



**THE ATTORNEY GENERAL
OF TEXAS**

AUSTIN, TEXAS 78711

**JOHN L. HULL,
ATTORNEY GENERAL**

February 11, 1976

The Honorable Jesse James
State Treasurer
LBJ State Office Building
P. O. Box 12608, Capitol Station
Austin, Texas 78711

Opinion No. H-778

Re: Requirements for
reporting and remitting
dormant accounts to
State Treasurer under
article 3272b, V.T.C.S.,
as amended.

Dear Mr. James:

You have asked whether amendments to article 3272b, V.T.C.S., adopted by the 64th Legislature, require depositories to report and to remit to the State Treasurer on or before May 1, 1976 all dormant accounts advertised in 1975 and not claimed by their rightful owners.

Article 3272b, V.T.C.S., deals with the duties of depositories with regard to dormant or inactive accounts. Depositories are defined as banks, savings and loan associations, or other organizations that hold for others deposits of money or other personal property. Section 3 of the article requires each depository to publish in May of each year a newspaper notice of all accounts it holds which have been inactive for more than seven years and the whereabouts of the owners of which are unknown. The notice must indicate that, if unclaimed within nine months, the accounts may be subject to report to and conservation by the State Treasurer. The cost of the publication of such notice is charged to the dormant account.

Until 1975, article 3272b, section 4 required that depositories prepare and submit to the State Treasurer on or before May 1 of each year two separate lists of dormant accounts on which notice had been published the preceding year under section 3 and which had remained dormant and the whereabouts of the owners of which remained unknown. One list consisted of all such accounts with a balance of \$25 or less and other such accounts with larger balances as the depository voluntarily included because the accounts did not warrant the further cost and effort necessary to locate the owners. The depository was required to remit to the State Treasurer all accounts included on this list. The second list submitted by depositories consisted of those accounts of more than \$25 which were retained by the depository while efforts continued to locate the owner.

In 1975, the 64th Legislature amended section 4 to consolidate the two lists into one. Acts 1975, 64th Leg., ch. 263, p. 638. The law eliminated the authority of depositories to retain accounts while continuing efforts to locate the owners and required each depository to remit on or before May 1 all accounts, regardless of size, on which notice had been published the preceding year, and which remained dormant and the whereabouts of the owners of which remained unknown. These changes took effect September 1, 1975.

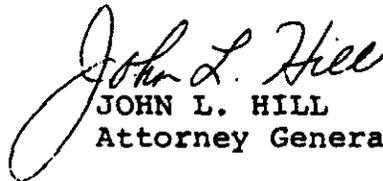
Apparently, your question concerning the 1975 amendment arises from the fact that the law making mandatory the remission of dormant accounts over \$25 did not become effective until September 1, 1975. In our opinion, the September 1 effective date does not affect the determination of whether such accounts should be remitted before May, 1976. The notice published in May, 1975 indicated that all accounts, regardless of size, were subject to being reported to and conserved by the State Treasurer.

We believe that all dormant accounts on which notice was published in May, 1975, under article 3272b, section 3, V.T.C.S., and which remain dormant and the whereabouts of the owners of which remains unknown, should be reported and remitted to the State Treasurer by May 1, 1976. A person claiming an interest in an account after it has been remitted to the State Treasurer continues to have a right to file a claim and to receive payment as provided in article 3272a, sections 6, 7, and 8.

S U M M A R Y

Depositories are required to report and to remit to the State Treasurer by May 1, 1976, all dormant accounts on which notice was published in May, 1975, and which remain unclaimed by their owners.

Very truly yours,



JOHN L. HILL
Attorney General of Texas

APPROVED:



DAVID M. KENDALL, First Assistant



C. ROBERT HEATH, Chairman
Opinion Committee

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