

FIRST REGULAR SESSION

HOUSE BILL NO. 807

93RD GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES HOBBS (Sponsor), BROWN (30),
RICHARD AND RECTOR (Co-sponsors).

Read 1st time March 16, 2005 and copies ordered printed.

STEPHEN S. DAVIS, Chief Clerk

1905L.01I

AN ACT

To repeal section 621.015, RSMo, and to enact in lieu thereof three new sections relating to the administrative hearing commission.

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

Section A. Section 621.015, RSMo, is repealed and three new sections enacted in lieu thereof, to be known as sections 621.015, 621.250, and 640.013, to read as follows:

621.015. The "Administrative Hearing Commission" is assigned to the office of administration. It shall consist of no more than three commissioners. The commissioners shall be appointed by the governor with the advice and consent of the senate. The term of each commissioner shall be for six years and until his successor is appointed, qualified and sworn. The commissioners shall be attorneys at law admitted to practice before the supreme court of Missouri, but shall not practice law during their term of office. Each commissioner shall receive annual compensation of fifty-one thousand dollars plus any salary adjustment provided pursuant to section 105.005, RSMo. Each commissioner shall also be entitled to actual and necessary expenses in the performance of his duties. The office of the administrative hearing commission shall be located in the City of Jefferson and it may employ necessary clerical assistance, compensation and expenses of the commissioners to be paid from appropriations [from general revenue] made for that purpose.

621.250. 1. All authority to hear appeals granted in chapters 260, 444, 640, 643, and 644, RSMo, and to the hazardous waste management commission in chapter 260, RSMo, the land reclamation commission in chapter 444, RSMo, the safe drinking water

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.

4 commission in chapter 640, RSMo, the air conservation commission in chapter 643, RSMo,
5 and the clean water commission in chapter 644, RSMo, shall be transferred to the
6 administrative hearing commission under this chapter. The authority to render final
7 decisions after hearing on appeals heard by the administrative hearing commission shall
8 remain with the commissions listed in this subsection.

9 2. Except as otherwise provided by law, any person or entity who is a party to, or
10 who is affected by, any finding, order, decision, or assessment for which the authority to
11 hear appeals was transferred to the administrative hearing commission in subsection 1 of
12 this section shall be entitled to a hearing before the administrative hearing commission by
13 the filing of a petition with the administrative hearing commission within thirty days after
14 any such finding, order, decision, or assessment is placed in the United States mail or
15 within thirty days of any such finding, order, decision, or assessment being delivered,
16 whichever is earlier.

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

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

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

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

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