

tion passed by the Board of County Commissioners of Lake County, as follows:

"Be it resolved by the Board of Public Welfare of Lake County, Montana, all members present and concurring, that all Indian relief cases be rejected on a basis of need since they all have an interest in community property which is sufficient to meet their needs. The problem of receiving their interest in the community property when they need it, is a problem of the tribe and not of the County Welfare Department. \* \* \*"

You have requested an opinion as to whether or not the said resolution sets forth sufficient grounds for the blanket rejection of applications.

Assistance under all parts of Chapter 82, Laws of 1937, is based upon need. Every resident of the State of Montana has the legal right under the provision of this act to make application to the County Welfare Department for assistance. It is the duty of the county department to accept such application and make an investigation thereon. It is their further duty, after such investigation and consideration thereon, to make a grant, or to deny the application. However, each application must be considered upon its own merits, and the making of the grant, or denial must be based upon the need of the applicant as shown from such investigation.

The resolution in question, in effect, denies the right of a certain class of residents to make application for assistance.

It is therefore my opinion that a county board of public welfare may not deny any resident the right to make application for assistance under Chapter 82, and may not refuse to consider an application when presented.

**Opinion No. 151.**

**Public Welfare — C o u n t y D e p a r t m e n t s — D u t y t o R e c e i v e a n d C o n s i d e r A p p l i c a t i o n s .**

HELD: A County Department of Public Welfare may not deny any resident the right to make application for assistance under Chapter 82, Laws of 1937. It is the duty of the County Department of Public Welfare to accept and consider all applications for assistance.

September 3, 1937.

Hon. I. M. Brandjord, Administrator  
State Department of Public Welfare  
Helena, Montana

Dear Sir:

We have your communication of recent date in which you quote a resolu-