

## **TITLE 28. INSURANCE**

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

#### **CHAPTER 103: AGENCY ADMINISTRATION**

**REPEAL: Chapter 103, Subchapter A §103.1-103.3 and §103.100, Subchapter B §103.101, Subchapter C §103.300-103.322, and Subchapter D §103.400**

#### **1. INTRODUCTION.**

The Texas Department of Insurance (Department), Division of Workers' Compensation (Division) adopts the repeal of Chapter 103, Subchapter A, §§103.1 – 103.3 and §103.100; Subchapter B, §103.101; Subchapter C, §§103.300 – 103.322; and Subchapter D, §103.400, relating to Agency Administration.

The repeal is adopted without changes to the proposal as published in the July 5, 2013, issue of the *Texas Register* (38 TexReg 4245) and will not be republished. There was not a request for a public hearing submitted to the Division. The public comment period closed on August 8, 2013, and the Division received no written comments.

#### **2. REASONED JUSTIFICATION.**

The repeal of Chapter 103 is necessary because the rules in Chapter 103 are duplicative and unnecessary. House Bill 7, 79th Legislature, Regular Session, effective September 1, 2005, abolished the Texas Workers' Compensation Commission and established the Division within the Department. The Department, in accordance with §402.00113 (Administrative Attachment to Department), has provided the facilities and staff necessary to allow the Division to perform administrative duties outlined in Chapter 103, including administrative assistance and services; personnel and financial services; and computer equipment and support. The Department's administrative rules are outlined in Chapter 1 (General Administration), §§1.1101 - 1.1107, 1.1601,

1.1801 - 1.1823, 1.1901 - 1.1904, and 1.2701 – 1.2703. These sections are identical or substantially similar to Chapter 103.

**3. SUMMARY OF COMMENTS AND AGENCY RESPONSES.**

The division received no comments concerning this repeal.

**4. STATUTORY AUTHORITY.**

The repeal is adopted under Labor Code §§402.00111, 402.061, and 402.00113. Section 402.00111 provides that the Commissioner of Workers' Compensation shall exercise all executive authority, including rulemaking authority under the Labor Code. Section 402.061 provides that the Commissioner of Workers' Compensation shall adopt rules as necessary for the implementation and enforcement of the Labor Code. Section 402.00113 provides that the Division is administratively attached to the Department.

**5. TEXT.**

**103. Subchapter A - Employee Training and Education Program**

§103.1 General Provisions

§103.2 Employee Training and Education Program

§103.3 No Effect on At-Will Status

§103.100 Historically Underutilized Businesses

**103 Subchapter B - Agency Contracts**

§103.101 Vendor Protest Procedures

**103 Subchapter C - Resolution of Contract Claims**

§103.300 Purpose

§103.301 Applicability

§103.302 Definitions

§103.303 Prerequisites to Suit

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§103.304 Sovereign Immunity

§103.305 Notice of Claim of Breach of Contract

§103.306 Agency Counterclaim

§103.307 Duty to Negotiate

§103.308 Timetable

§103.309 Conduct of Negotiation

§103.310 Settlement Approval Procedures

§103.311 Settlement Agreements

§103.312 Costs of Negotiation

§103.313 Request for Contested Case Hearing

§103.314 Mediation Timetable

§103.315 Mediation of Contract Disputes

§103.316 Qualifications and Immunity of the Mediator

§103.317 Confidentiality of Mediation and Final Settlement Agreement

§103.318 Costs of Mediation

§103.319 Settlement Approval Procedures

§103.320 Initial Settlement Agreement

§103.321 Final Settlement Agreement

§103.322 Referral to the State Office of Administrative Hearings

**103 Subchapter D - Facilities and Property Management**

§103.400 Fleet Vehicle Management Program

**6. CERTIFICATION.**

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

Issued at Austin, Texas, on \_\_\_\_\_ 2013.

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X  
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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 28 TAC Chapter 103 specified herein, concerning Agency Administration is adopted.

AND IT IS SO ORDERED.

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X  
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ROD BORDELON  
COMMISSIONER OF WORKERS' COMPENSATION

ATTEST:

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X  
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Dirk Johnson

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Chapter 103 – Agency Administration

General Counsel

COMMISSIONER ORDER NO.