

2016 Kansas Statutes

66-118a. Review proceedings; court of jurisdiction; parties; transfer to proper court. (a) As used in this act:

(1) "Party" means any person, firm, corporation, association, municipality, taxpayer, municipal organization, mercantile, agricultural or manufacturing organization or system, public utility or common carrier interested in any matter pending before the state corporation commission or in proceedings for review of an order or decision of the commission.

(2) "Public utility" means a public utility as defined by K.S.A. 66-104 and amendments thereto.

(b) The court of appeals shall have exclusive jurisdiction to review any agency action of the state corporation commission arising from a rate hearing requested by a public utility or requested by the state corporation commission when a public utility is a necessary party. Proceedings for review of other agency actions of the state corporation commission shall be in accordance with K.S.A. 77-609 and amendments thereto.

(c) In proceedings for review of an agency action of the commission, the state corporation commission and any public utility which participated in the agency proceeding and could be bound by the review shall be parties to the proceedings and shall have all rights and privileges granted by this act to any other party to such proceedings.

(d) A proceeding for review timely filed shall not be dismissed but shall be transferred to the proper court if it is determined to have been improperly filed (A) in the court of appeals for an action not arising from a rate hearing or (B) in the district court in accordance with K.S.A. 77-609 and amendments thereto for an action arising from a rate hearing.

History: L. 1929, ch. 220, § 1; L. 1978, ch. 265, § 1; L. 1986, ch. 318, § 115; L. 1995, ch. 5, § 1; July 1.