

1-1 By: Riddle (Senate Sponsor - Janek) H.B. No. 81  
1-2 (In the Senate - Received from the House March 29, 2005;  
1-3 March 30, 2005, read first time and referred to Committee on  
1-4 Jurisprudence; May 5, 2005, reported favorably by the following  
1-5 vote: Yeas 7, Nays 0; May 5, 2005, sent to printer.)

1-6 A BILL TO BE ENTITLED  
1-7 AN ACT

1-8 relating to release by the comptroller of unclaimed property  
1-9 subject to a child support lien.

1-10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-11 SECTION 1. Section 74.501, Property Code, is amended by  
1-12 amending Subsection (e) and adding Subsection (f) to read as  
1-13 follows:

1-14 (e) Except as provided by Subsection (f), the [The]  
1-15 comptroller may not pay to the following persons a claim to which  
1-16 this section applies:

1-17 (1) a creditor, a judgment creditor, a lienholder, or  
1-18 an assignee of the reported owner or of the owner's heirs; or

1-19 (2) a person holding a power of attorney from the  
1-20 reported owner or the owner's heirs.

1-21 (f) The comptroller may approve a claim for child support  
1-22 arrearages owed by the reported owner of the property and reflected  
1-23 in a child support lien notice that complies with Section 157.313,  
1-24 Family Code. A claim under this subsection may be submitted by the  
1-25 lienholder or the attorney general on behalf of the lienholder.

1-26 SECTION 2. The change in law made by this Act applies only  
1-27 to a claim filed under Section 74.501, Property Code, on or after  
1-28 the effective date of this Act. A claim filed under that section  
1-29 before the effective date of this Act is governed by the law in  
1-30 effect immediately before the effective date of this Act, and that  
1-31 law is continued in effect for that purpose.

1-32 SECTION 3. This Act takes effect immediately if it receives  
1-33 a vote of two-thirds of all the members elected to each house, as  
1-34 provided by Section 39, Article III, Texas Constitution. If this  
1-35 Act does not receive the vote necessary for immediate effect, this  
1-36 Act takes effect September 1, 2005.

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