

**Health Officer, Expenses Of. Expenses, Incurred by Health Officer.**

A health officer is only entitled to recover his actual traveling expenses incurred by him when his official duties require him to travel a greater distance than two miles from the county seat, which items of expense must be separately stated and verified and must be reasonable.

March 22, 1912.

Hon. H. S. Greene,  
County Attorney,  
Great Falls, Montana.

Dear Sir:

I am in receipt of your letter of the 11th inst., in which you state that the health officer of your county is required to make numerous trips to outlying districts in the discharge of his duties as such officer; that he is a practicing physician and to save time and serve the county to the best of his ability desires to make all trips by automobile, using his own machine for that purpose and to charge the county a little less than three-fourths of what it would cost to hire a machine, and requesting my opinion as to whether or not this would be a proper charge against the county.

Sec. 1492 provides that when a county health officer, in the actual discharge of his official duties, is required to travel greater than two miles from the county seat of the county he represents, he shall recover his actual traveling expenses.

Sec. 2945, Revised Codes, provides that no account must be allowed by the board of county commissioners unless the same is made out in separate items, the nature of each item stated and verified by affidavit, showing that the account is just and wholly unpaid.

It is apparent from these two sections of the code that the county health officer is only entitled to recover his actual traveling expenses incurred by him when his official duties require him to travel greater than two miles from the county seat, and the items of expense so incurred must be separately stated and verified.

It is my opinion, therefore, if a person uses his own conveyance he would not be put to any actual traveling expense so far as the conveyance itself is concerned and consequently could not recover anything from the county. On the other hand where a public officer in the discharge of his duties incurs expenses, these expenses should be reasonable, but the circumstances of the case should be taken into consideration in determining the reasonableness of the charge. The actual

expenses incurred by him must be construed to be a reasonable actual expense incurred.

Yours very truly,

ALBERT J. GALEN,

Attorney General.