

NEWS RELEASE



State Rep. Luke Scavuzzo

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House approves unconstitutional bill to let Aquila off the hook

JEFFERSON CITY, Mo. – The House of Representatives today gave first-round approval to a likely unconstitutional bill that would give the Missouri Public Service Commission the authority to retroactively approve an Aquila Inc. power plant that the Missouri Court of Appeals Western District has twice ruled was illegally built and should be dismantled.

State Rep. Luke Scavuzzo, D-Harrisonville, led the fight against the legislation. The controversial South Harper plant near Peculiar is in Scavuzzo's legislative district. After Aquila's first court loss in the appellate court, the company sought and received after-the-fact approval of the facility from the PSC. In another ruling last month, the appellate court has said the PSC had no power to do so.

"After consistently and repeatedly losing in court, Aquila wants the rules changed so they can turn their defeat into a win after the game has been played," Scavuzzo said. "Sadly, a majority in the House today said utility companies can do whatever they want – regardless of the law – and the legislature will sanction their actions after the fact."

The Aquila provision was included in HB 2279, an omnibus utilities bill. Because of its controversial nature, the Aquila provision was voted on separately from other sections of the bill. The Aquila portion passed 88-49.

Another House vote is required to send the measure to the Senate, where it must also pass before it can be signed into law by the governor. If the bill becomes law, Scavuzzo predicted Aquila will find it a hollow victory as the measure violates the Missouri Constitution's ban against laws that are retrospective in operation.

Article I, Section 13 of the Missouri Constitution says: "That no ex post facto law, nor law impairing the obligation of contracts, or retrospective in operation, or making any irrevocable grant of special privileges or immunities, can be enacted."

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