

REVENUE: No revenue impact

FISCAL: Fiscal statement issued

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Action: Be Adopted and Be Referred to the Committee on Rules by Prior Reference

Vote: 5 - 0 - 0

Yeas: Close, Dembrow, Kruse, Roblan, Prozanski

Nays: 0

Exc.: 0

Prepared By: Bill Taylor, Counsel

Meeting Dates: 2/5

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**WHAT THE MEASURE DOES:** Allows judges to teach at an Oregon public university without violating the Oregon Constitution. Allows a judge to be a member of the Oregon National Guard without violating the Oregon Constitution. Retains the constitutional provision that allows an employee of public school or university to be a member of the Legislature. Rescinds SJR 34 of the 2013 session.

**ISSUES DISCUSSED:**

- Three law schools in state
- Two private schools can hire judges to teach; university of Oregon Law School cannot
- State Board of Higher Education will no longer employ faculty
- Individual state universities will employ

**EFFECT OF COMMITTEE AMENDMENT:** No amendment.

**BACKGROUND:** Section 8, Article XV of the Constitution of the State of Oregon allows persons employed by the State Board of Higher Education or a member of a school board or an employee of a school board to serve in the Legislature without violating either: (1) Section 1, Article II, which prohibits persons from exercising any duties or functions of more than one branch of government; or, (2) Section 10, Article II, which prohibits a person from holding more than one lucrative office.

SJR 34, if enacted by the voters, was intended to allow judges to teach at a public university or serve in the Oregon National Guard. However during the 2013 legislative session, the legislature enacted SB 270, which changed how public universities are governed.

Legislative Counsel issued an opinion to Senator Floyd Prozanski stating that one of the consequences of SB 270 was that SJR 34 would not enable judges to teach at a public university as originally intended because the judge would not be employed by the State Board of Higher Education, but the individual university.

Article XV, section 8 of the Oregon Constitution allows employees of the State Board of Education, a member of a school board or an employee of the school board to be a member of the Legislature. This measure would retain this provision.