

1984 WL 249877 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

May 1, 1984

\*1 Frank B. Sanders  
Director  
Division of Public Safety Programs  
Office of the Governor  
1205 Pendleton Street  
Columbia, South Carolina 29201

Dear Frank:

Thank you for your letter of April 12, 1984. You have asked whether or not a Joint Resolution, as passed by the General Assembly, and proposing to amend the South Carolina Constitution to permit appropriations and authorization of expenditures to families and individuals for disaster relief, is now necessary in light of the opinion this office issued on April 3, 1984. It is our opinion that it would be advisable and appropriate that the proposed constitutional amendment still be submitted to the people in November as planned.

On April 3, 1984, this office issued an opinion concluding that, with respect to victims of the tornadoes which swept the State on March 28,

. . . the State may receive and expend those federal funds [provided by the Federal Disaster Relief Act of 1974], along with the appropriate state match as necessary, so long as the recipients of the funds are persons of low and moderate income, and the funds are made available for the purpose of providing housing for those persons who could not otherwise obtain it.

Prior to the issuance of our opinion, the General Assembly had enacted in January R-278, a Joint Resolution which proposed to amend [Art. X, § 11 of the Constitution of South Carolina](#) (1895 as amended); this proposed amendment is scheduled to be submitted to the people in November of this year. The amendment would expressly permit the General Assembly to obligate or appropriate state funds in order to participate in federally aided disaster related grants or loan programs for individuals and families to the extent that state participation is a prerequisite to federal financial assistance.

As noted above, our April 3 opinion is limited to receipt of the federal disaster relief funds by persons of low and moderate income and for the purpose of providing housing 'for those persons who could not otherwise obtain it.' Of course, the Federal Disaster Relief Act of 1974 is broader than the scope of our opinion and our construction of [Art. X, § 11](#). *See*, [42 U.S.C. § 5131, et seq.](#); § 5174(a) and (c); § 5177. Moreover, the opinion certainly did not attempt to address all relevant 'federally aided disaster related grants or loan programs for individuals or families' (either existent now or in the future). Therefore, so that all persons may be able to take full advantage of the Federal Disaster Relief Act of 1974, as well as any other relevant federal disaster relief acts, we would advise and recommend that the proposed constitutional amendment still be submitted to the people in November as planned.

I trust this adequately responds to your inquiry. With kindest personal regards, I am,  
Very truly yours,

T. Travis Medlock  
Attorney General

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