

- SUBJECT:** Allowing college professors to be paid for serving on water district boards
- COMMITTEE:** State Affairs — committee substitute recommended
- VOTE:** 7 ayes — Marchant, Madden, J. Davis, Cook, Elkins, Gattis, Lewis
0 nays
2 absent — Goodman, Villarreal
- SENATE VOTE:** On final passage, April 14 — 29-0
- WITNESSES:** *(On House companion, HJR 58:)*
For — *(Registered, but did not testify:)* Dwight Harris, Texas Federation of Teachers

Against — None
- BACKGROUND:** Texas Constitution, Art. 16, sec. 40 prohibits a person from holding more than one civil office for compensation. Exceptions exist for offices such as justice of the peace, county commissioner, or notary public, as well as for members of the military, the reserves, and military retirees. State employees or others who receive all or part of their compensation, directly or indirectly, from state funds may serve as members of the governing bodies of school districts, cities, towns, or other local government districts, provided that the employees receive no salary for such service.

In November 2001, Texas voters approved Proposition 11 (HJR 85 by Bosse), which allows a school teacher, retired school teacher, or retired school administrator to receive compensation for serving as a member of a governing district of a school district, city, town, or local governmental district, including a water district.
- DIGEST:** SJR 19 would propose amending the Texas Constitution, Art. 16, sec. 40 to allow an active or retired faculty member of a public higher education institution to receive pay for serving as a member of the board of directors of a water district.

The proposal would be presented to voters at an election on Tuesday, November 4, 2003. The ballot proposal would read: "The constitutional amendment to permit a current or retired faculty member of a public college or university to receive compensation for service on the governing body of a water district."

**SUPPORTERS
SAY:**

SJR 19, if approved by voters, would remove an antiquated prohibition that makes it very difficult for current or retired faculty members of public colleges and universities to offer their services as members of the governing boards of water districts. Those who wish to serve must give up any salary or other compensation normally provided for hours of public service. SJR 19 would ensure that active and retired college faculty members received the same treatment as active and retired school teachers and administrators.

Amending the Constitution as proposed by SJR 19 would increase the pool of qualified candidates for water district boards and would allow more faculty members to serve their local communities. There is no reason to prohibit faculty members from receiving two public paychecks for doing two entirely different jobs.

Serving as a faculty member 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, professors 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.

**OPPONENTS
SAY:**

Good reasons exist for the constitutional prohibition against a person being paid with taxpayer dollars for holding two public positions. When 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 of time. Retaining the prohibition against faculty members, particularly those who are still active, 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.

SJR 19 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.

**OTHER
OPPONENTS
SAY:**

SJR 19 should propose eliminating 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. Also, if the Constitution is to be amended to create an exception for active and retired college and university faculty to receive pay for serving on water district boards, then the exception should apply to all boards — there is no reason to make this distinction.

NOTES:

SJR 19 as engrossed by the Senate would have allowed an active or retired college professor to receive compensation for serving as a member of the governing body of a school district, city, town, or local governmental district, including a water district.

The companion measure, HJR 58 by Eissler, was considered in a public hearing by the House State Affairs Committee on March 31 and left pending.

In November 1999, Texas voters rejected Proposition 5 (SJR 26 by Ratliff), which would have allowed all state employees to be paid for service on local government boards.