

SUBJECT: Political action ban for peace officer organizations that accept public funds

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, Nueces County Sheriff Jim Kaelin; 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: Election Code sec. 253.094 prohibits corporations or labor organization from making political contributions or expenditures not expressly authorized in Election Code ch. 253, subch. D.

DIGEST: HB 1201 would add Election Code sec. 253.094(b-1) prohibiting a labor organization that represents peace officers and that accepts a grant or appropriated funding from a state agency from establishing a political committee, assisting a political committee in performing political activities, or making a political contribution or expenditure.

The bill would take effect September 1, 2007.

SUPPORTERS
SAY:

HB 1201 would help ensure integrity and efficiency in the administration of public state funds by peace officer organizations. It would provide an equitable and simple means of guaranteeing that political activities remain divorced from public funds.

Under current law, peace officer organizations that endorse candidates and make political contributions are permitted to receive public state funds to administer training programs. Political activities by 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 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. Organizations that fulfill the crucial duty of training peace officers should be prohibited from making political contributions and expenditures that potentially could compromise the delivery of these services.

HB 1201 would prohibit a peace officer organization that received public grants or appropriated funds from making campaign contributions or expenditures. 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 training programs are able to apply state funds more effectively and without the potential conflicts of interest posed by political endorsements. State agencies would also be spared from having to make decisions regarding the issuance of grants to organizations that may expend money on political campaigns 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 1201 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 1201 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 that makes campaign contributions, 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 1201 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 1201 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. 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 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 over a six-year period. 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 endorse candidates and make and campaign contributions, the organization has assiduous accounting procedures that maintain a strict separation between funds used for campaigns and its training programs. Membership dues are used for political endorsements, 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 1201 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 1201 would establish important principles for maintaining clear separations between public funds and political activities. Legislation prohibiting organizations that receive public funding from making campaign expenditures should be broadened beyond the narrow class of peace officer organizations this bill would affect.

NOTES:

The companion bill, SB 602 by Van de Putte, has been referred to the Senate State Affairs Committee.

HB 1200 by Menendez, which would prohibit grants of public money to certain peace officer organizations that engage in lobbying activities, also is on today's General State Calendar.