

FIRST REGULAR SESSION  
HOUSE COMMITTEE SUBSTITUTE FOR  
**HOUSE BILL NO. 323**  
**101ST GENERAL ASSEMBLY**

0445H.02C

DANA RADEMAN MILLER, Chief Clerk

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**AN ACT**

To repeal section 162.091, RSMo, and to enact in lieu thereof two new sections relating to acts of public officials, with a penalty provision.

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

Section A. Section 162.091, RSMo, is repealed and two new sections enacted in lieu thereof, to be known as sections 162.091 and 168.212, to read as follows:

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

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

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

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

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

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.

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

**168.212. 1. No individual employed by a school board to exercise supervisory**  
2 **duties within the school district shall, in the course of such individual's employment upon**  
3 **the termination of employment by the school board, perform any duties related to any**  
4 **contract such individual facilitated, negotiated, or approved in the individual's official**  
5 **capacity while employed by the school district.**

6           **2. Notwithstanding any other provision of law to the contrary, no school district**  
7 **shall automatically renew any administrator contract including, but not limited to,**  
8 **employment contracts, without taking a definite action to renew the contract, and no school**  
9 **district shall act to renew a contract earlier than three months prior to the expiration of**  
10 **the contract. Each contract shall be renewed independently, and the renewal of one**  
11 **contract shall not guarantee, obligate, or affect the renewal of any subsequent or**  
12 **contingent contract including, but not limited to, instances in which a school district has**  
13 **multiple contracts with one entity. Any contract renewed in violation of this subsection**  
14 **shall be null and void.**

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