

Eight Hour Law, Application Of. Public Officers, Not Under.

The eight hour law has no application to public officials except as is specifically named in the law; that is, state prison guards.

Helena, Montana, March 18, 1908.

Hon. Frank P. Whicher,
County Attorney,
Red Lodge, Montana.

Dear Sir:—

I am in receipt of your letter of the 17th inst., in which you submit for the consideration of this office the question as to whether the provisions of Chapter 50, Laws of 1907, prescribing eight hours as a day's work "on all works or undertakings carried on or aided by any municipal, county or state government," etc., applies to salaried officers of a city, county or state who are under official bond and have filed their usual oath of office, etc?

This same question was heretofore considered at length by this office in an opinion given to the Hon. board of state prison commissioners under date, May 28th, 1906, which you will find reported in Attorney General's Opinions, 1905-06 at page 342. The conclusion there reached was that the eight hour law had no application to a public official. This we still believe to be the law, and think, therefore, that you are correct in your holding that the law does not apply to public officials in the discharge of

their duties. It may be well to here note that the eight hour law is made applicable to prison guards employed in or about the state prison by Chapter 195, Laws 1907, but this act has no relation to any other officials except those named therein. The eight hour law was also held constitutional in *State vs. Livingston Concrete Building and Manufacturing Co.* 87 Pac. 980.

Very truly yours,

ALBERT J. GALEN,

Attorney General.