

- SUBJECT:** Decreasing the fee for certain handgun license applications
- COMMITTEE:** Homeland Security and Public Safety — committee substitute recommended
- VOTE:** 8 ayes — P. King, Nevárez, Burns, Holland, J. Johnson, Metcalf, Schaefer, Wray
- 0 nays
- 1 absent — Hinojosa
- WITNESSES:** For — Rick Briscoe, Open Carry Texas; Jason Fullam, Security Officers Brotherhood; John-Michael Gillaspay, Texas Carry; Alice Tripp, Texas State Rifle Association; Terry Holcomb; (*Registered, but did not testify:* Chris Jones, Combined Law Enforcement Associations of Texas (CLEAT); Michael Cargill, Texans For Accountable Government; Michael Pacheco, Texas Farm Bureau; and nine individuals)
- Against — (*Registered, but did not testify:* Elva Mendoza)
- On — (*Registered, but did not testify:* RenEarl Bowie, Texas Department of Public Safety)
- BACKGROUND:** Government Code, 411.174 requires an applicant for a license to carry a handgun to submit a nonrefundable application and license fee of \$140 to the Department of Public Safety (DPS).
- Sec. 411.185 requires DPS to set a renewal fee in an amount that is sufficient to cover the administrative costs to issue the renewed license. That fee currently is \$70.
- Secs. 411.194 and 411.195 allow indigents and senior citizens to pay half of the normal fee for an original or renewed license, which would be \$70 and \$35, respectively.

Sec. 411.190 requires DPS to issue a license to any certified handgun instructor who pays a fee of \$100, in addition to other costs.

Sec. 411.201 allows DPS to set an application fee for active and retired judicial officers in an amount that covers the administrative costs to issue the license.

DIGEST:

CSHB 300 would reduce the fees associated with certain applications for a license to carry a handgun.

Original and renewed licenses. The bill would reduce the fee for the issuance of an original license from \$140 to \$40. The cost for a renewed license would be set at \$40, removing the requirement for the Department of Public Safety to determine this fee.

Indigents and senior citizens. Indigents and senior citizens would pay the normal fee of \$40 for the issuance of an original license. Their fees for the issuance of a renewed license would remain at \$35.

Certified handgun instructor. The fee for a certified handgun instructor would be decreased from \$100 to \$40.

Judicial officers. The fee for active and retired judicial officers would be set at \$25.

The bill would take effect September 1, 2017, and would apply only to a license application submitted on or after that date.

SUPPORTERS
SAY:

CSHB 300 would address concerns that the fees to apply for or renew a handgun license in Texas are too high and impose an undue burden on the constitutional right to bear arms as it relates to lawfully carrying a handgun. While today handgun fees in Texas are some of highest in the country, this bill would place Texas among the states with the lowest fees.

The current \$140 fee exceeds the actual cost to administer the license-to-carry program. When the license was first established, the fee was set at a

level estimated to support the cost of the program and was not intended to produce excess revenue. However, with changes in technology, the costs to the Department of Public Safety have decreased. The per-applicant cost to the department currently is around \$27, which accounts for required background checks. The bill would adjust the fee to better reflect the actual costs of running the program, without resulting in a negative fiscal impact to the department.

Although the bill would have a cost to general revenue, it would take a necessary step to lessen the burden for eligible citizens who wish to become licensed to carry a handgun. While fee reductions currently are available to certain individuals, most eligible Texans are subject to the full fee. The bill would increase access to a handgun license for those eligible by making it no longer cost-prohibitive to carry legally in the state. Further, it is unfair to expect handgun licensees to fund other state services and programs.

OPPONENTS
SAY:

CSHB 300 would cost the state a significant amount of revenue during tight budgetary times. According to the Legislative Budget Board's fiscal note, the bill would result in an estimated loss of \$22 million in general revenue through fiscal 2019, a cost that would continue in future biennia. Given current fiscal conditions, the state cannot afford this loss of revenue.

OTHER
OPPONENTS
SAY:

CSHB 300 would not go far enough to eliminate the undue financial burden on Texans who wish to exercise their Second Amendment rights. The licensing and renewal fees should be eliminated for all eligible Texans.

NOTES:

According to the Legislative Budget Board, the bill would have an estimated negative impact of about \$22 million to general revenue related funds through fiscal 2018-19, with a similar impact in subsequent biennia.

The committee substitute differs from the bill as filed in several ways, including that CSHB 300 would reduce the fee for an original or renewed handgun license to \$40, rather than eliminating the fee altogether.

Companion. A companion bill, SB 16 by Nichols, was approved by the Senate on March 27 and reported favorably from the House Homeland Security and Public Safety Committee on April 20.