

REVENUE: No revenue impact

FISCAL: Fiscal statement issued

Action:	Without Recommendation as to Passage, but with Amendments and Be Referred to Rules by prior reference
Vote:	4 - 0 - 0
Yeas:	Monnes Anderson, Olsen, President Courtney, Boquist
Nays:	0
Exc.:	0
Prepared By:	Lori Brocker, Administrator
Meeting Dates:	2/23, 4/20

WHAT THE MEASURE DOES: Proposes amendment to Oregon Constitution to permit serving judge to be employed by State Board of Higher Education or school board for purpose of teaching. Specifies that teaching does not prevent person from serving as judge. Refers proposed constitutional amendment to people for approval or rejection at next regular general election.

ISSUES DISCUSSED:

- Potential breadth of separation of powers issue
- Concurrent employment in two branches of government
- Potential separation of powers issue even if law passes for persons who are not judges or teachers

EFFECT OF COMMITTEE AMENDMENT: Deletes provision allowing person employed by Oregon National Guard to concurrently serve as judge.

BACKGROUND: A 1979 Oregon Supreme Court decision, In the Matter of Sawyer, found that a judge who was regularly employed as a part-time teacher by a state-funded school violated the separation of powers section of Article III of the Oregon Constitution.

Senate Joint Resolution 14A, if approved by the people at a general election, would amend the Oregon Constitution and allow a person to be employed by the State Board of Higher Education or a local school board while also serving as a judge.