

# House Bill 4091

Sponsored by Representatives ISADORE, EVANS, Senator MANNING JR, Representative CHOTZEN, Senator FREDERICK; Representatives ANDERSEN, FRAGALA, GAMBA, GOMBERG, GRAYBER, JAVADI, NELSON, NGUYEN D, NOSSE, RIEKE SMITH, SKARLATOS, WALTERS, Senators CAMPOS, GOLDEN, JAMA, MEEK, NERON MISSLIN, PHAM K, REYNOLDS (Presession filed.)

## 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: Allows the AG to help with a call into active service of the Oregon guard only for certain reasons. (Flesch Readability Score: 62.8).

Allows the Adjutant General to facilitate, assist or coordinate in the mobilization of the Oregon National Guard under Title 10 of the United States Code or Title 32 of the United States Code under an authority other than the Governor, only if the active service is for certain listed reasons.

Prohibits the state government from facilitating, assisting or coordinating in the mobilization of the Oregon National Guard under Title 10 of the United States Code or Title 32 of the United States Code under an authority other than the Governor if the active service is for law enforcement duties or immigration enforcement duties.

Prohibits the Governor or 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.

Prohibits the militia or armed forces of another state, territory or district of the United States from entering the borders of this state for the purpose of performing military duty within the borders of this state or performing military duty within the borders of this state, unless the Governor consents or the militia or armed forces are serving in a federal active duty status.

Declares an emergency, effective on passage.

## A BILL FOR AN ACT

Relating to the Oregon National Guard; and declaring an emergency.

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

**SECTION 1.** Section 2 of this 2026 Act is added to and made a part of ORS chapter 396.

**SECTION 2.** (1) Notwithstanding ORS 396.005, as used in this section, “active service” means:

(a) Service performed on full-time duty status under Title 10 of the United States Code.

(b) Service performed on full-time duty status under Title 32 of the United States Code when performed under an authority other than the Governor.

(2) The Adjutant General may facilitate, assist or coordinate in the mobilization of a service member or unit of the Oregon National Guard that is called into active service only if, and except as provided in subsections (3) and (4) of this section, the active service is for one of the following reasons:

(a) In support of a congressionally authorized military contingency operation.

(b) In support of operations that are in response to a formally declared national catastrophe or disaster.

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

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

**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.

(e) For military support of civil authorities for other duties authorized by Congress or federal law.

(3) Neither the Governor, the Adjutant General nor any officer or employee of state government, as defined in ORS 174.111, may facilitate, assist or coordinate in the mobilization of a service member or unit of the Oregon National Guard that is called into active service if the active service is for law enforcement duties or immigration enforcement duties. For purposes of this subsection, “immigration enforcement duties” does not include support, logistics or surveillance duties that are part of a border security operation.

(4) The Governor may not give consent for, nor may the Adjutant General allow, a service member or unit of the Oregon National Guard to be mobilized into active service if the mobilization of the service member or unit into active service results in the Oregon National Guard being effectively incapable of responding to a statewide emergency, such as a natural disaster or act of terrorism.

(5) Nothing in this section prohibits the Adjutant General or any officer or employee of state government from carrying out federal or state laws relating to the rights and privileges of service members of the Oregon National Guard.

**SECTION 3.** The militia or armed forces of another state, territory or district of the United States may not enter the borders of this state for the purpose of performing military duty within the borders of this state or perform military duty within the borders of this state, unless:

(1) The Governor permits or authorizes the militia or armed forces to enter the borders of this state or perform military duty within the borders of this state; or

(2) The militia or armed forces are serving in a federal active duty status under the authority of the President of the United States.

**SECTION 4.** This 2026 Act being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this 2026 Act takes effect on its passage.