

EXECUTIVE ORDER  
05-15

JUN 30 2005

  
SECRETARY OF STATE  
COMMISSION DIVISION

WHEREAS, on June 23, 2005, the United States Supreme Court issued its decision in *Kelo v. City of New London*, which deals with eminent domain and the government's right to use eminent domain to acquire private property for public use; and

WHEREAS, the Court's decision greatly expands the right of government to seize private property—a home, farm, or small business—and give it to other private persons or entities just because they can generate greater tax and other revenues, and

WHEREAS, both the United States and Missouri Constitutions provide that no private property shall be taken for public use without just compensation; and

WHEREAS, in its decision the Court expressly provides that nothing in the decision precludes any State from placing further restrictions on the exercise of eminent domain; and

WHEREAS, it is in the public interest to determine the appropriate use by government of eminent domain to allow the taking of private property when there is a clear and direct public purpose, while at the same time protecting individual property rights.

NOW THEREFORE, I, Matt Blunt, Governor of Missouri, by virtue and authority vested in me by the Constitution and laws of the State of Missouri, do hereby create and establish the Missouri Task Force on Eminent Domain.

The Task Force shall consist of nine (9) members appointed by the Governor. The Governor's General Counsel shall serve as Chair. All members shall serve at the pleasure of the Governor.

Members of the Task Force shall receive no compensation for their service to the people of Missouri but may seek reimbursement for their reasonable and necessary expenses incurred as members of the Task Force, in accordance with the rules and regulations of the Office of Administration, to the extent that funds are available for such purpose.

The Task Force is assigned for administrative purposes to the Missouri Department of Agriculture and the Missouri Department of Economic Development. The Directors of the Missouri Department of Agriculture and the Missouri Department of Economic Development shall be available to assist the Task Force as necessary, and shall provide the Task Force with any staff assistance the Task Force may require from time to time.

The Task Force shall meet at the call of its Chair, and the Chair shall call the first meeting of the Task Force as soon as possible.

The Task Force shall evaluate and make initial recommendations to me by October 1, 2005 on the following topics:

- Study the use of eminent domain, especially when the proposed public use of the property being acquired by eminent domain is not directly owned or primarily used by the general public.
- Analyze current state and federal laws governing eminent domain and recommending any changes that would enhance the effectiveness of these laws.
- Develop a definition of "public use" that allows state and local governments to use eminent domain when there is a clear and direct public purpose while at the same time ensuring that individual property rights are preserved.
- Develop criteria to be applied by state and local governments when the use of eminent domain is being proposed.
- Recommend specific eminent domain legislation for possible consideration by the Missouri General Assembly.

The Task Force shall prepare a final report and submit it to me by December 31, 2005.

The Task Force shall expire on December 31, 2005.



ATTEST:

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 28<sup>th</sup> day of June, 2005.

A handwritten signature in black ink that reads "Matt Blunt".

**Matt Blunt**  
Governor

A handwritten signature in black ink that reads "Robin Carnahan".

**Robin Carnahan**  
Secretary of State