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

SECTION 1. Subchapter H, Chapter 552, Government Code, is amended by adding Section 552.3221 to read as follows:

Sec. 552.3221. IN CAMERA INSPECTION OF INFORMATION. (a) In any suit filed under this chapter, the information at issue may be filed with the court for in camera inspection as is necessary for the adjudication of the case.

(b) Upon receipt of the information at issue for in camera inspection, the court shall enter an order that prevents release to or access by any person other than the court, a reviewing court of appeals, or parties permitted to inspect the information pursuant to a protective order. The order shall further note the filing date and time.

(c) The information at issue filed with the court for in camera inspection shall be:

(1) appended to the order and transmitted by the court to the clerk for filing as “information at issue”;

(2) maintained in a sealed envelope or in a manner that precludes disclosure of the information; and

(3) transmitted by the clerk to any court of appeal as part of the clerk’s record.

(d) Information filed with the court under this section does not constitute “court records” within the meaning of Rule 76a, Texas Rules of Civil Procedure, and shall not be made available by the clerk or any custodian of record for public inspection.

(e) For purposes of this section, “information at issue” is defined as information held by a governmental body that forms the basis of a suit under this chapter.

SECTION 2. This Act takes effect September 1, 2013.

Passed the Senate on April 4, 2013: Yeas 31, Nays 0; passed the House on May 17, 2013: Yeas 140, Nays 0, two present not voting.

Approved June 14, 2013.

Effective September 1, 2013.

CHAPTER 462
S.B. No. 985
AN ACT
relating to authorizing broker agreements for the sale of real property by certain municipalities.

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

SECTION 1. Chapter 253, Local Government Code, is amended by adding Section 253.014 to read as follows:

Sec. 253.014. BROKER AGREEMENTS AND FEES FOR SALE OF REAL PROPERTY BY HOME-RULE MUNICIPALITY. (a) In this section, “broker” means a person licensed as a broker under Chapter 1101, Occupations Code.

(b) The governing body of a home-rule municipality may contract with a broker to sell a tract of real property that is owned by the municipality.

(c) The governing body may pay a fee if a broker produces a ready, willing, and able buyer to purchase a tract of real property.

(d) If a contract is made under Subsection (b) with a broker to list the tract of real property for sale for at least 30 days with a multiple-listing service, the governing body on or after the 30th day after the date the property is listed may sell the tract of real property to a ready, willing, and able buyer who is produced by any broker using the multiple-listing service and who submits the highest cash offer.

(e) The governing body may sell a tract of real property under this section without complying with the public auction requirements prescribed by Section 253.008 or other law or the notice and bidding requirements prescribed by Section 272.001 or other law.
SECTION 2. 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 18, 2013: Yeas 31, Nays 0; passed the House on May 14, 2013: Yeas 143, Nays 0, two present not voting.

Approved June 14, 2013.

Effective June 14, 2013.

CHAPTER 463

S.B. No. 1006

AN ACT
relating to requirements regarding certain shareholder and policyholder dividends.

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

SECTION 1. Section 403.001, Insurance Code, is amended to read as follows:

Sec. 403.001. LIMITATION ON DIVIDENDS. An insurer organized under the laws of this state, including a life, health, fire, marine, or inland marine insurance company, may not pay a shareholder dividend except from surplus profits arising from the insurer's business.

SECTION 2. Subsections (a), (b), and (c), Section 1806.056, Insurance Code, are amended to read as follows:

(a) This subchapter does not prohibit an insurer [on approval by the commissioner] from distributing to policyholders who are on active duty in the United States Armed Forces any estimated profits resulting from service by those policyholders in a foreign country in a combat theater of operations after January 1, 1990.

(b) An insurer that elects to make distributions under this section must:

(1) file a written application describing the insurer's distribution program with the commissioner for approval of a policyholder dividend amount that exceeds 10 percent of surplus; or [and]

(2) notify the commissioner in writing of each distribution of a policyholder dividend amount that is not greater than 10 percent of surplus [made under the program].

(c) If the commissioner does not act on the application [insurer's distribution program] on or before the fifth business day after the date the commissioner receives the application [insurer's description of the program], the distribution [program] is considered approved.

SECTION 3. Section 1806.057, Insurance Code, is amended to read as follows:

Sec. 1806.057. PROFIT SHARING WITH MEMBERS OF CERTAIN ASSOCIATIONS AUTHORIZED. (a) Section 1806.054 does not prohibit an insurer [on approval by the commissioner] from sharing profits with policyholders who are part of a group program established by a nonprofit business association and who participate in the group program because of membership in the association.

(b) An insurer that elects to make distributions under this section must:

(1) file a written application describing the insurer's distribution program with the commissioner for approval of a policyholder dividend amount that exceeds 10 percent of surplus; or [and]

(2) notify the commissioner in writing of each distribution of a policyholder dividend amount that is not greater than 10 percent of surplus [made under the program].

(c) If the commissioner does not act on the application [insurer's distribution program] on or before the fifth business day after the date the commissioner receives the application [insurer's description of the program], the distribution [program] is considered approved.