

REVIEW OF AGENCY RULES

This section contains notices of state agency rules review as directed by the Texas Government Code, §2001.039. Included here are (1) notices of *plan to review*; (2)

notices of *intention to review*, which invite public comment to specified rules; and (3) notices of *readoption*, which summarize public comment to specified rules. The complete text of an agency's *plan to review* is available after it is filed with the Secretary of State on the Secretary of State's web site (<http://www.sos.state.tx.us/texreg>). The complete text of an agency's rule being reviewed and considered for *readoption* is available in the *Texas Administrative Code* on the web site (<http://www.sos.state.tx.us/tac>).

For questions about the content and subject matter of rules, please contact the state agency that is reviewing the rules. Questions about the web site and printed copies of these notices may be directed to the *Texas Register* office.

Adopted Rule Reviews

Texas Facilities Commission

Title 1, Part 5

Pursuant to the notice of the proposed rule review published in the May 6, 2016, issue of the *Texas Register* (41 TexReg 3317), the Texas Facilities Commission (the "Commission") has reviewed and considered for readoption, revision, or repeal Texas Administrative Code, Title 1, Part 5, Chapter 123, Facilities Design and Construction, in accordance with Texas Government Code, §2001.039.

The Commission received no public comments concerning the review of Chapter 123. The Commission has completed its review and has determined that the reasons for originally adopting Chapter 123 continue to exist. In addition, the Commission reviewed the rules to determine whether the rules are obsolete, reflect current legal and policy considerations, reflect current procedures and practices of the Commission, and are in compliance with the Texas Administrative Procedure Act, Texas Government Code Chapter 2001. The Commission has determined that §§123.12, Land and Real Property Acquisition, Negotiated; 123.23, General Project Responsibility; 123.24, Project Analysis Process; 123.25, Construction Project Process; 123.27, Selection of Design Professionals for Construction Projects; 123.29, Bidding Procedures; 123.30, Construction Contract Award; 123.31, Emergency Bidding and Award Procedures; and 123.34, Xeriscaping require amendments to reflect statutory changes and current procedures and practices of the Commission.

The Commission has determined to readopt the rules in Chapter 123 with amendments pursuant to Texas Government Code §2001.039 (West 2016). A notice of proposed rule amendments related to §§123.12, 123.23, 123.25, 123.27, 123.29, 123.30, 123.31, and 123.34 will be published in the December 2, 2016, issue of the *Texas Register* for public comment.

This completes the Commission's review of Texas Administrative Code, Title 1, Part 5, Chapter 123, Facilities Design and Construction.

TRD-201605687

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Texas Facilities Commission

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Texas Department of Insurance, Division of Workers'
Compensation

Title 28, Part 2

The Texas Department of Insurance, Division of Workers' Compensation (division) has completed its review of all sections within the following chapters of Title 28, Part 2 of the Texas Administrative Code, in accordance with Government Code §2001.039:

Chapter 49 - Procedures for Formal Hearings by the Board

Chapter 53 - Carrier's Report of Initiation and Suspension of Compensation Payments

Chapter 55 - Lump Sum Payments

Chapter 56 - Structured Compromise Settlement Agreements

Chapter 57 - Request for Case Folders and Certifications of Actions of the Board

Chapter 59 - Notices of Intention to Appeal

Chapter 114 - Self-Insurance

Chapter 116 - General Provisions - Subsequent Injury Fund

Chapter 144 - Dispute Resolution

Chapter 180 - Monitoring and Enforcement

The notice of proposed rule review was published in the September 23, 2016, issue of the *Texas Register* (41 TexReg 7597). The division received no comments.

The division considered whether the reasons for adopting the sections continued to exist. The division determined the reasons for adopting the sections in Chapters 49, 53, 55, 56, 59, 114, 116, 144, and 180 continue to exist, and the chapters are readopted in their present form. Any revisions in the future will be in accordance with the Administrative Procedure Act (APA).

The division determined that the reasons for adopting the sections in Chapter 57 does not continue to exist and declines to readopt the chapter. A repeal of the sections will be accomplished in accordance with the APA.

This completes the division's review of Chapters 49, 53, 55, 56, 57, 59, 114, 116, 144, 180. The chapters will be reviewed again in the future in accordance with Government Code §2001.039.

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Texas Department of Insurance, Division of Workers' Compensation

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Texas Department of Transportation

Title 43, Part 1

The Texas Department of Transportation (department) files notice of the completion of review and the readoption of Title 43 TAC, Part 1, Chapter 2, Environmental Review of Transportation Projects, Chapter 7, Rail Facilities, Chapter 26, Regional Mobility Authorities, Chapter 28, Oversize and Overweight Vehicles and Loads, Chapter 30, Aviation, and Chapter 31, Public Transportation.

This review and readoption has been conducted in accordance with Government Code, §2001.039. The Texas Transportation Commission (commission) has reviewed these rules and determined that the reasons for adopting them continue to exist. The department received no comments on the proposed rule review, which was published in the August 12, 2016, issue of the *Texas Register* (41 TexReg 6091).

The readoption of Title 43 Texas Administrative Code, Chapter 28 includes the amendments to that chapter that were adopted by the commission on the date that the chapter was readopted.

This concludes the review of Chapters 2, 7, 26, 28, 30, and 31.

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