

SUBJECT: Prohibiting state grants to peace officer organizations that lobby

COMMITTEE: Urban Affairs — favorable, without amendment

VOTE: 7 ayes — Bailey, Murphy, Menendez, Cohen, Latham, Mallory Caraway, Martinez Fischer

0 nays

WITNESSES: For — Mike Hobbs, Abilene Police Officers Association; Domingo Ibarra, Corpus Christi Police Dept. Chief Bryan Smith; Lee Jackson, Fort Worth Police Officers Association; Jaime Padron, San Angelo Coalition of Police; Teddy Stewart, San Antonio Police Officers Association; Don Williams, Mesquite Police Association; (*Registered, but did not testify:* Mike Clark, Houston Police Officers' Union; Todd Harrison, Austin Police Association; H.L. O'Neal, Felix Rendon, San Antonio Police Association; Gary Bone; Debbie Glandon; Sean M. Mannix; Richard Waggoner; Larry Watts)

Against — Linda Cox, Mission Granbury; Tom Gaylor, Texas Municipal Police Association; Greg Porter, Dallas County Sheriff's Association; Wayne E. Springer, Medina County Sheriff's Office; Joe Don Law; David C. Rhodes; (*Registered, but did not testify:* W.M. "Bill" Elkins, Houston Retired Police Officers Association; Donald E. Gallion II, Chief Tim Vasquez, San Angelo Police Department)

BACKGROUND: Government Code sec. 305.003 requires a person to register as a lobbyist with the Texas Ethics Commission if that person expends money or receives compensation for the purpose of influencing legislation or administrative action.

DIGEST: HB 1200 would add Government Code sec. 614.152 to prohibit state agencies from using any funds, whether or not they were appropriated, to make a grant or other distribution to a peace officer organization if:

- the organization or an employee of the organization was required to register as a lobbyist under Government Code, ch. 305;

- the organization employed a person for the purpose of affecting the outcome of legislation, agency rules, ordinances, or other governmental policies; or
- the organization provided legal representation to its members.

A “peace officer organization” would be defined as any association, group, union, lodge, local, or other organization in which peace officers participated and that existed wholly or partly to deal with employers concerning grievances, labor disputes, wages and rates of pay, hours of employment, or conditions of work. A “state agency” would include any entity in the executive branch of state government, an entity in the judicial branch with statewide authority, or a university system or institution of higher education as defined by Education Code, sec. 61.003.

The bill would take immediate effect if finally passed by a two-thirds record vote of the membership of each house. Otherwise, it would take effect September 1, 2007.

**SUPPORTERS
SAY:**

HB 1200 would help ensure that public state funds were administered with integrity and efficiency by peace officer organizations. It would provide an equitable and simple means of guaranteeing that lobbying activities remain divorced from public funds.

Under current law, peace officer organizations that engage in lobbying are permitted to receive public state funds to administer training programs. Political programs of organizations that receive public grants have contributed to the mismanagement of state funds authorized for peace officer training programs.

The Texas Municipal Police Association (TMPA), for instance, recently has come under criticism for improperly using state funds granted for training police officers. TMPA receives grants from the Criminal Justice Division of the Governor's Office to fund its sexual assault and family violence investigator's course. The organization also receives funds from the Texas Department of Transportation (TxDOT) to fund marketing and reporting of highway safety initiatives as well as its paperwork process reduction training tool for DWI tickets. TMPA has administered approximately \$9.65 million in grant funding for these programs and has contributed \$793,900 in matching funds over a six year period.

TMPA has been accused of administering state grants with high overhead expenses, submitting reimbursement receipts for questionable charges not directly related to the administration of grants, and using training to advertise its political union activities. While the training exercises conducted by the TMPA have been valuable for police officers, the organization's political activities have interfered with its ability to administer its training program with fiscal responsibility and integrity.

HB 1200 would prohibit state agencies from contributing funds to a peace officer organization that engaged in lobbying activities. Language mirroring the principal provision that HB 1200 would enact into law already has been incorporated into the House-passed version of the general appropriations act for fiscal 2008-09. The engrossed version of HB 1 by Chisum contains two engrossment riders — no. 29 and no. 30 — that would restrict the Governor's Criminal Justice Division, TxDOT, and other state agencies from issuing funds to a peace officer organization that conducts lobbying activities.

Training for peace officers is best left to local training academies, police departments, sheriff's offices, and institutions of higher education, which can administer the funds with attention to local needs and require little or no administrative overhead. Local enforcement agencies, universities, and community colleges are able to apply state funds more effectively and without the potential conflicts of interest posed by lobbying and other political activities. The bill also would spare state agencies from having to make decisions regarding the issuance of grants to organizations that may expend money on lobbying activities that affect the agency.

The bill would allow local law enforcement organizations to effectively compete for state grants for training programs. Current state public grant guidelines for training were written by TMPA, which receives the grants. Guidelines for training grants effectively have excluded all but one competitor. HB 1200 would break TMPA's monopoly over the grant process. Grants disbursed to local enforcement agencies and colleges under redrafted guidelines accessible to more organizations would result in training programs that more effectively met the needs of Texas peace officers.

HB 1200 would have no effect on the vast majority of labor organizations, since most of those organizations do not receive public funds from state agencies. A labor union, such as the TMPA, would not be prohibited from

creating a separate and unaffiliated non-profit organization for the purpose of administering state funds.

OPPONENTS
SAY:

HB 1200 would establish an unfair and unnecessary statutory prohibition based on unsubstantiated charges that one organization, TMPA, mismanaged public funds. The bill would take part in a dispute among peace officer labor organizations concerning the distribution of resources and could have a lasting, negative impact on training programs available to Texas peace officers.

HB 1200 was drafted with the specific intent of prohibiting one organization, TMPA, from continuing its peace officer training program. While rival labor unions have alleged that TMPA mismanaged its public grant funds, audits of the organization's spending do not support these accusations. State grants to TMPA are issued largely on a cost-reimbursement basis, which means that the grantee incurs the expense and then requests reimbursement. This system provides funding sources the opportunity to accept or deny the expenses.

State public grants should be administered on a competitive basis to organizations most suited to deliver the granted public funds. TMPA uses grant funds to provide free training to peace officers and free services to local communities all over Texas. These programs provide advanced training for officers to better investigate family violence and sexual assault, create computerized reports that allow officers to more quickly complete DWI paperwork, and promote traffic safety among law enforcement agencies around the state. Almost 10,000 Texas peace officers have benefited from TMPA's sexual assault and violence course.

TMPA is required to conduct an annual audit of the grant funds using a certified public accountant and report findings to the funding sources. TMPA received the highest certification possible in each audit it has conducted. State grant programs for peace officer training require grantees to provide matching funds. Since administering the grant programs, TMPA has contributed \$793,900 in matching funds.

While TMPA does engage in political activities such as lobbying, the organization maintains a strict separation between funds that promote such activities and its training programs. Membership dues are used for political advocacy, while state public funds are used strictly for training courses. Training personnel are not authorized to use the courses as a

platform for recruitment. TMPA is not a traditional labor union but a non-profit 501(c)(4) organization, which means it is subject to strict federal standards governing how it uses funds.

TMPA has many additional resources that it could use to support its training programs. Removing TMPA's ability to conduct training could reduce the statewide availability of training courses with experienced teachers and developed curricula. TMPA often is the only competitor for the state grants it receives because it has the resources and professional staff necessary to assemble and carry out exacting grant applications. Local law enforcement organizations are underfunded and, in many cases, ill-equipped to take on the major responsibilities of training. HB 1200 would place a major burden on local enforcement agencies and education institutions to effectively develop and execute training programs for the thousands of peace officers in Texas.

**OTHER
OPPONENTS
SAY:**

HB 1200 would establish important principles for maintaining clear separations between public funds and lobbying activities. Legislation prohibiting organizations that receive public funding from engaging in lobbying activities should be broadened beyond the narrow class of peace officer organizations this bill would affect.

NOTES:

The companion bill, SB 601 by Van de Putte, has been referred to the Senate State Affairs Committee.

HB 1201 by Menendez, which would prohibit political activities by peace officer organizations that accept public funds, also is on today's General State Calendar.