

1974 S.C. Op. Atty. Gen. 157 (S.C.A.G.), 1974 S.C. Op. Atty. Gen. No. 3782, 1974 WL 22432

Office of the Attorney General

State of South Carolina

Opinion No. 3782

May 16, 1974

***1** Federal funds given to the South Carolina Vocational Rehabilitation Department may only be expended for the purposes for which they were specifically requested.

Commissioner

S.C. Vocational Rehabilitation Department

It is my understanding that federal funds are available to the South Carolina Vocational Rehabilitation Department for Fiscal Year 1973–74 if the South Carolina Vocational Rehabilitation Department is legally committed to the expenditure of the funds when received during the specified year.

In the opinion of this Office at such time as the agency at a duly constituted meeting adopts a Resolution to apply for the federal funds, specifying with particularity for what purposes they are to be used and committing the agency to the use of the funds for the purposes specified in the Resolution, then such Resolution becomes binding on the agency and they become legally obligated to expend the federal funds. The same would be true whether Federal or State funds are involved, and there is a carry-over provision if only State funds are appropriated. Upon the proposal being accepted by the federal agency and funds received by the State, no further action of the agency can deviate from the purposes for which the funds had been specified.

Section 88, Part I, of Act No. 354 of the 1973 Acts and Joint Resolutions (General Appropriations Act) provides in part as follows:

“Each department, institution, or other agency of the State is authorized to apply for, accept and receive such Federal Aid or grants as are or may be made available by the Federal Government for use in carrying out the purposes and functions of the department, institution or agency, but such funds when and as received, shall be deposited in the State Treasury, if not in conflict with Federal regulations, and withdrawn therefrom as needed, in the same manner as that provided for the disbursement of state funds....”

Additionally, Section 71–276, CODE OF LAWS OF SOUTH CAROLINA (1962) as amended, 1973 Cum.Supp., provides in Subsection (6) that the agency is authorized, among other things:

“To take such action as may be necessary to enable the Agency to apply for, accept and receive for the State and its residents the full benefits available under the Vocational Rehabilitation Act of Congress and any amendments thereto, and under any other Federal legislation or program having as its purpose the providing of, improvement or extension of, vocational rehabilitation services....”

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