

REVENUE: No revenue impact  
FISCAL: Fiscal statement issued

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Action: Be Adopted  
Vote: 5 - 0 - 0  
Yeas: Beyer, Burdick, Ferrioli, Starr, Rosenbaum  
Nays: 0  
Exc.: 0  
Prepared By: Erin Seiler, Administrator  
Meeting Dates: 2/19

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

**ISSUES DISCUSSED:**

- Separation of powers
- Changes in higher education governance structure
- Ability of Judge Advocate General (JAG) in Oregon National Guard to be employed in public university
- History of measure

**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.

In 2013, the Legislature adopted Senate Joint Resolution 34, which if it is 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, Senate Bill 270 was enacted, which changed how public universities are governed.

Legislative Counsel issued an opinion stating that one of the results of Senate Bill 270 was that Senate Joint Resolution 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. Senate Joint Resolution 203 would retain this provision.