

1-1 By: Ogden, Wentworth S.B. No. 1589  
1-2 (In the Senate - Filed March 10, 2009; March 17, 2009, read  
1-3 first time and referred to Committee on Finance; April 27, 2009,  
1-4 reported adversely, with favorable Committee Substitute by the  
1-5 following vote: Yeas 10, Nays 0; April 27, 2009, sent to printer.)

1-6 COMMITTEE SUBSTITUTE FOR S.B. No. 1589 By: Ogden

1-7 A BILL TO BE ENTITLED  
1-8 AN ACT

1-9 relating to the reporting and handling of unclaimed property.

1-10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-11 SECTION 1. Subsection (c), Section 74.101, Property Code,  
1-12 is amended to read as follows:

1-13 (c) The property report must include, if known by the  
1-14 holder:

1-15 (1) the name, ~~and~~ social security number, driver's  
1-16 license or state identification number, e-mail address [if known],  
1-17 and the last known address[~~, if any,~~] of:

1-18 (A) each person who, from the records of the  
1-19 holder of the property, appears to be the owner of the property;~~[~~]~~~~  
1-20 or

1-21 (B) ~~[the name and address, if known, of]~~ any  
1-22 person who is entitled to the property;

1-23 (2) a description of the property, the identification  
1-24 number, if any, and, if appropriate, a balance of each account,  
1-25 except as provided by Subsection (d);

1-26 (3) the date that the property became payable,  
1-27 demandable, or returnable;

1-28 (4) the date of the last transaction with the owner  
1-29 concerning the property; and

1-30 (5) other information that the comptroller by rule  
1-31 requires to be disclosed as necessary for the administration of  
1-32 this chapter.

1-33 SECTION 2. Subchapter B, Chapter 74, Property Code, is  
1-34 amended by adding Section 74.1011 to read as follows:

1-35 Sec. 74.1011. NOTICE BY PROPERTY HOLDER REQUIRED.

1-36 (a) Except as provided by Subsection (b), a holder who on June 30  
1-37 holds property valued at more than \$250 that is presumed abandoned  
1-38 under Chapter 72, 73, or 75 of this code or Chapter 154, Finance  
1-39 Code, shall, on or before the following August 1, mail to the last  
1-40 known address of any person who, from the records of the holder of  
1-41 the property, appears to be the owner of the property or a person  
1-42 entitled to the property written notice stating that:

1-43 (1) the holder is holding the property; and

1-44 (2) the holder may be required to deliver the property  
1-45 to the comptroller on or before November 1 if the property is not  
1-46 claimed.

1-47 (b) The notice required under Subsection (a) does not apply  
1-48 to a holder who:

1-49 (1) has already provided such notice to the owner of  
1-50 the property or a person entitled to the property under existing  
1-51 federal law, rules, and regulations or state law within the time  
1-52 specified under Subsection (a);

1-53 (2) is able to document two unsuccessful attempts to  
1-54 notify the property owner or a person entitled to the property by  
1-55 mail at the person's last known address; or

1-56 (3) does not have a record of an address for the  
1-57 property owner or any other person entitled to the property.

1-58 (c) A holder that provides notice under this section may  
1-59 charge the cost of the postage as a service charge against the  
1-60 property.

1-61 SECTION 3. The heading to Subchapter C, Chapter 74,  
1-62 Property Code, is amended to read as follows:

2-1 SUBCHAPTER C. NOTICE BY COMPTROLLER

2-2 SECTION 4. Section 74.601, Property Code, is amended by  
2-3 adding Subsection (g) to read as follows:

2-4 (g) If an owner does not assert a claim for unclaimed money  
2-5 and the owner is reported to be the state or a state agency, the  
2-6 comptroller may deposit the unclaimed money to the credit of the  
2-7 general revenue fund. The comptroller may establish procedures and  
2-8 adopt rules as necessary to implement this subsection.

2-9 SECTION 5. Subchapter A, Chapter 411, Government Code, is  
2-10 amended by adding Section 411.0111 to read as follows:

2-11 Sec. 411.0111. PROVISION OF CERTAIN INFORMATION TO  
2-12 COMPTROLLER. (a) Not later than June 1 of each year, the  
2-13 department shall provide to the comptroller, for the purpose of  
2-14 assisting the comptroller in the identification of persons entitled  
2-15 to unclaimed property reported to the comptroller, the name,  
2-16 address, social security number, date of birth, and driver's  
2-17 license or state identification number of each person about whom  
2-18 the department has such information in its records.

2-19 (b) Information provided to the comptroller under this  
2-20 section is confidential and may not be disclosed to the public.

2-21 (c) The department shall provide the information in the  
2-22 format prescribed by rule of the comptroller.

2-23 SECTION 6. Subchapter A, Chapter 811, Government Code, is  
2-24 amended by adding Section 811.010 to read as follows:

2-25 Sec. 811.010. PROVISION OF CERTAIN INFORMATION TO  
2-26 COMPTROLLER. (a) Not later than June 1 of each year, the  
2-27 retirement system shall provide to the comptroller, for the purpose  
2-28 of assisting the comptroller in the identification of persons  
2-29 entitled to unclaimed property reported to the comptroller, the  
2-30 name, address, social security number, and date of birth of each  
2-31 member, retiree, and beneficiary from the retirement system's  
2-32 records.

2-33 (b) Information provided to the comptroller under this  
2-34 section is confidential and may not be disclosed to the public.

2-35 (c) The retirement system shall provide the information in  
2-36 the format prescribed by rule of the comptroller.

2-37 SECTION 7. Subchapter A, Chapter 821, Government Code, is  
2-38 amended by adding Section 821.010 to read as follows:

2-39 Sec. 821.010. PROVISION OF CERTAIN INFORMATION TO  
2-40 COMPTROLLER. (a) Not later than June 1 of each year, the  
2-41 retirement system shall provide to the comptroller, for the purpose  
2-42 of assisting the comptroller in the identification of persons  
2-43 entitled to unclaimed property reported to the comptroller, the  
2-44 name, address, social security number, and date of birth of each  
2-45 member, retiree, and beneficiary from the retirement system's  
2-46 records.

2-47 (b) Information provided to the comptroller under this  
2-48 section is confidential and may not be disclosed to the public.

2-49 (c) The retirement system shall provide the information in  
2-50 the format prescribed by rule of the comptroller.

2-51 SECTION 8. Subchapter F, Chapter 301, Labor Code, is  
2-52 amended by adding Section 301.086 to read as follows:

2-53 Sec. 301.086. PROVISION OF CERTAIN INFORMATION TO  
2-54 COMPTROLLER. (a) Not later than June 1 of each year, the  
2-55 commission shall provide to the comptroller, for the purpose of  
2-56 assisting the comptroller in the identification of persons entitled  
2-57 to unclaimed property reported to the comptroller, the name,  
2-58 address, social security number, and date of birth of each person  
2-59 about whom the commission has such information in its records.

2-60 (b) Information provided to the comptroller under this  
2-61 section is confidential and may not be disclosed to the public.

2-62 (c) The commission shall provide the information in the  
2-63 format prescribed by rule of the comptroller.

2-64 SECTION 9. The heading to Section 521.044, Transportation  
2-65 Code, is amended to read as follows:

2-66 Sec. 521.044. USE OR DISCLOSURE OF SOCIAL SECURITY NUMBER  
2-67 INFORMATION [FOR CHILD SUPPORT COLLECTION].

2-68 SECTION 10. Subsection (a), Section 521.044,  
2-69 Transportation Code, is amended to read as follows:

3-1 (a) Information provided on a driver's license application  
 3-2 that relates to the applicant's social security number may be used  
 3-3 only by the department or disclosed only to:  
 3-4 (1) the child support enforcement division of the  
 3-5 attorney general's office;  
 3-6 (2) another state entity responsible for enforcing the  
 3-7 payment of child support; ~~or~~  
 3-8 (3) the United States Selective Service System as  
 3-9 provided by Section 521.147; or  
 3-10 (4) the unclaimed property division of the  
 3-11 comptroller's office.

3-12 SECTION 11. This Act takes effect immediately if it  
 3-13 receives a vote of two-thirds of all members elected to each house,  
 3-14 as provided by Section 39, Article III, Texas Constitution. If this  
 3-15 Act does not receive the vote necessary for immediate effect, this  
 3-16 Act takes effect September 1, 2009.

3-17 \* \* \* \* \*