

SUBJECT: Establishing an expedited access pass to the State Capitol

COMMITTEE: House Administration — favorable, without amendment

VOTE: 9 ayes — Geren, D. Howard, Eissler, Gooden, S. King, S. Miller, Muñoz, T. Smith, Vo

0 nays

2 absent — Allen, Marquez

WITNESSES: For — Jack Gullahorn, Professional Advocacy Association of Texas; Andy Wilson, Public Citizen Inc.; Carlos Higgins; (*Registered, but did not testify*: Portia Bosse, Texas State Teachers Association; Keith Elkins, Freedom of Information Foundation of Texas; Glenda Holmes, Texas Apartment Association; Joshua Houston, Texas Impact; Ron Hufford, Texas Forestry Association; Richie Jackson, Texas Restaurant Association; Lee Loftis, Independent Insurance Agents of Texas; Anne Olson, Christian Life Commission; Bob Owen, Texas Society of CPA's; Jim Reaves, Texas Nursery & Landscape Association; Jason Sabo, United Ways of Texas; Steve Scurlock, Independent Bankers Association of Texas; David Weinberg, Texas League of Conservation Voters; Leticia Caballero; Glen Garey; Joe Morris; Robin Schneider; Brad Shields; Bob Turner)

Against — None

BACKGROUND: In 1995, the 74th Legislature enacted SB 60 by Patterson, which allowed a person who received a license from the Department of Public Safety (DPS) to carry a concealed handgun in certain public places. To obtain a CHL, an applicant must provide a completed application, photograph, birth certificate, proof of state residency, two sets of fingerprints, and a nonrefundable license fee of \$140, as well as show evidence of handgun proficiency, sign an affidavit, and undergo a criminal background check.

Currently, a Texan with a concealed handgun license (CHL) can bypass the metal detectors when entering the Capitol building as long as he or she presents the license to the proper law enforcement official upon entry.

Visitors without a CHL or other authorized identification must pass through the metal detectors each time they access the building.

DIGEST: HB 2131 would require DPS to create a pass for expedited access into the Capitol that would function similarly to the CHL.

To be eligible for a Capitol access pass, a person would have to meet all of the eligibility requirements applicable to CHL applicants, except for the requirement regarding evidence of handgun proficiency. A person could enter the Capitol as a CHL holder if he or she obtained the Capitol access pass and presented it to the appropriate law enforcement officer.

The bill would require DPS to adopt rules establishing a procedure for Texans to apply for and be issued a Capitol access pass. DPS would have to conduct the same background check on Capitol access pass applicants as they conducted on CHL applicants. The bill would require DPS to establish application and renewal fees sufficient to cover the costs of the pass, but they could not exceed the CHL fees.

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, 2011.

SUPPORTERS SAY: HB 2131 would provide an affordable alternative for eligible persons who might not be able to pay the CHL fees, or who have no desire to carry a concealed handgun, to obtain a Capitol access pass. The cost of a CHL can be as much as \$140, and the fiscal note estimates that the Capitol access pass would be only \$44.20.

The Capitol access pass would allow eligible persons who already have been screened by a background check to bypass long lines at the metal detectors and avoid being late to hearings or meetings. Many Texans, including lobbyists, activists, and interested public citizens, visit the Capitol multiple times in a day and must pass through the metal detector with each entry if they lack a CHL. Some have taken the time and expense to obtain a CHL and undergo handgun training solely to bypass the Capitol metal detectors. A Capitol access pass would be a less expensive and burdensome alternative that would not compromise Capitol security.

The incorporation of a fee waiver for eligible indigent persons would burden the state financially. The pass would remain optional rather than

required for entrance into the Capitol, so people still could enter the building for free.

OPPONENTS
SAY:

Although HB 2131 would provide a more affordable means for obtaining an expedited access pass into the Capitol, the bill does not offer an option for eligible indigent persons to obtain the pass at a discount or for no charge. By not offering some type of fee waiver to eligible indigent persons, the bill potentially could exclude lower-income persons from this opportunity.

NOTES:

According to the fiscal note, the bill would result in an undetermined revenue gain for the state because it is unknown how many people would acquire the Capitol access pass. However, if 1,000 people acquired the pass, the net gain to general revenue would be \$17,000.