

**Opinion No. 45-4787**

September 14, 1945

**BY:** C. C. McCULLOH, Attorney General

**TO:** Mr. F. G. Healy State Highway Engineer State Highway Department Santa Fe, New Mexico. Attention: L. D. Wilson, Office Engineer

{\*130} You have requested us to give you an opinion concerning whether it is necessary to amend the Highway Department's workman's compensation insurance program to include occupational disease. You will note that Section 2, Chapter 135 of the Laws of 1945, provides as follows:

"The following employers, when the conditions and hazards inherent in the occupation involved are such as to expose the employees to any of the hazards of diseases listed in Section 20 of this Act, shall be subject to the provisions of this act: The State \* \* \*"

Section 20 concerns an enumeration of the various occupational diseases covered by the Act. This office is not in a position to determine which of these diseases are inherent in the particular occupations involved by your various employees. Therefore, it will be necessary for your department to obtain advice from the Public Health Department or some other qualified source in this connection to determine this fact. However, in response to your letter, we wish to advise you that the State Highway Department is subject to the occupational disease act, which is Chapter 135, Laws of 1945.

By HARRY L. BIGBEE,

Asst. Atty. General