

County Commissioners, Mileage of. Mileage, of County Commissioners.

The allowance of mileage to county commissioners is for the term of meeting of the Board. A county commissioner is entitled to receive mileage once each way from and to his residence for each session which he attends and no more.

August 6, 1914.

Hon. Henry Good,
Chairman Board of County Commissioners,
Kalispell, Montana.

Dear Sir:

I am in receipt of your communication under date the 29th ultimo, requesting my opinion upon the following two questions:

"Is a County Commissioner in attendance at a meeting of the Board of County Commissioners, entitled to mileage each way from his residence to the county seat, as often as that trip may be made, during the session of the board, if he travels to and from his residence to the county seat each day during the session, or is the mileage allowed to be computed once only for the session?"

"What compensation is allowed to members of the Board of County Commissioners who were elected previous to the enactment of Chapter 72, Session Laws of 1913, for viewing roads and bridges?"

In answer to the first question, I will say that the provision for mileage is found in Section 3111, which provides that:

"Members of the legislative assembly, state officers, county officers, township officers, jurors, witnesses and other persons who may be entitled to mileage, shall be entitled to collect mileage at the rate of ten cents per mile for the distance actually traveled and no more."

The allowance of mileage to officers is made by the legislature for the purpose of defraying the expenses of the officer while upon official duty. It is not intended that mileage shall be a source of profit or an added compensation. Compensation to officers is covered

by the salary paid to them. The salary paid to public officers is intended to compensate them for the time spent in doing public business, and for such losses as they may be put to in their private business while absent upon the business of the public.

By reason of the above principles, I am of the opinion that the allowance of mileage is for the term or meeting of the Board of County Commissioners, and that a person could not collect mileage for each trip made to his residence from the county-seat during the continuance of the session. In other words, a County Commissioner is entitled to receive mileage once each way from and to his residence for each session which he attends and no more.

Your second question has already received consideration from this office, and the results thereof are set forth in an opinion to Hon. X. K. Stout, county attorney of Flathead county, under date June 6, 1913, a copy of which opinion is herewith enclosed.

You will note that it is there held that members of the Board of County Commissioners in office when the act of 1913 (Highway law) was passed, when engaged in the work of inspecting the condition of any highway or bridge in the county of their jurisdiction and the work done thereon, shall be paid therefor the sum of five dollars per day and no more.

Yours very truly,

D. M. KELLY,
Attorney General.