

Subchapter E. Texas Windstorm Insurance Association
Division 10. Eligibility and Forms
28 TAC §§5.4920 - 5.4926

1. INTRODUCTION. The Texas Department of Insurance proposes the repeal of 28 TAC §§5.4920 - 5.4926, concerning the Texas Windstorm Insurance Association's Alternative Eligibility Program. The repeal is necessary because Senate Bill 1702, 83rd Legislature, 2013 (Regular Session), effective June 14, 2013, repealed Insurance Code §2210.260, which provided the statutory support for the program.

2. FISCAL NOTE. C.H. Mah, associate commissioner, Property and Casualty Section, Regulatory Policy Division, has determined that during each year of the first five years that the proposed repeal is in effect, there will be no fiscal impact on state or local government as a result of repealing the sections. There will be no measurable effect on local employment or the local economy as a result of the proposal.

3. PUBLIC BENEFIT/COST NOTE. Mr. Mah has also determined that for each year of the first five years the repeal of the sections is in effect, there is no anticipated economic cost to persons who are required to comply with the proposed repeal. There is no anticipated difference in cost of compliance between small and large businesses.

4. ECONOMIC IMPACT STATEMENT AND REGULATORY FLEXIBILITY ANALYSIS

FOR SMALL AND MICRO BUSINESSES. Under Government Code §2006.002(c), TDI has determined that this proposed repeal will not have an adverse economic effect on small or micro business carriers because it is a repeal of a rule that no longer has statutory support and TDI is not required to prepare a regulatory flexibility analysis.

5. TAKINGS IMPACT ASSESSMENT. TDI has determined that no private real property interests are affected by this proposal and that this proposal does not restrict or limit an owner's right to property that would otherwise exist in the absence of government action, and so does not constitute a taking or require a takings impact assessment under Government Code §2007.043.

6. REQUEST FOR PUBLIC COMMENT. If you wish to comment on this proposal you must do so in writing no later than 5:00 p.m. on October 28, 2013 to Sara Waitt, General Counsel, Mail Code 113-2A, Texas Department of Insurance, P.O. Box 149104, Austin, Texas 78714-9104. You must simultaneously submit an additional copy of the comment to Sam Nelson, Director of Inspections, Property and Casualty Section , MC-105-5G, Texas Department of Insurance, P.O. Box 149104, Austin, Texas 78714-9104. You must submit any request for a public hearing separately to the Office of Chief Clerk, Mail Code 113-2A, Texas Department of Insurance, P.O. Box 149104, Austin, Texas 78714-9104 before the close of the public comment period. If a hearing is held, written and oral comments presented at the hearing will be considered.

7. STATUTORY AUTHORITY. The repeal of §§5.4920 - 5.4926 is proposed to comply with Insurance Code §§2210.008, 2210.151, and 36.001. Section 2210.151 provides that the commissioner of insurance shall adopt by rule a plan of operation to provide Texas windstorm and hail insurance in a catastrophe area. Sections 2210.008 and 36.001 provide that the commissioner of insurance may adopt any rules necessary and appropriate to implement TDI's powers and duties under the Insurance Code and other laws of this state.

8. CROSS REFERENCE TO STATUTE. The proposed repeal affects the following statutes:

<u>Rule</u>	<u>Statute</u>
28 TAC §§5.4920-5.4926	Insurance Code §2210.260

9. TEXT.

§5.4920. Alternative Eligibility Program.

§5.4921. Requirements for Obtaining and Renewing Alternative Eligibility Program Coverage.

§5.4922. Alternative Certification.

§5.4923. How to Obtain an Alternative Certification.

§5.4924. Qualifying Components.

§5.4925. Notice.

§5.4926. Alternative Eligibility Forms.

10. CERTIFICATION. This agency certifies that legal counsel has reviewed the proposed repeal and found it to be within the agency's legal authority to adopt.

Issued at Austin, Texas, on September 11, 2013.



Sara Waitt
General Counsel
Texas Department of Insurance