1 BILL NO. 314
2 INTRODUCED BY Log

A BILL FOR AN ACT ENTITLED: "AN ACT TO CLARIFY PROVISIONS RELATING TO GRANTS-IN-AID TO COUNTIES FOR GENERAL RELIEF; REQUIRING A COUNTY WHICH RECEIVES A GRANT-IN-AID TO RETURN ANY MONEYS REMAINING IN ITS GENERAL RELIEF ACCOUNTS AT THE CLOSE OF THE FISCAL YEAR; AMENDING SECTION 71-311, R.C.M. 1947."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

12 Section 1. Section 71-311, R.C.M. 1947, is amended to 13 read as follows:

#71-311. Grants from state funds to counties. If—the whole—of—a-six—(6)—mill—levy—together—with—the—whole—of—the per—capital—tax—autnorized—by—said—section—71-186y—and—the income—to—the—county—poor—fund—from—all—other—sources—shall prove—inadequata—to—pay—for—the—general—relief—in—the—county actually—necessary—and—to—meet——the—county*s—proportionate share—of—public—assistance—and—its—proportionate—share—of any—other—welfare—activity—that—may—be—carried—on—jointly—by the—state—and—the—county!—and—if—warrants—upon——the—county poor—fund—can—no—longer—lawfully—be—issued—to—meet—these charges!—and—if—the—board—of—county—commissioners—is—unable to—declare—an—emergency—for—the—purpose—of—providing

additional-funds-or-to-provide-additional-funds-from-any other-source; and-if-the-county-has-in-all-respects-expended the-county-poor-fund-only-for-lawful-purposes; and-if-all-of these--conditions-actually-exist-in-any-county-of-the-statev then-the-state-department-shally-in-so-far-as-it--has--funds availabley--come--to--the--assistance-of-such-countyy-in-the following-manners

When-the-county-in-question-has-submitted-proof-to-the state--department-through-such-reports-as-it-may-require-and through-other-evidence-that-may-be--deemed--necessaryy--that these--conditions--existy--then--the--state--department--may authorize-the-state-department--to--issue--a--check--to--the county--treasurer-of-tha-county-for-general-relief-surposesy and-the-county-department-of-public-welfare-shall--make--the disbursements--of--these--state--funds--for--general--relief purposes-within-the-county*--These--grants-in-aid--from--the state--department--may--be--used--for--any--relief--activity lawfully-conducted-by-the--county*--including--medical--aidy hospitalization--and-institutional-carej-but-no-part-thereof may-be-usedy-directly-or-indirectlyy-to-pay-for-the-erection or-improvement-of-any--county--auilding--or--for--furniturey fixturesy-appliances-or-equipment-for-any-such-building*

immediately----upon----receiving---notice---that---such
grant-in-aid-has-been-made-by-the-state-departmenty-it-shall
be-the-duty-of-the-board-of-county-commissioners-to-adopt-an

LC 0844/01

LC 0844/01

1	emergencybudgetinaccordancewiththeprovisionsof
2	section16-1907butwithout-seing-required-to-publish-any
3	notice-of-intention-to-adopt-such-emergencybudgetorto
4	holdahearingthereonThisemergencybudgetshall
5	appropriate the whole amount of the general relief grant
6	fromthestatedepartmentforthevariousclassesof
7	expenditures-from→the-poor-fund-for-whichthegrant-in-aid
8	was-made-by-the-state-departments-The-money-received-through
9	such-general-relief-grant-from-the-state-department-shall-be
10	płacedinaspeciałpoorfund-account-kept-separate-and
11	distinct-from-thepoorfundaccountsarisingunderthe
12	originalpoorfundbudgety-and-all-expenditures-from-this
13	special-poor-fund-account-shall-be-made-by-a-separate-series
14	of-werrents-or-checks- A county may apply to the State
14 15	of-warrants-or-checks. A county may apply to the state department for an emergency grant-in-aid and the grant shall
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15	department for an emergency grant-in-aid and the grant shall
15 16	department for an emergency grant-in-aid and the grant shall be made to the county upon the following conditions:
15 16 17	department for an emergency grant-in-aid and the grant shall be made to the county upon the following conditions: (1) The board of county commissioners or a duly
15 16 17 18	department for an emergency grant-in-aid and the grant shall be made to the county upon the following conditions: (1) The board of county commissioners or a duly elected or appointed executive officer of the county shall
15 16 17 18 19	department for an emergency grant-in-aid and the grant shall be made to the county upon the following conditions: (1) The board of county commissioners or a duly elected or appointed executive officer of the county shall make written application to the state department for
15 16 17 18 19	department for an emergency grant-in-aid and the grant shall be made to the county upon the following conditions: (1) The board of county commissioners or a duly elected or appointed executive officer of the county shall make written application to the state department for emergency assistance and shall show by written report and
15 16 17 18 19 20	department for an emergency grant-in-aid and the grant shall be made to the county upon the following conditions: (1) The board of county commissioners or a duly elected or appointed executive officer of the county shall make written application to the state department for emergency assistance and shall show by written report and sworn affidavit of the county clerk and recorder and
15 16 17 18 19 20 21	department for an emergency grant-in-aid and the grant shall be made to the county upon the following conditions: (1) The board of county commissioners or a duly elected or appointed executive officer of the county shall make written application to the state department for emergency assistance and shall show by written report and sworn affidavit of the county clerk and recorder and chairman of the board of county commissioners or other duly

2	the county or meet its proportionate share of any welfare
3	activity carried on jointly with the state department:
4	(b) that all lawful sources of revenue and other
5	income to the county poor fund will be exhausted, including
6	but not limited to the maximum emergency appropriation
7	provided_for_in_16-1907;
8	(c) that all expenditures from the county poor fund
9	have been lawfully made: and
10	(d) any other information required by the state
11	department.
12	(2) Within 10 days of receipt of the application and
13	affidavit, the state department shall determine whether the
14	county poor fund will be depleted and shall give notice to
15	the county of the state department's intention to deay or
16	allow the grant-in-aid.
17	(3) Within 10 days of receiving notice from the state
18	department that a grant-in-aid will be made to the county.
19	the board of county commissioners or other duly elected or
20	appointed executive officer of the county shall adopt an
21	emergency budget. There is no requirement of notice and
22	hearing for that emergency budget. The emergency budget
23	shall state the amount required to meet the obligation of
24	the county and shall allocate that whole amount among the
25	various classes of expenditures for which the grant was

obligations under law to provide assistance to the needy of

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14) Upon receipt and approval of the county emergency budget: the state department shall issue a warrant to the county treasurer of the county for the total amount stated in the approved emergency budget.

(5) The grant-in-aid received by the county shall be placed in an emergency fund account to be kept separate and distinct from the poor fund account. All expenditures from the emergency fund account shall be made by a separate series of warrants or checks marked as emergency warrants or checks.

(6) The grants-in-aid from the state department may be used only for welfare activities lawfully conducted by the county, including but not limited to medical aid. hospitalization, and institutional care. No part of a grant-in-aid may be used, directly or indirectly, to pay for the erection or improvement of any county building or for furniture: fixtures: appliances: or equipment for a county building.

(1) In the event the county poor fund is replenished by other lawful sources of revenue: the county shall issue warrants to meet its obligations from the county poor fund until such time as that fund is again so depleted that warrants can no longer lawfully be drawn on that account. Upon depletion of the county poor fund: the county may again

make disbursements from the emergency fund account as provided in subsection (5). At the close of the county fiscal year, the county shall return to the state department any amounts remaining in the county poor fund and the emergency fund account, but the remaining amount to be returned may not exceed the total amount of the emergency 7 grant-in-aid for that fiscal year.

(3) Any amount which is unlawfully disbursed or 9 transferred from the emergency fund account or used for a 10 purpose other than that specified in the grant-in-aid shall 11 be returned by the county to the state department." Section 2. Saving clause. This act does not affect

12 13 rights and duties that matured, penalties that were 14 incurred, or proceedings that were begun before July 1, 15 1977-

16

Section 3. Severability. If a part of this act is 17 invalid, all valid parts that are severable from the invalid part remain in effect. If a part of this act is invalid in 18 19 one or more of its applications, the part remains in effect 20 in all valid applications that are severable from the invalid application.

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STATE OF MONTANA

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FISCAL NOTE

Form BD-15

In compliance with a written request received <u>January 24</u> , 19 <u>77</u> , there is hereby submitted a Fiscal Note for <u>House Bill 314</u> pursuant to Chapter 53, Laws of Montana, 1965 - Thirty-Ninth Legislative Assembly. Background information used in developing this Fiscal Note is available from the Office of Budget and Program Planning, to members		
of the Legislature upon request.		
DESCRIPTION OF PROPOSED LEGISLATION:		
House Bill 314 is an act to clarify provisions relating to grants-in-aid to counties and requiring a county to return any grants-in-aid moneys remaining at the close of the fiscal year.		
FISCAL IMPACT:		

No fiscal impact is anticipated. The bill does not alter the existing requirement for a state grant-in-aid to counties that have insufficient poor fund revenues to provide for poor fund expenses. The bill acts to clarify procedures for the grant-in-aid process and specifies that the county must return all unexpended balances to the state.

Ruland J. J. for BUDGET DIRECTOR

Office of Budget and Program Planning

45th Legislature HB 0314/02 HB 0314/02

Approved by Comm. on Local Government

1	HOUSE BILL NO. 314
2	INTRODUCED BY GOULD, LORY
3	
4	A BILL FOR AN ACT ENTITLED: "AN ACT TO CLARIFY PROVISIONS
5	RELATING TO GRANTS-IN-AID TO COUNTIES FOR GRNERAL BELIEF;
6	BEQUIRIEG A COUNTY WHICH BECEIVES A GRANT-IS-AID TO RETURN
7	ANY MONEYS REMAINING IN ITS GENERAL RELIEF ACCOUNTS AT THE
8	CLOSE OF THE PISCAL YEAR; AMENDING SECTION 71-311, R.C.M.
9	1947.#
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11	BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HONTANA:
12	Section 1. Section 71-311, B.C.M. 1947, is amended to
13	read as follows:
14	*71-311. Grants from state funds to counties. If—the
15	whole of a six (6) will levy together with the whole of the
16	per capital tax authorized by said section 71-106, and the
17	income to the county poor fund from all other sources shall
18	provo-inadequate-to-pay-for-the-general-relief-is-the-county
19	actually accessary and to acce the county's propostionate
20	chare—of—public—assistance—and—its-propostionate-chare-of
2 1	any other welfare activity that may be carried on jointly by
22	the-state-and-the-sounty;-and-if-warrantsuponthesounty
23	poor fund can no longer lawfully be issued to meet these
24	charges; and if the board of county commissioners is weable
25	to declare an energency fee the purpose of providing

1 additional funds or to provide additional funds from any other-conrect-and-if-the-county-has-in-all-respects-expended 3 the county poor fend only for lawful purposen; and if all of those-sonditions actually egist in any sounty of the state, then the state department shall, in so far as it has fords 6 *vailable, come to the assistance of such county, in the 7 following-manages Whom-the county-in-question-has-submitted-proof-to-the 9 state-department-through-such-reserve-as it-may-require-and 10 through-other-evidence-that-may-be-doomed-mesoscary,--that these -- conditions -- existy -- then -- the -- state -- department -- may 11 12 authorise the state department to issue a check to the 13 Gounty -- treasurer of the -county for -quartal relief surreges, 14 and-the-county-department-of-public-welfare-shall--make--the 15 dicburgements-of these state-funds for quacral-relief purposes within the county. These grants in aid from the 16 17 state department may be used for any relief activity 18 lawfully conducted by the country -- including -- nedical aid, hospitalization - and institutional-care; but-so part-thereof 19 say be used, directly-or indirectly, to pay for the erection 20 21 or improvement of any county building or for farniture. 22 fixtures, appliances or equipment for any such building. Issodiately----apon---receiving---notice---that---such 2.3 grant-in-aid-has-been made by the state-department, it shall be the duty of the board of county consissioners to adopt an

1	emergency - budget - in - accordance - with - the - provisions - of
2	section 16-1907 but without - being required to - publish - and
3	notice-of-intention-to-adopt-suchenergencyhudgetorto
4	hold a hearing thereon. This exergency budget shall
5	appropriate the whole amount of the general relief grant
6	from the state department for the various elacces of
7	expenditures from the poor fund for which the grant in aid
8	was made by the state-department. The money received through
9	such general-relief grant from the state department-shall-be
10	placed is a special poor fund account kept separate and
11	distinct from the poor fund assounts arising ander the
12	original -poor -fund -budget, and all expenditures from this
13	special poor fund-account shall be made by a separate series
14	of warrants or sheeks. A county may apply to the state
15	department for an emergency grant-in-aid and the grant shall
16	be made to the county upon the following conditions:
17	(1) The board of county commissioners or a duly
18	elected or appointed executive officer of the county shall
19	make written application to the state department for
20	emergency assistance and shall show by written report and
21	sworn affidavit of the county clerk and recorder and
2,2	chairman of the board of county commissioners or other duly
23	elected or appointed executive officer of the county the
24	following:
25	(a) that the county will not be able to meet its

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obligations under law to provide assistance to the needy of
     the county or meet its proportionate share of any welfare
     activity carried on jointly with the state department;
          (b) that all lawful sources of revenue and other
     income to the county poor fund will be exhausted, - including
     but not limited to the saminus egorgenes appropriation
     provided for in 16 1907:
          (c) that all expenditures from the county poor fund
     have been lawfully made: and
          (d) any other information required by the state
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     department.
          (2) Within 10 days of receipt of the application and
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     affidavit, the state department shall determine whether the
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     county poor fund will be depleted and shall give notice to
     the county of the state department's intention to demy or
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          (3) Within 10 days of receiving notice from the state
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     the board of county commissioners or other duly elected or
     appointed executive officer of the county shall adopt an
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     shall state the amount required to meet the obligation of
     the county and shall allocate that whole amount among the
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various classes of expenditures for which the grant was

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1 made.

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2 (4) Upon receipt and approval of the county emergency
3 budget, the state department shall issue a warrant to the
4 county treasurer of the county for the total amount stated
5 in the approved emergency budget.

(5) The grant-in-aid received by the county shall be placed in an emergency fund account to be kept separate and distinct from the poor fund account. All expenditures from the emergency fund account shall be made by a separate series of warrants or checks marked as emergency warrants or checks.

(6) The grants-in-aid from the state department may be used only for welfare activities lawfully conducted by the county, including but not limited to medical aid, hospitalization, and institutional care. No part of a grant-in-aid may be used, directly or indirectly, to pay for the erection or improvement of any county building or for furniture, fixtures, appliances, or equipment for a county building.

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until such time as that fund is again so depleted that
warrants can no longer lawfully be drawn on that account,
Upon depletion of the county poor fund, the county may again

1 make disbursements from the emergency fund account as

2 provided in subsection (5). At the close of the county

3 fiscal year, the county shall return to the state department

any amounts remaining in the county poor fund and the

5 emergency fund account, but the remaining amount to be

6 returned may not exceed the total amount of the emergency

7 grant-in-aid for that fiscal year.

8 (8) kny amount which is unlawfully disbursed or

9 transferred from the emergency fund account or used for a

10 purpose other than that specified in the grant-in-aid shall

11 be returned by the county to the state department.

Section 2. Saving clause. This act does not affect rights and duties that matured, penalties that were incurred, or proceedings that were begun before July 1.

15 1977.

16 Section 3. Severability. If a part of this act is 17 invalid, all valid parts that are severable from the invalid

18 part remain in effect. If a part of this act is invalid in

19 one or more of its applications, the part remains in effect

20 in all walid applications that are severable from the

21 invalid application.

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-5- BB 314 -6- BB 314

BB 0314/02 BB 0314/02 45th Legislature

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1 HOUSE BILL BO. 314 INTRODUCED BY GOULD, LORY 3 A RILL FOR AN ACT ENTITLED: "AN ACT TO CLARIFY PROVISIONS RELATING TO GRANTS-IN-AID TO COUNTIES FOR GENERAL BELIEF: REQUIRING A COUNTY WHICH RECEIVES A GRANT-IN-AID TO RETURN ANY MONEYS REMAINING IN ITS GENERAL RELIEF ACCOUNTS AT THE CLOSE OF THE FISCAL YEAR: ABENDING SECTION 71-311, R.C. M. 1947." q 10 BE IT EMACTED BY THE LEGISLATURE OF THE STATE OF MONTANA: 11 Section 1. Section 71-311, R.C.N. 1947, is amended to 12 read as follows: 13 *71-311. Grants from state funds to counties. If- the 14 whole-of a six (6) will-levy together with the whole of the 15 per capital tax-authorised-by said-section-71-1067--and-the 16 17 income to the county-poor fund-from all-other courses shall provo-inadequate-te-pay-for the-general-relief-in-the-county 18 actually necessary and to seet the countrie - proportionate 19 20 chare-of-public-accistance-and-its-proportionate-share-of 21 any-other-welfare activity-that-say-be-carried-on-jointly-by 22 the state and the county; and if werrants - upon the county poor fund can ne longer lawfully be issued to meet these 24 charges - and if the board of county-commissioners is unable 25 to declare an exergency for the purpose of providing

additional funds or to provide additional funds from any other serve; and if the servey has in all respects expended the gounty poor fund only for lawful purposes; and if all of those -- conditions -actually -crist-in any -county-of-the-state, then the state department-shall, in-so-far as-it- has--funds available, -- come -- te -- assistance of such -county -- in the following-manages When the county-in-question has submitted proof-to-the ctate -- department-through-such-reports-as-it-may-require-and through-other-evidence-that-may-be-decod-mosessary, that these-seaditions-exist, these-state-department-may authorise the state department to issue a check to the county-trougaror-of the county-for-concrat-relief purposes, and the county department of public welfare chall - make - the dichurcements -- of -- these -- state -- funds -- for -- general -- relief purposes within the county. Those grants is aid from the 16 state-desertment-may-be-used-for-any-relief-activity 17 lawfully conducted by the county, including - medical - aid, hospitalization - and institutional care; but no part thorses pay be used, directly or indirectly, to pay for the erection 21 or improvement of any county building or for faraiture, 22 fistures, appliances or equipment for any such building, 23 24 grant in aid has been made by the state department, it shall

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from the state department for the rarious classes of
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was made by the state department. The mency rescired through
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placed is a special poor fund account kept coperate and
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1 obligations under law to provide assistance to the needy of the county or meet its proportionate share of any welfare activity carried on jointly with the state department; 4 (b) that all lawful sources of revenue and other income to the county poor fund will be exhausted - including but not limited to the maximum emergency appropriation 7 provided-for-in-16-1907; R (c) that all expenditures from the county poor fund 9 have been lawfully made: and 10 (d) any other information required by the state 11 department. 12 (2) Within 10 days of receipt of the application and 13 affidavit, the state department shall determine whether the 14 county poor fund will be depleted and shall give notice to 15 the county of the state department's intention to deny or 16 allow the grant-in-aid. 17 (3) Within 10 days of receiving notice from the state 18 department that a grant-in-aid will be made to the county, 19 the board of county commissioners or other duly elected or 20 appointed executive officer of the county shall adopt an 21 emergency budget. There is no requirement of notice and 22 hearing for that emergency budget. The emergency budget 23 shall state the amount required to meet the obligation of 24 the county and shall allocate that whole amount among the various classes of expenditures for which the grant was

HB 314

(a) that the county will not be able to meet its

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HB 314

HB 0314/02 HB 0314/02

1 made.

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2 (4) Upon receipt and approval of the county emergency
3 budget, the state department shall issue a warrant to the
4 county treasurer of the county for the total amount stated
5 in the approved emergency budget.

(5) The grant-in-aid received by the county shall be placed in an emergency fund account to be kept separate and distinct from the poor fund account. All expenditures from the emergency fund account shall be made by a separate series of warrants or checks marked as emergency warrants or checks.

(6) The grants-in-aid from the state department may be used only for welfare activities lawfully conducted by the county, including but not limited to medical aid, hospitalization, and institutional care, mo part of a grant-in-aid may be used, directly or indirectly, to pay for the erection or improvement of any county building or for furniture, fixtures, appliances, or equipment for a county building.

(7) In the event the county poor fund is replenished by other lawful sources of revenue, the county shall issue warrants to meet its obligations from the county poor fund until such time as that fund is again so depleted that warrants can no longer lawfully be drawn on that account. Upon depletion of the county poor fund, the county may again

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provided in subsection (5). At the close of the county

fiscal year, the county shall return to the state department

any amounts remaining in the county poor fund and the

emergency fund account, but the remaining amount to be

returned may not exceed the total amount of the emergency

grant-in-aid for that fiscal year,

9 transferred from the emergency fund account or used for a
10 purpose other than that specified in the grant-in-aid shall
11 be returned by the county to the state department.*

12 Section 2. Saving clause. This act does not affect
13 rights and duties that matured, penalties that were
14 incorred, or proceedings that were begun before July 1,
15 1977.

Section 3. Severability. If a part of this act is invalid, all valid parts that are severable from the invalid part remain in effect. If a part of this act is invalid in one or more of its applications, the part remains in effect in all valid applications that are severable from the invalid application.

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-End-

BB 314

HB 0314/03 HB 0314/03 45th Legislature

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ì	HOUSE BILL NO. 314
2	INTRODUCED BY GOULD, LORY
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4	A BILL FOR AN ACT ENTITLED: "AN ACT TO CLARIFY PROVISIONS
5	RELATING TO GRANTS-IN-AID TO COUNTIES FOR GENERAL RELIEF;
6	REQUIRING A COUNTY WHICH RECEIVES A GRANT-IN-AID TO RETURN
7	ANY MENEYS REMAINING IN ITS GENERAL RELIEF ACCOUNTS AT THE
d	CLOSE OF THE FISCAL YEAR; AMENDING SECTION 71-311. R.C.M.
4	1947-*
16	
11	BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
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13	read as follows:
14	"71-311. Grants from state funds to counties. Ifthe
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16	per-capital-tax-authorized-by-said-section-71-106yandthe
11	incometo-the-county-poor-fund-from-all-other-sources-shall
18	prove-inadequate-to-pay-for-the-general-relief-in-the-county
14	actually-necessary-and-to-meetthecounty-sproportionate
20	shareofpublicassistance-and-its-proportionste-share-of
21	any-other-welfare-activity-that-may-be-carried-on-jointly-by
24	the-state-and-the-county;-and-if-warrantsuponthecounty
23	poorfundcomnotonger-lawfully-be-issued-to-meet-these
24	enarges;-and-if-the-board-of-county-commissioners-isunable

to--declare--an--emergency--for--the--purpose--of--providing

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additional-funds-or-to-provide--additional--funds--from--any other-source;-and-if-the-county-has-in-all-respects-expended the-county-poor-fund-only-for-lawful-purposest-and-if-all-of these--conditions-actually-exist-in-any-county-of-the-states then-the-state-department-shally-in-so-far-as-it--has--funds available---come--to--the--assistance-of-such-county--in-the following-manners when-the-county-in-question-has-submitted-proof-to--the state--deportment-through-such-reports-as-it-may-require-and through-other-evidence-thot-may-be--deemed--necessaryv--that these--conditions--existy--then--the--state--department--may authorize-the-state-department--to--issue--a--check--to--the county--treasurer-of-the-county-for-general-relief-purposesy and-the-county-department-of-public-welfare-shall--make--the disbursements--of--these--state--funds--for--general--relief purposes-within-the-county---These--grants-in-aid--from---the state--department--may--be--used--for--any--relief--activity +awfully-conducted-by-the--countyy--including--medical--aidy hospitalization--and-institutional-care;-but-no-part-thereof may-be-usedy-directly-or-indirectlyy-to-pay-for-the-erection or-improvement-of-any-county--building--or--for--furniturey fixturesy-appliances-or-equipment-for-any-such-buildings immediately----upon----receiving---notice---that---such grant-in-aid-has-been-made-by-the-state-departmenty-it-shall

be-the-duty-of-the-board-of-county-commissioners-to-adopt-an

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che, gone, budget in becordance with the provisions of
section16-1907butwithout-being-required-to-oublish-any
notice-of-intention-to-adopt-such-remordencybudgety-ofto
holdahearingthereonThisemergencybuddetshall
appropriate-the-whole-amount-ofthedeneralreliefqrant
from-thestatedepartmentforthevariousclassesof
expenditures-from-the-poor-fund-for-whichthegrant-in-aid
was-made-by-the-state-departments-The-money-received-through
such-general-relief-grant-from-the-state-department-shall-be
płacedinaspeciałpoorfund-account-kest-separate-and
distinct-from-thepoorfundaccountsarisingunderthe
originalpoorfundbudgety-and-all-expenditures-from-this
special-poor-fund-secount-shall-be-made-by-a-separate-series
of-warrants-or-checks. A county may apply to the state
department for an emergency grant-in-aid and the grant shall
he made to the county upon the following conditions:
(1) The board of county commissioners or a duly
elected or appointed executive officer of the county shall
make written application to the state department for
emergency assistance and shall show by written report and

sworn affidavit of the county clerk and recorder and

chairman of the board of county commissioners or other duly

elected or appointed executive officer of the county the

(a) that the county will not be able to meet its

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following:

1	opligations under law to provide assistance to the needy of
2	the county or meet its proportionate share of any welfare
3	activity carried on jointly with the state department:
4	(b) that all lawful sources of revenue and other
5	income to the county poor fund will be exhausted including
6	butnotlimited-tothemaximumemergency-appropriation
ı	provided-for-in-16-1987:
8	(c) that all expenditures from the county poor fund
4	have seen lawfully made: and
10	(d) any other information required by the state
11	department.
12	(2) <u>Within 10 days of receipt of the application and</u>
13	affidavit, the state department shall determine whether the
14	county poor fund will be depleted and shall give notice to
15	the county of the state department's intention to deny or
16	allow the grant-in-aid.
17	(3) Within 10 days of receiving notice from the state
13	department that a grant-in-aid will be made to the county:
17	the board of county commissioners or other duly elected or
20	appointed executive officer of the county shall adopt an
21	emergancy nudget. There is no requirement of notice and
22	hearing for that emergency budget. The emergency budget
23	shall state the amount required to meet the obligation of
24	the county and shall allocate that whole amount among the
2 %	various classes of expenditures for which the grant was

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ì	<u>made.</u>

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2 (4) Upon receipt and approval of the county emergency
3 budget: the state department shall issue a warrant to the
4 county treasurer of the county for the total amount stated
5 in the approved emergency budget:

(5) The grant-in-aid received by the county shall be placed in an emergency fund account to be kept separate and distinct from the poor fund account. All expenditures from the emergency fund account shall be made by a separate series of warrants or checks marked as emergency warrants or checks.

(6) The grants-in-aid from the state department may be used only for welfare activities lawfully conducted by the county- including but not limited to medical aid- hospitalization- and institutional care. No part of a grant-in-aid may be used directly or indirectly- to pay for the arection or improvement of any county building or for furnitures fixtures appliances or equipment for a county building.

(1) In the event the county poor fund is replanished by other lawful sources of revenue: the county shall issue warrants to meet its obligations from the county poor fund until such time as that fund is again so depleted that warrants can no longer lawfully be drawn on that accounts upon depletion of the county poor fund the county may again

make_disbursements_from_the_emergency_fund_account_as

provided_in_subsection_(5). At the_close of the county

fiscal_year. the county_shall_return to the state_department

any_amounts_remaining_in_the_county_poor_fund_and_the

emergency_fund_account. but the_remaining_amount_to_be

returned_may_not_exceed_the_total_amount_of_the_emergency

grant_in_aid_for_that_fiscal_year.

6 (8) Any amount which is unlawfully disbursed or
9 transferred from the emergency fund account or used for a
10 purpose other than that specified in the grant-in-aid shall
11 be returned by the county to the state department.

Section 2. Saving clause. This act does not affect rights and duties that matured, penalties that were incurred, or proceedings that were begun before July 1, 15 1977.

section 3. Severability. If a part of this act is invalid, all valid parts that are severable from the invalid part remain in effect. If a part of this act is invalid in one or more of its applications, the part remains in effect in all valid applications that are severable from the invalid application.

-End-