

TITLE 28. INSURANCE

**PART 2. TEXAS DEPARTMENT OF INSURANCE,
DIVISION OF WORKERS' COMPENSATION**

CHAPTER 89: CRIME VICTIMS COMPENSATION ACT

REPEAL ENTIRE CHAPTER

1. INTRODUCTION.

The Texas Department of Insurance, Division of Workers' Compensation (Division) adopts the repeal of §89.5, concerning Compliance and Suspension of Rules; §89.10, concerning Social Security Number; §89.15, concerning General Communications; §89.20, concerning Claimant's Address; §89.25, concerning Reporting the Crime; §89.30, concerning Filing of Application; §89.35, concerning Loss of Earnings; §89.40, concerning Readily Available; §89.45, concerning Medical Reports; §89.50, concerning Board Ordered Exams; §89.55, concerning Payment of Bills; §89.60, concerning Funeral Bills; §89.65, concerning Autopsy Report; §89.70, concerning Certificate of Death; §89.75, concerning Care of Minor Children; §89.80, concerning Lump Sum Payments; §89.85, concerning Insufficient Funds; §89.90, concerning Continuing Jurisdiction; §89.95, concerning Emergency Awards; §89.100, concerning Review of Award; §89.105, concerning Request for Hearing; §89.110, concerning Suspended Payments; §89.115, concerning Subrogation; §89.120, concerning Filing Suit; §89.125, concerning Compensation Recovered; §89.130, concerning Attorney's Fees; §89.135, concerning Will and Trust Instruments; §89.140, concerning Practicing Before the Board; §89.145, concerning Other Persons; §89.150, concerning Texas Residents; §89.155, concerning Interested Persons; §89.160, concerning Lacked Capacity to Commit the Crime; §89.165, concerning Reports; §89.170, concerning Accomplice; and §89.175, concerning Victim's Compliance Necessary.

The repeal is adopted without changes to the proposal as published in the July 5, 2013, issue of the *Texas Register* (38 TexReg 4296) and the text of the repealed sections will not be published. No comments were received and there was not a request for a public hearing submitted to the Division.

In accordance with Government Code §2001.033, this preamble contains a summary of the factual basis for the repeal, a summary of comments received from interested parties, names of those groups and associations who commented and whether they were in support of or in opposition to adoption of the repeal, and the reasons why the Division agrees or disagrees with the comments and suggestions.

2. REASONED JUSTIFICATION.

The repeal of these rules is adopted because the rules are superseded by Senate Bill 616, enacted by the 72nd Legislature, Regular Session, effective September 1, 1991.

The Office of the Attorney General of Texas adopted rules on December 15, 2002 (27 TexReg 11513) to administer this program in 1 TAC Part 3, Chapter 61 (relating to Crime Victims' Compensation).

3. HOW THESE SECTIONS WILL FUNCTION.

The repeal of the sections eliminates obsolete rules that have no function.

4. SUMMARY OF COMMENTS AND AGENCY RESPONSES.

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

5. STATUTORY AUTHORITY.

The repeal is adopted pursuant to Labor Code §402.00111 and §402.061. Section 402.00111 provides that the Commissioner of Worker's Compensation shall exercise all executive authority, including rulemaking authority, under the Labor Code and other laws of this state. Labor Code §402.061 provides that the Commissioner of Workers' Compensation shall adopt rules as necessary for the implementation and enforcement of Title 5, Labor Code.

6. TEXT.

§89.5 Compliance and Suspension of Rules

§89.10 Social Security Number

§89.15 General Communications

§89.20 Claimant's Address

§89.25 Reporting the Crime

§89.30 Filing of Application

§89.35 Loss of Earnings

§89.40 Readily Available

§89.45 Medical Reports

§89.50 Board Ordered Exams

§89.55 Payment of Bills

§89.60 Funeral Bills

§89.65 Autopsy Report

§89.70 Certificate of Death

§89.75 Care of Minor Children

§89.80 Lump Sum Payments

§89.85 Insufficient Funds

§89.90 Continuing Jurisdiction

§89.95 Emergency Awards

§89.100 Review of Award

§89.105 Request for Hearing

§89.110 Suspended Payments

§89.115 Subrogation

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Part 2. Texas Department of Insurance,
Division of Workers' Compensation
Chapter 89: Crime Victims Compensation Act

- §89.120 Filing Suit
- §89.125 Compensation Recovered
- §89.130 Attorney's Fees
- §89.135 Will and Trust Instruments
- §89.140 Practicing Before the Board
- §89.145 Other Persons
- §89.150 Texas Residents
- §89.155 Interested Persons
- §89.160 Lacked Capacity to Commit the Crime
- §89.165 Reports
- §89.170 Accomplice
- §89.175 Victim's Compliance Necessary

7. CERTIFICATION.

This agency hereby certifies that the adopted repeal has been reviewed by legal counsel and found to be within the agency's authority to adopt.

Issued at Austin, Texas, on _____.

X

Dirk Johnson
General Counsel
Texas Department of Insurance,
Division of Workers' Compensation

IT IS THEREFORE THE ORDER of the Commissioner of Workers' Compensation that the repeal of §89.5, concerning Compliance and Suspension of Rules; §89.10, concerning Social

Security Number; §89.15, concerning General Communications; §89.20, concerning Claimant's Address; §89.25, concerning Reporting the Crime; §89.30, concerning Filing of Application; §89.35, concerning Loss of Earnings; §89.40, concerning Readily Available; §89.45, concerning Medical Reports; §89.50, concerning Board Ordered Exams; §89.55, concerning Payment of Bills; §89.60, concerning Funeral Bills; §89.65, concerning Autopsy Report; §89.70, concerning Certificate of Death; §89.75, concerning Care of Minor Children; §89.80, concerning Lump Sum Payments; §89.85, concerning Insufficient Funds; §89.90, concerning Continuing Jurisdiction; §89.95, concerning Emergency Awards; §89.100, concerning Review of Award; §89.105, concerning Request for Hearing; §89.110, concerning Suspended Payments; §89.115, concerning Subrogation; §89.120, concerning Filing Suit; §89.125, concerning Compensation Recovered; §89.130, concerning Attorneys Fees; §89.135, concerning Will and Trust Instruments; §89.140, concerning Practicing Before the Board; §89.145, concerning Other Persons; §89.150, concerning Texas Residents; §89.155, concerning Interested Persons; §89.160, concerning Lacked Capacity to Commit the Crime; §89.165, concerning Reports; §89.170, concerning Accomplice; and §89.175, concerning Victims Compliance Necessary, is adopted.

AND IT IS SO ORDERED.

X

ROD BORDELON
COMMISSIONER OF WORKERS' COMPENSATION

ATTEST:

X

Dirk Johnson
General Counsel

COMMISSIONER ORDER NO