

the available funds shall be prorated to these claims in proportion to the amounts of the awards due and payable in that year and the unpaid portion thereof shall be paid as soon as funds are available.]

[86.

If necessary to secure funds for the payments of these awards, it shall be the duty of the Department, upon such certification, to levy assessments on all insurers writing workmen's compensation insurance in the proportion that the workmen's compensation insurance written by each such insurer in the State during the preceding calendar year bears to the total of such insurance written in the State during that year. The assessments may be made at any time by the Department in its discretion for such amount as it estimates will be necessary to meet both past and future awards which will probably become due and payable during the year in which the assessment is levied. Each insurer assessed shall be given at least thirty (30) days' notice by mail as to the date the assessment is due and payable. In no event shall the total sum assessed in any calendar year exceed one percent (1%) of the premiums for workmen's compensation insurance written in this State during the preceding calendar year. Any assessment paid under the provisions of this subtitle shall be included in determining the loss ratio of such insurers.]

[87.

The Department shall be subrogated to the rights of the employee or his dependents, as against the employer and his insurer, to the extent of payments made by the Department under the provisions of this subtitle, and shall take such legal proceedings as it shall deem necessary or advisable to recover thereon, and all sums so recovered shall constitute an additional fund for payment of these awards until the same are paid in full.]

[88.

After the insolvency of any such insurer, the Department shall be a party in interest in all workmen's compensation proceedings involving risks insured by this insurer with the same rights to receive notice, defend, appeal, and review as a solvent insurer would have.]

[89.

The Department may sue for and recover any assessment not paid when due and any insurer which shall fail to pay an assessment, as provided in this subtitle shall be liable to forfeiture and revocation of its license by the Department.]