

FIFTIETH LEGISLATURE  
FIRST SESSION

March 1, 2011

SENATE FLOOR AMENDMENT number \_\_\_1\_\_\_ to SENATE BILL 86, as amended

Amendment sponsored by Senator John C. Ryan

1. Strike Senate Judiciary Committee Amendment 2.

2. On page 3, strike lines 21 through 23 in their entirety and insert in lieu thereof the following new subsection:

"G. The council may contract for legal services for litigation on a contingent or partly contingent fee basis, subject to an expedited solicitation process devised and approved by the council; provided that:

(1) amounts recovered by the legal services contractor shall be deposited in the state investment council suspense fund;

(2) the council shall submit each proposed contract to the attorney general and the department for review of the contingency fee. The attorney general's and the department's review shall take into account the complexity of the factual and legal issues presented by the claims to be pursued under the contract. If the attorney general or the department advises the council that the proposed contingency fee is not reasonable, the council may nevertheless approve the contract and the contingency fee by a majority vote of its members; and

(3) each prospective legal services contractor seeking to represent the council on a contingent or partly contingent fee basis shall file with the council the disclosure required by Section 13-1-191.1 NMSA 1978 disclosing all campaign contributions made to the governor, attorney general, state treasurer or any member of the council, or to a political committee

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that is intended to aid or promote the nomination or election of any candidate to a state office if the committee is:

(a) established by any of the foregoing persons or their agents;

(b) established in consultation with or at the request of any of the foregoing persons or their agents; or

(c) controlled by one of the foregoing persons or their agents."

3. On page 5, between lines 7 and 8, after the Senate Judiciary Committee Amendment 3 insert, insert the following new section:

"SECTION 3. A new section of Chapter 6, Article 8 NMSA 1978 is enacted to read:

"[NEW MATERIAL] QUI TAM PLAINTIFFS.--Nothing in this 2011 act shall prejudice or impair the rights of a qui tam plaintiff pursuant to the Fraud Against Taxpayers Act."".

4. Renumber the succeeding section accordingly.

\_\_\_\_\_  
John C. Ryan

Adopted \_\_\_\_\_ Not Adopted \_\_\_\_\_  
(Chief Clerk) (Chief Clerk)

Date \_\_\_\_\_