

HB 3954 -3 STAFF MEASURE SUMMARY

House Committee On Rules

Prepared By: Melissa Leoni, LPRO Analyst

Meeting Dates: 5/5, 6/16

WHAT THE MEASURE DOES:

The measure prohibits the Adjutant General from assisting, facilitating, communicating, or allowing communication between the U.S. Department of Defense or any branch thereof and individual service members or units of the Oregon National Guard for the purpose of calling the individual or unit into active service unless the active service is for specified purposes. It also prohibits the Adjutant General from allowing an individual or unit of the Oregon National Guard from being called into active service if allowing that call results in the Oregon National Guard being incapable of responding to a statewide emergency. The measure specifies that an Adjutant General who violates these prohibitions shall be suspended from duty and subject to dismissal for cause.

Fiscal impact: May have fiscal impact, but no statement yet issued

Revenue impact: May have revenue impact, but no statement yet issued

ISSUES DISCUSSED:

- Oregon National Guard opinion on measure
- Use of the National Guard in shifting national situation
- Solidifying an understanding of the role of the National Guard in Oregon
- Impact under the Tenth Amendment to the U.S. Constitution

EFFECT OF AMENDMENT:

-3 The amendment removes the requirement that an Adjutant General who violates the measure's prohibitions shall be suspended from duty and subject to dismissal for cause.

Fiscal impact: No fiscal impact

Revenue impact: No revenue impact

BACKGROUND:

The Oregon National Guard consists of the Army National Guard and Air National Guard, each of which are capable of performing both state and federal functions. Members can be called upon to respond to state-level incidents and natural disasters, and members can also be deployed to support missions of or augment forces of the United States Armed Forces.

The Adjutant General is appointed by the Governor for a four-year term or until relieved by reason of resignation, withdrawal of federal recognition, or for cause to be determined by a court-martial. Under current law, a person is eligible for appointment to the office of Adjutant General if the person is an officer of the Oregon National Guard, federally recognized in the grade of lieutenant colonel or higher, and has completed at least six years' service in the Oregon National Guard as a federally recognized officer.

By statute (ORS Chapter 396), the Adjutant General is the Director of the Oregon Military Department, Chief of Staff to the Governor, and Commander of the Oregon National Guard. The Adjutant General is charged with the supervision of all matters pertaining to the administration, discipline, mobilization, organization, and training of the Oregon National Guard