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By:  Davis of Dallas H.B. No. 4321

A BILL TO BE ENTITLED

AN ACT

relating to certain conflicts of interest of the commissioner of insurance and employees of the Texas Department of Insurance; requiring registration.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1.  Chapter 33, Insurance Code, is amended by adding Section 33.008 to read as follows:

Sec. 33.008.  PROHIBITION AGAINST ACCEPTANCE OF GIFTS, GRATUITIES, OR OTHER THING OF VALUE; EXCEPTION. (a) Except as provided by Subsections (b) and (d), the commissioner or an employee of the department may not accept a gift, gratuity, or other thing of value, including transportation and travel expenses, from a person who:

(1)  is employed by or participates in the management of an entity or other organization that is regulated by the department;

(2)  owns or controls, directly or indirectly, more than a 10 percent interest of a business entity or other organization that is regulated by the department;

(3)  is related within the second degree of consanguinity to a person described by Subdivision (1) or (2); or

(4)  is an agent, representative, attorney, employee, officer, owner, director, or partner of an entity, organization, or person described by Subdivision (1), (2), or (3).

(b)  Notwithstanding any other law, the commissioner or an employee of the department may accept from a person described by Subsection (a)(1), (2), or (4) a gift, gratuity, or other thing of value if:

(1)  the person is registered under Chapter 305, Government Code;

(2)  the gift, gratuity, or other thing of value has a value of $50 or less;

(3)  the registrant states, on the registrant's report under Section 305.006, Government Code:

(A)  that the gift, gratuity, or other thing of value was given by or on behalf of the registrant to the commissioner or the employee of the department;

(B)  a general description of the gift, gratuity, or other thing of value; and

(C)  the amount of the expenditure by appropriate category of amount, as determined by the Texas Ethics Commission; and

(4)  the gift, gratuity, or other thing of value does not violate Section 36.08 or 36.09, Penal Code, as described by Section 36.10, Penal Code.

(c)  Notwithstanding Section 305.003, Government Code, a person described by Subsection (a)(1), (2), or (4) shall register with the Texas Ethics Commission under Chapter 305, Government Code, if the person gives to the commissioner or an employee of the department a gift, gratuity, or other thing of value the value of which is $50 or less.

(d)  The commissioner or an employee of the department may not accept from a person described by Subsection (a)(1), (2), or (4) gifts, gratuities, or other things of value the aggregate value of which exceeds $2,000 during a calendar year.

SECTION 2.  Section 33.008, Insurance Code, as added by this Act, applies only to a gift, gratuity, or thing of value accepted or given on or after the effective date of this Act.

SECTION 3.  This Act takes effect September 1, 2019.