

**SENATE
STATE OF MINNESOTA
NINETY-THIRD SESSION**

S.F. No. 1072

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DATE 02/01/2023 D-PG OFFICIAL STATUS
Introduction and first reading
Referred to State and Local Government and Veterans

1.1 A bill for an act
1.2 relating to military affairs; establishing Defend the Guard Act; proposing coding
1.3 for new law in Minnesota Statutes, chapter 192.

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

1.5 Section 1. **[192.054] DEFEND THE GUARD; ACTIVE DUTY COMBAT.**

1.6 (a) For purposes of this section:

1.7 (1) "active duty combat" means performing the following services in the active federal
1.8 military service of the United States:

1.9 (i) participation in an armed conflict;

1.10 (ii) performance of a hazardous service relating to an armed conflict in a foreign state;

1.11 or

1.12 (iii) performance of a duty through an instrumentality of war; and

1.13 (2) "official declaration of war" means an official declaration of war made by the United
1.14 States Congress pursuant to the United States Constitution, Article I, section 8, clause (11).

1.15 (b) Notwithstanding section 192.05, the Minnesota National Guard, and any member of
1.16 the Minnesota National Guard, must not be released from the state into active duty combat
1.17 unless the United States Congress has passed an official declaration of war or has taken an
1.18 official action pursuant to the United States Constitution, Article I, section 8, clause (15),
1.19 to explicitly call forth the Minnesota National Guard, and any member thereof, for the
1.20 enumerated purposes to expressly execute the laws of the union, repel an invasion, or

2.1 suppress an insurrection. The governor must take all actions necessary to comply with the
2.2 requirements of this section.

2.3 (c) Nothing in this section limits or prohibits the governor from consenting to the
2.4 deployment of any Minnesota National Guard member under United States Code, title 32,
2.5 defense support for civil authority missions within the United States and United States
2.6 territories.