



## 2022 South Dakota Legislature

# House Bill 1269

Introduced by: **Representative Aylward**

1 **An Act to limit the deployment of the National Guard for federal service.**

2 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

3 **Section 1. That chapter 33-3 be amended with a NEW SECTION:**

4 The South Dakota National Guard and any member thereof may not be called into  
5 active-duty combat unless the United States Congress has made an official declaration of  
6 war or has taken an official action pursuant to Article I, § 8, Clause 15 of the United States  
7 Constitution, to explicitly call forth the South Dakota National Guard and any member  
8 thereof for the enumerated purposes to execute the laws of the Union, repel an invasion,  
9 or suppress an insurrection. The Governor shall take all actions necessary to comply with  
10 the requirements of this section. The term, active-duty combat, as used in this section,  
11 means:

12 (1) Participation in an armed conflict;

13 (2) Performance of a hazardous service related to an armed conflict in a foreign nation;

14 or

15 (3) Performance of a duty through an instrumentality of war.