

Chapter 4, Session Laws of 1949, in which the compensation rate was increased to ten dollars per day for each day's attendance on the sessions of the board.

Section 32-314, *supra*, provides that the board of county commissioners may direct the county surveyor or some member or members of the board to inspect the condition of highways, and such person shall receive for making such inspection the sum of eight dollars per day. Neither the title or the body of Chapter 4, Session Laws of 1949, refers in any way to Section 32-314, *supra*, but relates solely to what is now Section 16-912, *supra*.

Repeal or amendment of a statute by implication is not favored, *London Guaranty & Acc. Co. v. Industrial Accident Board*, 82 Mont. 304, 266 Pac. 1103; *State ex rel. Special Road District v. Mills*, 81 Mont. 86, 261 Pac. 885; *In re Naegle*, 70 Mont. 129, 224 Pac. 269; *State ex rel. Malott, et al., v. Board of County Commissioners of Cascade County*, 89 Mont. 37. Further, there is no cogent reason for assuming that the Legislature intended to amend Section 32-314 at the same time that Section 16-912, *supra*, was amended. It is within the power of the Legislature to fix the compensation to be paid county officials, and further it is within the legislative power to fix the compensation for the performance of one class of duties at one rate, and the compensation for another class of duties at a different rate.

Therefore, it is my opinion that the members of boards of county commissioners may be paid only eight dollars per day and their actual expenses while inspecting highways, notwithstanding the fact that they are entitled to ten dollars per day for each day's attendance at sessions of the board.

Very truly yours,
ARNOLD H. OLSEN
Attorney General

Opinion No. 12

County Commissioners—Compensation

Held: That the members of boards of county commissioners may be paid only eight dollars per day and their actual expenses while inspecting highways, notwithstanding the fact that they are entitled to ten dollars per day for each day's attendance at sessions of the board.

April 20th, 1951.

Mr. M. C. Parcels
County Attorney
Stillwater County
Columbus, Montana

Dear Mr. Parcels:

You have requested my opinion on the question of whether Chapter 4, Session Laws of 1949, has amended Section 32-314, Revised Codes of Montana, 1947. Section 16-912, Revised Codes of Montana, 1947, provided that each member of the board of county commissioners is entitled to eight dollars per day for each day's attendance on the sessions of the board. This section, 16-912, *supra*, was amended by