

"This board of county commissioners meet four days in the fore part of the month and two days as special session around the middle of the month. One day of the regular session and one of the special session are taken up with welfare work. The members return to their homes at each day's end, which in all cases is quite a distance from the county seat."

There have been a great number of opinions rendered upon this subject by the previous Attorney Generals. The one most significant to your problem is Opinion No. 168, Volume 20, Report and Official Opinions of the Attorney General, page 212. It was there held that the county commissioners are to be allowed mileage for each round trip to each and every meeting attended. It was pointed out that the time allotted for each meeting would have no bearing, but mileage would only be given once to the members thereof. In holding to this view this opinion cited, approvingly, the following previous opinions of former Attorney Generals, which held to the same rule: Volume 5, page 592, Volume 8, pages 43 and 48, Volume 17, page 380, Report and Official Opinions of the Attorney General.

It is well to note that the opinion in Volume 17, page 380, Report and Official Opinions of the Attorney General, pointed out that the purpose for such a holding was based upon the fact that originally county seats were some distance from the homes of many of the commissioners and since transportation was not as speedy then as it is today it was not the intention or expectation of the legislature that the commissioners should return to their homes at the end of each day and during the same continuous meeting.

The opinion in Volume 20, citing Chapter 129, Laws of 1939, went on to hold that where the board meets in regular session as a Board of County Commissioners and adjourns, and on a succeeding day it meets pursuant to notice given as a Board of Public Welfare, the commissioners are entitled to mileage for two round trips if they actually travel to and from the

Opinion No. 32

Board of County Commissioners— County Commissioners, Sitting as Public Welfare Board—Mileage.

Held: The members of the Board of County Commissioners are entitled to one mileage to and from their homes to the county seat when attending meetings as county commissioners and also when attending meetings as a welfare board, after public notice given, provided the members actually make such trips, regardless of the number of days each such meeting is in session, or whether one session immediately follows the other.

May 3, 1947

Mr. P. B. McAllister, Chairman
Board of County Commissioners
Judith Basin County
Stanford, Montana

Dear Mr. McAllister:

You have requested an opinion as to whether or not the county commissioners of your county are entitled to mileage for each day which they are in session. You have further stated the following facts:

county seat to their homes, citing approvingly, Volume 18, Opinion No. 94, and Volume 19, Opinion No. 32, Report and Official Opinions of the Attorney General.

It would, thus appear that if the members return home at the end of each day and return at a later date to attend **another meeting**, which is specially called, or during which the Board of County Commissioners sits as an ex officia board, as it does in the case of public welfare work, the members should be allowed mileage for each separate meeting called for a separate purpose. **In your particular case** the members of the board would receive mileage for one round trip to attend the regular meeting of the Board of County Commissioners in the early part of the month, mileage for one round trip for the special session, and mileage for each round trip to attend the regularly called meetings as a Public Welfare Board, as you have above indicated. In all four round trips this mileage will be provided only if the members actually make such trips. If, as you state, public welfare work is conducted on the last day of each of these sessions, and if each of these public welfare meetings is regularly called for the purpose of discussing that type of business, and it is not a mere continuation of the meeting held the prior day, round trip mileage will be given for those two days.

It is, therefore, my opinion the members of the Board of County Commissioners are entitled to one mileage to and from their homes to the county seat when attending meetings as county commissioners and also when attending meetings as a welfare board, after public notice given, provided the members actually make such trips, regardless of the number of days each such meeting is in session, or whether one session immediately follows the other.

Sincerely yours,
R. V. BOTTOMLY,
Attorney General