

## Opinion No. 54-5993

July 22, 1954

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

**TO:** Public Employees' Retirement Association Public Employees' Retirement Board  
Post Office Box 925 Santa Fe, New Mexico

{\*448} Receipt is acknowledged of your letter dated July 15, 1954, in which you request an opinion as to whether {\*449} or not the affiliation of the Hospital should have been required at the time that Grant County became affiliated with the Association, or whether or not they have the right to affiliate at this time as a separate corporation.

Under subsection 1.4 of § 10-601, N.M.S.A., 1941 Compilation, 1953 pocket supplement, under the heading of Definitions, "Municipality" means any municipality, city, county or conservancy district in the State of New Mexico, including the boards, departments, bureaus and agencies of the said municipality, city, county or conservancy district. Under subsection 1.5 "Public employer" means the State of New Mexico or any municipality in the State of New Mexico.

Under Chap. 199, 1947 Session Laws of New Mexico, authority was given by the Legislature for municipalities to enter into agreements for the construction, maintenance and operation of joint county municipal hospitals, authorizing issuance of bonds, prescribing method of petition and election for construction of hospitals, creating hospital boards, prescribing powers of counties and municipalities.

According to your information, in 1950 the said Hillcrest General Hospital at Silver City, New Mexico was leased to the County of Grant under Chap. 148, 1947 Session Laws of New Mexico, further authorizing counties to either singly or jointly, construct, purchase, own, maintain and operate hospitals.

There is no question that this county hospital and its employees are county employees and since the hospital was leased to the county of Grant in 1950, the employees of the Hillcrest Hospital of Silver City automatically become members of the New Mexico Public Employees' Retirement Association.

As Grant County became affiliated by default in 1949, it is the opinion of this office that the employees of the Hillcrest General Hospital at Silver City, New Mexico should be required by the Public Employees' Retirement Association to affiliate as of the year 1950. Of course, any employee hired subsequent to 1950 would become affiliated as of the date of their employment by the Hospital.

Trusting that this fully answers your inquiry, I remain

By: Hilario Rubio

Assist. Attorney General