

BILL ANALYSIS

C.S.S.J.R. 19
By: Williams
State Affairs
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Article XVI, Section 40 of the Texas Constitution prohibits the simultaneous holding of more than one "office of emolument." Since 1972, it has included a proviso that allowed state employees who receive all or part of their compensation, either directly or indirectly, from funds of the State of Texas, and who are not State officers, to serve as members of the governing bodies of school districts, cities, towns, or other local governmental districts, provided that they not receive a salary for serving as members of such governing bodies. In 2001, the voters adopted an amendment to Article XVI, Section 40 permitting schoolteachers, retired schoolteachers, or retired school administrators to receive compensation for serving as a member of a governing body of a school district, city, town or local governmental district, including a water district. Faculty members of public colleges and universities were not specifically included in the group covered by the 2001 amendment. As a result, they are not currently authorized to receive compensation for serving as a member of the governing body of a water district. As proposed, C.S.S.J.R. 19 amends Subsection (b), Section 40, Article XVI of the Texas Constitution to so authorize faculty members of public colleges and universities.

RULEMAKING AUTHORITY

It is the opinion of the committee that this resolution does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

C.S.S.J.R. 19 amends Subsection (b), Section 40, Article XVI, of the Texas Constitution, to provide that a faculty member or retired faculty member of a public institution of higher education is authorized to receive compensation for serving as a member of a governing body of a water district created under Section 59 of that article or under Section 52, Article III, of the Texas Constitution.

FOR ELECTION

This proposed constitutional amendment shall be submitted to the voters at an election to be held November 4, 2003. The ballot shall be printed to allow for voting for or against the proposition contained in the specified text.

COMPARISON OF ORIGINAL TO SUBSTITUTE

C.S.S.J.R. 19 differs from the original in that it only authorizes faculty members of public colleges or universities to receive compensation for serving as a member of a governing body of a water district. The original bill authorized college professors and retired college professors to receive compensation for serving as members on the governing bodies of school districts, cities, towns, or local government districts.

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