

JUL - 2 1993

EXECUTIVE ORDER  
93-13*Judith K. Spahr*  
SECRETARY OF STATE

WHEREAS, the Fifth and Fourteenth Amendments to the United States Constitution as well as Article I, Section 26 of the Missouri Constitution require that real property not be taken for public use without payment of just compensation; and

WHEREAS, the United States Supreme Court has held in Lucas v. South Carolina Coastal Council, 112 S.Ct. 2886 (1992) that state regulatory action can constitute a taking of private real property.

NOW, THEREFORE, I, Mel Carnahan, Governor of the State of Missouri, by the authority vested in me by the Constitution and laws of this state, do hereby direct each department or agency of state government to undertake a "takings analysis" of each proposed rule or regulation as follows:

1. The "takings analysis" shall evaluate whether the proposed rule or regulation on its face constitutes a taking of real property under relevant state and federal law;
2. No department or agency shall transmit a proposed rule or regulation to the Secretary of State until a "takings analysis" has occurred;
3. The department or agency shall certify in the transmittal letter to the Secretary of State that a "takings analysis" has occurred;
4. A "takings analysis" shall not be necessary where the rule or regulation is being promulgated on an emergency basis, where the rule or regulation is federally mandated, or where the rule or regulation substantially codifies existing federal or state law.

IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Missouri, in the City of Jefferson, on this 2nd day of July, 1993.



*Mel Carnahan*  
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GOVERNOR

ATTEST:

*Judith K. Spahr*  
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SECRETARY OF STATE