

2016 Kansas Statutes

60-224. Intervention. (a) *Intervention of right.* On timely motion, the court must permit anyone to intervene who:

- (1) Is given an unconditional right to intervene by a statute; or
 - (2) claims an interest relating to the property or transaction that is the subject of the action, and is so situated that disposing of the action may as a practical matter substantially impair or impede the movant's ability to protect its interest, unless existing parties adequately represent that interest.
- (b) *Permissive intervention.* (1) *In general.* On timely motion, the court may permit anyone to intervene who:
- (A) Is given a conditional right to intervene by a statute; or
 - (B) has a claim or defense that shares with the main action a common question of law or fact.
- (2) *By a government officer or agency.* (A) On timely motion, the court may permit a governmental officer or agency to intervene if a party's claim or defense is based on:
- (i) A statute or executive order administered by the officer or agency; or
 - (ii) any regulation, order, requirement or agreement issued or made under the statute or executive order.
- (B) When the validity of an ordinance, regulation, statute or constitutional provision of this state or a governmental subdivision of this state is drawn in question in any action to which the state or governmental subdivision or an officer, agency or employee thereof is not a party, the court may notify the chief legal officer of the state or its subdivision, and permit intervention on proper application.
- (C) When notice to the attorney general is required by K.S.A. 2016 Supp. 75-764, and amendments thereto, the court must permit intervention by the attorney general on proper application.
- (3) *Delay or prejudice.* In exercising its discretion, the court must consider whether the intervention will unduly delay or prejudice the adjudication of the original parties' rights.
- (c) *Notice and pleading required.* A motion to intervene must be served on the parties as provided in K.S.A. 60-205, and amendments thereto. The motion must state the grounds for intervention and be accompanied by a pleading that sets out the claim or defense for which intervention is sought.

History: L. 1963, ch. 303, 60-224; amended by Supreme Court order dated July 17, 1969; L. 2010, ch. 135, § 93; L. 2016, ch. 8, § 2; July 1.