

SECOND REGULAR SESSION

HOUSE BILL NO. 1748

101ST GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE BASYE.

3292H.02I

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To repeal sections 162.011 and 162.091, RSMo, and to enact in lieu thereof two new sections relating to school boards, with a penalty provision.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Sections 162.011 and 162.091, RSMo, are repealed and two new sections
2 enacted in lieu thereof, to be known as sections 162.011 and 162.091, to read as follows:

162.011. **1.** Any school board of the state of Missouri, when it deems it a matter of
2 public interest, may by two-thirds vote of its members join the Missouri School Boards'
3 Association and appoint one or more of its members to attend meetings called by the
4 association within the state of Missouri. The school board may direct payment of the
5 membership dues of the association and of the actual and necessary expenses incurred by
6 members in attending the meetings called by the association from the incidental fund of the
7 district.

8 **2. The association described in subsection 1 of this section and any association**
9 **organized in this state under state law by and for the benefit of members of school**
10 **boards shall comply with all provisions of sections 610.010 to 610.035 relating to any**
11 **meetings, records, and votes.**

162.091. **1. As used in this section, the term "public official" means any:**

- 2 **(1) County clerk[;];**
- 3 **(2) County treasurer[;];**
- 4 **(3) School board member, officer, or employee[;]; or**
- 5 **(4) Other officer[;].**

EXPLANATION — Matter enclosed in bold-faced brackets ~~thus~~ in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

6 **2. Any public official** who willfully neglects or refuses to perform any duty imposed
7 upon ~~him~~ **such public official** by chapters 160 to 168~~;~~ **or chapter** 170, 171, 177 ~~and~~, or
8 178, or who willfully violates any provision of ~~these~~ **such** chapters, is guilty of a
9 misdemeanor and on conviction shall be punished by a fine of not more than five hundred
10 dollars or by imprisonment in the county jail not to exceed one year.

11 **3. Any person aggrieved by the willful neglect or refusal of a public official to**
12 **perform any duty imposed upon such public official by chapters 160 to 168 or chapter**
13 **170, 171, 177, or 178 shall have a civil claim for damages against such public official for:**

- 14 **(1) Injunctive relief;**
15 **(2) Compensatory damages;**
16 **(3) Punitive damages;**
17 **(4) Costs of litigation including, but not limited to, expert witness fees; and**
18 **(5) Reasonable attorney's fees for the prosecution of the action.**

19 **4. Neither sovereign immunity nor official immunity shall be a defense in any**
20 **such civil action.**

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