

1 INTRODUCTION BY <sup>H</sup> ~~Boyle~~ *Long* BILL NO. 314  
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 3

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 MONEYS REMAINING IN ITS GENERAL RELIEF ACCOUNTS AT THE  
 8 CLOSE OF THE FISCAL YEAR; AMENDING SECTION 71-311, R.C.M.  
 9 1947."

10  
 11 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:

14 "71-311. Grants from state funds to counties. If the  
 15 whole of a six (6) mill levy together with the whole of the  
 16 per capita tax authorized by said section 71-106, and the  
 17 income to the county poor fund from all other sources shall  
 18 prove inadequate to pay for the general relief in the county  
 19 actually necessary and to meet the county's proportionate  
 20 share of public assistance and its proportionate share of  
 21 any other welfare activity that may be carried on jointly by  
 22 the state and the county, and if warrants upon the county  
 23 poor fund can no longer lawfully be issued to meet these  
 24 charges, and if the board of county commissioners is unable  
 25 to declare an emergency for the purpose of providing

1 additional funds or to provide additional funds from any  
 2 other source, and if the county has in all respects expended  
 3 the county poor fund only for lawful purposes, and if all of  
 4 these conditions actually exist in any county of the state,  
 5 then the state department shall in so far as it has funds  
 6 available, come to the assistance of such county in the  
 7 following manner:

8 When the county in question has submitted proof to the  
 9 state department through such reports as it may require and  
 10 through other evidence that may be deemed necessary, that  
 11 these conditions exist, then the state department may  
 12 authorize the state department to issue a check to the  
 13 county treasurer of the county for general relief purposes,  
 14 and the county department of public welfare shall make the  
 15 disbursements of these state funds for general relief  
 16 purposes within the county. These grants in aid from the  
 17 state department may be used for any relief activity  
 18 lawfully conducted by the county, including medical aid,  
 19 hospitalization and institutional care, but no part thereof  
 20 may be used, directly or indirectly, to pay for the erection  
 21 or improvement of any county building or for furniture,  
 22 fixtures, appliances or equipment for any such building.

23 Immediately upon receiving notice that such  
 24 grant in aid has been made by the state department, it shall  
 25 be the duty of the board of county commissioners to adopt an

*HP 314*

1 emergency budget in accordance with the provisions of  
 2 section 16-1907 but without being required to publish any  
 3 notice of intention to adopt such emergency budget or to  
 4 hold a hearing thereon. This emergency budget shall  
 5 appropriate the whole amount of the general relief grant  
 6 from the state department for the various classes 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 in a special poor fund account kept separate and  
 11 distinct from the poor fund accounts arising under 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 checks. 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  
 22 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

1 obligations 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 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 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  
 25 various classes of expenditures for which the grant was

1 made.

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.

6 (5) The grant-in-aid received by the county shall be  
 7 placed in an emergency fund account to be kept separate and  
 8 distinct from the poor fund account. All expenditures from  
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 10 series of warrants or checks marked as emergency warrants or  
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12 (6) The grants-in-aid from the state department may be  
 13 used only for welfare activities lawfully conducted by the  
 14 county, including but not limited to medical aid,  
 15 hospitalization, and institutional care. No part of a  
 16 grant-in-aid may be used, directly or indirectly, to pay for  
 17 the erection or improvement of any county building or for  
 18 furniture, fixtures, appliances, or equipment for a county  
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20 (7) In the event the county poor fund is replenished  
 21 by other lawful sources of revenue, the county shall issue  
 22 warrants to meet its obligations from the county poor fund  
 23 until such time as that fund is again so depleted that  
 24 warrants can no longer lawfully be drawn on that account.  
 25 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  
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 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) 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."

12 Section 2. Saving clause. This act does not affect  
 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  
 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 valid applications that are severable from the  
 21 invalid application.

-End-

STATE OF MONTANA

REQUEST NO. 174-77

FISCAL NOTE

Form BD-15

In compliance with a written request received January 24, 19 77, there is hereby submitted a Fiscal Note for House Bill 314 pursuant to Chapter 53, Laws of Montana, 1965 - Thirty-Ninth Legislative Assembly.

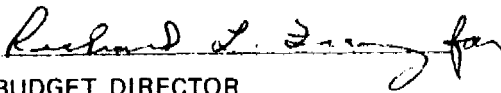
Background information used in developing this Fiscal Note is available from the Office of Budget and Program Planning, to members of the Legislature upon request.

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.



BUDGET DIRECTOR

Office of Budget and Program Planning

Date: 1-27-77

Approved by Comm.  
on Local Government

HOUSE BILL NO. 314

INTRODUCED BY GOULD, LORY

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:

Section 1. Section 71-311, R.C.M. 1947, is amended to 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 capita tax authorized by said section 71-406, and the income to the county poor fund from all other sources shall prove inadequate 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 state, then the state department shall, in so far as it has funds available, come to the assistance of such county, in the following manner:~~

~~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 necessary, that these conditions exist, then the state department may authorize the state department to issue a check to the county treasurer of the county for general relief purposes, 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 aid, hospitalization and institutional care, but no part thereof 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 any such building.~~

~~Immediately upon receiving notice that such grant in aid has been made by the state department, it shall be the duty of the board of county commissioners to adopt an~~

1 ~~emergency budget in accordance with the provisions of~~  
 2 ~~section 16-1907 but without being required to publish any~~  
 3 ~~notice of intention to adopt such emergency budget or to~~  
 4 ~~hold a hearing thereon. This emergency budget shall~~  
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8 (c) that all expenditures from the county poor fund  
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12 (2) Within 10 days of receipt of the application and  
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23 until such time as that fund is again so depleted that  
24 warrants can no longer lawfully be drawn on that account.  
25 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  
4 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) 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."

12 Section 2. Saving clause. This act does not affect  
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  
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 valid applications that are severable from the  
21 invalid application.

-End-