

OPINION 20

OFFICIAL OPINION NO. 20

October 1, 1975

Honorable Elbert O. Roe
Indiana State Representative
Rural Route Number 3
Ligonier, Indiana 46767

Dear Representative Roe:

This is in reply to your request for my official opinion on the question of whether employees of a Soil and Water Conservation District are State employees for the purpose of Workmen's Compensation coverage.

ANALYSIS

Under the provisions of the Indiana Code of 1971, Sections 22-3-2-5 and 22-3-2-18, employees of both the State of Indiana and of its various governmental subdivisions are covered by the terms of the Indiana Workmen's Compensation Act. The State and its subdivisions, however, *separately* provide coverage for their respective employees. See 1947 Attorney General's Opinion No. 14, p. 61.

Both Soil and Water Conservation Districts and the State Soil and Water Conservation Committee are created pursuant to the Soil and Water Conservation Act, Code Sections 13-3-1-1, *et seq.* The State Committee, created by Code Section 13-3-1-4, is an agency of the State of Indiana, and its employees are State employees for purposes of Workmen's Compensation.

However, both Code Section 13-3-1-3, which defines "soil and water conservation district," and Code Section 13-3-1-8, which sets forth the powers of such a district, indicate that a Soil and Water Conservation District is a governmental subdivision of the State of Indiana, not an agency of the State itself. Code Section 13-3-1-3 provides, in part, the following:

"'District' of 'soil and water conservation district' means a governmental subdivision of this state, and

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a public body corporate and politic, organized in accordance with the provisions of this act for the purposes, with the powers, and subject to the restrictions hereinafter set forth.”

Code Section 13-3-1-8 provides, in part, the following:

“A soil and water conservation district organized under the provisions of this act [13-3-1-1—13-3-1-14] shall constitute a governmental subdivision of this state, and a public body corporate and politic, exercising public powers; . . .”

A District’s employees are thus *not* State employees for purposes of Workmen’s Compensation. Like other governmental subdivisions of this State, each District must provide its own Workmen’s Compensation coverage in accordance with applicable law.

CONCLUSION

It is, therefore, my Official Opinion that the employees of a Soil and Water Conservation District are *not* State employees for the purpose of Workmen’s Compensation coverage and that the law provides that their District agencies must provide separate Workmen’s Compensation coverage.