

Opinion No. 94.**Workmen's Compensation Act—
Soil Conservation District.**

Held: It is compulsory and obligatory that a soil conservation district comply with and insure itself under Plan No. 3 of the Workmen's Compensation Act.

July 24, 1943.

Mr. J. E. Norton, Chairman
State Soil Conservation Committee
Bozeman, Montana

Dear Mr. Norton:

You have asked if a soil conservation district comes within the provisions of the Workmen's Compensation Act.

In answering your inquiry, it is necessary to examine pertinent sections of the Workmen's Compensation Act.

Section 2840, Revised Codes of Montana, 1935, provides in part:

"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."

The language of this section is clear and unambiguous and it is apparent a public corporation is compelled to comply with the act and likewise the employees are bound by the act. Our Supreme Court so held as to a city in the case of *City of Butte v. Industrial Accident Board*, 52 Mont. 75, 156 Pac. 130.

The next question which presents itself is whether a soil conservation district is a public corporation within the meaning of the act.

Section 2886, Revised Codes of Montana, 1935, provides:

“‘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.”

Section 3, Chapter 72, Laws of 1939, states:

“‘District’ or ‘soil conservation district’ means a governmental subdivision of this state, and a public body corporate and politic, organized in accordance with the provisions of this act, for the purpose, with the powers, and subject to the restrictions hereinafter set forth.”

While Section 2886 does not expressly provide a soil conservation district is a public corporation within the meaning of the act, yet Section 3, Chapter 72, Laws of 1939, expressly defines a district as “a public body corporate” and the intent of the legislature was to make the act compulsory and obligatory upon the state and its political subdivisions. (See *City of Butte v. Industrial Accident Board*, 52 Mont. 75, 156 Pac. 130.)

It is therefore my opinion it is compulsory for a soil conservation district to comply with and insure itself under Plan No. 3 of the Workmen’s Compensation Act.

Sincerely yours,
R. V. BOTTOMLY
Attorney General