

BILL ANALYSIS

Senate Research Center
77R4053 AJA-D

H.B. 541
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Veteran Affairs & Military Installations
5/10/2001
Engrossed

DIGEST AND PURPOSE

Current law authorizes the comptroller of public accounts to sell unclaimed property, except for money and marketable securities. This can include the sale of any military awards and decorations. H.B. 541 prohibits the sale or destruction of such items by the comptroller and requires that the items be held in trust for display at a museum established by the adjutant general's department if the item is not claimed by its rightful owner.

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 74.401(a), Property Code, to make a conforming change.

SECTION 2. Amends Chapter 74E, Property Code, by adding Section 74.404, as follows:

Sec. 74.404. SALE OF MILITARY AWARDS AND DECORATIONS PROHIBITED.

(a) Defines "military award or decoration."

(b) Prohibits a military award or decoration delivered to the comptroller under this chapter from being sold under Section 74.401 or destroyed. Requires a military award or decoration delivered to the comptroller under this chapter to be delivered by the comptroller to the adjutant general's department (department).

(c) Requires the department to conduct a reasonable search of public records to locate the person to whom the military award or decoration was awarded. Requires the department, if unable to locate the person, to attempt to locate the person's next of kin. Requires the department, if the person or the person's next of kin is located, to deliver the award or decoration to the person or the person's next of kin, as applicable.

(d) Requires a award or decoration to be held in trust for the comptroller at certain locations if the department cannot locate the person to whom the award or decoration was awarded or the person's next of kin.

(e) Requires a military award or decoration held in trust by a museum or facility designated under Subsection (d), except as provided by this subsection, to be used in a display or exhibit that honors persons who have served the state or nation in military service. Requires the award or decoration to be kept in a secure storage area or loaned to another museum for use in a display or exhibit that honors persons who have served the state or nation in military service if the museum or facility cannot practically incorporate the award or decoration into an established display or exhibit of the museum facility.

(f) Provides that this section does not affect a person's right to claim a military award or decoration under Subchapter F.

SECTION 3. Effective date: September 1, 2001.
Makes application of this Act prospective.