(c) Notwithstanding any limitation provided by a home rule charter, the governing body, board of trustees, or other entity vested with the management and control of the municipality's utility system may contract for the purchase of electricity under terms the governing body, board of trustees, or other entity considers appropriate.

SECTION 3. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2013.

Passed the Senate on April 11, 2013: Yeas 31, Nays 0; passed the House on May 2, 2013: Yeas 147, Nays 0, two present not voting.

Approved May 18, 2013.

Effective May 18, 2013.

CHAPTER 99

S.B. No. 820

AN ACT

relating to the management, breeding, and destruction of deer and to procedures regarding certain deer permits.

Be it enacted by the Legislature of the State of Texas:

SECTION 1. Subsection (b), Section 12.501, Parks and Wildlife Code, is amended to read as follows:

(b) The director may suspend or revoke an original or renewal permit or license issued under this code if it is found, after notice and hearing, that:

(1) the permittee or licensee has been finally convicted of a violation of this code or proclamation or regulation adopted under this code relating to the permit or license to be suspended or revoked;

(2) the permittee or licensee violated a provision of this code or proclamation or regulation adopted under this code relating to the permit or license to be suspended or revoked;

(3) the permittee or licensee made a false or misleading statement in connection with the permittee's or licensee's [his] original or renewal application, either in the formal application itself or in any other written instrument relating to the application submitted to the commission or its officers or employees;

(4) the permittee or licensee is indebted to the state for taxes, fees, or payment of penalties imposed by this code or by a commission rule relating to a permit or license to be suspended or revoked; or

(5) the permittee or licensee is liable to the state under Section 12.301.

SECTION 2. Section 12.506, Parks and Wildlife Code, is amended by adding Subsection (c) to read as follows:

(c) This section does not apply to the appeal of a decision by the department refusing to issue or renew a permit to which Subchapter G applies.

SECTION 3. Chapter 12, Parks and Wildlife Code, is amended by adding Subchapter G to read as follows:

SUBCHAPTER G. REFUSAL TO ISSUE OR RENEW CERTAIN PERMITS RELATING TO THE CONTROL, BREEDING, OR MANAGEMENT OF DEER; APPEAL OF CERTAIN DECISIONS

Sec. 12.601. APPLICABILITY OF SUBCHAPTER. This subchapter applies only to the following permits:
Sec. 12.602. DEFINITIONS. In this subchapter:

(1) "Applicant" means a person who has applied for a new or renewal permit.

(2) "Final conviction" means a final judgment of guilt, the granting of deferred adjudication or pretrial diversion, or the entering of a plea of guilty or nolo contendere.

Sec. 12.603. GENERAL CIRCUMSTANCES FOR REFUSAL TO ISSUE OR RENEW PERMIT. The department may refuse to issue or renew a permit if the applicant fails to submit in a timely manner the following:

(1) a completed application on a form supplied by the department and all application materials required by the department;

(2) the required permit fee;

(3) accurate reports as applicable; and

(4) any additional information that the department determines is necessary to process the application.

Sec. 12.604. CONSIDERATIONS FOR ISSUANCE OR RENEWAL OF PERMIT; APPLICANT WITH PRIOR PENALTIES OR CONVICTIONS. (a) This section applies only to a determination of whether to issue a permit to or renew a permit for an applicant who has a final conviction or has been assessed an administrative penalty for a violation of:

(1) Subchapter C, E, L, R, or R-1, Chapter 43;

(2) a provision of this code not described by Subdivision (1) that is punishable as a Class A or B Parks and Wildlife Code misdemeanor, a Parks and Wildlife Code state jail felony, or a Parks and Wildlife Code felony;

(3) Section 63.002; or

(4) the Lacey Act (16 U.S.C. Sections 3371-3378).

(b) In determining whether to issue a permit to or renew a permit for an applicant who has a final conviction or has been assessed an administrative penalty, the department shall consider:

(1) the number of final convictions or administrative penalties;

(2) the seriousness of the conduct on which the final conviction or administrative penalty is based;

(3) the existence, number, and seriousness of offenses or violations other than offenses or violations that resulted in a final conviction or administrative penalty described by Subsection (a); and

(4) the length of time between the most recent final conviction or administrative penalty and the permit application;

(5) whether the final conviction, administrative penalty, or other offense or violation was the result of negligence or intentional conduct;

(6) whether the final conviction or administrative penalty resulted from conduct committed or omitted by the applicant, an agent of the applicant, or both;

(7) the accuracy of the permit history information provided by the applicant;

(8) for a renewal, whether the applicant agreed to any special provisions recommended by the department as conditions to the expiring permit; and

(9) other mitigating factors.

Sec. 12.605. PROCEDURE FOR REFUSAL TO ISSUE OR RENEW PERMIT. (a) Not later than the 10th day after the date a decision to refuse to issue or renew a permit has been made, the department shall provide to the applicant a written statement of the reasons for the decision.
Sec. 12.606. REVIEW OF REFUSAL TO ISSUE OR RENEW PERMIT. In conducting a review of a decision by the department to refuse to issue or renew a permit, the department shall consider:

(1) any applicable factors listed under Section 12.604;
(2) the applicant’s efforts toward rehabilitation;
(3) whether there is a substantial likelihood that the applicant would repeat the conduct on which the refusal is based;
(4) whether the conduct on which the refusal is based involved a threat to public safety; and
(5) other mitigating factors.

Sec. 12.607. APPEAL OF DEPARTMENT DECISION REFUSING TO ISSUE OR RENEW PERMIT. (a) Venue to appeal a decision of the department refusing to issue or renew a permit is a district court in Travis County.

(b) The appeal shall be by trial de novo.

SECTION 4. Section 43.352, Parks and Wildlife Code, is amended by amending Subsection (b) and adding Subsections (c) and (d) to read as follows:

(b) At the option of the person applying for the issuance or renewal of a permit under this section, the department may issue a permit that is valid for one year, three years, or five years.

(c) A three-year or five-year permit is available only to a person who:

(1) has held a deer breeder’s permit for the three consecutive permit years immediately preceding the date of the application for a three-year or five-year permit;
(2) agrees to submit the annual reports required under this subchapter electronically; and
(3) meets any other criteria established by rule of the commission.

(d) The commission may adopt rules allowing the department to revoke a three-year or five-year permit before the date specified for expiration of the permit if the permit holder fails to submit the annual reports electronically as required.

SECTION 5. Subchapter L, Chapter 43, Parks and Wildlife Code, is amended by adding Section 43.3591 to read as follows:

Sec. 43.3591. GENETIC TESTING. (a) In this section:

(1) “DNA” means deoxyribonucleic acid.
(2) “Genetic test” means a laboratory analysis of a deer’s genes, gene products, or chromosomes that:
   (A) analyzes the deer’s DNA, RNA, proteins, or chromosomes; and
   (B) is performed to determine genetically the deer’s ancestral lineage or descendants.
(3) “RNA” means ribonucleic acid.

(b) After an inspection, the department shall notify a deer breeder in writing when the department has reason to believe the deer breeder possesses deer that may pose a disease risk to other deer. The notice must include an explanation of the rationale used to establish the disease risk.

(c) If genetic testing is timely conducted, the department must postpone any actions that may be affected by the test results until the test results are available.

(d) The results of genetic testing may not be used as evidence to establish a defense against a fine imposed on a deer breeder found guilty of failure to keep records of all deer in a deer breeder facility as required by this subchapter.

(e) The commission shall adopt rules as needed to implement this section.

SECTION 6. Chapter 43, Parks and Wildlife Code, is amended by adding Subchapter X to read as follows:
SUBCHAPTER X. DEER DISPOSITION PROTOCOL

Sec. 43.951. APPLICABILITY. This subchapter applies only to the disposition of the following deer:
(1) deer held at a facility covered by a permit issued under Subchapter L;
(2) deer on acreage covered by a permit issued under Subchapter R; and
(3) deer on acreage covered by a permit issued under Subchapter R-1.

Sec. 43.952. DEFINITIONS. In this subchapter:
(1) "Animal health commission" means the Texas Animal Health Commission.
(2) "Permit" means a permit issued under Subchapter L, R, or R-1.
(3) "Permit holder" means a person to whom a permit is issued under Subchapter L, R, or R-1.

Sec. 43.953. DESTRUCTION OF DEER. (a) Before any deer may be destroyed under this subchapter:
(1) an agent of the animal health commission may conduct an epidemiological assessment:
   (A) if the assessment can be conducted in a timely manner; and
   (B) contingent on the availability of funding; and
(2) the department must consider the results of an assessment, if conducted, under Subdivision (1).

(b) To control or prevent the spread of disease, deer to which this subchapter applies may be destroyed only if the department determines that the deer pose a threat to the health of other deer or other species, including humans.

(c) The department shall carry out an order to destroy deer after notice has been provided to the permit holder under Section 43.954.

Sec. 43.954. NOTICE OF DEER DESTRUCTION. (a) The department must provide written notice of an order to destroy deer to a permit holder before the department may destroy any of the deer covered by the permit holder's permit.

(b) A notice provided under this section must be sent by certified mail to the last known address of the permit holder and must contain:
   (1) the date of destruction, which may not be sooner than the 10th day after the date of the notice;
   (2) an explanation of any access restrictions imposed on the facility or acreage covered by the permit during the destruction of the deer; and
   (3) an explanation of the reasons for the destruction, including the results of any epidemiological assessment conducted under Section 43.953(a) applicable to the deer that are the subject of the notice.

(c) The permit holder may waive the notice requirements of this section.

Sec. 43.955. COST RECOVERY. The applicable permit holder shall pay all costs associated with:
(1) an epidemiological assessment conducted under this subchapter to the animal health commission; and
(2) the destruction of deer under this subchapter to the department.

SECTION 7. (a) Except as provided by Subsection (b) of this section, Subchapter G, Chapter 12, Parks and Wildlife Code, as added by this Act, applies only to an application for the issuance or renewal of a permit submitted to the Parks and Wildlife Department on or after the effective date of this Act. An application submitted before the effective date of this Act is governed by the law as it existed immediately before the effective date of this Act, and that law is continued in effect for that purpose.

(b) Section 12.607, Parks and Wildlife Code, as added by this Act, applies only to an appeal of a decision of the Parks and Wildlife Department refusing to issue or renew a permit that is filed on or after the effective date of this Act. An appeal filed before the effective date of this Act.
Act is governed by the law in effect on the date the appeal was filed, and that law is continued in effect for that purpose.

SECTION 8. Subsection (d), Section 43.3691, Parks and Wildlife Code, as added by this Act, applies only to an offense committed on or after the effective date of this Act. An offense committed before the effective date of this Act is governed by the law in effect on the date the offense was committed, and the former law is continued in effect for that purpose. For purposes of this section, an offense was committed before the effective date of this Act if any element of the offense occurred before that date.

SECTION 9. Not later than September 1, 2014, the Parks and Wildlife Commission shall adopt rules as needed to implement Subchapter G, Chapter 12, Parks and Wildlife Code, as added by this Act.

SECTION 10. This Act takes effect September 1, 2013.

Passed the Senate on April 4, 2013: Yeas 30, Nays 0; the Senate concurred in House amendment on May 8, 2013: Yeas 30, Nays 0; passed the House, with amendment, on May 2, 2013: Yeas 147, Nays 0, two present not voting.

Approved May 18, 2013.

Effective September 1, 2013.

CHAPTER 100

S.B. No. 849

AN ACT
relating to social purposes of a for-profit corporation and the consideration of social purposes and other interests by officers and directors of a for-profit corporation.

Be it enacted by the Legislature of the State of Texas:

SECTION 1. Section 1.002, Business Organizations Code, is amended by adding Subdivision (82-a) to read as follows:

(82-a) “Social purposes” means one or more purposes of a for-profit corporation that are specified in the corporation’s certificate of formation and consist of promoting one or more positive impacts on society or the environment or of minimizing one or more adverse impacts of the corporation’s activities on society or the environment. Those impacts may include:

(A) providing low-income or underserved individuals or communities with beneficial products or services;

(B) promoting economic opportunity for individuals or communities beyond the creation of jobs in the normal course of business;

(C) preserving the environment;

(D) improving human health;

(E) promoting the arts, sciences, or advancement of knowledge;

(F) increasing the flow of capital to entities with a social purpose; and

(G) conferring any particular benefit on society or the environment.

SECTION 2. Section 3.007, Business Organizations Code, is amended by adding Subsection (d) to read as follows:

(d) Notwithstanding Section 2.008, a for-profit corporation may include one or more social purposes in addition to the purpose or purposes required to be stated in the corporation’s certificate of formation by Section 3.005(a)(3). The corporation may also include in the certificate of formation a provision that the board of directors and officers of the corporation shall consider any social purpose specified in the certificate of formation in discharging the duties of directors or officers under this code or otherwise.