

NORTH CAROLINA GENERAL ASSEMBLY
1973 SESSION

CHAPTER 1418
SENATE BILL 1216

AN ACT TO AMEND CHAPTER 108 OF THE GENERAL STATUTES RELATING TO
THE FINANCING OF PUBLIC ASSISTANCE.

The General Assembly of North Carolina enacts:

Section 1. G.S. 108-54 is hereby amended to read as follows:

"§ 108-54. **Determination of State and county financial participation.** — Before March 15 of each year the director of social services for every county shall compile and submit to the county board of social services an estimated budget of total county funds required to finance each program of public assistance, including all administrative expenses, within the county in the next fiscal year on forms furnished by the Department of Human Resources. The county board of social services shall review, modify, and approve such estimated budget and transmit it before April 1 to the board of county commissioners, which shall review, modify and approve it before April 15 for transmittal to the Department of Human Resources. The Director of the Division of Social Services, as agent for the Department of Human Resources, shall review the estimated budget submitted by each county and shall notify the board of county commissioners by June 1 of the approval or disapproval of the county's estimated budget of total county funds necessary to support and administer adequate programs of public assistance.

If the Director of the Division of Social Services approves the estimated budget submitted by the county, the county fiscal obligation for all programs of public assistance in the next fiscal year shall not exceed the approved budget estimate. Should additional funds be required for the reason that expenditures in the county public assistance programs exceed the approved estimate, the additional county share required would be provided from the 'State Public Assistance Contingency Fund' established in G.S. 108-54.1.

If the Director of the Division of Social Services disapproves the estimated budget of the county, he shall recommend an appropriate budget of total county funds necessary to sustain and administer adequate programs of public assistance whose acceptance by the board of county commissioners shall be a condition precedent to receiving any monies from the 'State Public Assistance Contingency Fund' established in G.S. 108-54.1; provided that, if the board of county commissioners disputes the budget recommended by the Director of the Division of Social Services as appropriate to sustain and administer adequate programs of public assistance within that county, the Secretary of Human Resources shall make a final determination that shall be binding upon the county.

Upon final determination of the county budget for all programs of public assistance within that county for the next fiscal year, the board of county commissioners shall levy taxes sufficient to provide for the payment of the county's share of such budget."

Sec. 2. Chapter 108 of the General Statutes is hereby amended by adding the following section immediately following G.S. 108-54, to be numbered G.S. 108-54.1, and to read as follows:

"§ 108-54.1. **State Public Assistance Contingency Fund.** — (a) To allow for an efficient and equitable means of providing the funds by which a county exceeds its budget for programs of public assistance within that county during the fiscal year, the Department of Human Resources is authorized and empowered to establish from appropriations made by the General Assembly

and from grants of the federal government (when such grants are made available to the State) a fund to be known as the 'State Public Assistance Contingency Fund'. This Fund shall be used exclusively to provide additional funds for counties whose expenditures for programs of public assistance, including administration of said programs, have exceeded the accepted budget estimate.

(b) Allotments shall be made to the counties at any time during the fiscal year by the Secretary of Human Resources when satisfied of the county's need for such allotment under this Part.

(c) The allotments provided by this section shall be used by the counties entitled to them solely to supplement the funds appropriated by the county to support the budget determined pursuant to G.S. 108-54 to be necessary to sustain and administer adequate programs of public assistance within the county and only when such budget is exceeded during the fiscal year."

Sec. 3. G.S. 108-55 is hereby repealed.

Sec. 4. G.S. 108-56 is hereby amended to read as follows:

"§ 108-56. **Counties to levy taxes.** — (a) Whenever the Secretary of Human Resources or his representative assigns a portion of the non-federal share of public assistance expenses to the counties under the rules and regulations of the Social Services Commission, the board of commissioners of each county shall levy and collect the taxes required to meet the county's share of such expenses.

(b) The board of county commissioners may combine any or all of the separate special taxes for each program of public assistance and for the administrative expenses of such programs in place of levying separate special taxes for each item. This consolidated tax shall be sufficient, when combined with other funds available for use for public assistance expenses from any other source of county income and revenue (including borrowing in anticipation of collection of taxes), to meet the financial requirements of public assistance programs, and the administrative costs of each program. The appropriations and expenditures for each of the several programs and for administrative expenses shall be separately stated and accounted for."

Sec. 5. G.S. 108-57 is hereby amended to read as follows:

"§ 108-57. **Appropriations not to revert.** — County appropriations for public assistance expenses or administrative expenses shall not lapse or revert, and the unexpended balances may be considered in making further public assistance or administrative appropriations. At any time during the fiscal year, any county may transfer county funds from one public assistance program to another and between programs of public assistance and administration if such action appears to be both necessary and feasible, provided the county secures the approval of the Secretary of Human Resources or his representative."

Sec. 6. This act shall become effective on July 1, 1974, and shall remain effective through June 30, 1975. The General Assembly may re-enact this act.

In the General Assembly read three times and ratified, this the 13th day of April, 1974.