

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 85TH LEGISLATIVE REGULAR SESSION

April 16, 2017

TO: Honorable René Oliveira, Chair, House Committee on Business & Industry

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: HB2829 by Oliveira (Relating to enforcement of certain unclaimed property laws.), **As Introduced**

No significant fiscal implication to the State is anticipated.

The bill would amend Chapter 74, Property Code, to authorize the Comptroller, or a designee of the Comptroller, to take testimony, administer oaths, subpoena witnesses, and issue subpoenas or commissions to require a person to give testimony under oath or provide relevant information or documentation for the enforcement of unclaimed property laws. The bill would require the Comptroller, by rule, to establish rates and conditions for payments to reimburse a person, other than a holder or suspected holder, who is subpoenaed or commissioned for specified costs incurred as a result of compliance with the subpoena or commission. The Comptroller would be authorized to assess costs reimbursed to a third-party recordkeeper against a holder if information obtained during the course of the audit, inspection, or investigation contributes to a determination that the holder is not in compliance with Chapter 74.

The bill would authorize a recipient of a subpoena or commission to petition a district court in Travis County for an order to modify or quash the subpoena or commission or to prohibit disclosure of applicable information. The bill would authorize the Comptroller, acting through the Attorney General, to bring suit to enforce a subpoena or commission issued under Section 74.7021, as added by the bill, to a state or federal district court or to the appropriate court of another state having jurisdiction over the person refusing to testify or produce. The bill would authorize the court to apply penalties for civil and criminal contempt otherwise available at law if a person refuses to comply with the court's order. The bill would take effect immediately upon receipt of a two-thirds vote of all members elected to each house; otherwise, the bill would take effect September 1, 2017.

Any increase in revenue resulting from civil and criminal penalties assessed is unknown. The Comptroller, Office of Court Administration and Attorney General indicate that costs to implement the provisions of the bill can be absorbed within existing resources.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies: 212 Office of Court Administration, Texas Judicial Council, 302 Office of the Attorney General, 304 Comptroller of Public Accounts

LBB Staff: UP, CL, NV, LCO, JSm