

March 13, 2001

Mr. President:

Your PUBLIC AFFAIRS COMMITTEE, to whom has been referred

HOUSE JUDICIARY COMMITTEE SUBSTITUTE FOR  
HOUSE BILL 241

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

1. On page 1, line 12, after "PERSON'S" strike the remainder  
of the line and strike line 13 and insert in lieu thereof:

"EXERCISE OF THE RIGHT TO FREE SPEECH AND TO PARTICIPATE IN THE  
QUASI-JUDICIAL PROCESSES OF GOVERNMENT IN CONNECTION WITH ISSUES  
OF PUBLIC CONCERN;".

2. On page 1, line 14, strike ", STAY OF DISCOVERY" and  
insert in lieu thereof "FOR EARLY DISMISSAL OR TERMINATION OF  
ABUSIVE LITIGATION".

3. On page 1, line 18, after "legislature" strike the  
remainder of the line, strike lines 19 through 25 and on page 2,  
strike lines 1 through 8 and insert in lieu thereof:

"declares that it is the public policy of New Mexico to protect  
the rights of its citizens to participate in quasi-judicial  
proceedings before local and state governmental tribunals.  
Baseless civil lawsuits seeking or claiming millions of dollars  
have been filed against persons for exercising their right to  
petition and to participate in quasi-judicial proceedings before  
governmental tribunals. Such lawsuits can be an abuse of the  
legal process and can impose an undue financial burden on those  
having to respond to and defend such lawsuits and may chill and  
punish participation in public affairs and the institutions of  
democratic government. These lawsuits should be subject to prompt  
dismissal or judgment to prevent the abuse of the legal process  
and avoid the burden imposed by such baseless lawsuits.".

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4. On pages 2 through 4, strike Subsections A through H in their entirety and insert in lieu thereof the following subsections:

"A. No person shall be liable in an action for money damages for conduct or speech undertaken or made in connection with a public hearing or meeting in a quasi-judicial proceeding before a tribunal or decision-making body of any political subdivision of the state.

B. Any action seeking money damages against a person for conduct or speech described in Subsection A of this section is subject to a special motion to dismiss or motion for summary judgment that shall be considered by the court on a priority or expedited basis to ensure the early consideration of the issues raised by the motion and to prevent the unnecessary expense of litigation. The motion shall be granted if the conduct or speech is protected by Subsection A of this section.

C. If the rights afforded by this section are raised as an affirmative defense and if a court grants a motion to dismiss, a motion for judgment on the pleadings or a motion for summary judgment filed within ninety days of the filing of the moving party's answer, the court shall award reasonable attorney fees and costs incurred by the moving party in defending the action. If the court finds that a special motion to dismiss or motion for summary judgment is frivolous or solely intended to cause unnecessary delay, the court shall award costs and reasonable attorney fees to the party prevailing on the motion.

D. Any party shall have the right to an expedited appeal from a trial court order on the special motions described in Subsection C of this section or from a trial court's failure to rule on the motion on an expedited basis. "

5. Reletter the succeeding subsections accordingly.

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6. On page 4, line 23, after "limits" insert "or prohibits the exercise of".

7. On page 4, line 25, before the period insert ", including civil actions for defamation or malicious abuse of process".,

and thence referred to the JUDICIARY COMMITTEE.

Respectfully submitted,

\_\_\_\_\_  
Shannon Robinson, Chairman

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

Date \_\_\_\_\_

The roll call vote was 9 For 0 Against

Yes: 9

No: 0

Excused: None

Absent: None

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