

HCS HB 481 -- CLAIMS AGAINST PUBLIC ENTITIES

SPONSOR: Fisher, 125 (Jones, 89)

COMMITTEE ACTION: Voted "do pass" by the Special Committee on Workforce Development and Workplace Safety by a vote of 6 to 4.

This substitute adds claims within the scope of the Missouri Human Rights Act to which public entities are protected against punitive or exemplary damages and specifies that an officer or employee of a public entity is also protected when the claim is in connection with his or her official duties on behalf of the entity.

FISCAL NOTE: Estimated Income on General Revenue Fund of Unknown in FY 2010, FY 2011, and FY 2012. Estimated Income on Other State Funds of Unknown in FY 2010, FY 2011, and FY 2012.

PROPOSERS: Supporters say that the bill makes Missouri law regarding the prohibition of awarding punitive damages against public entities consistent. An award of punitive damages against a public entity punishes taxpayers, not the wrongdoer. Protecting public employees from the threat of punitive damage awards allows an employee the freedom to act decisively within the scope of his or her employment.

Testifying for the bill were Representative Jones (89); Scott Wightman, Arthur J. Gallagher Risk Management Service; Anita Kihne, Missouri United School Insurance Council; Missouri Council of School Administrators; and Cooperating School Districts of Greater Kansas City.

OPPOSERS: Those who oppose the bill say that public and private entities should be treated the same in cases of human rights violations. Whistleblowers in the public sector must be protected from retaliation by supervisors. The Missouri Human Rights Commission will lose approximately \$400,000 in federal funding if the bill passes because the availability of punitive damages is an essential enforcement element of the federal Fair Housing Act.

Testifying against the bill were Mark A. Jess; and Alisa Warren and Eric Krekel, Missouri Commission on Human Rights.