

Opinion No. 137.**Counties—County Commissioners, Expenses of—Attendance at Meetings and Conventions.**

HELD: The County Commissioners may not expend county funds to pay expenses of delegate or representative to meeting or convention outside of state, nor for any meeting except as provided by Section 443, R. C. M., 1935.

September 14th, 1939.

Mr. Harold G. Dean
County Attorney
Thompson Falls, Montana

Dear Mr. Dean:

You have submitted the question as to whether or not the county may pay the expenses of a delegate to attend an out of state association meeting, sponsoring a movement seeking to have the Federal Government apply funds to the county in lieu of taxes, on land owned by the United States Government.

Section 443, R. C. M., 1935, prohibits a county officer from receiving payment of public funds for attendance upon any convention, meeting or other gathering of public officers, except such as the officer is required by law to attend. Section 443 expressly permits a County Commissioner to attend a state meeting of County Commissioners or Assessors, held within the state, not oftener than once a year.

State ex rel. King vs. Smith, 98 Mont. 171.

County Commissioners are not required by law to attend out of state conventions or meetings, and hence, the county is prohibited from paying the expenses of any County Commissioner who may attend. The expenditure of county funds is curtailed for

such purposes as are required and provided for by law. No authority is granted the Board of County Commissioners to expend public funds to defray the expenses of sending a delegate to such convention or out of state meeting. The Board of County Commissioners have only such power as is expressly conferred or necessarily implied.

Independent Publishing Co. vs. Lewis and Clark County, 30 Mont. 83;

Hersey vs. Neilson, 47 Mont. 132.

If a County Commissioner, who officially represents the county, is prohibited from receiving county funds to pay his attendance at such meetings, at least no greater power should be delegated to an individual.