

**OPINION  
45-100**

January 9, 1945           (OPINION)

EDUCATION

RE: Board of Higher - Vocational Director

Your letter of January 9 addressed to the Attorney General has been received and contents noted.

You state that since July 6, 1943, when a new act of Congress became law, Vocational Rehabilitation in North Dakota has been greatly expanded with the aid of Federal funds channeled through the Federal Office of Vocational Rehabilitation. However, one of the conditions imposed by the Federal Office of Vocational Rehabilitation is that the State Director for Rehabilitation shall devote all his time to this activity. In order, therefore, that the state may take advantage of the benefits received through the grant of Federal funds for this purpose, it will be necessary that the Director devote all his time to this work. At the present time, Mr. Erickson is serving in dual capacity as Director for Vocational Education and for Rehabilitation.

Under the laws of this state, particularly Section 15-2003, the State Board of Higher Education shall appoint a State Director for Vocational education who shall be charged with the administration, under the direction and supervision of the board, of the provisions of this Chapter relating to vocational education, and also of the provisions of this Chapter relating to vocational rehabilitation.

The question that you present then, is whether or not, under the language of the statute quoted, the Board of Higher Education may appoint a Director for Vocational Education and whether it may also appoint a Director for Vocational Rehabilitation.

As I have pointed out, the Federal regulations require that the Director of Vocational Rehabilitation shall devote all of his time to the work in connection therewith, otherwise the state is not eligible to share in the funds furnished by the Federal Office of Vocational Rehabilitation.

If Section 15-2003 were standing alone, there might be some doubt as to the right of the Board of Higher Education to appoint two separate directors; however, Section 15-2005 provides that the State Board of Higher Education shall have all authority necessary to cooperate with the Department of Interior or other department or agency of the United States of America in the administration of the act of Congress relating to vocational rehabilitation; then follows enumeration of the powers and duties of the board relative to vocational rehabilitation. The powers thus granted are broad and gives to the Board of Higher Education a great deal of discretion in the matter of administration of all funds provided by the Federal Government and by this state for the promotion of vocational rehabilitation of persons disabled in industry or otherwise and their return to civil employment.

It necessarily follows by clear implication from the language employed in the statutes quoted that the Board of Higher Education may do anything necessary and appropriate to comply with requirements and conditions imposed by the Federal Government, including the appointment of a director who shall devote his entire time to the discharge of the duties and functions necessary to properly administer vocational rehabilitation, and thus enable the state to accept all of the provisions and benefits of the acts adopted by the Congress of the United States.

NELS G. JOHNSON

Attorney General