

WORKMEN'S COMPENSATION INSURANCE:

State and other political
subdivision may accept
provisions of this
chapter for the purpose
of complying with
requirements of the Re-
settlement Administration

10-5

September 23, 1936

Hon. R. C. Smith
Regional Director
Region III
342 Massachusetts Avenue
Indianapolis, Indiana



Dear Sir:

This Department is in receipt of your letter of September 3, to Honorable Guy B. Park, Governor of the State of Missouri, requesting an opinion as to the following:

- "(1) May the public funds of the State and political subdivisions thereof and other local governing or public administrative bodies be used for the payment of premiums or workmen's compensation insurance or other equivalent form of insurance covering signatories of voluntary work agreements?
- "(2) Are the State and its political subdivisions and other local authorities authorized by law to assume liability for injuries sustained by assigned voluntary work agreement signatories?
- "(3) Will assigned voluntary work agreement signatories be otherwise similarly protected by such insurance by the operating of the provisions of any other applicable State statute?"

The statutes of the State of Missouri covering the

Workmen's Compensation Law are found in Chapter 28, Article II, Revised Statutes Missouri 1929.

Section 3303 provides, in part, as follows:

"Sections 3300,3301 and 3302 of this chapter shall not apply to any of the following employments:

"First: Employments by the state, county, municipal corporation, township, school or road, drainage, swamp and levy districts, or school board, board of education, regents, curators, managers, or control commission, board or any other political subdivisions, corporation, or quasi-corporation thereof.

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"Fifth: Employments by minor employers not determined to be engaged in an occupation hazardous to employes. Any employer in this section exempted from the operation of sections 3300, 3301 and 3302 of this chapter may bring himself within the provisions of this chapter by filing with the commission notice of his election to accept the same, and by keeping posted in a conspicuous place on his premises a notice thereof to be furnished by the commission, and any employe entering the services of such employer and any employe remaining in such service thirty days after the posting of such notice shall be conclusively presumed to have elected to accept this chapter unless he shall have filed with the commission and his employer a written notice that he elects to reject this chapter."

Section 3304 defines the word "employer" as used in this chapter, as including,

"* *(b) The state, county, municipal

corporation, township, school or road, drainage, swamp and levee districts, or school boards, board of education, regents, curators, managers or control commission, board or any other political subdivision, corporation, or quasi-corporation, or cities under special charter, or under the commission form of government, which elects to accept this chapter by law or ordinance. "

In view of these statutes, it is the opinion of this department that the State and its political subdivisions and other local authorities are authorized by law to assume the obligations contained in the Workmen's Compensation Law of the State of Missouri, and that public funds of the State and political subdivisions thereof may be used for the payment of premiums or workmen's compensation insurance, providing, of course, that the proper election has been made by law or ordinance and an appropriation made in conformity with said law or ordinance.

Of course, whether or not a State and political subdivisions thereof and other local authorities have made this election or made the required appropriation, is a question of fact that would have to be determined in each particular instance.

Respectfully submitted,

JOHN W. HOFFMAN, Jr.
Assistant Attorney General

APPROVED:

ROY McKITTRICK
Attorney General

JWH:LC