

CHAPTER 52

H.B. No. 724

An Act relating to certain taxes collected under the workers' compensation laws and to the authority of the Industrial Accident Board to accept grants, payments, and gifts.

Be it enacted by the Legislature of the State of Texas:

SECTION 1. Section 28, Article 8306, Revised Statutes, is amended to read as follows:

Sec. 28. (a) In addition to all other taxes now being paid, each stock company, mutual company, reciprocal, or inter-insurance exchange or Lloyds Association writing Workers' [Workmen's] Compensation insurance in this state, shall pay annually a maintenance tax into the General Revenue Fund in the State Treasury for the support of the Industrial Accident Board an amount not to exceed seven-tenths (7/10) [equal to forty-five one-hundredths (45/100)] of one percent (1%) of gross premiums collected by such company or association during the preceding year under workers' [workmen's] compensation policies written by such companies or associations covering risks in this state according to the reports made to the State Board of Insurance [Commissioners] as required by law. Said amount shall be collected at the same time and in the same manner as provided by law for the collection of taxes on gross premiums of such workers' [workmen's] compensation insurance carriers. All self-insurers under any of the Workers' [Workmen's] Compensation Acts of the State of Texas shall report to the State Board of Insurance the total amount of their medical and indemnity costs for the previous year and pay a like amount of tax as provided above on said total amount of medical and indemnity costs. Failure to make any report required by this Section shall be punishable by fine not to exceed One Thousand (\$1,000) Dollars and the failure to pay any tax within thirty (30) days after same is due under this Section shall be punishable by a penalty of ten percent (10%) of the amount, and shall be recovered by the Attorney General in a suit brought by him in the name of the State of Texas and such penalties when collected shall be deposited in the General Revenue Fund in the State Treasury.

(b) The Industrial Accident Board, after taking into account any unexpended funds produced by this tax, shall adjust the rate of assessment each year to produce the amount of funds that it estimates will be necessary to pay the expenses of the board in regulating workers' compensation insurance during the succeeding year. The Industrial Accident Board shall certify the rate of assessment to be used during the succeeding year to the State Board of Insurance not later than October 31 of each calendar year. The rate of tax for the period September 1, 1985, through December 31, 1985, shall be seven-tenths (7/10) of one percent (1%).

(c) All funds received under this Section shall be deposited to the credit of the Industrial Accident Board in the General Revenue Fund. The funds may be spent as authorized by legislative appropriation on warrants issued by the Comptroller of Public Accounts under requisitions made by the Industrial Accident Board.

(d) The Industrial Accident Board shall additionally be authorized to accept any grant, payment, or gift of money, funds, or property made to it by any individual, association, or corporation, by any state or political subdivision of any state, or by the United States or any department or agency thereof. The Industrial Accident Board shall utilize any such grant, payment, or gift in accordance with the purpose expressly prescribed by the donor. A record of such grants, payments, or gifts shall be maintained in the office of the Industrial Accident Board.

SECTION 2. This Act takes effect September 1, 1985.

SECTION 3. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended.

Passed by the House on March 26, 1985, by a non-record vote; and that the House concurred in Senate amendments to H.B. No. 724 on April 15, 1985, by a non-record vote; passed by the Senate, with amendments, on April 10, 1985, by a viva-voce vote.

Filed: April 26, 1985, without signature.

Effective: September 1, 1985