entitled to any increase in salary that accrues to him automatically with an increase in population from and after April 1, 1950.

OFFICIAL OPINION NO. 85

September 25, 1951.

Honorable Maurice O. Hunt,
Administrator,
State Department of
Public Welfare,
141 South Meridian Street,
Indianapolis 14, Indiana.

Dear Mr. Hunt:

This is in reply to your letter of September 10, 1951, requesting an official opinion of the Attorney General on the following question:

"(1) Does Chapter 321, Acts of 1951, require a quarterly report of payments to recipients of blind assistance to be filed by either the State Department of Public Welfare or by the county welfare board of any county with the county auditor and other county officials?"

Section 1 of Chapter 321 of the Acts of 1951 (Senate Enrolled Act No. 86) amends Section 93 of the Welfare Act of 1936 as amended, to read in part as follows:

"Sec. 93. The county welfare board of each county shall on or before the thirtieth day of each January, April, July and October file with the county auditor, each member of the county council, prosecuting attorney and all township trustees of such county a complete report showing the names and addresses of all recipients receiving payments under this act, together with the amounts paid to each during the preceding quarter. Said report shall also show the names and addresses of and salaries paid to all employees of the county welfare board. * * *"
OPINION 85

Assistance to the blind is a state administered program as provided in Sections 52 to 70, inclusive, of the Welfare Act of 1936 as amended.

Section 52 of the Welfare Act of 1936 reads in part as follows:

"Eligibility for Assistance. Assistance shall be given by the state department under the provisions of this act to any blind person who: * * *.

(Sec. 52, Ch. 3, Acts 1936; Burns 52-1221)."

Section 54 of the Welfare Act of 1936 reads in part as follows:

"Amount of Assistance. The amount of assistance which any blind person shall receive shall be determined by the state department or the county department as an agent or the state department, with due regard to the resources and necessary expenditures of the individual and the conditions existing in each case and in accordance with the rules and regulations made by the state department, * * *.

(Burns 52-1223)."

Section 55 of the Welfare Act of 1936 reads in part as follows:

"Application for Assistance. Application for assistance as a blind person under the provisions of this act shall be made to the county department of the county or district in which the applicant resides. * * *

(Burns 52-1224)."

Section 56 of the Welfare Act of 1936 reads as follows:

"Investigation of Applicants. Whenever the county department shall receive an application from a blind person for assistance under the provisions of this act, an investigation and record shall promptly be made of the circumstances of the applicant to ascertain the facts supporting the application made under the provisions of this act and such other information as may be required by the rules of the state department." (Burns 52-1225).
Section 58 of the Welfare Act of 1936 reads in part as follows:

“Granting of Assistance. Upon the completion of such investigation, the county department shall make a report and a recommendation to the state department relative to the eligibility of the applicant for assistance as a blind person, the amount of the assistance and the date when the assistance should begin, under the provisions of this act, and the state department shall determine the amount of such assistance and the date on which such assistance shall begin. In determining the amount of such assistance, due account shall be taken of any income or property of the applicant and of any support which he may receive from other sources. The state department shall make an award which, including any subsequent modification thereof, shall be binding upon the state and shall be complied with by the state until such award or modified award is vacated. Such assistance shall be paid monthly to the recipient upon warrant of the auditor of state, from funds appropriated to the state department for that purpose upon a verified schedule of the recipients and the amount payable to each such recipient, prepared and verified by the administrator of the state department, in accordance with the awards made by the state board. * * *” (Burns 52-1227). (My emphasis).

Section 63 of the Welfare Act of 1936 reads in part as follows:

“Review by the State Department. The county department shall at once submit to the state department its recommendation upon each application for assistance to a blind person, and the recommendation so submitted shall be acted upon within a reasonable time thereafter by the state department. If any such recommendation is denied by the state department, or if assistance previously granted is modified or revoked by the state department, or if, in the opinion of the applicant or recipient, as the case may be, may appeal to the state board for a review thereof. * * *” (Burns 52-1232).
Section 67 of the Welfare Act of 1936 reads as follows:

“Expenses for Treatment. Temporary assistance may be granted by the state department to any applicant, or additional assistance may be granted to any recipient who is in need of treatment, either to prevent blindness or to restore his eyesight, whether or not he is blind as defined in subsection (o) of section 1 of Part I of this act, if he is otherwise qualified for assistance under the provisions of this act. The assistance so granted may include necessary traveling and other expenses to receive treatment from a hospital or clinic designated by the state department. Such payments shall be allowed and paid in the same manner as assistance to the blind as provided in this act. Temporary assistance may be granted under the provisions of this section to any child under eighteen years of age who is a resident of this state.” (Burns 52-1236).

County departments of public welfare act as agents of the State Department of Public Welfare in making recommendations, but the actual awards of assistance to the blind are made by the State Department of Public Welfare. Assistance is paid monthly to the recipients of blind assistance upon warrant of the auditor of state upon certification of allowance schedule of the State Department of Public Welfare.

A careful reading of Chapter 321 of the Acts of 1951 makes it apparent that county welfare boards are to make quarterly reports to certain named officials.

Under this provision of the act, the county board of public welfare is required to make reports of payments to recipients of old age assistance and assistance to dependent children. The act imposes no duty on the State Department of Public Welfare or the state auditor to make any such reports.

Inasmuch as county boards of public welfare are not regular mediums of payments of assistance to the blind or for eye treatment, it certainly would not be reasonable to determine as the intent of the Legislature to charge such county boards with the certification of a record created and compiled by a state agency.
1951 O. A. G.

In a matter of such importance, it will be presumed that the Indiana General Assembly would have so stated if the state department of public welfare and/or the state auditor were obliged to make a report of payments to recipients of blind assistance, as provided for under Chapter 321 of the Acts of 1951.

Therefore, it is my official opinion that the above quoted question should be answered in the negative.

OFFICIAL OPINION NO. 86

November 7, 1951.

Mr. Joseph McCord,
Director,
Department of Financial Institutions,
State House,
Indianapolis, Indiana.

Dear Sir:

I have your request for an official opinion which reads as follows:

"I have been requested by the Members of the Department of Financial Institutions to ask for your official opinion covering a question raised in connection with amendments to the Indiana Industrial Loan and Investment Act by the 1951 General Assembly as found in Chapter 79 of the Acts of 1951.

"The amendments referred to place limitations upon the number of Certificates of Authority which the Department may grant applicants to engage in business under the Act.

"There is some contention that in arriving at the number of additional Certificates of Authority which may be granted under the Act as amended, the Department should ignore those companies authorized to issue certificates of investment.

"In view of the fact that there are five companies authorized to issue certificates of investment operat-