

HB 4091 STAFF MEASURE SUMMARY

Senate Committee On Veterans, Emergency Management, Federal and World Affairs

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Meeting Dates: 2/24

WHAT THE MEASURE DOES:

The measure specifies when the Adjutant General may aid in mobilization of the Oregon National Guard (ONG) when its service members are called into Title 10 or Title 32 service. It places limits on aiding such mobilization if it is for law enforcement, immigration enforcement, or results in the ONG being unable to respond to a statewide emergency. It also limits when another state's militia may enter Oregon. It declares an emergency and is effective on passage.

Detailed Summary

- Defines, for the measure, “active service” as service performed on full-time duty status under Titles 10 and 32 of United States Code
- Specifies the Adjutant General may facilitate, assist, or coordinate in the mobilization of ONG members if called into active service for: congressionally authorized military contingency operations, congressionally authorized Department of Homeland Security missions, support of civil authorities authorized by Congress or federal law, response to formally declared national disasters, or training purposes
- Prohibits the Governor, Adjutant General, or other state employees under ORS 174.111 from aiding ONG mobilization for law enforcement or immigration enforcement, unless the latter is part of a border security operation
- Prohibits the Governor and Adjutant General from consenting to or allowing ONG members to be mobilized if it results in the ONG being unable to respond to a statewide emergency
- Prohibits militia or armed forces from other jurisdictions of the United States from entering Oregon unless the Governor authorizes it, or these forces are serving in federal active duty status under authority of the President of the United States

Fiscal impact: No fiscal impact

Revenue impact: No revenue impact

HOUSE VOTE: Ayes, 34; Nays, 21

ISSUES DISCUSSED:

EFFECT OF AMENDMENT:

No amendment.

BACKGROUND:

The Oregon National Guard (ONG) consists of the Army National Guard and Air National Guard, each of which is capable of performing state and federal functions. Members may be called upon to respond to state-level incidents and natural disasters and may also be deployed to support missions or augment forces of the U.S. Armed Forces.

The President of the United States may activate National Guard members into federal active service under U.S. Code 10 U.S.C. § 12406 (2006). Activations under Title 10 are federally funded and federally controlled. The governor of Oregon may activate ONG members or units to active service under U.S. Code 32 U.S.C. § 101–908 (2006). Activations under Title 32 law are federally funded if authorized, but are typically state-controlled.