

Opinion No. 52-5531

April 21, 1952

BY: JOE L. MARTINEZ, Attorney General

TO: Mr. R. J. Mullins Research Secretary New Mexico Education Assoc. 114 East Marcy Street Santa Fe, New Mexico

{*242} This is in reply to your letter of April 16, 1952, in which you requested an opinion as to whether or not Section 10-416, New Mexico Statutes Annotated 1941, authorizes schools to pay the 20% of the premium of other than group insurance, specifically 20% of an individual life insurance policy or an individual sick and accident policy.

In order to give you a correct interpretation, I am quoting the original statute which is Chapter 188 of the New Mexico Session Laws of 1941, and reads as follows:

"AN ACT AUTHORIZING ALL STATE DEPARTMENTS, STATE INSTITUTIONS AND POLITICAL SUBDIVISIONS OF THE STATE OF NEW MEXICO TO COOPERATE IN PROVIDING GROUP OR OTHER INSURANCE FOR THE BENEFIT OF THEIR EMPLOYEES, AND REPEALING ALL ACTS OR PARTS OF ACTS IN CONFLICT HERewith.

H. B. No. 171; Approved April 18, 1941

"Be It Enacted by the Legislature of the State of New Mexico:

"Section 1. All State Departments and institutions and all political sub-divisions of the State of New Mexico are hereby authorized to cooperate in providing group or other forms of insurance for the benefit of eligible employees of the respective departments, institutions and sub-divisions; provided that the contributions of the State of New Mexico or any of its departments or the political subdivisions of the State shall not exceed twenty per centum (20%) of the cost of such insurance.

"Section 2. That said departments and institutions and all political sub-divisions of the State shall be authorized to deduct from said employees' salaries, who may elect to be covered by group or other insurance under this Act, for the payment of premiums on said policies of insurance.

"Section 3. All acts and parts of acts in conflict herewith, are hereby repealed. Provided that the provisions of this act shall not affect any contract of group insurance now maintained or in force; nor shall the provisions of this act repeal, alter, or amend any special statute authorizing the carrying of such insurance by the State of New Mexico or any of its departments or the political subdivisions of the State."

You will note that both the heading and Section 1 of Chapter 188 provide that the State of New Mexico or any political sub-division of the State is authorized to cooperate in providing group **or other forms of insurance** for the benefit of eligible employees of the State or any political subdivision thereof or its departments.

It is my opinion that the intention of the Legislature is clearly, directly and unambiguously stated not only in the title of the Act but in the body of the Act, being specifically Section 1, that the State or any political subdivision of the State is authorized to cooperate in providing group **or other forms of insurance** for the benefit of eligible employees of the State or any political subdivision thereof or its departments.

It is, therefore, my opinion that the statute specifically authorized schools to pay twenty (20) percent of the premium of both group insurance and individual insurance if group insurance is not available and that this insurance can be either life insurance or individual sick and accident insurance policies.

{*243} Trusting that this fully answers your inquiry, I remain