

FIFTIETH LEGISLATURE
FIRST SESSION, 2011

SB 86/a

February 2, 2011

Mr. President:

Your **JUDICIARY COMMITTEE**, to whom has been referred

SENATE BILL 86

has had it under consideration and reports same with recommendation that it **DO PASS**, amended as follows:

1. On page 1, line 13, after the semicolon, insert "CREATING A FUND;".

2. On page 3, line 23, after "council", insert "; provided that amounts recovered by the legal services contractor shall be deposited in the state investment council suspense fund".

3. On page 5, between lines 7 and 8, insert the following new section:

"SECTION 2. A new section of Chapter 6, Article 8 NMSA 1978 is enacted to read:

"[NEW MATERIAL] COMPENSATION UNDER CONTINGENT FEE CONTRACTS--
SUSPENSE FUND CREATED.--

A. For the purpose of making disbursements and distributions pursuant to this section, the "state investment council suspense fund" is created in the state treasury.

B. When pursuing a claim and utilizing legal services on a contingent fee basis, all amounts received by the legal services contractor as satisfaction of the claim shall be transferred to the council and deposited into the state investment council suspense fund to the credit of the council. Upon the direction of the state investment officer, the contingent attorney fees due to the legal services contractor shall be disbursed from the suspense fund to the contractor.

FIFTIETH LEGISLATURE
FIRST SESSION, 2011

SJC/SB 86

Page 2

C. After a disbursement to a contractor pursuant to Subsection B of this section, the balance of the deposit into the state investment council suspense fund shall be distributed to the appropriate permanent fund or other appropriate fund from which the loss occurred that originated the claim pursued by the legal services contractor."".

4. Renumber the succeeding section accordingly.,
and thence referred to the **FINANCE COMMITTEE**.

Respectfully submitted,

Richard C. Martinez, Chairman

Adopted _____ Not Adopted _____
(Chief Clerk) (Chief Clerk)

Date _____

The roll call vote was 7 For 4 Against

Yes: 7

No: Lopez, McSorley, Payne, Ryan

Excused: None

Absent: None

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