

Opinion No. 218**Labor—State Institutions—Eight
Hour Day.**

HELD: That waitresses in college dining rooms operated by the state and guards at penitentiary are subject to the Constitution and statute which provide that eight hours shall constitute a day's work.

May 23, 1933.

You have requested my opinion as to what number of hours constitutes a day for waitresses in college dining rooms and guards at the State Penitentiary.

Section 4 of Article XVIII of the Montana Constitution, provides: "A period of eight hours shall constitute a day's work on all works or undertakings carried on or aided by any municipal, county or state government,
* * *"

Section 3079, R. C. M. 1921, as amended by Chapter 116, Laws of 1929, contains similar language. In view of these express provisions of the Constitution and statute, it is my opinion that waitresses in the dining rooms of schools maintained by the state, as well as guards at the State Penitentiary, are included, and therefore eight hours constitutes a day's work for them.

(Note: See opinion No. 638, this volume, re hours of labor of public officers.)