

Opinion No. 47-5004

April 7, 1947

BY: C. C. McCULLOH, Attorney General

TO: C. R. Sebastian State Comptroller Santa Fe, New Mexico

{*26} In your letter of March 31, 1947, you request the opinion of this office as to whether the Workmen's Compensation Act covers the Inspector of Mines and his assistants in connection with the duties of inspecting the various mines in this state.

Section 57-902, New Mexico Statutes, 1941 Compilation, provides in part as follows:

"The state * * * and administrative board thereof employing workmen in any of the extrahazardous occupations or pursuits hereinafter named or described, * * * shall become liable to, and shall pay to any such workman injured by action arising out of and in the course of his employment in any such occupation and pursuit, * * * compensation in the manner and amount, at the times herein required * * *."

Section 57-910, New Mexico Statutes Annotated, 1941 Compilation, provides in part as follows:

"Extra-hazardous occupations and pursuits to which this act are (is) applicable are as follows: * * * mines * * *."

"Employee" as defined in Section 57-912, New Mexico Statutes, 1941 Compilation, includes the State.

In view of the language of the above statute, I believe the Legislature intended that the Workmen's Compensation Act should cover the Inspector of Mines and his assistants, in connection with the duties of inspecting the various mines in this state.

{*27} In reaching this result, I am not unmindful of the language of the Supreme Court of the State of New Mexico in the case of Rumley vs. Middle Rio Grande Conservancy District, 40 N.M. 183, 57 P. 2d 283.

By WM. R. FEDERICI,

Asst. Atty. General