

HB 1142 -- ADMINISTRATIVE PROCEDURES

SPONSOR: Hoskins

This bill modifies provisions relating to the administrative procedures affecting the Department of Revenue if it is found in a contested case by an administrative or judicial fact finder that a state agency's action was based upon a statement of general applicability which should have been adopted as a rule, as required by Sections 536.010 to 536.050, RSMo, and that agency was put on notice in writing of the deficiency prior to the administrative or judicial hearing on the matter, then the administrative or judicial fact finder must award the prevailing nonstate agency party its reasonable attorney's fees incurred prior to the award, not to exceed the amount in controversy in the original action. This award must constitute a reviewable order. If a state agency in a contested case grants the relief sought by the nonstate party prior to a finding by an administrative or judicial fact finder that the agency's action was based on a statement of general applicability which should have been adopted as a rule, but was not, then the affected party may bring an action in the Circuit Court of Cole County for the nonstate party's reasonable attorney's fees incurred prior to the relief being granted, not to exceed the amount in controversy in the original action.