

FIFTY-SEVENTH LEGISLATURE
SECOND SESSION, 2026

HB 12/A

February 13, 2026

Mr. President:

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

**HOUSE JUDICIARY COMMITTEE SUBSTITUTE FOR HOUSE BILL
12**

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

1. On page 7, line 1, after "28", strike the remainder of the line and strike line 2 and insert in lieu thereof "C.F.R. §20.3(d), from the state's criminal history record repository as defined in 28 C.F.R. §20.3(f).".

2. 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

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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."

3. On page 23, line 21, before "shall", insert "pertaining to New Mexico licensees".

4. On page 30, line 17, after the comma, strike the remainder of the line and strike line 18 through "or".

5. On page 30, line 19, before the period, insert "or, at the discretion of the commission, a federal court of New Mexico".

6. On page 31, line 10, strike "a federal court of New Mexico or".

7. On page 31, line 11, after "offices", insert "or, at the discretion of the commission, a federal court of New Mexico".

8. On page 40, line 10, after the period, strike the remainder of the line, strike line 11 and strike line 12 up to "shall" and insert in lieu thereof "The attorney general".

9. On page 40, line 13, before "by", insert "of the effect of a rule or decision at issue pursuant to this subsection".

10. On page 40, line 20, strike "immediate".

11. On page 40, line 25, 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".

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12. On page 40, line 25, strike the comma.

13. On page 41, line 1, strike the comma.

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 9 For 0 Against

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

No: 0

Excused: Gallegos

Absent: None

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.234052.1