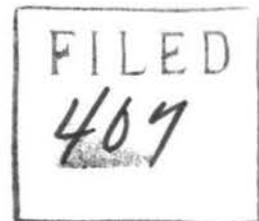


December 10, 1971

OPINION LETTER NO. 407  
Answer by letter-Nowotny



Mr. Carl R. Noren, Director  
Missouri Department of Conservation  
P. O. Box 180  
Jefferson City, Missouri 65101

Dear Mr. Noren:

This is in reply to your request for an official opinion as to whether the phrase "displaced person" under the provisions of Public Law 91-646, Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, applies only to persons forced to relocate because of condemnation action or similar measures, or whether the term includes persons from whom land is acquired by negotiation without resort to the exercise of the power of eminent domain.

We do not ordinarily give opinions interpreting federal law as that should be in the province of the appropriate federal officials. However, since a difference of opinion exists between your office and the federal officials, it is necessary in this case to advise you of our opinion so that you may properly perform your duties as to relocation assistance.

From the facts you have stated, we assume the property acquisitions involved will be funded entirely or in part from federal funds. We first observe, therefore, that House Bill No. 94, 76th General Assembly, is not applicable. See Opinion Letter No. 314, September 29, 1971, Dunkeson.

Therefore, the question depends on the definition of "displaced person" in Section 101(3) of Title I, P.L. 91-646, reading as follows:

"The term 'displaced person' means any person who, on or after the effective date of the act,

Mr. Carl R. Noren

moves from real property, or moves his personal property from real property as a result of the acquisition of such real property, or as the result of the written notice of the acquiring agency or any other authorized person to vacate such property, for a program or project undertaken by a Federal agency, or by a State agency with Federal financial assistance. If a person moves as the result of such a notice to vacate, it makes no difference whether or not the real property actually is acquired."

We find no language limiting this definition to those persons who are forced to move because of the exercise of the power of eminent domain. The language simply includes all persons who move as a result of the acquisition of real property. Therefore, we conclude that such definition of "displaced person" includes those persons who relocate, from whom land is acquired by negotiation without resort to the exercise of the power of eminent domain.

Yours very truly,

JOHN C. DANFORTH  
Attorney General

Enclosure: Op. Ltr. No. 314  
9-29-71, Dunkeson