

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 81ST LEGISLATIVE REGULAR SESSION

May 1, 2009

TO: Honorable Joe Deshotel, Chair, House Committee on Business & Industry

FROM: John S. O'Brien, Director, Legislative Budget Board

IN RE: HB4115 by Pitts (Relating to the reporting and handling of unclaimed property.),
Committee Report 1st House, Substituted

No significant fiscal implication to the State is anticipated.

The bill would amend the Property Code, the Government Code, and the Labor Code to increase the reporting requirements for holders of unclaimed property and to require holders of unclaimed property to send written notice to the apparent property owner or any person entitled to the property.

The bill would require the Employees Retirement System of Texas, the Teacher Retirement System of Texas, and the Texas Workforce Commission to provide to the Comptroller of Public Accounts (CPA) identifying information regarding each person in their records. The information would be used by the CPA to identify persons entitled to unclaimed property.

The bill would impose a penalty on the holder of abandoned property who fails to include a social security number as required, if it is known, in the property report submitted to the CPA. The penalty would be set at 5 percent of the value of the property remitted.

The bill would amend the Transportation Code to add the unclaimed property division of the CPA to the list of entities to which a social security number provided on a driver's license application could be disclosed.

Unclaimed money reported to be owned by the state or a state agency could be deposited by the CPA to the credit of General Revenue Fund 1.

The bill's impact on the receipt of unclaimed property by the CPA, and any revenue that may be received from the penalty imposed, cannot be determined.

The other agencies assigned indicate that any costs associated with the provisions of the bill would be absorbed with existing resources.

This bill would take effect September 1, 2009.

Local Government Impact

No fiscal implication to units of local government is anticipated.

Source Agencies: 304 Comptroller of Public Accounts, 320 Texas Workforce Commission, 323 Teacher Retirement System, 327 Employees Retirement System

LBB Staff: JOB, PJK, JRO, SD, JW