

**Opinion No. 194.****Mileage—Public Welfare—Counties.**

HELD: Employees of the county board of public welfare are entitled to mileage under Section 4884, R. C. M., 1935. Such employees are entitled to collect mileage at the rate of seven cents (7c) per mile.

January 30, 1940.

Mr. Phil G. Greenan  
County Attorney  
Great Falls, Montana

of seven cents (7c) per mile for distances actually traveled in the performance of their official duty.

My dear Mr. Greenan:

You have asked if the employees of the county board of public welfare are entitled to mileage for the use of their cars in making investigations, and if so the amount of mileage they are entitled to collect.

The term mileage means, "An allowance for traveling, as so much per mile," (Power v. County Commissioners, 7 Mont. 82, 88) and is reimbursement of a public functionary for the expenses of travel in the performance and discharge of his official duty (40 C. J. 658).

Section 4884, Revised Codes of Montana, 1935, provides:

"Members of the legislative assembly, state officers, county officers, township officers, jurors, witnesses, and all other persons, except sheriffs, who may be entitled to mileage shall be entitled to collect mileage at a rate of not to exceed seven cents (7c) per mile for the distance actually traveled, and no more."

The phrase, "all other persons, \* \* \* who may be entitled to collect mileage" includes all those public employees who are obliged to travel and incur expenses in the discharge of their public duty. Employees of the county board of public welfare are then entitled to collect mileage under this provision.

The statute also declares that all those, except sheriffs, entitled to mileage, "shall be entitled to collect mileage at a rate not to exceed seven cents (7c) per mile for the distance actually traveled." It is plain that those entitled to mileage are entitled to seven cents (7c), but no more. The qualification, "not to exceed seven cents (7c)," is a limitation upon authority of the county commissioners to increase the mileage allowance above seven cents (7c), but it does not prohibit those entitled to mileage from collecting the full amount of seven cents (7c) per mile. It follows that employees of the county board of public welfare are entitled to collect mileage at the rate