

By: Schaefer

H.B. No. 2752

A BILL TO BE ENTITLED

1 AN ACT

2 Relating to the effect of the amendment of certain documents
3 incorporated by reference into the laws or policy of this state on
4 the Texas Department of Insurance.

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

6 SECTION 1. Sec. 36.004, Insurance Code, is amended by
7 adding subsection (c)(3) to read as follows:

8 Sec. 36.004. COMPLIANCE WITH NATIONAL ASSOCIATION OF
9 INSURANCE COMMISSIONERS REQUIREMENTS; RULES. (a) Except as
10 provided by Subsection (c) and Section 36.005, the department may
11 not require an insurer to comply with a rule, regulation,
12 directive, or standard adopted by the National Association of
13 Insurance Commissioners, including a rule, regulation, directive,
14 or standard relating to policy reserves, unless application of the
15 rule, regulation, directive, or standard is expressly authorized by
16 statute.

17 (b) For purposes of Subsection (a), a version of a rule,
18 regulation, directive, or standard is expressly authorized by
19 statute if:

20 (1) the statute explicitly authorizes the
21 commissioner to adopt rules consistent with the rule, regulation,
22 directive, or standard; or

23 (2) that version is the latest version of the rule,
24 regulation, directive, or standard on the date that the statute was

1 enacted.

2 (c) The commissioner may adopt a rule to require compliance
3 with a rule, regulation, directive, or standard adopted by the
4 National Association of Insurance Commissioners if:

5 (1) the commissioner finds the rule is technical or
6 nonsubstantive in nature or necessary to preserve the department's
7 accreditation; ~~and~~

8 (2) before the adoption of the rule, the commissioner
9 provides the standing committees of the senate and house of
10 representatives with primary jurisdiction over the department with
11 written notice of the commissioner's intent to adopt the rule~~[-]~~;
12 and

13 (3) if a rule relates to environmental, social, or
14 governance matters, or is otherwise substantive in nature, the
15 commissioner shall enter into the formal rulemaking process.

16 SECTION 2. This Act takes effect immediately if it receives
17 a vote of two-thirds of all the members elected to each house, as
18 provided by Section 39, Article III, Texas Constitution. If this
19 Act does not receive the vote necessary for immediate effect, this
20 Act takes effect September 1, 2023.