HLS 21RS-268 ORIGINAL

2021 Regular Session

HOUSE BILL NO. 345

1

BY REPRESENTATIVE CREWS

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

MILITARY AFFAIRS/NATL GD: Prohibits the use of the Louisiana National Guard unless war is declared or the governor approves

AN ACT

2	To enact R.S. 29:7.2, relative to the duties of the Louisiana National Guard; to provide for
3	requirements for release of the Louisiana National Guard into active duty; to provide
4	for definitions; and to provide for related matters.
5	Be it enacted by the Legislature of Louisiana:
6	Section 1. R.S. 29:7.2 is hereby enacted to read as follows:
7	§7.2. Limitations on deployment
8	A. This Section shall be known and may be cited as the "Defend the Guard
9	Act".
10	B. The legislature finds that Article I, Section 8 of the Constitution of the
11	United States vests in the United States Congress the exclusive power of war.
12	C. For the purposes of this Section:
13	(1) "Active duty combat" means performing any of the following services
14	in the active federal military service of the United States:
15	(a) Participation in an armed conflict.
16	(b) Performance of a hazardous service in a foreign state.
17	(c) Performance of a duty through an instrumentality of war.
18	(2) "Official declaration of war" means an official declaration of war made
19	by the United States Congress pursuant to Article I, Section 8, Clause 11 of the
20	United States Constitution.

CODING: Words in struck through type are deletions from existing law; words <u>underscored</u> are additions.

1 D. Notwithstanding any other provision of this Chapter, the Louisiana 2 National Guard and any member thereof shall not be released from the state into 3 active duty combat unless the United States Congress has passed an official 4 declaration of war or has taken an official action pursuant to Article I, Section 8, Clause 15 of the United States Constitution to explicitly call forth the Louisiana 5 6 National Guard and any member thereof for the enumerated purposes to expressly 7 execute the laws of the union, repel an invasion, or suppress an insurrection. The 8 governor shall take all actions necessary to comply with the requirements of this 9 Section. 10 Section 2. The provisions of this Act shall only become effective if and when at least 11 ten other states enact legislation with provisions similar to the provisions of this Act.

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

HB 345 Original

2021 Regular Session

Crews

Abstract: Requires an official declaration of war or approval from the governor before members of the Louisiana National Guard may be released from state control to participate in active duty.

<u>Proposed law</u> prohibits release of the La. National Guard unless Congress declares war or takes an official action pursuant to Article I, §8, Clause 15 of the Constitution or the governor approves such action.

The effective date of <u>proposed law</u> is contingent upon the passage of similar legislation in at least 10 other states.

(Adds R.S. 29:7.2)