Opinion No. 31-19

January 21, 1931

BY: Frank H. Patton, Asst. Att'y General

TO: Hon. Max Fernandez, Supt. of Insurance, State Corporation Commission, Santa Fe, New Mexico.

{*26} Your letter of January 20, enclosing copy of letter from Horris W. Bennett & Co. of Denver, Colorado, with reference to compensation policy has been received.

The correspondence is indefinite and we are unable to determine just what information is desired. Apparently, however, it is intended to refer to certain provisions of our Workman's Compensation Laws and we will answer you under the assumption that this is what is wanted.

Section 156-102, sets forth the employers who come within the provisions of the Act and provides that it shall apply to every private person, firm or corporation engaged in carrying on for the purpose of business, trade or gain **within this state.** We construe this to mean that it is the operation of the business within the state and not the residence of the operator that is material.

Section 156-103 sets forth the conditions with which an employer must comply and provides for the filing of a good and sufficient undertaking in the matter of insurance.

A part of this section provides that foreign corporation doing business *{*27}* generally throughout the state may comply with this requirement by filing such undertaking in the office of the Clerk of the District Court of Santa Fe county.

The said undertaking shall be either in the form of a Policy, or Guarantee, or Insurance, or Mutual Insurance issue by some Guarantee, Insurance or Mutual Insurance Company duly authorized to enter into such character of contracts, or the undertaking may be a Bond executed by such employer and two or more good and sufficient Sureties who are owners of Real Estate in this state or secured in such other way as the Court may in any specific case direct.

The sections covering these matters are too long to quote in full, and if the above has not answered your inquiry we will be glad to go into the matter further upon a more definite request.