

SENATE AMENDMENT NO. _____

Offered by _____ of _____

Amend _____ Bill No. _____, Page _____, Section _____, Line _____

by inserting after all of said line the following:

"138.431. 1. To hear and decide appeals pursuant to section 138.430, the commission shall appoint one or more hearing officers. The hearing officers shall be subject to supervision by the commission. No person shall participate on behalf of the commission in any case in which such person is an interested party.

2. The commission may assign such appeals as it deems fit to a hearing officer for disposition.

(1) The assignment shall be deemed made when [the] any scheduling order is first issued by the commission [and signed by the hearing officer assigned, unless another hearing officer is assigned to the case for disposition by other language in said order], however, if no scheduling order has been issued, then a hearing officer shall be assigned no later than sixty days after the appeal is filed by the taxpayer.

(2) A change of hearing officer, or a reservation of the appeal for disposition as described in subsection 3 of this section, shall be ordered by the commission in any appeal upon the timely filing of a written application by a party to disqualify the hearing officer assigned. The application shall

1 be filed within thirty days from the assignment of any appeal to
2 a hearing officer and need not allege or prove any cause for such
3 change and need not be verified. No more than one change of
4 hearing officer shall be allowed for each party in any appeal.

5 3. The commission may, in its discretion, reserve such
6 appeals as it deems fit to be heard and decided by the full
7 commission, a quorum thereof, or any commissioner, subject to the
8 provisions of section 138.240, and, in such case, the decision
9 shall be final, subject to judicial review in the manner provided
10 in subsection 4 of section 138.470.

11 4. The manner in which appeals shall be presented and the
12 conduct of hearings shall be made in accordance with rules
13 prescribed by the commission for determining the rights of the
14 parties; provided that, the commission, with the consent of all
15 the parties, may refer an appeal to mediation. The commission
16 shall promulgate regulations for mediation pursuant to this
17 section. No regulation or portion of a regulation promulgated
18 pursuant to the authority of this section shall become effective
19 unless it has been promulgated pursuant to the provisions of
20 chapter 536. There shall be no presumption that the assessor's
21 valuation is correct. A full and complete record shall be kept
22 of all proceedings. All testimony at any hearing shall be
23 recorded but need not be transcribed unless the matter is further
24 appealed.

25 5. Unless an appeal is voluntarily dismissed, a hearing
26 officer, after affording the parties reasonable opportunity for
27 fair hearing, shall issue a decision and order affirming,
28 modifying, or reversing the determination of the board of
29 equalization, and correcting any assessment which is unlawful,

1 unfair, improper, arbitrary, or capricious. The commission may,
2 prior to the decision being rendered, transfer to another hearing
3 officer the proceedings on an appeal determination before a
4 hearing officer. The complainant, respondent-assessor, or other
5 party shall be duly notified of a hearing officer's decision and
6 order, together with findings of fact and conclusions of law.
7 Appeals from decisions of hearing officers shall be made pursuant
8 to section 138.432.

9 6. All decisions issued pursuant to this section or section
10 138.432 by the commission or any of its duly assigned hearing
11 officers shall be issued no later than sixty days after the
12 hearing on the matter to be decided is held or the date on which
13 the last party involved in such matter files his or her brief,
14 whichever event later occurs."; and

15 Further amend the title and enacting clause accordingly.