

Opinion No. 52-5517

March 20, 1952

BY: JOE L. MARTINEZ, Attorney General

TO: Mr. Elliott S. Barker State Game Warden Department of Game and Fish Santa Fe, New Mexico

{*227} In reply to your letter of February 28, 1952, and from an examination of applicable New Mexico Statutes, relating to the Workmen's Compensation Act, it appears the State Game and Fish Department qualifies as an appropriate definition for protection under said Act. I direct your attention to Sections 57-902, et seq., New Mexico Statutes, 1941 Annotated, wherein the State qualifies to protect employees under the provisions of the Act.

{*228} It is the opinion of this office that agencies such as the one you have were intended to come within the scope of the Act as framed by the Legislators because of the above inclusion in the said Section, and of course, because it is mentioned in the following Section 57-903, wherein the State shall not be required to give bond, security, or undertaking. Section 57-910 provides that all duly elected peace officers of the State, counties or municipalities shall be deemed to be within the provisions of the Act. While a search of the statutes reveals no specific classification of game wardens as peace officers, per se, such a determination is unnecessary in the opinion of this office insofar as coverage under the Workmen's Compensation Act is concerned.

I trust that this fully answers your inquiry.