

224.10-470 Appeals from final orders of the cabinet.

- (1) Appeals may be taken from all final orders of the Energy and Environment Cabinet. Except as provided in subsection (3) of this section, the appeal shall be taken to the Franklin Circuit Court within thirty (30) days from entry of the final order. The party or parties affected by the final order shall file in the Circuit Court a petition which states fully the grounds upon which a review is sought and assign all errors relied on. The cabinet shall be named respondent, and service shall be had on the secretary. Summons shall issue upon the petition directing the cabinet to send its entire record, properly bound, to the clerk of the Circuit Court after certifying that such record is its entire original record or a true copy thereof, which shall be filed by the clerk of the Circuit Court and such record shall then become official and be considered by the Circuit Court on the review. After the case has been properly docketed in the Circuit Court, any party directly affected by the issues on appeal, may, upon notice to the parties and upon proper showing and in the discretion of the court be permitted to intervene. Upon hearing of the appeal the findings of the cabinet shall be prima facie evidence of the facts found therein. The court shall review the entire record and the findings and final order of the cabinet.
- (2) Appeals to the Court of Appeals from orders of the Circuit Court, shall be taken in the manner provided in the Kentucky Rules of Civil Procedure.
- (3) Final orders of the cabinet regarding environmental permits for an industrial energy facility as defined in KRS 224.1-010 shall be subject to expedited review by the Circuit Court located in the county where the industrial energy facility is proposed to be located.

Effective: July 15, 2010

History: Amended 2010 Ky. Acts ch. 24, sec. 355, effective July 15, 2010. -- Amended 2007 Ky. Acts ch. 73, sec. 3, effective June 26, 2007. -- Amended 1992 Ky. Acts ch. 215, sec. 2, effective July 14, 1992. -- Amended 1984 Ky. Acts ch. 111, sec. 110, effective July 13, 1984. -- Amended 1974 Ky. Acts ch. 74, Art. III, secs. 1 and 13(2), effective June 21, 1974. -- Created 1972 (1st Extra Sess.) Ky. Acts ch. 3, sec. 26, effective January 1, 1973.

Formerly codified as KRS 224.085.