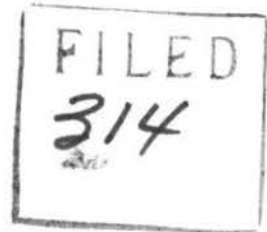


September 29, 1971

OPINION LETTER NO. 314
Answer by letter-Wood

Mr. Robert L. Dunkeson
Executive Secretary
State Inter-Agency Council
for Outdoor Recreation
P. O. Box 564
Jefferson City, Missouri 65101



Dear Mr. Dunkeson:

You have requested my official opinion on the authority of the State Inter-Agency Council for Outdoor Recreation to provide assurances of compliance with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (P.L. 91-646; 84 Stat 1894). The Bureau of Outdoor Recreation, United States Department of the Interior will require assurances of relocation assistance pursuant to the Act as one of the conditions of allocating Land and Water Conservation Funds (P.L. 88-578; 78 Stat 897) to the State Inter-Agency Council.

The Land and Water Conservation Fund Act of 1965 (P.L. 88-578) provides funds to be apportioned by the Secretary of the Interior to the states for ". . . not more than 50 per centum of the cost of planning, acquisition, or development [of outdoor recreation] projects that are undertaken by the State. . . ." (Section 5(c), P.L. 88-578).

Title II of the Uniform Relocation and Real Property Acquisition Policies Act of 1970 establishes a program of financial assistance to persons displaced as a result of federal or federally assisted projects. Three categories of assistance; (1) moving expenses from homes, businesses and farm operations (Section 202, P.L. 91-646); (2) replacement housing for homeowners (Section 203, id.); and (3) replacement housing for tenants (Section 204, id.), are required to be provided by any state agency receiving federal funds for any project resulting in displacement of any person after July 1,

Mr. Robert L. Dunkeson

1972 (Section 210, id.). Such relocation assistance provided by the state agency is to be included along with other costs of the project and eligible to the same extent and manner for federal funding of the project (Section 211, id.). However, relocation assistance up to \$25,000 provided by the state agency on any project displacing any person prior to July 1, 1972, is to be fully paid from federal funds (Section 211, id.).

The Inter-Agency Council for Outdoor Recreation has been designated the official state agency for liaison with the Federal Bureau of Outdoor Recreation, the agency to receive federal funds for outdoor recreation planning, and the agency to allocate such funds to appropriate state agencies and political subdivisions (Section 258.060, RSMo 1969). The Inter-Agency Council Fund has been created in the state treasury for receipt of all funds granted by the United States under the Land and Water Conservation Fund Act, and upon appropriation therefrom by the General Assembly, for disbursement by the Council (Section 258.080, RSMo 1969).

House Bill No. 94, 76th General Assembly, approved on July 13, 1971, provides in part:

"Section 1. As used in this act, the following words shall have the meaning indicated:

* * *

"(2) 'Public agency', the State of Missouri or any political subdivision or any branch, bureau or department thereof and any quasi-public corporation created or existing by law which are authorized to acquire real property for public use and which acquire any such property either partly or wholly with aid or reimbursement from Federal Funds.

"Section 2. Any public agency as defined herein which is required, as a condition to the receipt of Federal Funds, to give relocation assistance to any displaced person is hereby authorized and directed to give similar relocation assistance to displaced persons when the property involved is being acquired for the same public use through the same procedures, and is being purchased solely through expenditure of state or local funds."

Mr. Robert L. Dunkeson

We believe this law pertains only to property acquisitions funded entirely from state or local sources, and therefore inapplicable to projects administered by the Inter-Agency Council, which we understand to be in all cases financed in part from federal funds in the Inter-Agency Council Fund (Section 258.080, RSMo).

Article III, Section 38(a), Constitution of Missouri, provides in part:

". . . Money or property may also be received from the United States and be redistributed together with public money of this state for any public purpose designated by the United States."

While we are not aware of any legislative implementation of this constitutional provision applicable to state agencies and political subdivisions generally that would specifically authorize use of state or local funds for the relocation assistance contemplated by the federal act, we believe the constitutional provision is a self-executing grant of power and adequate to authorize all state agencies and political subdivisions to use their funds, in combination with federal outdoor recreational funds, for such relocation assistance purposes.

Accordingly, we are of the opinion that the Inter-Agency Council for Outdoor Recreation can require assurances from each state agency and political subdivision applying for, and receiving federal funds administered by the Council through the Inter-Agency Council Fund, that the agency or public entity will provide the relocation assistance described in the Uniform Relocation Assistance Act (P.L. 91-646). We are further of the opinion that the Inter-Agency Council may assure the Bureau of Outdoor Recreation, United States Department of the Interior, that state and local funds may, consistent with the laws of Missouri, be used together with federal funds to provide the relocation assistance required by such federal law.

Yours very truly,

JOHN C. DANFORTH
Attorney General