

By: Solomons

H.B. No. 2774

A BILL TO BE ENTITLED

AN ACT

relating to the credits and debits of the subsequent injury fund.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 403.006, Labor Code, is amended to read as follows:

Sec. 403.006. SUBSEQUENT INJURY FUND

Sec. 403.006, Labor Code, is amended to read as follows:

(a) The subsequent injury fund is a special fund in the state treasury.

(b) The subsequent injury fund is liable for:

(1) the payment of compensation as provided by Section 408.162;

(2) reimbursement of insurance carrier claims of overpayment of benefits made under an interlocutory order or decision of the commission as provided by this subtitle, consistent with the priorities established by rule by the commission;

(3) reimbursement of insurance carrier claims as provided by Sections 408.042 and 413.0141, consistent with the priorities established by rule by the commission; and

(4) the payment of an assessment of feasibility and the development of regional networks established under Section 408.0221.

(c) The executive director shall appoint an administrator for the subsequent injury fund.

1 (d) Based on an actuarial assessment of the funding
2 available under Section 403.007(e), the commission may make partial
3 payment of insurance carrier claims under Subsection (b)(3).

4 (e) The commission and the Texas Department of Health shall
5 enter into a memorandum of understanding for the purpose of
6 determining if death certificates have been submitted for any
7 recipient of benefits under Subsection (b)(1). This determination
8 shall be done annually.

9 SECTION 2. Section 403.007, Labor Code, is amended to read
10 as follows:

11 Sec. 403.007. FUNDING OF SUBSEQUENT INJURY FUND

12 (a) If a compensable death occurs and no legal beneficiary
13 survives or a claim for death benefits is not timely made, the
14 insurance carrier shall pay to the commission for deposit to the
15 credit of the subsequent injury fund an amount equal to 401 [~~364~~]
16 weeks of the death benefits otherwise payable.

17 SECTION 3. (a) This Act takes effect September 1, 2003.

18 (b) The change in law made by Section 2 of this Act applies
19 only to a death benefit due the subsequent injury fund that results
20 from a death that occurs on or after September 1, 2003. A benefit
21 that results from a death occurring before September 1, 2003 is
22 governed by the law in effect on the date the death occurred, and
23 the former law is continued in effect for that purpose.