

CHAPTER 874

H.B. No. 921

AN ACT

relating to the authority of the comptroller of public accounts to contract for information about revenue or property the state may be legally entitled to recover.

Be it enacted by the Legislature of the State of Texas:

SECTION 1. (a) The comptroller of public accounts may contract with any person for the receipt of information about any possible claim that the state may be entitled to pursue for the recovery of revenue or other property, except that this Act shall in no way relate to or affect property which is recoverable by the state pursuant to Chapters 71-75, Property Code.

(b) In any contract under Subsection (a) of this section, the total consideration to be paid by the state:

- (1) shall be contingent on a recovery by the state;
- (2) may not exceed five percent of the amount of the revenue or the value of the other property that the state recovers as a result of the pursuit of the claim about which the contracting person provided information; and
- (3) may be limited by agreement to not exceed a specified, absolute dollar amount.

(c) Consideration may not be paid by the state pursuant to a contract executed under Subsection (a) of this section if at the time the contract is executed or within three months after the date of execution, and by means other than disclosure under the contract, a state employee has knowledge of the claim disclosed under the contract or has knowledge of a cause of action different from that disclosed under the contract but entitling the state to recover the same revenue or other property. An affidavit by a state employee claiming that knowledge under those circumstances is prima facie evidence of the knowledge and circumstances.

SECTION 2. This Act takes effect September 1, 1987.

SECTION 3. This Act expires January 1, 1991. The expiration of this Act does not affect the validity or the authority to enforce the terms of any contract made under this Act before the expiration of this Act.

SECTION 4. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended.

Passed by the House on May 8, 1987, by a non-record vote. Passed by the Senate on May 22, 1987, by a viva-voce vote.

Approved June 19, 1987.

Effective Sept. 1, 1987.