

BILL ANALYSIS

Senate Research Center

C.S.S.B. 569
By: Creighton
Intergovernmental Relations
3/9/2015
Committee Report (Substituted)

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Under current law (Section 72.101 (Personal Property Presumed Abandoned), Property Code), counties are required to hold presumed abandoned property for three years. Requiring counties to retain abandoned personal items for three years places an undue burden and cost on the counties. While the number of unclaimed items is not extreme, having to store bicycles, books, articles of clothing, or any other unclaimed items not only takes up valuable space, but after three years, many of the items become obsolete or worthless.

C.S.S.B. 569 allows abandoned personal property that is found on county land or in a county park, facility, or a right-of-way to be presumed abandoned after 120 days if the property is held by the county, the existence and location of the owner is unknown to the county, and a claim to the personal property has not been asserted. This will allow counties to handle abandoned tangible personal property that is found on county land or in a county park, facility, or right-of-way in a manner allowing time for owners to reclaim their property and if not claimed, to use the property for a public purpose for the benefit of the citizens of the county.

C.S.S.B. 569 amends current law relating to the presumption of abandonment of certain tangible personal property held by a county.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 72.101(a), Property Code, as follows:

(a) Provides that, except as provided by this section and Sections 72.1015 (Unclaimed Wages), 72.1016 (Stored Value Card), 72.1017 (Utility Deposits), 72.102 (Traveler's Check and Money Order), and 72.104, personal property is presumed abandoned if, for longer than three years the existence and location of the owner of the property is unknown to the holder of the property, and according to the knowledge and records of the holder of the property, a claim to the property has not been asserted or an act of ownership of the property has not been exercised. Makes a nonsubstantive change.

SECTION 2. Amends Subchapter B, Chapter 72, Property Code, by adding Section 72.104, as follows:

Sec. 72.104. TANGIBLE PERSONAL PROPERTY HELD BY COUNTY. Provides that tangible personal property that is found on county land or in a county park, facility, or right-of-way is presumed abandoned if, for longer than 120 days the personal property is held by the county, the existence and location of the owner of the personal property is unknown to the county, and according to the knowledge and records of the county, a claim to the personal property has not been asserted or an act of ownership of the personal property has not been exercised.

SECTION 3. Effective date: September 1, 2015.