

SUPREME COURT OF MISSOURI

Earth Island Institute v. Union Electric Co.

456 S.W.3d 27 (Mo. banc 2015) · Decided February 10, 2015

SUMMARY

The Missouri Supreme Court held that Proposition C, a voter-adopted renewable energy initiative, conflicted with and impliedly repealed a legislative exemption from solar energy requirements. The legislature could enact related legislation while an initiative was pending, but it could not preemptively negate an initiative after its approval for circulation and before voters adopted it. The court reversed the Public Service Commission's contrary determination.

CASE DETAILS

COURT	Supreme Court of Missouri
WRITING FOR THE COURT	Laura Denvir Stith; Russell, C.J.; Breckenridge, J.; Draper, J.; Fischer, J.; Stith, J.; Teitelman, J.; Van Amburg, Sp.J.; Wilson, J.
JURISDICTION	Missouri
DECIDED	February 10, 2015
DISPOSITION	reversed
PROCEDURAL POSTURE	Renew Missouri appealed the Missouri Public Service Commission's order determining that section 393.1050 was not invalidated by Proposition C and could be harmonized with the initiative's solar-energy requirements.
STANDARD OF REVIEW	The court reviewed the Commission's order for lawfulness and reasonableness. Legal questions, including statutory and constitutional issues, were reviewed de novo; reasonableness depended on substantial and competent evidence, absence of arbitrariness or capriciousness, and absence of an abuse of discretion.
PRECEDENTIAL VALUE	published precedential opinion
PARTIES	Earth Island Institute, doing business as Renew Missouri, and additional parties v. Union Electric Co., doing business as Ameren Missouri, Empire District Electric Company, Public Service Commission

TOPICS

statutory interpretation

legislative intent

constitutional law

administrative law

election law

PRACTICE AREAS

administrative law

constitutional law

election law

statutory interpretation

public utility regulation

QUESTIONS PRESENTED

1. Whether the legislature had authority to enact section 393.1050 after Proposition C had been approved for circulation but before voters adopted the initiative.
2. Whether section 393.1050 and Proposition C could be harmonized, or whether Proposition C impliedly repealed section 393.1050 to the extent of any conflict.
3. Whether section 393.1050 was an unconstitutional special law under article III, section 40 of the Missouri Constitution.

HOLDINGS

1. The legislature retained authority to enact legislation concerning an area subject to a pending initiative, provided that the legislation did not preemptively negate the initiative's effect if the people later adopted it.
2. Section 393.1050 could not be harmonized with Proposition C because Proposition C imposed solar requirements on all electric utilities while section 393.1050 exempted qualifying utilities from those requirements.
3. Proposition C impliedly repealed section 393.1050 upon its adoption on November 4, 2008, to the extent of the conflict between the two measures.

KEY QUOTATIONS

“A statute cannot, merely by inclusion of the phrase “notwithstanding any other provision of law” in legislation adopted after an initiative is approved for circulation, preclude the people by initiative from adopting a law in conflict with the statute.” (456 S.W.3d at 30)

“To the extent that a statute, enacted after an initiative is approved for circulation but prior to its passage, limits the effect of the later-adopted initiative, the statute is impliedly repealed.” (456 S.W.3d at 35)

“Once statutes are adopted, whether by initiative or by legislative action, they are both identically subject to repeal or amendment.” (456 S.W.3d at 36)

FACTUAL BACKGROUND

The Secretary of State approved Proposition C for circulation in February 2008, and the initiative was later certified for the November 2008 ballot. In May 2008, during the interim, the General Assembly enacted section 393.1050, exempting certain electric utilities that met a renewable-capacity threshold from solar carve-out and rebate requirements. Voters approved Proposition C on November 4, 2008, and Empire District Electric Company claimed the statutory exemption.

PROCEDURAL HISTORY

Renew Missouri filed a complaint with the Public Service Commission challenging Empire District Electric Company's claimed exemption from Proposition C's solar carve-out and rebate requirements. The Commission held that the legislature could enact section 393.1050 while Proposition C was pending, that the two provisions could be harmonized, and that section 393.1050 was not an unconstitutional special law. Renew Missouri appealed; the Supreme Court of Missouri affirmed the legislature's authority to enact the statute but reversed the finding that the provisions could be harmonized, leaving the special-law issue moot.

DISPOSITION

reversed

CASES CITED

- *Rentschler v. Nixon*, 311 S.W.3d 783, 786 (Mo. banc 2010)
- *Office of Public Counsel v. Missouri Public Service Commission*, 409 S.W.3d 371, 375 (Mo. banc 2013)
- *State ex rel. AG Processing, Inc. v. Public Service Commission*, 120 S.W.3d 732, 734 (Mo. banc 2003)
- *State ex rel. City of Jennings v. Riley*, 236 S.W.3d 630, 631-32 (Mo. banc 2007)
- *South Metropolitan Fire Protection District v. City of Lee's Summit*, 278 S.W.3d 659, 666 (Mo. banc 2009)
- *Morton v. Mancari*, 417 U.S. 535, 550-51 (1974)
- *RadLAX Gateway Hotel, LLC v. Amalgamated Bank*, 566 U.S. 639, 645 (2012)
- *State ex rel. Drain v. Becker*, 240 S.W. 229, 230-32 (Mo. banc 1922)
- *Harris v. Missouri Gaming Commission*, 869 S.W.2d 58, 61 (Mo. banc 1994)
- *County of Jefferson v. QuikTrip Corp.*, 912 S.W.2d 487, 490 (Mo. banc 1995)
- *Evans v. Empire District Electric Co.*, 346 S.W.3d 313, 318-19 (Mo. App. 2011)
- *Mayes v. Saint Luke's Hospital of Kansas City*, 430 S.W.3d 260, 270 (Mo. banc 2014)

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