

Opinion No. 7.

**Welfare—Rehabilitation—Blind—
Needy—Assistance—Department of
Public Welfare—Vocational
Rehabilitation.**

Held: The Department of Public Welfare may make such grants to needy blind as are permitted within the provisions of the Welfare Act.

January 11, 1945.

Mr. W. J. Fouse
Administrator
Department of Public Welfare
Helena, Montana

Dear Mr. Fouse:

You have requested an opinion whether your department might enter into a cooperative agreement with the

Bureau of Civilian Rehabilitation of this state for the education and rehabilitation of blind or partially blind persons without a delegation of the powers of supervision over the state assistance to the needy blind.

Heretofore certain duties were performed by a separate commission created for the purpose of improving the condition of the adult blind under the provisions of Chapter 42, Laws of 1939. Thereafter this commission was abolished and the powers and duties devolved upon your department under the provisions of Chapter 55, Laws of 1943.

Part V of the Public Welfare Act, Chapter 82, Laws of 1937, as amended, imposes certain duties upon your department with reference to aid to the needy blind, and in particular, subdivision N of Section II, Part V, enumerated the powers of your department. It is provided that it shall develop or cooperate with other agencies in developing measures for the prevention of blindness, the restoration of eyesight, and the vocational adjustment of blind persons.

The funds for the aid to the needy blind are furnished in part by the federal government under the terms of the social security act, 42 U. S. C. A., Sections 1201 to 1206, inclusive, and as a condition to the receipt of these grants of the federal government to the state by subdivision (a) of Section 1202, supra, it is required the supervision of the administration of the plan for the aid to the blind shall be in a single state agency.

The State Vocational Rehabilitation Bureau is created and its administration is controlled by the provisions of Sections 3044 to 3051.3, Revised Codes of Montana, 1935. This agency likewise receives grants or assistance from the federal security administrator under the acts of Congress now found in 29 U. S. C. A., Sections 31 to 41, inclusive. This act likewise requires the administration of affairs of the state be vested in a single state agency, except in the case of blind persons, where the matter of their rehabilitation may be delegated to some other state agency (Section 32, supra).

As I understand your proposed plan, your department would refer cases for possible rehabilitation of blind persons to the Bureau of Rehabilitation which

would make its investigation and report to you its findings whether a blind individual could be rehabilitated and the opportunity for such rehabilitation. Then, your department could make such grants to needy blind as are permitted within the provisions of the welfare act.

In my opinion, such an arrangement would in no way violate the law of the state or the provisions of the various federal statutes hereinabove referred to, requiring the supervision of assistance to the needy blind to be by a single agency. Whatever the Vocational Rehabilitation Bureau might do would be in the nature of investigating a case and reporting on it in the same manner that a doctor examines a patient within the provisions of the act.

Sincerely yours,
R. V. BOTTOMLY,
Attorney General