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March 2, 2007

OPINION LETTER NO. 81-2007

Honorable Susan Montee
Missouri State Auditor
State Capitol Building, Room 121
Jefferson City, MO 65101

Dear Auditor Montee:

This office received your letter of February 21, 2007, submitting a fiscal note and fiscal note summary prepared under Section 116.175, RSMo, for an initiative petition, submitted by Ron Calzone, to adopt an amendment to Article I, Sections 26 and 28 of the Constitution of Missouri, relating to eminent domain. The fiscal note summary that you submitted is as follows:

The total cost or savings to state or local governmental entities cannot be known. Some state governmental entities estimate no related costs, however, certain state governmental entities may have unknown or indirect costs that may exceed \$100,000. Estimated costs to local governmental entities will vary, but could be significant.

Under Section 116.175, we approve the legal content and form of the fiscal note summary. Because our review of the fiscal note summary is mandated by statute, no action that we take with respect to such review should be construed as an endorsement of the petition or as the expression of any view regarding the objectives of its proponents.

Very truly yours,

A handwritten signature in black ink, appearing to read "Jeremiah W. Nixon", written over a large, stylized flourish.

JEREMIAH W. (JAY) NIXON
Attorney General