

HOUSE BILL NO. 234
INTRODUCED BY YARDLEY

IN THE HOUSE

January 14, 1983	Introduced and referred to Committee on Judiciary.
January 27, 1983	Committee recommend bill do pass. Report adopted.
January 28, 1983	Bill printed and placed on members' desks.
January 29, 1983	Second reading, do pass.
January 31, 1983	Considered correctly engrossed.
February 1, 1983	Third reading, passed. Ayes, 90; Noes. 7. Transmitted to Senate.

IN THE SENATE

February 2, 1983	Introduced and referred to Committee on Judiciary.
March 8, 1983	Committee recommend bill be concurred in. Report adopted.
March 10, 1983	Second reading, pass consideration. On motion taken from second reading and rereferred to Committee on Judiciary.
March 12, 1983	Committee recommend bill be concurred in as amended. Report adopted.
March 15, 1983	Second reading, pass consideration until 62nd Legislative Day.

March 18, 1983

Second reading, pass
consideration.

March 19, 1983

Second reading, concurred in.

March 22, 1983

Third reading, concurred in.
Ayes, 34; Noes, 16.

IN THE HOUSE

March 22, 1983

Returned to House with
amendments.

March 30, 1983

Second reading, amendments
concurred in.

March 31, 1983

Third reading, amendments
concurred in. Ayes, 86; Noes,
8.

Sent to enrolling.

Reported correctly enrolled.

1 House BILL NO. 234
2 INTRODUCED BY *Handley*
3

4 A BILL FOR AN ACT ENTITLED: "AN ACT TO PROVIDE THAT THE
5 TRUSTEES OF ANY SCHOOL DISTRICT WHEN ACTING IN THEIR
6 OFFICIAL CAPACITY ARE INDIVIDUALLY IMMUNE FROM LIABILITY FOR
7 EXEMPLARY AND PUNITIVE DAMAGES; AMENDING SECTION 20-3-332,
8 MCA."
9

10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

11 Section 1. Section 20-3-332, MCA, is amended to read:

12 "20-3-332. Personal immunity and liability of
13 trustees. (1) When acting in their official capacity, the
14 trustees of each district are individually immune from
15 exemplary and punitive damages.

16 (2) The trustees of each district shall be responsible
17 for the proper administration and utilization of all moneys
18 of the district in accordance with the provisions of law and
19 this title. Failure or refusal to do so shall constitute
20 grounds for removal from office. Those trustees consenting
21 to illegal use of the moneys shall be jointly and
22 individually liable to the district for any losses the
23 district has realized. The county attorney shall prosecute
24 any proceeding arising pursuant to this section, or a party
25 seeking such action may retain private counsel. The party

1 commencing the action shall be liable for the costs if the
2 action fails."

-End-

Approved by Committee
on Judiciary

1 House BILL NO. 234
2 INTRODUCED BY [Signature]
3
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-End-

-2- SECOND READING
HB 204

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2 INTRODUCED BY yardley
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-End-

March 12, 1983

SENATE STANDING COMMITTEE REPORT
(Judiciary)

That House Bill No. 234 be amended as follows:

1. Page 1, line 13.

Following: "capacity"

Insert: "at a regular or special meeting of the board or a committee thereof"

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A BILL FOR AN ACT ENTITLED: "AN ACT TO PROVIDE THAT THE TRUSTEES OF ANY SCHOOL DISTRICT WHEN ACTING IN THEIR OFFICIAL CAPACITY ARE INDIVIDUALLY IMMUNE FROM LIABILITY FOR EXEMPLARY AND PUNITIVE DAMAGES; AMENDING SECTION 20-3-332, MCA."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 20-3-332, MCA, is amended to read:

"20-3-332. Personal immunity and liability of trustees. (1) When acting in their official capacity AT A REGULAR OR SPECIAL MEETING OF THE BOARD OR A COMMITTEE THEREOF, the trustees of each district are individually immune from exemplary and punitive damages.

(2) The trustees of each district shall be responsible for the proper administration and utilization of all moneys of the district in accordance with the provisions of law and this title. Failure or refusal to do so shall constitute grounds for removal from office. Those trustees consenting to illegal use of the moneys shall be jointly and individually liable to the district for any losses the district has realized. The county attorney shall prosecute any proceeding arising pursuant to this section, or a party

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