

Opinion No. 134.**Lands—Occupiers of Land—Title,
Lands—Soil Conservation District.**

Held: Any person, firm or corporation holding title or equitable title or any number so holding title to any of such lands lying within such district are "occupiers of land" and further, any persons, firms or corporations as such owners, lessees, renters or tenants who are in possession of any lands lying within such district organized under this act are "occupiers of land" within such definition.

March 16, 1946.

Mr. J. E. Norton, Chairman
State Soil Conservation Committee
Box 855
Bozeman, Montana

Dear Mr. Norton:

You have requested my opinion as to what constitutes a "land occupier" as used in subdivision 10 of Section 3, Chapter 72, Laws of 1939, designated as "The State Soil Conservation Districts Law." Said subdivision reads as follows:

"'Land occupier' or 'occupier of land' includes any person, firm, or corporation who shall hold title to, or shall be in possession of, any lands lying within a district organized under the provisions of this act, whether as owner, lessee, renter, tenant or otherwise."

This is a very broad and inclusive provision. It appears that it was the intention of the legislature to include all those persons holding any title to, and all those persons occupying any of the land in such a district.

The legislature, in enacting the foregoing subsection, made no distinction between a "land occupier" and an

"occupier of land." It further gives the definition of such as (1) any person, firm or corporation who shall hold title to any land in such a district; or (2) any person who shall be in possession of any lands lying within a district organized under the provisions of this act. The law makes no difference whether such person is an owner, a lessee, a renter, a tenant or otherwise in possession of land within the district. Land may be owned by title in this state:

- (1) Individually by a person or corporation;
- (2) In common, by man and wife, or by any number of individuals;
- (3) In joint tenancy;
- (4) Those holding under contract for deed, having the equitable title.

All of these would be "occupiers of land" under the above statutory definition.

The second class of "occupiers of land" under said statutory definition would be any person, firm or corporation leasing, renting or tenancing, or otherwise in possession of any such land lying within the district.

Therefore, under this legislative act, it is apparent, and it is my opinion that any person, firm or corporation holding title or equitable title or any number so holding title to any of such lands lying within such district, are "occupiers of land" and further any persons, firms or corporations as such owners, lessees, renters or tenants who are in possession of any lands lying within such district organized under this act are "occupiers of land" within such definition.

Sincerely yours,

R. V. BOTTOMLY,
Attorney General