

FIFTY-SEVENTH LEGISLATURE
SECOND SESSION, 2026

HB 10/A

February 13, 2026

Mr. President:

Your **HEALTH AND PUBLIC AFFAIRS COMMITTEE**, to whom has been referred

**HOUSE JUDICIARY COMMITTEE SUBSTITUTE FOR HOUSE BILL
10**

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

1. On page 14, line 4, before "license", insert "New Mexico licensee's".

2. On page 25, strike lines 10 through 25, on page 26, strike lines 1 through 25 and on page 27, strike lines 1 through 11 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;

(2) 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;

(3) 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

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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;".

2. Renumber the succeeding paragraphs accordingly.

3. On page 29, line 15, before "shall", insert "pertaining to New Mexico licensees".

4. On page 40, line 25, before "charter", insert an opening quotation mark and after "state", insert a closing quotation mark.

5. On page 48, line 14, before the period, insert ", if determined unlawful by a court of competent jurisdiction in New Mexico".

6. On page 51, line 25, after the period, strike the remainder of the line and on page 52, strike line 1 through "subsection" and insert in lieu thereof "The attorney general".

7. On page 52, line 2, before "by", insert "of the effect of a rule or decision at issue pursuant to this subsection".

8. On page 52, line 14, strike "The" and insert in lieu thereof "A person who is or may be affected by a rule or decision at issue pursuant to Subsection A of this section, the".

9. On page 52, line 14, strike the comma and on line 15, strike the comma.

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and thence referred to the **JUDICIARY COMMITTEE.**

Respectfully submitted,

Senator LINDA M. LOPEZ, Chair

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

Date _____

The roll call vote was 8 For 0 Against

Yes: Block, Charley, Hickey, López, Pinto, Pope, Scott, Wilson

No: 0

Excused: Gallegos, Nava

Absent: None

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