

HCS#2 SB 165 -- MISSOURI PUBLIC SERVICE COMMISSION ORDERS

SPONSOR: Bartle (Byrd)

COMMITTEE ACTION: Voted "do pass" by the Committee on Judiciary by a vote of 12 to 0.

This substitute changes the procedure for the appeal of a Missouri Public Service Commission order. The notice of appeal must be filed with the commission rather than a circuit court. The commission will forward the notice of appeal to the appropriate appellate court and notify all parties to the case. The commission will also forward the record of the case to the appellate court, and no new evidence may be introduced. Nothing will prohibit a court from issuing remedial writs and equitable relief prior to the filing of an appeal. The filing of the notice of appeal does not automatically stay the commission's order.

The appealing party may ask the appellate court to appoint a special master to determine whether the order must be stayed. The court of appeals must appoint the special master within three business days of the filing of the motion for appointment. The special master may not make any findings or recommendations staying or suspending the operation of the commission's order or decision until after a hearing, and the parties must receive at least three days' notice of the hearing. The party requesting the stay must, before the hearing, post with the registry of the appellate court the amount determined by the appellate court to be necessary for the costs of the special master. The findings and recommendations of the special master will become the decision of the appellate court if adopted by the appellate court. The commission's order or decision will not be stayed or suspended until a supersedeas bond has been executed and filed with the special master and approved by the appellate court. Appeals of the commission's orders must be heard by the appellate court in an expedited manner. Current law regarding special procedures for the appeal of commission orders or decisions is repealed.

FISCAL NOTE: No impact on state funds in FY 2006, FY 2007, and FY 2008.

PROPOSERS: Supporters say that the bill allows for the direct appeal of Missouri Public Service Commission cases to the Missouri Court of Appeals. Many of these cases eventually are heard in the court of appeals, and allowing for the direct appeal will save time and money for the appellant.

Testifying for the bill was Senator Bartle.

OPPOSERS: There was no opposition voiced to the committee.

Amy Woods, Senior Legislative Analyst