

REVENUE: No revenue impact

FISCAL: Fiscal statement issued

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

Vote: 5 - 0 - 0

Yeas: Close, Dingfelder, Kruse, Roblan, Prozanski

Nays: 0

Exc.: 0

Prepared By: Bill Taylor, Counsel

Meeting Dates: 4/10

WHAT THE MEASURE DOES: Allows a judge of any court of this state to be employed by the Oregon National Guard for the purpose of performing military service, by the State Board of Education or a school board for the purpose of teaching, without violating section 1, Article III (separation of powers) or Section 10, Article II of the Oregon Constitution (prohibition of holding two public offices at the same time).

ISSUES DISCUSSED:

- Judge can teach at Lewis and Clark Law School or Willamette University Law School, but cannot teach at the University of Oregon Law School

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. This measure if enacted by the voters would allow judges to teach or serve in the Oregon National Guard.