

By: Davis of Dallas

H.B. No. 4321

A BILL TO BE ENTITLED

1 AN ACT
2 relating to certain conflicts of interest of the commissioner of
3 insurance and employees of the Texas Department of Insurance;
4 requiring registration.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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