

IN THE CIRCUIT COURT OF COLE COUNTY
STATE OF MISSOURI

ST. LOUIS COUNTY, MISSOURI,)
)
and)
)
CHARLIE A. DOOLEY, individually and)
in his capacity as County Executive)
of St. Louis County, Missouri,)
)
Plaintiffs,)
)
v.)
)
STATE OF MISSOURI,)
)
Defendant.)

Cause No. 04CV32913

Division No. I

**STATEMENTS OF MATERIAL FACTS
AS TO WHICH THERE IS NO GENUINE ISSUE**

COME NOW Plaintiffs St. Louis County, Missouri and Charlie A. Dooley, and in compliance with Rule 74.04(c)(1), submit with their Motion for Summary Judgment the following statement of material facts as to which there is no genuine issue:

1. Section 571.101 R.S.Mo. became effective September 11, 2003. The statute provides that the county sheriff "shall issue a certificate of qualification for a concealed carry endorsement" if the applicant shows qualification for such certificate as provided by sections 571.101 to 571.121. See Section 571.101 R.S.Mo. (Supp. 2003).

2. If an authorized law enforcement official for St. Louis County undertook the processing of applications for endorsements to carry concealed weapons pursuant to Sections 571.010, *et seq.*, RSMo (Supp. 2003), that official would incur costs. Such costs would include costs that are not for the purchase of equipment or the provision of training, such as the costs of fingerprint checks performed by state or federal law enforcement agencies. The costs that are

not for training and equipment would be more than *de minimus*. *Joint Stipulation of Facts No. 3.*

3. St. Louis County is a constitutional charter county. *Joint Stipulation of Facts No. 1.*

4. The St. Louis County Charter, Sec. 4.275, vests in the Superintendent of the St. Louis County Police Department “all the powers” and sets out that the Superintendent “shall perform” “all the duties of the sheriff ... with respect to preservation of order, prevention of crimes and misdemeanors, apprehension and arrest, conserving the peace and other police and law enforcement functions.” Under such authority, the Superintendent of the St. Louis County Police Department is the County official charged with responsibility for administering the provisions of the concealed carry law applicable to sheriffs for applications made by residents of St. Louis County. *See St. Louis County Charter, Section 4.275.*

5. The Missouri Constitution, Article X, Secs. 16 and 21, read as follows:

Section 16. Property taxes and other local taxes and state taxation and spending may not be increased above the limitations specified herein without direct voter approval as provided by this constitution. The state is prohibited from requiring any new or expanded activities by counties and other political subdivisions without full state financing, or from shifting the tax burden to counties and other political subdivisions. A provision for emergency conditions is established and the repayment of voter approved bonded indebtedness is guaranteed. Implementation of this section is specified in sections 17 through 24, inclusive, of this article.

Section 21. The state is hereby prohibited from reducing the state financed proportion of the costs of any existing activity or service required of counties and other political subdivisions. A new activity or service or an increase in the level of any activity or service beyond that required by existing law shall not be required by the general assembly or any state agency of counties or other political subdivisions, unless a state appropriation is made and disbursed to pay the county or other political subdivision for any increased costs.

6. The State of Missouri has neither funded nor made an appropriation to fund those costs that law enforcement officials would incur for undertaking the processing of applications for endorsements to carry concealed weapons pursuant to Sections 571.101, *et seq.*, RSMO (Supp. 2003), apart from authorizing the fee described in Sections 50.535 and 571.101.10-11, RSMo (Supp. 2003). *Joint Stipulation of Facts No. 4.*