

OPINION
66-508

February 28, 1966 (OPINION)

Mr. Richard B. Thomas

State's Attorney

Ward County

RE: Workmen's Compensation - Townships - Officials

This is reply to your letter dated February 17, 1966, wherein you informed us that you have received an inquiry from Spring Lake Township, Douglas, North Dakota, concerning a change in section 65-01-02 of the North Dakota Century Code. The question is whether section 65-01-02, subsection 5, paragraph a, subparagraph 1 requires the township to provide workmen's compensation insurance for all elected and appointed officials in the township. You pointed out that the township has a yearly payroll of roughly \$180.00 which covers the salaries paid to the supervisors, the clerks and the treasurer.

Section 65-01-02(5)(a)(1) of the North Dakota Century Code, as amended, provides:

All elective and appointed officials of this state and its political subdivisions, including municipal corporations and including the members of the legislative assembly, all elective officials of the several counties of this state, and all elective peace officers of any city or village;" (Emphasis supplied)

To determine whether the above-quoted section applies to township officials, it is necessary to answer two questions. First, does "political subdivisions" include townships. Second, is "including" used as a word of enlargement or limitation.

The words "political subdivisions" as it is is ordinarily understood would cover townships. Where such term is defined by North Dakota law it invariably includes townships. See sections 2-04-10 and 26-24-02 of the North Dakota Century Code. It is our opinion that the term "political subdivisions" as it is used in section 65-01-02(5)(a)(1) of the North Dakota Century Code, as amended, includes townships.

The next question is what is meant by the word "including." "The words 'include' and 'including' when used in statute are ordinarily used as words of enlargement, not limitation." Words and Phrases, volume 20A, page 152. Most of the court cases which have given a construction of this word in statutes have come to the same conclusion. Those that have not have generally based their interpretation on the fact that the statute when read as a whole indicated the word was meant to be a limitation on the general

language that preceded it. A reading of section 65-01-02(5)(a)(1) of the North Dakota Century Code, as amended, does not indicate that it was the Legislature's purpose to limit the words "political subdivisions" by what succeeds the word including." Rather, it appears that this word and what succeeds it is meant to expand and enlarge the words "political subdivisions."

Thus, it would be our opinion that a township must provide workmen's compensation insurance for its employees if such employees are otherwise required to be covered.

HELGI JOHANNESON