

upon the state blind commission by the provisions of Chapter 42, Laws of 1937, must now be exercised by the State Department of Public Welfare.

September 28, 1943.

Mr. Leif Fredericks
State Supervisor
Bureau of Vocational Rehabilitation
Helena, Montana

Dear Mr. Fredericks:

You have requested opinion of this office as to the authority and duty of the State Board of Public Welfare with reference to the training and rehabilitation of the blind in view of the provisions of Chapter 55, Laws of 1943.

Chapter 42, Laws of 1939, created and established a blind commission and designated said commission to cooperate with the federal government as an agency of the state in the administration of the Randolph-Shepard Act, and in the administration of any other federal acts. It also empowers the commission to cooperate with any departments of the State of Montana for the purpose of improving the condition of the adult blind, who by reason of age are ineligible to attend the Montana school for the deaf and blind, by rehabilitation and vocational training. It prescribed the powers and duties of the commission.

Under the provisions of Part V of Chapter 82, Laws of 1937, the Public Welfare Act, the State Department of Public Welfare was authorized to provide certain aid to needy blind. This aid consisted of money grants, but the program worked out to implement the statutory provisions necessarily made provision for rendering medical assistance with a view to correct and prevent blindness, as well as to provide vocational and rehabilitation training for blind persons. Thus there existed two agencies with functions similar.

The Legislative Assembly of 1943, recognizing the duplication above referred to, enacted Chapter 55, Laws of 1943, which repeals Chapter 42, supra, and transfers the powers of the blind commission created therein to the State Department of Public Welfare. The language of Chapter 55, Laws of 1943 is very plain and leaves no doubt

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Blind—State Department of Public Welfare—Public Welfare.

Held: By virtue of the provisions of Chapter 55, Laws of 1943, all powers and duties conferred

as to the intention of the legislature. Chapter 55 provides:

"That it is hereby declared to be the intention of the legislative assembly that the powers and duties heretofore conferred upon the state blind commission, as provided in Chapter 42 of the Laws of 1939 shall hereafter devolve upon the state department of public welfare as provided in Chapter 82 of the laws of 1937 and acts amendatory thereof. It is the expressed intention of the legislature that if Chapter 42 be regarded as repealing any part of Chapter 82 of the laws of 1937 by implication or otherwise, that the provisions of Chapter 82 of the laws of 1937, and acts amendatory thereof, shall be and are hereby revived."

It is very clear, therefore, that all the powers and duties conferred upon the state blind commission under the provisions of Chapter 42, Laws of 1939, are now transferred to the state department of public welfare.

It is therefore my opinion that by virtue of the provisions of Chapter 55, Laws of 1943, all powers and duties conferred upon the state blind commission by the provisions of Chapter 42, Laws of 1937, must now be exercised by the state department of public welfare.

Sincerely yours,
R. V. BOTTOMLY
Attorney General