

**Opinion No. 56-6413**

March 27, 1956

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

**TO:** Mr. John Hays, Administrator, Social Security Division, P. O. Box 2237, Santa Fe, New Mexico

We have your letter of February 9, 1956, in which you request an opinion from this office as to whether the Eastern New Mexico University and the New Mexico Military Institute are political subdivisions of the State of New Mexico under the provisions of Section 2 (f), Chapter 172 Laws of 1955. We are of the opinion that neither of these institutions are political subdivisions, but rather are state educational institutions, and as such are instrumentalities of the State of New Mexico.

Inasmuch as Section 3 (c), Chapter 172 of the Laws of 1955, provides that state institutions of higher learning may be considered as a separate retirement system, we are of the opinion that each of the modifications of these two institutions should be made under the provisions of this section and not as political subdivisions of the State of New Mexico.

You ask the further question, namely, under what name should the modification be made for Eastern New Mexico University. This school was originally named Eastern New Mexico Normal School under the provisions of Section 73-22-35 N.M.S.A., 1953. Chapter 38, Laws of 1955, reads as follows:

"For all purposes excepting suits, state land funds and appropriations the name 'Eastern New Mexico University' is hereby authorized for use in lieu of the name Eastern New Mexico Normal School."

Since appropriations are involved in the carrying out of their Social Security program for employees of this institution, we are of the opinion that in the modification the use of the name Eastern New Mexico Normal School is in order so that there will not be any question of the Social Security operations at this institution.

Trusting we have answered your questions, we remain

By: Paul L. Billhymer

Assistant Attorney General