

FIRST REGULAR SESSION

SENATE BILL NO. 455

90TH GENERAL ASSEMBLY

INTRODUCED BY SENATORS STOLL, DePASCO AND QUICK.

Read 1st time February 16, 1999, and 1,000 copies ordered printed.

TERRY L. SPIELER, Secretary.

SI714.02I

AN ACT

To repeal sections 116.160, 116.170, 116.175 and 116.190, RSMo Supp. 1998, and to enact in lieu thereof five new sections relating to the powers of the general assembly.

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

Section A. Sections 116.160, 116.170, 116.175 and 116.190, RSMo Supp. 1998, are repealed and five new sections enacted in lieu thereof, to be known as sections 116.155, 116.160, 116.170, 116.175 and 116.190, to read as follows:

116.155. 1. The general assembly may include the ballot title and a fiscal note summary in any measure that it refers to the voters.

2. The ballot title approved by the general assembly shall be the official ballot title and shall contain no more than fifty words, excluding articles. The title shall be a true and impartial statement of the purposes of the proposed measure in language neither intentionally argumentative nor likely to create prejudice either for or against the proposed measure.

3. The fiscal note summary approved by the general assembly shall contain no more than fifty words, excluding articles, which shall summarize the fiscal note prepared for the measure in language neither argumentative nor likely to create prejudice for or against the proposed measure.

116.160. 1. [After] **If** the general assembly adopts a joint resolution proposing a constitutional amendment or a bill which is to be referred to a vote of the people [and it has been delivered to the secretary of state] **without a ballot title**, the secretary of state shall promptly forward the resolution or bill to the state auditor. Within twenty days after receipt of the resolution or bill, the secretary of state shall prepare and transmit to the attorney general a

EXPLANATION--Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

summary statement of the measure **as the proposed ballot title**. The secretary of state may seek the advice of the legislator who introduced the constitutional amendment or bill and the speaker of the house or the president pro tem of the legislative chamber that originated the measure. The [summary statement] **ballot title** may be distinct from the legislative title of the proposed constitutional amendment or bill. The attorney general shall within ten days approve the legal content and form of the proposed statement.

2. The official [summary statement] **ballot title** shall contain no more than fifty words, **excluding articles**. The title shall be a true and impartial statement of the purposes of the proposed measure in language neither intentionally argumentative nor likely to create prejudice either for or against the proposed measure.

116.170. [After] **If** the general assembly adopts a joint resolution proposing a constitutional amendment or a bill which is to be referred to a vote of the people [and it has been delivered to the state auditor] **without a fiscal note summary**, the state auditor shall, within thirty days **of delivery to the auditor**, prepare and file with the secretary of state a fiscal note and a fiscal note summary for the proposed measure in accordance with the provisions of section 116.175.

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

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

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

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

116.190. 1. Any citizen who wishes to challenge the official ballot title or the fiscal note prepared for a proposed constitutional amendment submitted by the general assembly, by

initiative petition, or by constitutional convention, or for a statutory initiative or referendum measure, may bring an action in the circuit court of Cole County. The action must be brought within ten days after the official ballot title is certified by the secretary of state in accordance with the provisions of this chapter.

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

3. The petition shall state the reason or reasons why the official ballot title is insufficient or unfair and shall request a different official ballot title.

4. The action shall be placed at the top of the civil docket. The court shall consider the petition, hear arguments, and in its decision certify the official ballot title to the secretary of state. Any party to the suit may appeal to the supreme court within ten days after a circuit court decision. In making the legal notice to election authorities under section 116.240, the secretary of state shall certify the language which the court certifies to him.

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