

By: Riddle

H.B. No. 81

A BILL TO BE ENTITLED

AN ACT

relating to release by the comptroller of unclaimed property
subject to a child support lien.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 74.501, Property Code, is amended by
amending Subsection (e) and adding Subsection (f) to read as
follows:

(e) Except as provided by Subsection (f), the ~~[The]~~
comptroller may not pay to the following persons a claim to which
this section applies:

(1) a creditor, a judgment creditor, a lienholder, or
an assignee of the reported owner or of the owner's heirs; or

(2) a person holding a power of attorney from the
reported owner or the owner's heirs.

(f) If a judgment or administrative determination of child
support arrearages has been rendered against the reported owner of
the property, the comptroller may approve a claim submitted by a
holder of a lien for the child support owed under the judgment or
administrative determination or by the attorney general on behalf
of the lienholder. Payment under this subsection may not exceed the
amount of arrearages owed to the lienholder under the judgment or
administrative determination.

SECTION 2. The change in law made by this Act applies only
to a claim filed under Section 74.501, Property Code, on or after

1 the effective date of this Act. A claim filed under that section
2 before the effective date of this Act is governed by the law in
3 effect immediately before the effective date of this Act, and that
4 law is continued in effect for that purpose.

5 SECTION 3. This Act takes effect immediately if it receives
6 a vote of two-thirds of all the members elected to each house, as
7 provided by Section 39, Article III, Texas Constitution. If this
8 Act does not receive the vote necessary for immediate effect, this
9 Act takes effect September 1, 2005.