

House Bill 3954

Sponsored by Representative EVANS

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**. The statement includes a measure digest written in compliance with applicable readability standards.

Digest: Tells the AG to not allow a person or unit of the guard to be called into active service except for certain reasons. (Flesch Readability Score: 65.7).

Prohibits the Adjutant General for assisting or allowing the United States Department of Defense or any branch thereof to communicate with any individual or unit of the Oregon National Guard for purposes of calling the individual or unit into active service unless the active service is for a certain listed reason.

Prohibits the Adjutant General from allowing an individual or unit of the Oregon National Guard to be called into active service if the call into active service results in the Oregon National Guard being incapable of responding to a statewide emergency.

Directs that an Adjutant General be immediately dismissed for violations of the Act.

A BILL FOR AN ACT

1
2 Relating to the Oregon National Guard.

3 **Be It Enacted by the People of the State of Oregon:**

4 **SECTION 1. (1) Notwithstanding ORS 396.135, the Adjutant General may not assist, fa-**
5 **ilitate, communicate or allow communications between the United States Department of**
6 **Defense or any branch thereof and individual service members or units of the Oregon Na-**
7 **tional Guard on any matter associated with the individual or unit being called into active**
8 **service under Title 10 or 32 of the United States Code unless the active service is for one of**
9 **following reasons:**

10 **(a) In support of a congressionally authorized military contingency.**

11 **(b) In support of operations in response to a national catastrophe or disaster as declared**
12 **in a formal declaration of war, congressional authorization for the use of military force or**
13 **presidential declaration.**

14 **(c) In support of a congressionally authorized mission with the United States Department**
15 **of Homeland Security that is consistent with federal law on the appropriate use of the Armed**
16 **Forces of the United States within or without the continental United States.**

17 **(d) For training for duties that are part of the primary duties of the individual or unit.**

18 **(e) For military support of the civil authorities of another state or territory with the**
19 **express permission of the state's or territory's governor or executive civil authority.**

20 **(f) For military support of civil authorities for other duties supported by congressional**
21 **action, federal law or tradition, except not law enforcement or immigration enforcement**
22 **duties other than indirect support or surveillance duties that are part of a border security**
23 **operation.**

24 **(2) Notwithstanding the reasons listed under subsection (1)(a) to (f) of this section, the**
25 **Adjutant General may not allow an individual or unit of the Oregon National Guard to be**
26 **called into active service under Title 10 or 32 of the United States Code if allowing the call**

NOTE: Matter in **boldfaced** type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted. New sections are in **boldfaced** type.

1 into active service results in the Oregon National Guard being effectively incapable of re-
2 sponding to a statewide emergency, such as a natural disaster or terrorism event.

3 (3) Notwithstanding ORS 396.150 (1), an Adjutant General who violates subsection (1) or
4 (2) of this section shall be immediately suspended from all duties and subject to dismissal for
5 cause.

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