

Opinion No. 209.**Old Age Pension—County Commissioners—Poor Fund—Budget—
Emergency.**

HELD: The payment of old age assistance grants being a "mandatory expenditure required by law," the Board of County Commissioners may issue emergency warrants therefor upon the poor fund and such warrants shall be registered.

December 11, 1935.

Mr. Clarence Hanley
Deputy County Attorney
Butte, Montana

In your letter of December 2 you asked the following question:

"May the County Commissioners, if they find there are not sufficient funds in the Poor Fund to pay old age assistance grants, declare an emergency under the provisions of Section 5, Chapter 148, Laws of 1929, and pay such grants with emergency warrants on the poor fund?"

Since, when old age assistance grants have been made, payment thereof is a "mandatory expenditure required by law" (Chapter 170, Laws of 1935) it is our opinion that the Board of County Commissioners may proceed in accordance with Section 6 of Chapter 148, Laws of 1929, to issue emergency warrants upon the poor fund which shall be registerable. See opinions numbered 59, 121, 243, 612 and 640 in Volume 15 of the Opinions of the Attorney General.