

REVENUE: No revenue impact

FISCAL: Fiscal statement issued

Action:	Be Adopted
Vote:	8 - 0 - 1
Yeas:	Barnhart, Berger, Harker, Holvey, Jenson, Kennemer, Smith Warner, Hoyle
Nays:	0
Exc.:	Hicks
Prepared By:	Erin Seiler, Administrator
Meeting Dates:	2/26

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:

- Changes in higher education governance structure
- Ability of Legislature to amend own referral
- History of measure

EFFECT OF COMMITTEE AMENDMENT: No amendment.

BACKGROUND: Section 8, Article XV of the Oregon Constitution allows persons employed by the State Board of Higher Education, members of school boards, and employees of school boards 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 persons from holding more than one lucrative office.

In 2013, the Legislature adopted Senate Joint Resolution 34, which, if enacted by voters, intended to allow judges to teach at public universities and serve in the Oregon National Guard. However, during the 2013 legislative session, Senate Bill 270 was enacted, which changed how public universities were 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 public universities as originally intended because the judge would not be an employee of the State Board of Higher Education, but rather, the individual university.

Article XV, Section 8 of the Oregon Constitution allows employees of the State Board of Education, members of school boards, and employees of school boards to be members of the Legislature. Senate Joint Resolution 203 retains this provision.