

HB 580 - AS INTRODUCED

2021 SESSION

21-0696

05/08

HOUSE BILL                    **580**

AN ACT                    requiring the approval of the governor before the New Hampshire National Guard can be deployed overseas.

SPONSORS:            Rep. Craig, Coos 4

COMMITTEE:          State-Federal Relations and Veterans Affairs

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ANALYSIS

This bill requires the governor to review orders calling the New Hampshire national guard to federal active duty and directs the governor to withhold approval unless the order is in response to an invasion of the United States, an insurrection, or otherwise within the Constitutional authority of the federal government.

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Explanation:          Matter added to current law appears in ***bold italics***.  
                         Matter removed from current law appears ~~[in brackets and struckthrough]~~  
                         Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

STATE OF NEW HAMPSHIRE

*In the Year of Our Lord Two Thousand Twenty One*

AN ACT                    requiring the approval of the governor before the New Hampshire National Guard  
can be deployed overseas.

*Be it Enacted by the Senate and House of Representatives in General Court convened:*

1            1 New Section; Call of National Guard to Federal Active Duty for Overseas Deployment. Amend  
2 RSA 110-B by inserting after section 5 the following new section:

3            110-B:5-a Call of National Guard to Federal Active Duty for Overseas Deployment.

4            I. The governor shall withhold or withdraw approval of the transfer of the national guard to  
5 federal control for overseas deployment in the absence of:

6                    (a) A military invasion of the United States;

7                    (b) An insurrection; or

8                    (c) A calling forth of the guard by the federal government in a manner provided for by  
9 Congress to execute the laws of the Union, provided that said laws were made in pursuance of the  
10 delegated powers in the Constitution of the United States.

11            II. The governor shall examine each federal order that places the national guard on active  
12 duty to determine whether the order is constitutional according to Article I, Section 8, Clause 15 of  
13 the Constitution of the United States. If the governor determines that the order is not  
14 Constitutional, he or she shall take all appropriate action to prevent the national guard from being  
15 placed or kept on federal active duty.

16            III. Within 30 days of the issuance of an order calling the national guard to federal active  
17 duty, the governor shall submit a report to the standing committees of the legislature with specified  
18 subject matter jurisdiction over military affairs that summarizes his or her review of the order, the  
19 order's compliance with the criteria established in this section, and any action he or she has taken or  
20 plans to take in response to that review.

21            2 Effective Date. This act shall take effect 60 days after its passage.