

SECOND REGULAR SESSION

# SENATE BILL NO. 444

## 96TH GENERAL ASSEMBLY

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INTRODUCED BY SENATOR STOUFFER.

Pre-filed December 1, 2011, and ordered printed.

TERRY L. SPIELER, Secretary.

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### AN ACT

To repeal section 226.095, RSMo, and to enact in lieu thereof one new section relating to the Missouri department of transportation.

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

Section A. Section 226.095, RSMo, is repealed and one new section 2 enacted in lieu thereof, to be known as section 226.131, to read as follows:

**226.131. 1. Notwithstanding any other provision of law to the contrary, the commission may delegate to a designated hearing examiner and/or appeals board the authority to conduct hearings and render final decisions and orders on behalf of the commission in all contested case administrative hearings that are required by federal or state law.**

**2. The commission may adopt rules and regulations to implement and administer this section. Any rule or portion of a rule, as that term is defined in section 536.010 that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2012, shall be invalid and void.**

[226.095. Upon request of the plaintiff in a negligence action against the department of transportation as defendant, the

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

3 case shall be arbitrated by a panel of three arbiters pursuant to the  
4 provisions of chapter 435.]

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Unofficial

Bill

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