

# House Bill 2556

Sponsored by Representative SHIELDS; Representatives BAILEY, DEMBROW, C EDWARDS, GREENLICK, KAHL, THOMPSON, TOMEI, Senators MONNES ANDERSON, MONROE, MORRISETTE, ROSENBAUM, WALKER

## 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**.

Limits service of Oregon National Guard to State of Oregon under certain circumstances. Authorizes Attorney General to appear on behalf of state if Governor declines to order organized militia to federal active duty.

## A BILL FOR AN ACT

1  
2 Relating to Governor's authority over Oregon National Guard; creating new provisions; and  
3 amending ORS 396.135.

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

5 **SECTION 1. (1) As used in sections 1 to 3 of this 2009 Act, "organized militia" means the**  
6 **Oregon Army National Guard and the Oregon Air National Guard.**

7 **(2) The organized militia is limited to service on behalf of the State of Oregon unless the**  
8 **organized militia is called to federal active duty under a constitutionally authorized federal**  
9 **order pursuant to a Congressional declaration of war or a valid Congressional resolution.**

10 **SECTION 2. The Attorney General is authorized to appear in any state or federal court**  
11 **with jurisdiction over the deployment of the organized militia to defend a decision of the**  
12 **Governor of the State of Oregon to decline to order the organized militia to federal active**  
13 **duty as provided in section 1 of this 2009 Act.**

14 **SECTION 3. A member of the organized militia may not refuse, while serving in the**  
15 **United States National Guard under a call to federal active duty, to follow a military order**  
16 **unless the order is in violation of the Geneva Conventions or other international law.**

17 **SECTION 4. ORS 396.135 is amended to read:**

18 **396.135. Except as provided in section 1 of this 2009 Act, when the militia of the state or any**  
19 **part thereof is called forth under the Constitution and laws of the United States, the Governor shall**  
20 **order out for service the organized militia or such part thereof as may be necessary, and if the**  
21 **number available is insufficient the Governor may call for and accept from the unorganized militia**  
22 **as many volunteers as are required for service in the organized militia or the Governor may direct**  
23 **the members of the unorganized militia or such of them as the Governor may deem necessary to be**  
24 **drafted into the organized militia.**

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**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.