

1-1 By: Brimer S.B. No. 192  
1-2 (In the Senate - Filed January 10, 2007; January 29, 2007,  
1-3 read first time and referred to Committee on Jurisprudence;  
1-4 February 13, 2007, reported favorably by the following vote:  
1-5 Yeas 6, Nays 0; February 13, 2007, sent to printer.)

1-6 A BILL TO BE ENTITLED  
1-7 AN ACT

1-8 relating to the Texas Mutual Insurance Company and the application  
1-9 of certain statutes to the Texas Mutual Insurance Company.

1-10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-11 SECTION 1. Subsection (c), Section 2054.003, Insurance  
1-12 Code, as effective April 1, 2007, is amended to read as follows:

1-13 (c) The company is not a state agency or executive agency or  
1-14 a governmental entity for any purpose.

1-15 SECTION 2. Section 2054.007, Insurance Code, as effective  
1-16 April 1, 2007, is amended to read as follows:

1-17 Sec. 2054.007. ~~[APPLICABILITY OF]~~ OPEN MEETINGS LAW AND  
1-18 OPEN RECORDS LAW NOT APPLICABLE. Notwithstanding any other state  
1-19 law, Chapters ~~[(a) Except as otherwise provided by Subsection (b),~~  
1-20 ~~Chapter]~~ 551 and 552, Government Code, do not apply ~~[applies]~~ to the  
1-21 company.

1-22 ~~[(b) The board may hold closed meetings to consider:~~

1-23 ~~[(1) information relating to claims, rates, or the~~  
1-24 ~~company's underwriting guidelines; or~~

1-25 ~~[(2) other information that would give advantage to a~~  
1-26 ~~competitor or bidder.]~~

1-27 SECTION 3. The heading to Section 2054.008, Insurance Code,  
1-28 as effective April 1, 2007, is amended to read as follows:

1-29 Sec. 2054.008. INVESTIGATION FILES ~~[APPLICABILITY OF~~  
1-30 ~~PUBLIC INFORMATION LAW]~~.

1-31 SECTION 4. Subsection (d), Section 2054.008, Insurance  
1-32 Code, as effective April 1, 2007, is amended to read as follows:

1-33 (d) Except as provided by Subsection (e), a company  
1-34 investigation file:

1-35 (1) is confidential ~~[and not subject to required~~  
1-36 ~~disclosure under Chapter 552, Government Code]; and~~

1-37 (2) may be disclosed only:

1-38 (A) in a criminal proceeding;

1-39 (B) in a hearing conducted by the commission;

1-40 (C) on a judicial determination of good cause; or

1-41 (D) to a governmental agency, political

1-42 subdivision, or regulatory body if the disclosure is necessary or  
1-43 proper for the enforcement of a law of this state, another state, or  
1-44 the United States.

1-45 SECTION 5. Subsection (b), Section 2054.256, Insurance  
1-46 Code, as effective April 1, 2007, is amended to read as follows:

1-47 (b) ~~The [Except as otherwise required or permitted by~~  
1-48 ~~Chapter 552, Government Code, the]~~ company may not provide to an  
1-49 insurance agent information obtained from another insurance agent.

1-50 SECTION 6. Subsections (b) and (c), Section 2054.008,  
1-51 Insurance Code, as effective April 1, 2007, are repealed.

1-52 SECTION 7. The change in law made by the amendment of  
1-53 Section 2054.008, Insurance Code, by this Act applies to  
1-54 information maintained in investigation files of the Texas Mutual  
1-55 Insurance Company without regard to the date the information is  
1-56 collected, compiled, or developed or otherwise becomes part of the  
1-57 investigation file.

1-58 SECTION 8. This Act takes effect immediately if it receives  
1-59 a vote of two-thirds of all the members elected to each house, as  
1-60 provided by Section 39, Article III, Texas Constitution. If this  
1-61 Act does not receive the vote necessary for immediate effect, this  
1-62 Act takes effect September 1, 2007.

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