

FIFTY-SEVENTH LEGISLATURE  
SECOND SESSION

PROPOSED AMENDMENT DIRECTED TO A COMMITTEE

February 13, 2026

Madam Chair:

I propose to the SENATE HEALTH AND PUBLIC AFFAIRS COMMITTEE the following amendment to

HOUSE JUDICIARY COMMITTEE SUBSTITUTE FOR  
HOUSE BILL 12

1. On page 20, strike lines 14 through 25, on page 21, strike lines 1 through 25 and on page 22, strike lines 1 through 6 and insert in lieu thereof:

"(1) the officers and employees of the commission shall not be liable or subject to suit, either personally or in their official capacity, when acting within the scope of that person's employment or duties for acts, errors or omissions occurring within that person's state. Nothing in this subsection shall be construed to protect a person from suit or liability for damage, loss, injury or liability caused by the intentional or willful and wanton misconduct of the person. The liability of the commission within any member state may not exceed the limits of liability set forth under the constitution and laws of that state for state officials, employees and agents. The commission is considered to be an instrumentality of the states for the purpose of any such action; and

(2) the commission shall defend, indemnify and hold harmless the executive director and the director's employees according to the commission's rules and bylaws. The executive director and employees of the commission shall be held harmless in the amount of a settlement or judgment, including attorney fees and

costs, obtained against that person arising out of an actual or alleged act, error or omission that occurred within the scope of commission employment, duties or responsibilities, or that the person had a reasonable basis for believing occurred within the scope of commission employment, duties or responsibilities; provided that the actual or alleged act, error or omission did not result from intentional or willful and wanton misconduct on the part of that person."

Respectfully submitted,

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