

FIRST REGULAR SESSION

HOUSE BILL NO. 641

92ND GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES BEAN, MAYER, DEEKEN,
JETTON AND MYERS (Co-sponsors).

Read 1st time March 11, 2003, and copies ordered printed.

STEPHEN S. DAVIS, Chief Clerk

1390L.011

AN ACT

To repeal sections 116.175 and 116.190, RSMo, and to enact in lieu thereof two new sections relating to fiscal notes of proposed measures.

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

Section A. Sections 116.175 and 116.190, RSMo, are repealed and two new sections
2 enacted in lieu thereof, to be known as sections 116.175 and 116.190, to read as follows:

116.175. 1. Except as provided in section 116.155, upon receipt from the secretary of
2 state's office of any petition sample sheet, joint resolution or bill, the auditor shall assess the
3 fiscal impact of the proposed measure. The state auditor may consult with the state departments,
4 local government entities, the general assembly and others with knowledge pertinent to the cost
5 of the proposal. Proponents or opponents of any proposed measure may submit to the state
6 auditor a proposed statement of fiscal impact estimating the cost of the proposal in a manner
7 consistent with the standards of the governmental accounting standards board and section
8 23.140, RSMo, provided that all such proposals are received by the state auditor within ten days
9 of [his or her] **the auditor's** receipt of the proposed measure from the secretary of state.

10 2. Within twenty days of receipt of a petition sample sheet, joint resolution or bill from
11 the secretary of state, the state auditor shall prepare a fiscal note and a fiscal note summary for
12 the proposed measure and forward both to the attorney general.

13 3. The fiscal note and fiscal note summary shall state the measure's estimated cost or
14 savings, if any, to state or local governmental entities. The fiscal note summary shall contain no
15 more than fifty words, excluding articles, which shall summarize the fiscal note in language
16 neither argumentative nor likely to create prejudice either for or against the proposed measure.

EXPLANATION — Matter enclosed in bold faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law. Matter in boldface type in the above law is proposed language.

17 4. The attorney general shall, within ten days of receipt of the fiscal note and the fiscal
18 note summary, approve the legal content and form of the fiscal note summary prepared by the
19 state auditor and shall forward notice of such approval to the state auditor.

20 **5. If the attorney general or the circuit court of Cole County determines that the**
21 **fiscal note or the fiscal note summary does not satisfy the requirements of this section, the**
22 **fiscal note and the fiscal note summary shall be returned to the auditor for revision. A**
23 **fiscal note or fiscal note summary that does not satisfy the requirements of this section also**
24 **shall not satisfy the requirements of section 116.180.**

 116.190. 1. Any citizen who wishes to challenge the official ballot title or the fiscal note
2 prepared for a proposed constitutional amendment submitted by the general assembly, by
3 initiative petition, or by constitutional convention, or for a statutory initiative or referendum
4 measure, may bring an action in the circuit court of Cole County. The action must be brought
5 within ten days after the official ballot title is certified by the secretary of state in accordance
6 with the provisions of this chapter.

7 2. The secretary of state shall be named as a party defendant in any action challenging
8 the official ballot title prepared by the secretary of state. When the action challenges the fiscal
9 note or the fiscal note summary prepared by the auditor, the state auditor shall also be named as
10 a party defendant. The president pro tem of the senate, the speaker of the house and the sponsor
11 of the measure and the secretary of state shall be the named party defendants in any action
12 challenging the official summary statement, fiscal note or fiscal note summary prepared pursuant
13 to section 116.155.

14 3. The petition shall state the reason or reasons why the **summary statement portion**
15 **of the** official ballot title is insufficient or unfair and shall request a different **summary**
16 **statement portion of the** official ballot title. **Alternatively, the petition shall state the reason**
17 **or reasons why the fiscal note or the fiscal note summary portion of the official ballot title**
18 **is insufficient or unfair, and shall request a different fiscal note or fiscal note summary**
19 **portion of the official ballot title.**

20 4. The action shall be placed at the top of the civil docket. **To the extent that the action**
21 **challenges the summary statement portion of the official ballot title,** the court shall consider
22 the petition, hear arguments, and in its decision certify the **summary statement portion of the**
23 **official ballot title to the secretary of state. To the extent that the action challenges the fiscal**
24 **note or the fiscal note summary portion of the official ballot title, the court shall consider**
25 **the petition, hear arguments, and in its decision either certify the fiscal note or the fiscal**
26 **note summary portion of the official ballot title to the secretary of state, or remand the**
27 **fiscal note or fiscal note summary to the auditor for preparation of a new fiscal note or**
28 **fiscal note summary pursuant to section 116.175.** Any party to the suit may appeal to the

29 supreme court within ten days after a circuit court decision. In making the legal notice to
30 election authorities [under] **pursuant to** section 116.240, **and for purposes of section 116.180,**
31 the secretary of state shall certify the language which the court certifies to [him] **the secretary**
32 **of state.**