

**County Superintendent of Schools—Traveling Expenses—  
Meals—Officers—Conventions.**

The necessary traveling expenses of the county superintendent of schools while attending the annual meeting of county superintendents provided by section 943 are a proper charge against the county.

The words "traveling expenses," as used in sections 443 and 4948 of the code, include meals.

Enor K. Matson, Esq.,  
County Attorney,  
Lewistown, Montana.

May 25, 1927.

My dear Mr. Matson:

Section 443 as amended by chapter 48, session laws 1927, (senate

bill 62) so far as applicable to your inquiry, provides that no county or school district officer "shall receive payment from any public funds for traveling expenses or other expenses of any sort or kind for attendance upon any convention, meeting or other gathering of public officers save and except upon attendance at such convention, meetings or other gatherings as such officer may, by virtue of his office, be required to attend."

Since the annual meeting of county superintendents is called by the superintendent of public instruction under the express authority of section 943, there can, I think, be no question but that it is both the right and the duty of the board of county commissioners to allow a claim against the county for the necessary traveling expenses of the county superintendent in attending the annual meeting of the county superintendents at Helena as provided for under section 943.

It is also my opinion that the words "traveling expenses" as used in section 443, supra, and the words "necessary traveling expenses" as used in section 4948 of the code, include meals. It is, of course, true that an officer must eat, whether at home or elsewhere, but it is also well recognized that the cost of subsistence at hotels or restaurants while a person is traveling is considerably in excess of the cost of eating at one's own home or boarding place. Hence, a reasonable interpretation of the meaning of the words "traveling expenses" must, in my opinion, include the item of meals.

Your letter is directed specifically to the matter of meals and traveling expenses of the county superintendent of schools. The same general principles above announced would, of course, apply for the payment of meals of any other county officer while away from his place of abode and engaged in the discharge of his official duties. I should prefer, however, to pass upon a specific set of facts rather than to give a general opinion upon your inquiries insofar as they relate to county officers other than the superintendent of schools.

Very truly yours,

L. A. FOOT,  
Attorney General.