

**Opinion No. 31-219**

July 25, 1931

**BY:** E. K. Neumann, Attorney General

**TO:** Mr. Jas. J. Connelly, State Hospital, Las Vegas, New Mexico.

{\*90} In your letter of July 23, 1931, you inquire whether the New Mexico Insane Asylum comes under the Workmen's Compensation Act.

It is my opinion that it does come within the provisions of such act in so far as it is engaged in the extrahazardous occupations mentioned in Section 156-110 of the 1929 Compilation. This would apparently include your Engineer's Department, Laundry Department, Kitchen Department, Carpenters and possibly other employees, depending upon the nature of their work. Sec. 156-102 specifically states that the State and each "public institution" thereof when engaged in certain extra-hazardous occupations shall come within the provisions of the act.

Sec. 156-102 also provides as follows:

"Provided, that an employer engaged in any occupation or pursuit not included among the extra-hazardous employments herein described, and the workmen employed by him may become subject to this act by written agreement filed in the office of the clerk of the district court of the county in which such occupation or pursuit is carried on."

Under this provision, it would appear that the Insane Asylum might bring other employees within the provisions of the Act by mutual agreement.

You also inquire whether your Institution comes under H. B. 240, which is known as Ch. 109 of the 1931 Session Laws.

{\*91} It is my opinion that it does. This Act specifically mentions "the Superintendent of any State Institution . . . where females are employed." You would, therefore, be required to post notice as required by the Act.

Trusting that this answers your inquiries, I am

By Quincy D. Adams,

Asst. Attorney General