

**Opinion No. 94.****Public Welfare — County Commissioners—Meetings as Welfare Board—Mileage.**

HELD: 1. County Commissioners may transact welfare business at same session as county commissioners, but are entitled to only one day's compensation.

2. County commissioners may transact business as county commissioners and as county welfare board at same session or may set a separate day for welfare business.

3. If board adjourns as commissioners and convenes the next day as welfare board, and members of the board actually travel from their homes to attend latter meeting, they are entitled to mileage.

It would therefore seem clear that each county board may determine from the conditions existing in its particular county whether it conducts welfare matters during its sessions as a board of county commissioners, or set apart a separate day, or days, for each. If the members of the board travel from their homes to the county seat for the purpose of conducting welfare matters on a day, or days, other than their regular session as a board of county commissioners, they are entitled to mileage at the same rate as for sessions as county commissioners, to-wit, seven cents (7c), (See Chapter 176, Laws, 1939.)

July 6, 1939.

Mr. Claude A. Johnson  
County Attorney  
Red Lodge, Montana

My Dear Mr. Johnson:

I beg to acknowledge receipt of your letter enclosing copy of opinion rendered by you to the county commissioners of your county in which you held that when the board of county commissioners adjourn as such board and meet the following day as a board of public welfare, they are entitled to mileage from and to their homes if they actually go to their homes at the conclusion of their session as a board of county commissioners and return the next day to convene as a welfare board. With this conclusion I agree.

You base your opinion on the wording of subdivision (b) of Section IX, Part I, Chapter 82, Laws, 1937. This section was amended by Chapter 129, Laws, 1939. The language of this section as amended seems to be broader than the original enactment and leads to the conclusion that the Legislature attempted to make more clear its intention. It will be noted that the amended portion specifically provides that the commissioners may devote such additional time as is necessary for welfare matters, and may transact business as county commissioners and as a welfare board on the same day, but in such event may only receive compensation for one day's service.