

Opinion No. 62.

**Public Welfare—Supplementary Aid—
General Relief Funds—Grants
in Aid.**

HELD: 1. Grants in aid when appropriated by county through adoption of emergency budget as provided by the Welfare Act, as amended, become county funds.

2. Counties may supplement old age assistance and aid to dependent children grants from general relief funds.

May 10, 1939.

Mr. Phil G. Greenan
County Attorney
Great Falls, Montana

Dear Mr. Greenan:

You have requested my opinion as to whether or not recipients of old age assistance and aid to dependent children may receive supplementary assistance from the county in view of the provisions of subsection (f) of Section II, Part II, Chapter 82, Laws 1937.

You call my attention to the fact that because of the recent reductions in the payments of old age assistance and aid to dependent children of 20% from the original grant, which original grant was based on need and represented a minimum sum sufficient to maintain the recipient in decency and health, the standard of living of such recipients has necessarily been lowered.

Subsection (f), supra, provides that individuals receiving assistance under other parts of this act shall not receive supplementary cash assistance from state relief funds.

Prior to the amendments to Section IX of Part II, grants in aid from state funds could be used only for the purposes of general relief, and could not be used for medical care, hospitalization or institutional care. However, by Chapter 129 of the Laws, 1939, this section was amended in the following particulars, among others.

(1) Authorizing these grants in aid to be used for "any relief activity lawfully conducted by the county * * *."

(2) Authorizing the county to appropriate the grant of state funds "for the various classes of expenditures from the poor fund for which the grant in aid was made by the state department.

(3) Authorizing the county to adopt an emergency budget.

Upon the appropriation of the grant, through the adoption of the emergency budget, these state funds become county funds and if made for general relief may be used by the county in payment of general relief assistance.

Under the provisions of the Welfare Act (Section IX, Part II), it is the legal and financial responsibility of the board of county commissioners to provide adequate relief to persons in need of the same according to standards established by the state department of public welfare and to the extent that county funds are available. When county funds are exhausted, it then becomes the duty of the state to aid the county in providing "adequate relief to persons in need."

In the situation existing at the present time, the counties are unable to provide for the needy, including old age recipients and recipients of aid to dependent children whose grants are insufficient, and it thus becomes the duty of the state to assist. Because of lack of state funds to keep up the standards of these recipients, their grants have been reduced, thus depriving them of sufficient to maintain them in decency and health through this form of relief, and it therefore becomes the duty of the county to supplement their assistance from county funds.

It is therefore my opinion that under the present state of facts the provisions of subsection (f) of Section II, Part II, do not apply and the county may supplement old age assistance and aid to needy dependent children grants from general relief funds, as budgeted by the county, or supplied by the state through grants in aid, to the end that the recipient may receive sufficient to maintain him or her in decency and health.