

SUBCHAPTER G. FIRE SPRINKLER RULES
28 TAC §34.726. Advisory Council

SUBCHAPTER H. STORAGE AND SALE OF FIREWORKS
28 TAC §34.831 Advisory Council

1. INTRODUCTION. The commissioner of insurance adopts the repeal of 28 TAC §34.726 and §34.831, concerning the fire protection and fireworks advisory councils. The repeal of the sections is adopted without changes to the proposal published in the April 27, 2012, issue of the *Texas Register* (37 TexReg 2987).

2. REASONED JUSTIFICATION. Repeal of §34.726, concerning the fire protection advisory council, is necessary because House Bill (HB) 1951, 82nd Legislature, 2011, repealed Insurance Code Chapter 6003, Subchapter C and abolished the fire protection advisory council. Repeal of §34.831, concerning the fireworks advisory council, is necessary because HB 1951 repealed Occupations Code §2154.055(c) and abolished the fireworks advisory council.

3. HOW THE SECTIONS WILL FUNCTION. The adoption of the repeal will result in the repeal of sections establishing two advisory councils that the legislature abolished in HB 1951.

4. SUMMARY OF COMMENTS AND AGENCY RESPONSE.

The department did not receive any comments on the proposed repeal.

5. STATUTORY AUTHORITY. Repeal of §34.726 and §34.831 is adopted pursuant to HB 1951, 82nd Legislature, 2011. Section 2.008 of HB 1951 repealed Insurance Code Chapter 6003, Subchapter C, and Occupations Code Chapter 2154, Subchapter B. Section 2.009 of HB 1951 abolished the fire protection advisory council and the fireworks advisory council. Insurance Code §36.001 provides that the commissioner of insurance may adopt any rules necessary and appropriate to implement the powers and duties of the Texas Department of Insurance under the Insurance Code and other laws of this state. Government Code §417.004 specifies that the commissioner of insurance shall perform the rulemaking functions previously performed by the Texas Commission on Fire Protection.

6. TEXT.

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§34.726. Advisory Council.

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CERTIFICATION. This agency certifies that the adopted repeal has been reviewed by legal counsel and found to be a valid exercise of the agency's legal authority.

12-0607

TITLE 28. INSURANCE
Part I. Texas Department of Insurance
Chapter 34. State Fire Marshal


Adopted Sections
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Issued at Austin, Texas, on July 2, 2012.



Sara Waitt, General Counsel
Texas Department of Insurance

The commissioner adopts the repeal of 28 TAC §34.726 and §34.831.



ELEANOR KITZMAN
COMMISSIONER OF INSURANCE

Attest:


Sara Waitt, General Counsel
Texas Department of Insurance

COMMISSIONER'S ORDER NO. 12-0607