

**Workmen's Compensation—Reclamation Service—Industrial Accident Board—Contractors.**

A contractor for the reclamation service engaged in contract work is not required to come under the provisions of plan 3 but may come under plan 2 of the workmen's compensation act.

Jerome G. Locke, Esq.,  
Chairman, Industrial Accident Board,  
Helena, Montana.

June 24, 1925.

My dear Mr. Locke:

You have submitted to this office for an opinion the question whether a contractor performing work for the reclamation service is required to come under the provisions of plan No. 3 of the workmen's compensation act, or whether he may come under plan No. 2. You have submitted in connection with your letter a copy of your letter in re Victor Dostert, the contractor. In this letter you cite sections 2840 and 2886, R. C. M. 1921, in support of your contention that the contractor is required to come under the provisions of plan No. 3.

Section 2840 provides:

“Where a public corporation is the employer, or any contractor engaged in the performance of contract work for such public corporation, the terms, conditions and provisions of compensation plan No. 3 shall be exclusive, compulsory and obligatory upon both employer and employee.”

While section 2886 defines a "public corporation" as:

"The state, or any county, municipal corporation, school district, city, city under commission form of government or special charter, town or village."

You will observe that all of these public corporations are creatures of the state.

Assuming that the reclamation service is a "public corporation," it is not a public corporation created by the state of Montana. Hence, any act regulating public corporations within the state of Montana applies only to those public corporations which are creatures of the state, and does not apply to public corporations created by congress.

You may not, under these provisions of the statute or any other which the state might enact, require the reclamation service to come under the workmen's compensation act, as the state has no jurisdiction over it. Any contractor for the reclamation service is not, therefore, governed by the fact that he was performing work for a public corporation but is in the same situation as any other contractor performing work for a private corporation.

It is, therefore, my opinion that the contractor is not required to come under the provisions of plan No. 3 of the workmen's compensation act.

Very truly yours,  
L. A. FOOT,  
Attorney General.