

SENATE BILL NO. 266

INTRODUCED BY J. SHOCKLEY

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A BILL FOR AN ACT ENTITLED: "AN ACT ~~PROVIDING~~ CLARIFYING THAT INDIVIDUAL SCHOOL DISTRICT TRUSTEE MEMBERS ACTING IN THEIR OFFICIAL CAPACITY WITH IMMUNITY ARE IMMUNE FROM SUIT FOR DAMAGES; AMENDING SECTION 20-3-332, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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 of the board, the trustees of each district are individually immune from ~~exemplary and punitive suit for all damages, AS PROVIDED IN 2-9-305.~~

(2) The trustees of each district are responsible for the proper administration and use of all money of the district in accordance with the provisions of law and this title. Failure or refusal to do so constitutes grounds for removal from office. ~~The liability of trustees for violations of this section subsection must be determined in accordance with the provisions of 2-9-305."~~

~~NEW SECTION. Section 2. Two-thirds vote required.~~ Because [section 1] limits governmental liability, Article II, section 18, of the Montana constitution requires a vote of two-thirds of the members of each house of the legislature for passage:

NEW SECTION. Section 2. Effective date. [This act] is effective on passage and approval.

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