



THE ATTORNEY GENERAL OF TEXAS

AUSTIN, TEXAS 78711

JOHN L. HILL
ATTORNEY GENERAL

June 27, 1975

The Honorable Cue D. Boykin
Chairman, Texas Industrial
Accident Board
P. O. Box 12757, Capitol Station
Austin, Texas 78711

Opinion No. H- 637

Re: Effective date of
workmen's compen-
sation coverage for
state employees

Dear Mr. Boykin:

You have requested our opinion concerning the date after which injuries sustained by a state employee may be compensated under article 8309g, V. T. C. S.

Section 16 of article 8309g provides:

An employee is not entitled to benefits under this article unless the accident causing his injury occurs at least 90 days after the effective date of this article.

Acts 1973, 63rd Leg., ch. 88, p. 195, section 21 at 201, provides in part:

[Article 8309g] takes effect on the first day that money becomes available for its administration, pursuant to legislative appropriation . . .

Money was appropriated by House Bill 169, Acts 1975, 64th Leg., ch. 55, p. 119 (Vernon's Texas Session Law Service No. 2), which went into effect on April 18, 1975. Accordingly, injuries sustained on or after July 18, 1975, may be compensated under article 8309g. See Halbert v. San Saba Springs Land & Livestock Association, 34 S. W. 639 (Tex. Sup. 1896).

While \$50,000 was transferred to the Attorney General's Operating Fund from Workmen's Compensation Fund No. 94 by Acts 1973, 63rd Leg., ch. 659, p. 1786 at 1920, effective September 1, 1974, in our view it is clear that this

transfer did not constitute the appropriation required by section 21, supra. The purpose of this transfer was to enable this office to better represent the Industrial Accident Board and to prepare for the initiation of the State employee's workmen's compensation program. Attorney General Opinion H-524 (1975). Section 3 of House Bill 169, supra, provides in part:

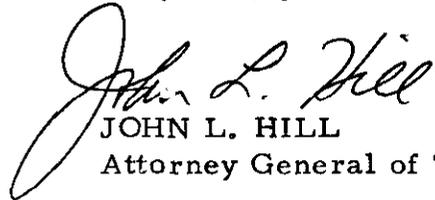
. . . there are presently no funds for payment of valid claims . . .

In our opinion section 21, supra, requires an appropriation of funds to be available for the payment of claims. The transfer of funds to this office's Operating Funds did not make such funds available for this purpose. However, House Bill 169 did appropriate funds for this purpose and claims may be paid if they arise from injuries sustained 90 days after its April 18, 1975 effective date, that is, July 18, 1975.

S U M M A R Y

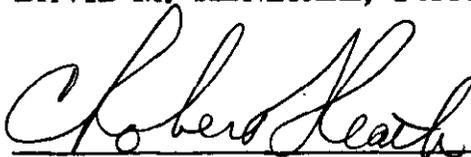
Injuries sustained by a state employee on and after July 18, 1975, may be compensated under article 8309g, V. T. C. S.

Very truly yours,


JOHN L. HILL
Attorney General of Texas

APPROVED:


DAVID M. KENDALL, First Assistant


C. ROBERT HEATH, Chairman
Opinion Committee