

Opinion No. 70.**Post War Planning and Construction Commission—Expenses.**

Held: The members of this commission may be reimbursed for the expenses they necessarily incur in the performance of their duties, in their sound discretion. These expenses are to be paid out of the fund appropriated to the commission for administrative expenses.

September 24, 1945.

Mrs. Eloise Gates, Secretary
Post War Planning and Construction
Commission
State Capitol
Helena, Montana

Dear Mrs. Gates:

The Post War Planning and Construction Commission has requested that you obtain my opinion relative to the legislative intent regarding the expenses of the members of said commission as set forth in paragraph (c) of Section 7, Chapter 148, Laws of 1945. This paragraph reads as follows:

“(c) The members of the commission shall receive no compensation for their services but shall be reimbursed for the expenses necessarily incurred by them in the performance of their duties.”

The intent of the legislature is plain and unambiguous and needs no inter-

pretation. The act simply states that the commission members shall be reimbursed for the necessary expenses incurred by them in the performance of their duties.

The only complication arising is that Chapter 139, Laws of 1943, limits the expenses of every person in the service of the state, within the state, other than railroad, bus and automobile hire, to the sum of \$5.00 per day. However, Chapter 148, Laws of 1945, repeals Chapter 139, Laws of 1943, insofar as it conflicts with the intent and purpose of Chapter 148, Laws of 1945. Chapter 139, Laws of 1943, and Chapter 148, Laws of 1945, are irreconcilable with each other in regard to the amount of expenses allowed.

It is therefore my opinion that paragraph (c) of Section 7, Chapter 148, Laws of 1945, controls and that the members of said commission may be reimbursed for the expense they necessarily incur in the performance of their duties, in the sound discretion of the commission. These expenses are to be paid out of the fund appropriated to the commission for administrative expenses.

Sincerely yours,
R. V. BOTTOMLY,
Attorney General