

By: Ogden

S.B. No. 316

A BILL TO BE ENTITLED

AN ACT

relating to the suspension or revocation of a state-issued license if the applicant for the license makes a false statement.

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 2005.001-2005.007, 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. SUSPENSION OR REVOCATION FOR FALSE STATEMENT

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 licensing authority; and

(C) that a person must obtain to:

(i) practice or engage in a particular

1 business, occupation, or profession;
2 (ii) operate a motor vehicle; or
3 (iii) engage in any other regulated
4 activity, including hunting, fishing, or other recreational
5 activity for which a license or permit is required.

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

9 Sec. 2005.052. SUSPENSION OR REVOCATION FOR FALSE
10 STATEMENT. (a) A licensing authority may suspend or revoke a
11 person's license if the licensing authority determines, after
12 notice and hearing, that the person knowingly made a false
13 statement in connection with applying for or renewing the license.

14 (b) A suspension or revocation by a licensing authority
15 under this section is governed by the administrative procedures
16 that apply to other disciplinary actions taken by the licensing
17 authority.

18 SECTION 4. Section 2005.001, Government Code, is amended to
19 read as follows:

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

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

24 (2) "State agency" means a department, board, bureau,
25 commission, division, office, council, or other agency of the
26 state.

27 SECTION 5. Section 2005.002, Government Code, is amended to

1 read as follows:

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

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

8 (2) issued in connection with any form of gaming or
9 gambling; or

10 (3) issued under the Alcoholic Beverage Code.

11 SECTION 6. Section 2005.005, Government Code, is amended to
12 read as follows:

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

16 SECTION 7. Section 2005.006(a), Government Code, is amended
17 to read as follows:

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

21 (1) complain directly to the chief administrator of
22 the agency if the agency exceeds the established period for
23 processing permits; and

24 (2) request a timely resolution of any dispute arising
25 from the delay.

26 SECTION 8. Section 2005.007(b), Government Code, is amended
27 to read as follows:

1 (b) The report must include:

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

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

10 (3) a description of the complaint procedure required
11 by Section 2005.006;

12 (4) a summary of the number and disposition of
13 complaints received by the agency under Section 2005.006 since the
14 last report; and

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

18 SECTION 9. Subchapter B, Chapter 2005, Government Code, as
19 added by this Act, applies only to a statement made, in connection
20 with applying for or renewing a license, on or after the effective
21 date of this Act.

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