

Opinion No. 56-6465

June 13, 1956

BY: RICHARD H. ROBINSON, Attorney General

TO: Mr. John C. Hays, Administrator, Social Security Division, Public Employees Retirement Assn. of N.M., P. O. Box 2237, Santa Fe, New Mexico. Attention: Mr. Charles C. Staab Administrative Assistant

We have your letter of May 23, 1956, in which you request an opinion from this office as to whether the Soil Conservation District is a separate governmental subdivision of the State and is the governing body empowered to enter into an agreement for coverage of its employees under the Social Security Program.

Section 45-5-3, (1) N.M.S.A., 1953 Compilation, reads as follows:

"Wherever used or referred to in this act (45-5-1 to 45-5-4, 45-5-6 to 45-5-18), unless a different meaning clearly appears from the context:

(1) 'District' or 'Soil conservation district' means a governmental subdivision of this state, and a public body corporate and politic, organized in accordance with the provisions of this act, for the purposes, with the powers, and subject to the restrictions hereinafter set forth . . ."

Section 45-5-9, N.M.S.A., 1953 also provides that a Soil Conservation District shall be a governmental subdivision of a State and a public body corporate and politic exercising public powers.

We are therefore of the opinion that under the provisions of the law above set out that a Soil Conservation District properly organized under the laws of the State of New Mexico is a separate political sub-division of the State. We are further of the opinion that such bodies, board of supervisors is empowered to enter into an agreement for the coverage of its employees under the Social Security Program. The pertinent part of Section 45-5-8, N.M.S.A., 1953 Compilation, Pocket Supplement, reads as follows:

". . . The supervisors may employ a secretary, technical experts, and such other officers, agents and employees, permanent and temporary, as they may require, and shall determine their qualifications, . . ."

We are of the opinion that this is adequate authority for such supervisors to enter into an agreement to provide for Social Security for their employees.

Trusting we have answered your question, we remain

By: Paul L. Billhymer

Assistant Attorney General