

- SUBJECT:** Allowing schoolteachers to receive pay for serving on water district boards
- COMMITTEE:** Public Education — favorable, without amendment
- VOTE:** 9 ayes — Sadler, Dutton, Dunnam, Grusendorf, Hardcastle, Hochberg, Oliveira, Olivo, Smith
- 0 nays
- WITNESSES:** None
- BACKGROUND:** The Texas Constitution, Art. 16, sec. 40 prohibits a person from holding more than one civil office for compensation. The many exceptions include certain offices such as justice of the peace, county commissioner, and notary public, as well as members of the military, the reserves, and military retirees. State employees or others, such as current or retired public school teachers, who receive all or part of their compensation, directly or indirectly, from state funds may serve on the governing bodies of school districts, cities, towns, or other local government districts, provided that the employee receives no salary for such service.
- In November 1999, Texas voters rejected Proposition 5 (SJR 26 by Ratliff), which would have allowed state employees to be paid for service on local government boards, by a margin of 55 to 45 percent.
- DIGEST:** HJR 85 would propose amending the Constitution to allow active or retired schoolteachers to receive pay for serving as a member of the board of directors for water control and improvement districts authorized by Art. 3, sec. 52 of the Constitution or for water conservation and reclamation districts authorized by Art. 16, sec. 59.
- The proposal would be presented to the voters at an election on November 6, 2001. The ballot proposal would read: “The constitutional amendment to allow current and retired public school teachers and college professors, and retired public school administrators to receive compensation for serving on the governing bodies of school districts, cities, towns, or other local government districts.”

SUPPORTERS  
SAY:

HJR 85 would remove an antiquated prohibition that makes it very difficult for schoolteachers to offer their services as members of the governing boards of local governmental bodies. Those who wish to serve must give up any salary or other compensation normally provided for hours of public service. Many people who have run for these offices have been unaware of this prohibition and later have been forced to repay their salaries.

Amending the Constitution as proposed by HJR 85 would increase the pool of qualified candidates for water district boards and would allow more teachers to serve their local communities. There is no reason to prohibit schoolteachers from receiving two public paychecks for doing two entirely different jobs.

Serving as a schoolteacher and serving on a water district board are complementary activities, just as serving in a private-sector job and on a government board are complementary. In many cases, teachers already serve voluntarily on local governing boards. There is no reason to believe that they would not work as hard once they could be paid for their service on a water district board.

HJR 85 properly would keep schoolteachers under Art. 16, sec. 40, prohibiting them from holding a state office, but would allow them to receive compensation for serving on a water district's governing body. This would ensure that they were not treated differently from other people who want to serve their local communities.

HJR 85 is drawn more narrowly than SJR 26, which Texas voters defeated in November 1999. This resolution would address only payment for service of current and retired school teachers on water district boards rather than allowing all state employees to receive salaries for serving on the governing body of any local government entity.

OPPONENTS  
SAY:

Good reasons exist for the constitutional prohibition against a person being paid with taxpayer dollars for holding two public positions. When the taxpayers are paying a person's salary, they expect that person's total commitment to the job. When a person accepts two offices, at some point those two offices will come into conflict as to the amount of time required to do each job well.

Small local governing boards may not always require a full-time effort, but even those offices require a significant investment in time. Retaining the prohibition against schoolteachers being paid for such service would ensure that only those who truly are volunteering to serve the community could hold two offices at taxpayer expense.

HJR 85 might be proposing to fix a nonexistent problem, because water districts typically do not pay their board members. All members of most small rural water-district boards serve as volunteers.

Texas voters clearly rejected a similar proposition in 1999. They should not be asked so soon to vote again on a similar proposal.

OTHER  
OPPONENTS  
SAY:

HJR 85 should propose to eliminate restrictions on all state employees who wish to hold government office, whether as a member of a city council or of the Legislature. State employees hold a position, not an office requiring election or appointment, so the dual office-holding restrictions should not apply to them at all. They at least should be paid the same as other officeholders.

The ballot language for HJR 85 appears to be broader than the proposed amendment itself. The wording of the resolution would exempt only “a schoolteacher or retired schoolteacher” from the prohibition against compensation for serving on a local water-district board. However, the proposed ballot language is worded so as to apply the exemption to “current and retired public school teachers and college professors, and retired public school administrators.” While a college professor might possibly be considered a “schoolteacher,” the same cannot be said of a public school administrator.