

Opinion No. 48-5144

April 15, 1948

BY: C. C. McCULLOH, Attorney General

TO: Charles L. Rose Executive Officer State Board of Vocational Education Santa Fe, New Mexico

{*144} We are in receipt of the letter from R. W. Gregory, Assistant U. S. Commissioner for Vocational Education. In that letter the following question is asked:

"Does the State have an obligation to pay the State Superintendent an extra amount for his extra duties as Executive Officer of the State Board for Vocational Education in the performance of duties which he recognizes as additional to those of the State Superintendent of Public Instruction?"

It appears to me that this question has been answered by my opinion dated March 1, 1947. However, in addition, your attention is directed to the following plan material relating to the State Board for Vocational Education:

"Executive Officer of the State Board for Vocational Education.

- a. The Executive Officer is appointed by the State Board for Vocational Education.
- b. The Executive Officer is responsible to the State Board for Vocational Education for carrying out the provisions of the State Plans for Vocational Education in the general administration of vocational education in the State of New Mexico.
- c. The salary and necessary travel expenses of the Executive Officer may be reimbursed from Federal funds in any proportionate amount designated by the State Board for Vocational Education, for that portion of his or her time (but in any case not exceeding 20 per cent) which may be devoted to the general administration of vocational education in the State of New Mexico."

You will observe that by this plan material the executive officer is appointed by the State Board for Vocational Education. You will further observe that the State Board for Vocational Education is authorized to expend state appropriation for vocational education for all purposes for which federal moneys may be expended. You will further observe that the salary of the Executive Officer is contemplated as a necessary expense.

It is, therefore, my opinion that the State Board for Vocational Education may pay out of state funds all or a portion of the salary of the Executive Officer, whether the Executive Officer be the Superintendent of Public Instruction or some other individual.

By ROBERT W. WARD,

Asst. Atty. General