

BILL ANALYSIS

Senate Research Center
80R5927 BEF-D

C.S.S.B. 316
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Government Organization
3/6/2007
Committee Report (Substituted)

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Currently, only some state agencies have significant authority, in statute, to address false statements made in applications and renewals of application with no single, consistent source of authority for agencies to rely on when addressing the problem of false statements made by applicants. During a recent Senate Finance Committee budget hearing, there was discussion about the problem of applicants lying on applications and how this can cause problems for state agencies. In particular, the Board of Nurse Examiners raised the issue of applicants failing to disclose required information about their criminal history.

C.S.S.B. 316 authorizes a licensing authority to deny a person's application for a license or suspend or revoke a person's license if the authority determines, after notice and hearing, that the person knowingly made a false statement in connection with applying for or renewing a license, made a material misrepresentation to the licensing authority in connection with applying for or renewing the license, refused to provide information requested by the licensing authority, or failed to provide all of the person's criminal history information in response to the licensing authority's request for the information.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends the heading to Chapter 2005, Government Code, to read as follows:

CHAPTER 2005. MISCELLANEOUS PROVISIONS RELATING TO STATE LICENSES
AND PERMITS

SECTION 2. Designates existing Sections 2005.001-2005.007, Government Code, as Subchapter A, Chapter 2005, Government Code, and adds a subchapter heading, to read as follows:

SUBCHAPTER A. PERMIT PROCESSING

SECTION 3. Amends Chapter 2005, Government Code, by adding Subchapter B, as follows:

SUBCHAPTER B. DENIAL, SUSPENSION, OR REVOCATION FOR FALSE
STATEMENT, MISREPRESENTATION, OR REFUSAL TO PROVIDE INFORMATION

Sec. 2005.051. DEFINITIONS. Defines "license" and "licensing authority."

Sec. 2005.052. DENIAL, SUSPENSION, OR REVOCATION FOR FALSE
STATEMENT, MISREPRESENTATION, OR REFUSAL TO PROVIDE
INFORMATION. (a) Authorizes a licensing authority to deny a person's application for a license or suspend or revoke a person's license if the authority determines, after notice and hearing, that the person knowingly made a false statement in connection with applying for or renewing the license, made a material misrepresentation to the licensing authority in connection with applying for or renewing the license, refused to provide information requested by the licensing authority, or failed to provide all of the person's

criminal history information in response to the licensing authority's request for the information.

(b) Establishes that such a denial, suspension, or revocation is governed by the same administrative procedures that apply to other disciplinary actions taken by the licensing authority.

Sec. 2005.053. CRIMINAL PROSECUTION. Authorizes a person who knowingly makes a false statement in connection with applying for or renewing a license to be subject to criminal prosecution under Section 37.10 (Tampering With Governmental Record), Penal Code.

SECTION 4. Amends Section 2005.001, Government Code, by making a conforming change.

SECTION 5. Amends Section 2005.002, Government Code, by making a conforming change.

SECTION 6. Amends Section 2005.005, Government Code, by making a conforming change.

SECTION 7. Amends Section 2005.006(a), Government Code, by making a conforming change.

SECTION 8. Amends Section 2005.007(b), Government Code, by making a conforming change.

SECTION 9. Makes application of this Act prospective.

SECTION 10. Effective date: September 1, 2007.