

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

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

1. INTRODUCTION. The Texas Department of Insurance (TDI) proposes the repeal of §34.726 and §34.831, concerning the fire sprinkler and fireworks advisory councils. Repeal of §34.726, concerning the fire sprinkler advisory council, is necessary because the fire sprinkler advisory council was abolished by House Bill (HB) 1951, 82nd Legislature, Regular Session, effective September 1, 2011. Repeal of §34.831, concerning the fireworks advisory council, is necessary because the fireworks advisory council was also abolished by HB 1951.

2. FISCAL NOTE. Mark Lockerman, Acting State Fire Marshal, has determined that for each year of the first five years the proposed repeal of the sections will be in effect, there will be no fiscal impact to state governments and no impact to local governments as a result of the enforcement or administration of the proposal. 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. Lockerman also has determined that for each year of the first five years the repeal of the sections is in effect, the public benefit anticipated as a result of administration and enforcement of the repealed sections will be the elimination of obsolete regulations. 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. In accordance with the 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 simply a repeal of unnecessary rules. Therefore, in accordance with the Government Code §2006.002(c), TDI is not required to prepare a regulatory flexibility analysis. the health and safety of Texas citizens utilizing or being near a retail service station.

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, therefore, does not constitute a taking or require a takings impact assessment under Government Code §2007.043.

6. REQUEST FOR PUBLIC COMMENT. To be considered, written comments on the proposal must be submitted no later than 5:00 p.m. on May 28, 2012 to Sara Waitt, General Counsel, Mail Code 113-2A, Texas Department of Insurance, P.O. Box 149104, Austin, Texas 78714-9104. An additional copy of the comment must be simultaneously submitted to Mark Lockerman, Acting State Fire Marshal, Mail Code 112-FM, Texas Department of Insurance, P.O. Box 149104, Austin, Texas 78714-9104.

Any request for a public hearing should be submitted separately to the Office of the 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. Repeal of §34.726 and §34.831 is proposed pursuant to HB 1951, 82nd Legislature, Regular Session, effective September 1, 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 sprinkler advisory council and the fireworks advisory council. Section 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.

8. CROSS REFERENCE TO STATUTE. The following statutes are affected by this proposal:

| <u>Rule</u> | <u>Statute</u> |
|-------------|-------------------------------|
| §34.726 | Insurance Code Chapter 6003 |
| §34.831 | Occupations Code Chapter 2154 |

9. TEXT.

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