Opinion No. 167.

Irrigation Districts—Workmen's Compensation Act—Public Corporation.

Held: It is not compulsory for an irrigation district to operate within the provisions and under the conditions of the Workmen's Compensation Act.

January 21, 1944.

Mr. R. C. Harken
Member of the House of
Representatives
Forsyth, Montana

Dear Mr. Harken:

You have requested my opinion asking if it is compulsory for an irrigation district organized under Chapter 84, Revised Codes of Montana, 1935, to operate within the provisions and under the conditions of the Workmen's Compensation Act.

Section 7169, Revised Codes of Montana, 1935, provides in part as follows:

> "Every irrigation district so established hereunder is hereby declared to be a public corporation for the promotion of the public welfare, and the lands included therein shall constitute all the taxable and assessable property of such district for the purpose of this act."

Under the terms of the above section, an irrigation district is a public corporation.

Section 2853, Revised Codes of Montana, 1935, limits the meaning of words and phrases used in the Workmen's Compensation Act as subsequently defined.

A "Public Corporation" within the meaning of the act is defined in Section 2886, Revised Codes of Montana, 1935, as follows:

> "'Public Corporation' means the state, or any county, municipal corporation, school district, city, city under commission form of government or special charter, town, or village."

It is to be noted that an irrigation district is not a public corporation within the meaning of the Workmen's Compensation Act.

While Section 2840, Revised Codes of Montana, 1935, makes it compulsory for a public corporation to operate under the provisions of the act, yet an irrigation district is not such a public corporation included because of Section 2886.

It is therefore my opinion that it is not compulsory for an irrigation district to operate within the provisions and under the conditions of the Workmen's Compensation Act.

Sincerely yours,
R. V. BOTTOMLY
Attorney General