

SB 731 STAFF MEASURE SUMMARY**Carrier:** Sen. Gelser**Senate Committee On Education**

Action Date: 04/08/19
Action: Do pass.
Vote: 3-2-0-0
Yeas: 3 - Gelser, Hass, Wagner
Nays: 2 - Heard, Thomsen
Fiscal: No fiscal impact
Revenue: No revenue impact
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Meeting Dates: 3/11, 4/8

WHAT THE MEASURE DOES:

Permits a recognized student government of Oregon community college or public university to make a statement or issue a resolution to promote or oppose the adoption of a measure or the gathering of signatures on an initiative or referendum petition. Permits public employees and board members of community colleges and public universities to take action to allow student governments to engage in making the statement or issuing the resolution, as specified. Permits student governments to use student fees to assist with making statements or issuing resolutions, as specified. Prohibits the use of student fees or public funds for other political activities. Takes effect 91st day following adjournment sine die.

ISSUES DISCUSSED:

- Student government's ability to issue resolutions to support or oppose a ballot measure
- Conflicting interpretation of law among Oregon public universities
- Student government's role in protecting welfare of the student body
- 2015 Attorney General opinion related to student organizations and ballot measures
- History of student-government resolutions at Oregon State University
- Concern with using mandatory student fees to support political positions not held by all students
- Current prohibitions against using student fees for political activities
- Intent to narrowly construe the bill language to permit political speech, while maintaining current prohibitions

EFFECT OF AMENDMENT:

No amendment.

BACKGROUND:

Oregon has 17 community colleges and seven public universities, serving over 450,000 students each year. Each institution has an associated student government. Under current law, public employees may not engage in political activities while on the job during work hours. In addition, a person may not require a public employee to engage in political activities. Public institutions have interpreted these prohibitions to include a student government making a statement or issuing a resolution to support or oppose a ballot measure, initiative, or referendum. Senate Bill 731 permits a student government to make a statement or issue a resolution to support or oppose a measure, initiative, or referendum petition. The bill permits student governments to use student fees and institutional resources to facilitate making a statement or issuing a resolution, such as renting a room or printing materials.