

By: Ogden

S.B. No. 316

A BILL TO BE ENTITLED

AN ACT

relating to the denial, suspension, or revocation of a state-issued license if the applicant for the license makes a false statement or misrepresentation or refuses to provide information; providing a criminal penalty.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. The heading to Chapter 2005, Government Code, is amended to read as follows:

CHAPTER 2005. MISCELLANEOUS PROVISIONS RELATING TO STATE LICENSES AND PERMITS [~~PERMIT PROCESSING~~]

SECTION 2. Sections 2005.001 through 2005.007, Government Code, are designated as Subchapter A, Chapter 2005, Government Code, and a subchapter heading is added to read as follows:

SUBCHAPTER A. PERMIT PROCESSING

SECTION 3. Chapter 2005, Government Code, is amended by adding Subchapter B to read as follows:

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

Sec. 2005.051. DEFINITIONS. In this subchapter:

(1) "License" means a license, certificate, registration, permit, or other authorization:

(A) that is issued by a licensing authority;

(B) that is subject before expiration to suspension, revocation, forfeiture, or termination by the issuing

1 licensing authority; and

2 (C) that a person must obtain to:

3 (i) practice or engage in a particular
4 business, occupation, or profession; or

5 (ii) engage in any other regulated
6 activity, including hunting, fishing, or other recreational
7 activity for which a license or permit is required.

8 (2) "Licensing authority" means an agency of the
9 executive, legislative, or judicial branch of state government that
10 issues a license.

11 Sec. 2005.052. DENIAL, SUSPENSION, OR REVOCATION FOR FALSE
12 STATEMENT, MISREPRESENTATION, OR REFUSAL TO PROVIDE
13 INFORMATION. (a) A licensing authority may deny a person's
14 application for a license or suspend or revoke a person's license if
15 the licensing authority determines, after notice and hearing, that
16 the person knowingly:

17 (1) made a false statement in connection with applying
18 for or renewing the license;

19 (2) made a material misrepresentation to the licensing
20 authority in connection with applying for or renewing the license;

21 (3) refused to provide information requested by the
22 licensing authority; or

23 (4) failed to provide all of the person's criminal
24 history information in response to the licensing authority's
25 request for the information.

26 (b) A denial, suspension, or revocation by a licensing
27 authority under this section is governed by the administrative

1 procedures that apply to other disciplinary actions taken by the
2 licensing authority.

3 Sec. 2005.053. CRIMINAL PROSECUTION. A person who
4 knowingly makes a false statement in connection with applying for
5 or renewing a license may be subject to criminal prosecution under
6 Section 37.10, Penal Code.

7 SECTION 4. Section 2005.001, Government Code, is amended to
8 read as follows:

9 Sec. 2005.001. DEFINITIONS. In this subchapter [~~chapter~~]:

10 (1) "Permit" means an authorization by a license,
11 certificate, registration, or other form that is required by law or
12 state agency rules to engage in a particular business.

13 (2) "State agency" means a department, board, bureau,
14 commission, division, office, council, or other agency of the
15 state.

16 SECTION 5. Section 2005.002, Government Code, is amended to
17 read as follows:

18 Sec. 2005.002. EXCEPTIONS. This subchapter [~~chapter~~] does
19 not apply to a permit:

20 (1) for which an agency's median time during the
21 preceding calendar year for processing a permit application from
22 receipt of the initial application to the final permit decision did
23 not exceed seven days;

24 (2) issued in connection with any form of gaming or
25 gambling; or

26 (3) issued under the Alcoholic Beverage Code.

27 SECTION 6. Section 2005.005, Government Code, is amended to

1 read as follows:

2 Sec. 2005.005. DUTY OF HEAD OF AGENCY. The head of each
3 state agency shall ensure that the agency complies with this
4 subchapter [~~chapter~~].

5 SECTION 7. Subsection (a), Section 2005.006, Government
6 Code, is amended to read as follows:

7 (a) A state agency subject to this subchapter [~~chapter~~]
8 shall establish by rule a complaint procedure through which a
9 permit applicant can:

10 (1) complain directly to the chief administrator of
11 the agency if the agency exceeds the established period for
12 processing permits; and

13 (2) request a timely resolution of any dispute arising
14 from the delay.

15 SECTION 8. Subsection (b), Section 2005.007, Government
16 Code, is amended to read as follows:

17 (b) The report must include:

18 (1) a statement of the periods the agency has adopted
19 under this subchapter [~~chapter~~] for processing each type of permit
20 it issues, specifying any changes the agency made since the last
21 report;

22 (2) a statement of the minimum, maximum, and median
23 times for processing each type of permit during the period since the
24 last report from the date the agency receives the initial permit
25 application to the final permit decision;

26 (3) a description of the complaint procedure required
27 by Section 2005.006;

1 (4) a summary of the number and disposition of
2 complaints received by the agency under Section 2005.006 since the
3 last report; and

4 (5) a description of specific actions taken by the
5 agency since the last report to simplify and improve its permit
6 application, processing, and paperwork requirements.

7 SECTION 9. Subchapter B, Chapter 2005, Government Code, as
8 added by this Act, applies only to a statement, misrepresentation,
9 or refusal made, in connection with applying for or renewing a
10 license, on or after the effective date of this Act.

11 SECTION 10. This Act takes effect September 1, 2007.