

EXHIBIT 14

IN THE CIRCUIT COURT OF COLE COUNTY, MISSOURI

RAW TRANSPORT COMPANY,
a corporation,
CETCO, INC., a Corporation
WAYNE DANIEL TRUCK, INC.,
a Corporation, and
CHURCHILL TRUCK LINES, INC.,
a Corporation,

Plaintiffs,

v.

COL. ALLAN WHITMER, the Super-
intendent of the Missouri State
Highway Patrol; ED DANIEL,
the Director of the Department
of Public Safety of the State
of Missouri; THE DEPARTMENT
OF PUBLIC SAFETY OF THE STATE
OF MISSOURI; RAY JAMES, the
Director of the Department of
Revenue of the State of Missouri
and THE DEPARTMENT OF REVENUE
OF THE STATE OF MISSOURI

Defendants.

No. CV181-778cc

MEMORANDUM OPINION

This is an action by the Plaintiffs herein asking this Court, among other things, to enjoin the effect of staying and deferring the effective date of Senate Substitute for House Bill 695 which was adopted by the Eighty-first General Assembly which would have become effective September 28, 1981.

Plaintiffs argue that provisions of Section 116.200 require a certification process by the Secretary of State of the State of Missouri before the staying effect of a referendum petition takes effect. Section 116 became effective January 1, 1981, and therefore all of the Appellate Court cases concerning referendum predate this act.

Plaintiffs argue that until certification has been made by the Secretary of State that the petitions are not legally sufficient and timely filed and no stay therefore takes effect.

This Court does not agree with plaintiffs' position. In State ex rel Barrett vs. Dallmeyer 245SW 1066 1.c. 1068, the Supreme Court of the State of Missouri held as follows:

"If, therefore, it be true that the Legislature may postpone the effective date of a law by an analogy of reasoning it must also follow that the operation of a statute may be deferred by the invocation of the referendum, for the exercise of legislative

power by the people through the referendum is simply a reservation to themselves of a share of the legislative power."

Since the adoption in 1908 of the initiative and referendum amendment to the Constitution of the State of Missouri it has been consistently held that the initiative and referendum process and legislative powers are reserved and retained by the people from the normal legislative power vested in the General Assembly.

Further, the Court finds that the act of the Secretary of State in announcing that his "cursory" examination of the referendum petition indicated that the effective date of the legislation in question should be stayed is reasonable. This Court presumes that the Secretary of State has complied with the criteria set forth in Section 116.120 and that he found that the petitions in question complied with the Constitution of the State of Missouri and with the provisions of Section 116, and stay was in order pending the operation of the other provisions of Chapter 116.

The plaintiffs assert to this Court that they will suffer irreparable harm if the stay of the effective date of the act in question is continued. The Court cannot accept this proposition. The plaintiffs had no right vested in them prior to the enactment of Senate Substitute for House Bill 695 to operate larger vehicles in the State of Missouri.

The right of the people of this State, even if the plaintiffs have a vested right, by use of the referendum process to stay the operation of legislation upon the happening of certain events, and to submit that legislation to a vote of all the people is superior to any right possessed by the plaintiffs.

THEREFORE, this Court refuses to grant relief prayed for by the plaintiffs.


BYRON L. KINDER
CIRCUIT JUDGE, DIVISION II

Dated this 29th day of September, 1981.