

FIRST REGULAR SESSION

# SENATE BILL NO. 87

98TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR EMERY.

Pre-filed December 1, 2014, and ordered printed.

ADRIANE D. CROUSE, Secretary.

0448S.01I

## AN ACT

To repeal section 29.230, RSMo, and to enact in lieu thereof one new section relating to audits of political subdivisions.

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

Section A. Section 29.230, RSMo, is repealed and one new section enacted  
2 in lieu thereof, to be known as section 29.230, to read as follows:

29.230. 1. In every county which does not elect a county auditor, the state  
2 auditor shall audit, without cost to the county, at least once during the term for  
3 which any county officer is chosen, the accounts of the various county officers  
4 supported in whole or in part by public moneys.

5 2. The state auditor shall audit any political subdivision of the state,  
6 including counties having a county auditor, if requested to do so by a petition  
7 **submitted by a person who resides or owns real property within the**  
8 **boundaries or area of service of the political subdivision within one**  
9 **year from requesting the petition from the state auditor and** signed by  
10 the requisite percent of the qualified voters of the political subdivision. The  
11 requisite percent of qualified voters to cause such an audit to be conducted shall  
12 be determined as follows:

13 (1) If the number of qualified voters of the political subdivision  
14 determined on the basis of the votes cast in the last gubernatorial election held  
15 prior to the filing of the petition is less than one thousand, twenty-five percent  
16 of the qualified voters of the political subdivision determined on the basis of the  
17 registered voters eligible to vote at the last gubernatorial election held prior to  
18 the filing of the petition;

19 (2) If the number of qualified voters of the political subdivision  
20 determined on the basis of the votes cast in the last gubernatorial election held

21 prior to the filing of the petition is one thousand or more but less than five  
22 thousand, fifteen percent of the qualified voters of the political subdivision  
23 determined on the basis of the votes cast in the last gubernatorial election held  
24 prior to the filing of the petition, provided that the number of qualified voters  
25 signing such petition is not less than two hundred;

26 (3) If the number of qualified voters of the political subdivision  
27 determined on the basis of the votes cast in the last gubernatorial election held  
28 prior to the filing of the petition is five thousand or more but less than fifty  
29 thousand, ten percent of the qualified voters of the political subdivision  
30 determined on the basis of the votes cast in the last gubernatorial election held  
31 prior to the filing of the petition, provided that the number of qualified voters  
32 signing such petition is not less than seven hundred fifty;

33 (4) If the number of qualified voters of the political subdivision  
34 determined on the basis of the votes cast in the last gubernatorial election held  
35 prior to the filing of the petition is fifty thousand or more, five percent of the  
36 qualified voters of the political subdivision determined on the basis of the votes  
37 cast in the last gubernatorial election held prior to the filing of the petition,  
38 provided that the number of qualified voters signing such petition is not less than  
39 five thousand. The political subdivision shall pay the actual cost of audit. The  
40 petition that requests an audit of a political subdivision shall state on its face the  
41 estimated cost of the audit and that it will be paid by the political subdivision  
42 being audited. The estimated cost of the audit shall be provided by the state  
43 auditor within sixty days of such request. The costs of the audit may be billed  
44 and paid on an interim basis with individual billing periods to be set at the state  
45 auditor's discretion. Moneys held by the state on behalf of a political subdivision  
46 may be used to offset unpaid billings for audit costs of the political subdivision.  
47 All moneys received by the state in payment of the costs of petition audits shall  
48 be deposited in the state treasury and credited to the "Petition Audit Revolving  
49 Trust Fund" which is hereby created with the state treasurer as custodian. The  
50 general assembly may appropriate additional moneys to the fund as it deems  
51 necessary. The state auditor shall administer the fund and approve all  
52 disbursements, upon appropriation, from the fund to apply to the costs of  
53 performing petition audits. The provisions of section 33.080 to the contrary  
54 notwithstanding, money in the fund shall not be transferred and placed to the  
55 credit of general revenue until the amount in the fund at the end of any biennium  
56 exceeds one million dollars. The amount in the fund which shall lapse is the

57 amount which exceeds one million dollars. No political subdivision shall be  
58 audited by petition more than once in any three calendar or fiscal years.

59 **3. Any person who allegedly signed or has signed the original**  
60 **petition may submit a sworn statement to the state auditor that the**  
61 **person did not sign such petition or that the person wishes to rescind**  
62 **such signature. Such statement shall be required to be made within**  
63 **thirty days from submission of the petition to the state auditor. If such**  
64 **statement is timely filed, such signature shall be withdrawn and shall**  
65 **not count in the determination of the number of qualified voters**  
66 **necessary to compel an audit under subsection 2 of this section.**

Unofficial ✓

Bill

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