

FIRST REGULAR SESSION

[PERFECTED]

HOUSE BILL NO. 526

94TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE PRATT.

Read 1st time January 23, 2007 and copies ordered printed.

Read 2nd time January 24, 2007 and referred to the Committee on Judiciary February 5, 2007.

Reported from the Committee on Judiciary February 21, 2007 with recommendation that the bill Do Pass. Referred to the Committee on Rules pursuant to Rule 25(21)(f).

Reported from the Committee on Rules February 27, 2007 with recommendation that the bill Do Pass.

Taken up for Perfection March 13, 2007. Bill ordered Perfected and printed.

D. ADAM CRUMBLISS, Chief Clerk

1491L.01P

AN ACT

To repeal sections 621.250 and 640.013, RSMo, and to enact in lieu thereof two new sections relating to the administrative hearing commission.

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

Section A. Sections 621.250 and 640.013, RSMo, are repealed and two new sections
2 enacted in lieu thereof, to be known as sections 621.250 and 640.013, to read as follows:

621.250. 1. All authority to hear appeals granted in chapters 260, 444, 640, 643, and
2 644, RSMo, and to the hazardous waste management commission in chapter 260, RSMo, the
3 land reclamation commission in chapter 444, RSMo, the safe drinking water commission in
4 chapter 640, RSMo, the air conservation commission in chapter 643, RSMo, and the clean water
5 commission in chapter 644, RSMo, shall be transferred to the administrative hearing commission
6 under this chapter. The authority to render final decisions after hearing on appeals heard by the
7 administrative hearing commission shall remain with the commissions listed in this subsection.
8 **The commissions listed in this subsection may render final decisions after hearing or**
9 **through stipulation, consent order, agreed settlement or by disposition in the nature of**

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

10 **default judgment, judgment on the pleadings, or summary determination, consistent with**
11 **the rules and procedures of the administrative hearing commission.**

12 2. Except as otherwise provided by law, any person or entity who is a party to, or who
13 is affected by, any finding, order, decision, or assessment for which the authority to hear appeals
14 was transferred to the administrative hearing commission in subsection 1 of this section [shall
15 be entitled to a hearing before the administrative hearing commission by the filing of a petition]
16 **may file a notice of appeal** with the administrative hearing commission within thirty days after
17 any such finding, order, decision, or assessment is placed in the United States mail or within
18 thirty days of any such finding, order, decision, or assessment being delivered, whichever is
19 earlier. **The administrative hearing commission may hold hearings or may make**
20 **recommended decisions based on stipulation of the parties, consent order, agreed**
21 **settlement or by disposition in the nature of default judgment, judgment on the pleadings,**
22 **or summary determination, in accordance with the rules and procedures of the**
23 **administrative hearing commission.**

24 3. Any decision by the director of the department of natural resources that may be
25 appealed to the commissions listed in subsection 1 of section 621.052 and shall contain a notice
26 of the right of appeal in substantially the following language: "If you were adversely affected
27 by this decision, you may appeal to have the matter heard by the administrative hearing
28 commission. To appeal, you must file a petition with the administrative hearing commission
29 within thirty days after the date this decision was mailed or the date it was delivered, whichever
30 date was earlier. If any such petition is sent by registered mail or certified mail, it will be
31 deemed filed on the date it is mailed; if it is sent by any method other than registered mail or
32 certified mail, it will be deemed filed on the date it is received by the administrative hearing
33 commission.". Within fifteen days after the administrative hearing commission renders its
34 recommended decision, it shall transmit the record and a transcript of the proceedings, together
35 with the administrative hearing commission's recommended decision to the commission having
36 authority to issue a final decision. The decision of the commission shall be based only on the
37 facts and evidence in the hearing record. The commission may adopt the recommended decision
38 as its final decision. The commission may change a finding of fact or conclusion of law made
39 by the administrative hearing commission, or may vacate or modify the recommended decision
40 issued by the administrative hearing commission, only if the commission states in writing the
41 specific reason for a change made under this subsection.

42 4. In the event the person filing the appeal prevails in any dispute under this section,
43 interest shall be allowed upon any amount found to have been wrongfully collected or
44 erroneously paid at the rate established by the director of the department of revenue under section
45 32.065, RSMo.

46 5. Appropriations shall be made from the respective funds of the various commissions
47 to cover the administrative hearing commission's costs associated with these appeals.

48 6. In all matters heard by the administrative hearing commission under this section, the
49 burden of proof shall comply with section 640.012, RSMo. The hearings shall be conducted by
50 the administrative hearing commission in accordance with the provisions of chapter 536, RSMo,
51 and its regulations promulgated thereunder.

 640.013. [All authority to hear appeals granted in this chapter and chapters 260, 444,
2 643, and 644, RSMo, and to the hazardous waste management commission in chapter 260,
3 RSMo, the land reclamation commission in chapter 444, RSMo, the safe drinking water
4 commission in this chapter, the air conservation commission in chapter 643, RSMo, and the
5 clean water commission in chapter 644, RSMo, shall be transferred to the administrative hearing
6 commission under chapter 621, RSMo. The authority to render final decisions after hearing on
7 appeals heard by the administrative hearing commission shall remain with the commissions
8 listed in this subsection.] **The administrative hearing commission shall have the authority**
9 **to hear certain environmental appeals in accordance with section 621.250, RSMo.**

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