

Opinion No. 45-4658

February 10, 1945

BY: C. C. McCULLOH, Attorney General

TO: Mr. E. R. Greenslet Regional Grazier United States Department of the Interior
Albuquerque, New Mexico

{*19} Replying to your letter of February 7, 1945 wherein you request an opinion on three questions relating to the State Workmen's Compensation Act, the workmen referred to being hired by stockmen to use grazing service equipment to drill water wells and construct reservoirs "and these men are not Grazing Service employees."

In-as-much as it will be necessary to refer to several sections in the above act we have obtained a pamphlet copy of this act which we enclose herewith; Workmen's Compensation Act of the State of New Mexico, Published Under the Supervision of Robert J. Doughtie, this copy includes the amendments up to the present time.

"1. These laborers and operators are working under our supervision but are paid by the {*20} co-operator. In case of accident, or death due to cause of accident, are these men covered under the State Compensation Act?"

Section 3, page 6: "Every employer of four or more employees, * * * etc.", gives an answer to this question. However, the last paragraph of Section 2 provides for coverage of only one employee under extra hazardous conditions.

"2. How many men must a stockman employ before they come under the State Compensation Act and what must the stockman do to bring them under the Act?"

Section 3, page 6 sets forth an answer to this question, having in mind last paragraph of Section 2.

"What is the compensation in case of injury by accident or death due to accident?"

Section 17, pages 23, 24, 25 and 26 set forth the answer to this question.

This act is set forth in Article 9, Section 57-901 to 57-931 inclusive, Compiled Laws of New Mexico 1941. However, we have a copy of the pamphlet enclosed and any further request you may wish to make you may refer to section numbers used in the pamphlet enclosed.

By THOS. C. McCARTY,

Asst. Atty. General