

Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	<u>    </u>	(Y/N)
ADOPTED AS AMENDED	<u>    </u>	(Y/N)
ADOPTED W/O OBJECTION	<u>    </u>	(Y/N)
FAILED TO ADOPT	<u>    </u>	(Y/N)
WITHDRAWN	<u>    </u>	(Y/N)
OTHER	<u>    </u>	

1 Committee/Subcommittee hearing bill: Regulatory Affairs  
 2 Committee

3 Representative Hudson offered the following:

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**Amendment**

Remove lines 549-561 and insert:

(b) The liability of the members, officers, executive director, employees, and representatives of the commission acting within the scope of such persons' employment or duties, for acts, errors, or omissions occurring within this state, may not exceed the limits of liability set forth under the constitution and laws of this state for state officials, employees, and agents. The commission is an instrumentality of the state for the purposes of any such action. This subsection does not protect such persons from suit or liability for damage, loss, injury, or liability caused by a criminal act or the intentional or willful and wanton misconduct of such person.

(c) The commission shall defend any member, officer, executive director, employee, or representative of the commission in any civil action seeking to impose liability

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21 arising out of any actual or alleged act, error, or omission  
22 that occurred within the scope of commission employment, duties,  
23 or responsibilities, or where the person against whom the claim  
24 is made has a reasonable basis for believing occurred within the  
25 scope of commission employment, duties, or responsibilities if  
26 the actual or alleged act, error, or omission did not result  
27 from that person's intentional or willful and wanton misconduct.  
28 This article does not prohibit that person from retaining his or  
29 her own counsel.

30 (d) The commission shall indemnify and hold harmless any  
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