

1-1 By: Ogden S.B. No. 316
1-2 (In the Senate - Filed January 25, 2007; February 14, 2007,
1-3 read first time and referred to Committee on Government
1-4 Organization; March 12, 2007, reported adversely, with favorable
1-5 Committee Substitute by the following vote: Yeas 4, Nays 0;
1-6 March 12, 2007, sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR S.B. No. 316 By: Nelson

1-8 A BILL TO BE ENTITLED
1-9 AN ACT

1-10 relating to the denial, suspension, or revocation of a state-issued
1-11 license if the applicant for the license makes a false statement or
1-12 misrepresentation or refuses to provide information; providing a
1-13 criminal penalty.

1-14 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-15 SECTION 1. The heading to Chapter 2005, Government Code, is
1-16 amended to read as follows:

1-17 CHAPTER 2005. MISCELLANEOUS PROVISIONS RELATING TO STATE LICENSES
1-18 AND PERMITS [PERMIT PROCESSING]

1-19 SECTION 2. Sections 2005.001 through 2005.007, Government
1-20 Code, are designated as Subchapter A, Chapter 2005, Government
1-21 Code, and a subchapter heading is added to read as follows:

1-22 SUBCHAPTER A. PERMIT PROCESSING

1-23 SECTION 3. Chapter 2005, Government Code, is amended by
1-24 adding Subchapter B to read as follows:

1-25 SUBCHAPTER B. DENIAL, SUSPENSION, OR REVOCATION FOR FALSE
1-26 STATEMENT, MISREPRESENTATION, OR REFUSAL TO PROVIDE INFORMATION

1-27 Sec. 2005.051. DEFINITIONS. In this subchapter:

1-28 (1) "License" means a license, certificate,
1-29 registration, permit, or other authorization:

1-30 (A) that is issued by a licensing authority;

1-31 (B) that is subject before expiration to
1-32 suspension, revocation, forfeiture, or termination by the issuing
1-33 licensing authority; and

1-34 (C) that a person must obtain to:

1-35 (i) practice or engage in a particular
1-36 business, occupation, or profession; or

1-37 (ii) engage in any other regulated
1-38 activity, including hunting, fishing, or other recreational
1-39 activity for which a license or permit is required.

1-40 (2) "Licensing authority" means an agency of the
1-41 executive, legislative, or judicial branch of state government that
1-42 issues a license.

1-43 Sec. 2005.052. DENIAL, SUSPENSION, OR REVOCATION FOR FALSE
1-44 STATEMENT, MISREPRESENTATION, OR REFUSAL TO PROVIDE
1-45 INFORMATION. (a) A licensing authority may deny a person's
1-46 application for a license or suspend or revoke a person's license if
1-47 the licensing authority determines, after notice and hearing, that
1-48 the person knowingly:

1-49 (1) made a false statement in connection with applying
1-50 for or renewing the license;

1-51 (2) made a material misrepresentation to the licensing
1-52 authority in connection with applying for or renewing the license;

1-53 (3) refused to provide information requested by the
1-54 licensing authority; or

1-55 (4) failed to provide all of the person's criminal
1-56 history information in response to the licensing authority's
1-57 request for the information.

1-58 (b) A denial, suspension, or revocation by a licensing
1-59 authority under this section is governed by the administrative
1-60 procedures that apply to other disciplinary actions taken by the
1-61 licensing authority.

1-62 Sec. 2005.053. CRIMINAL PROSECUTION. A person who
1-63 knowingly makes a false statement in connection with applying for

2-1 or renewing a license may be subject to criminal prosecution under
2-2 Section 37.10, Penal Code.

2-3 SECTION 4. Section 2005.001, Government Code, is amended to
2-4 read as follows:

2-5 Sec. 2005.001. DEFINITIONS. In this subchapter [~~chapter~~]:

2-6 (1) "Permit" means an authorization by a license,
2-7 certificate, registration, or other form that is required by law or
2-8 state agency rules to engage in a particular business.

2-9 (2) "State agency" means a department, board, bureau,
2-10 commission, division, office, council, or other agency of the
2-11 state.

2-12 SECTION 5. Section 2005.002, Government Code, is amended to
2-13 read as follows:

2-14 Sec. 2005.002. EXCEPTIONS. This subchapter [~~chapter~~] does
2-15 not apply to a permit:

2-16 (1) for which an agency's median time during the
2-17 preceding calendar year for processing a permit application from
2-18 receipt of the initial application to the final permit decision did
2-19 not exceed seven days;

2-20 (2) issued in connection with any form of gaming or
2-21 gambling; or

2-22 (3) issued under the Alcoholic Beverage Code.

2-23 SECTION 6. Section 2005.005, Government Code, is amended to
2-24 read as follows:

2-25 Sec. 2005.005. DUTY OF HEAD OF AGENCY. The head of each
2-26 state agency shall ensure that the agency complies with this
2-27 subchapter [~~chapter~~].

2-28 SECTION 7. Subsection (a), Section 2005.006, Government
2-29 Code, is amended to read as follows:

2-30 (a) A state agency subject to this subchapter [~~chapter~~]
2-31 shall establish by rule a complaint procedure through which a
2-32 permit applicant can:

2-33 (1) complain directly to the chief administrator of
2-34 the agency if the agency exceeds the established period for
2-35 processing permits; and

2-36 (2) request a timely resolution of any dispute arising
2-37 from the delay.

2-38 SECTION 8. Subsection (b), Section 2005.007, Government
2-39 Code, is amended to read as follows:

2-40 (b) The report must include:

2-41 (1) a statement of the periods the agency has adopted
2-42 under this subchapter [~~chapter~~] for processing each type of permit
2-43 it issues, specifying any changes the agency made since the last
2-44 report;

2-45 (2) a statement of the minimum, maximum, and median
2-46 times for processing each type of permit during the period since the
2-47 last report from the date the agency receives the initial permit
2-48 application to the final permit decision;

2-49 (3) a description of the complaint procedure required
2-50 by Section 2005.006;

2-51 (4) a summary of the number and disposition of
2-52 complaints received by the agency under Section 2005.006 since the
2-53 last report; and

2-54 (5) a description of specific actions taken by the
2-55 agency since the last report to simplify and improve its permit
2-56 application, processing, and paperwork requirements.

2-57 SECTION 9. Subchapter B, Chapter 2005, Government Code, as
2-58 added by this Act, applies only to a statement, misrepresentation,
2-59 or refusal made, in connection with applying for or renewing a
2-60 license, on or after the effective date of this Act.

2-61 SECTION 10. This Act takes effect September 1, 2007.

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