kept  
1.18 on federal active duty.

1.19 Subd. 3. **Report.** The governor must submit a report to the legislative committees with  
1.20 jurisdiction over military affairs summarizing the governor's review of each federal order  
1.21 to place the National Guard on federal active duty and any action the governor takes in  
1.22 response to that review, within 30 days after the governor's review is complete.

2.1 **EFFECTIVE DATE.** This section is effective the day following final enactment.