

**IN THE CIRCUIT COURT OF COLE COUNTY
STATE OF MISSOURI**

RONALD J. CALZONE,)	
)	
Plaintiff,)	
)	
v.)	Case No. 17AC-CC00277
)	
RONALD F. RICHARD, et al.,)	
)	
Defendants.)	

JUDGMENT

This matter came before the Court for hearing on September 26, 2017, on Defendants’ Motion for Judgment on the Pleadings. Plaintiff appeared in person. Defendants appeared by their counsel, Emily Dodge and David Welch.

Plaintiff brings a procedural constitutional challenge to Senate Concurrent Resolution No. 4 (SCR 4). Plaintiff claims that SCR 4, an application to Congress for the calling of a convention of the states for proposing amendments to the United States Constitution, violates art. IV, sec. 8 of the Missouri Constitution, because it was transmitted to Congress without first being presented to the Governor. Plaintiff’s Second Amended Petition requests declaratory and injunctive relief.

Having carefully considered the parties’ pleadings, briefing, and arguments, the Court finds that Defendants are entitled to judgment as a

matter of law on the face of the pleadings.

The Court finds that Plaintiff lacks standing to bring an art. IV, sec. 8 challenge to SCR 4. The allegations of the Second Amended Petition do not establish taxpayer standing. The transmission of SCR 4 to Congress did not have a direct or adverse impact on a legally protectable interest of Plaintiff.

A legislature's application to Congress for a calling of a convention of the states for the purpose of proposing amendments to that Constitution is governed by Article V of the United States Constitution. Article V of the United States Constitution does not include the governor in the process of applying to Congress for the calling of a convention of the states. The governor's participation or approval of such an application is not required under Article V.

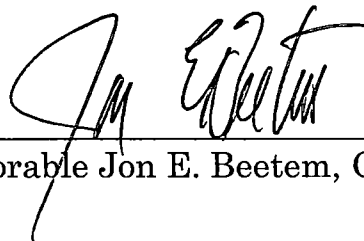
Even if Plaintiff had standing, the Court finds that SCR 4 is not subject to the presentment requirement of art. IV, sec. 8 because SCR 4 does not have "the force and effect of law." *See State ex rel. Jones v. Atterbury*, 300 S.W.2d 806, 817 (Mo. banc 1957). The legislature was not exercising its power to enact laws when it approved SCR 4, rather, it was exercising authority granted under Article V of the United States Constitution. A state constitution may not add requirements to Article V's process for amending the federal constitution.

The Court further finds that Senator Richard and Speaker Richardson

are not proper parties.

Accordingly, the Court sustains Defendants' motion for judgment on the pleadings. All other claims for relief not expressly granted herein are hereby denied.

SO ORDERED this 26 day of JUNE, 2018.



Honorable Jon E. Beetem, Circuit Judge