

Opinion No. 45-4653

February 9, 1945

BY: C. C. McCULLOH, Attorney General

TO: Mr. C. R. Sebastian State Comptroller Santa Fe, New Mexico

{*17} I had previously given you the opinion which is numbered 4620 and dated December 1, 1944 concerning contributions by state institutions in providing group or other forms of insurance for the benefit of eligible employees. After receiving this opinion, you requested an additional opinion concerning group insurance contracts between the Institute and the Aetna Life Insurance Company.

The Aetna Life Insurance Company entered into a group insurance contract with the New Mexico Military Institute on February 19, 1930 which was subject to renewal annually.

After examining the master policy, as well as the type of policy issued to the individual employees of the Institute, it is my opinion that the prohibition contained in Sec. 10-416 of the N.M. 1941 Compilation, concerning the payment by any institution of more than 20% of the cost of such insurance, does not apply to policies issued to individual employees prior to July 15, 1941. (See Sec. 10-418 of the 1941 Comp).

However, it is further my opinion that the Institute is prohibited from contributing more than 20% of the cost of such group insurance to any of its employees who obtained their individual policies subsequent to July 15, 1941.

By HARRY L. BIGBEE,

Asst. Atty. General