

Opinion No. 24.

Code Commissioner

Held: The code commissioner shall be paid on the basis of Five Hundred Fifty-five Dollars plus, each month for the eighteen months period.

March 24, 1945.

Honorable Sam C. Ford
Governor
State Capitol
Helena, Montana

Dear Governor Ford:

You have submitted the following question for my opinion as to the basis on which the code commissioner should be paid:

"House Bill No. 320, passed by the Twenty-ninth Legislative Assembly and approved by the Governor on March 5, authorizes and directs the Supreme Court to appoint a code commissioner not later than July 1, 1945, to codify and recodify the laws of the state."

Section 9 of the act provides in part as follows:

"The code commissioner shall be paid for the performance of the work herein specified with the sum of Five Thousand (\$5,000.00) Dollars for each of the years 1945 and 1946, and said payments shall be made monthly and prorated from the time of the appointment of the commissioner until the payment on December 31, 1946

"The question has been raised as to the basis for figuring the compensation of the code commissioner, that is, whether his compensation shall be calculated on an 18 months' basis from July 1, 1945 to December 31, 1946, at a monthly salary of \$555.00 plus or on a yearly basis at a monthly salary of \$416.00 plus."

"Will you be good enough to advise me at your earliest convenience what basis should be employed in determining the commissioner's salary?"

House Bill No. 320 is now Chapter 184, Laws of 1945. Reading the whole chapter, it is easily ascertained the legislature intended in Section 9 thereof that the code commissioner should receive a salary or remuneration for the performance of the work to be completed by him in the sum of Five Thousand Dollars for each of the years 1945 and 1946, or a total of Ten Thousand Dollars, to be paid monthly and pro-rated from the time that he is appointed, that is, July 1, 1945, and up to and including December 31, 1946.

Thus the code commissioner is to be employed for a period of eighteen months and shall be paid a total sum of Ten Thousand Dollars divided into eighteen monthly payments of Five Hundred Fifty-five Dollars plus each month.

It is therefore my opinion the code commissioner shall be paid on the basis of Five Hundred Fifty-five Dollars plus each month for the eighteen months' period.

Sincerely yours,
R. V. BOTTOMLY,
Attorney General