

**Opinion No. 55-6147**

April 25, 1955

**BY:** RICHARD H. ROBINSON, Attorney General

**TO:** Mrs. Georgia L. Lusk, Superintendent of Public Instruction, Santa Fe, New Mexico

We herewith acknowledge yours of April 19, 1955 and return to you the basic documents forwarded with your request together with our opinion on same.

As you point out, the Social Security Act (Section 221, Page 30, of Public Law 761, 83rd Congress, Chapter 1206 -- 2d Session, H. R. 9366) was amended to provide for an agreement between the Secretary of Health, Education and Welfare and the designated State agency concerning the determination of disability for those entitled to benefits under the Federal Act.

You have stated that the Governor has designated the State Board of Vocational Education as the agency in New Mexico to make the disability determinations through the Division of Vocational Rehabilitation.

You specifically want to know if there are any existing laws which would prevent the State Board of Vocational Education from entering into an agreement with the Secretary of Health, Education and Welfare whereby the State Board would assume the obligation of making determinations of disability for the Secretary and receive from a Trust Fund, in advance or by way of reimbursement, the cost to the State of assuming such obligations.

It is the opinion of this office that there is contained in §§ 73-6-1 through 73-6-30, New Mexico Statutes Annotated, 1953, specific authority for the cooperation by the State of New Mexico with the Federal Government on this type project and the acceptance by the State of the benefits and provisions of the National Rehabilitation Act, and in addition it is noted that the last New Mexico Legislature in the Appropriations Act provided for the appropriation of funds from other sources and the expenditure of same after approval on annual budgets. Therefore, considering these factors, we can find no existing laws which would prevent the State Board of Vocational Education from entering into the proposed agreement with the Federal Government.

By J. A. Smith

Assistant Attorney General