

Opinion No. 349.**Montana Relief Commission—Members—Per Diem.**

HELD: Members of the Montana Relief Commission may validly be paid per diem for each day that the Commission is in session and not otherwise.

September 11, 1936.

Hon. Elmer Holt
Governor of Montana
The Capitol

This will acknowledge receipt of your letter of September 10 in which you ask:

“Will you please advise as to whether or not members of the Relief Commission may collect their per diem when the board is not in session?”

Section 335.3, R. C. M. 1935, provides: “The members of said commission shall receive as compensation the sum of ten and no/100 (\$10.00) dollars per diem for each day actually engaged in the duties of their office, in addition to their necessary expenses while away from their home in the performance of the duties of their office, said sum to be paid out of the funds appropriated to the use of said ‘Montana Relief Commission’ by the State of Montana. * * *”

Section 335.11 states: “The commission shall appoint a Montana Relief Administrator * * *. Said administrator shall be the administrative officer for the commission. The commission shall determine the policies of the Montana Relief Administration,

but all administrative and executive authorities and duties shall be vested in the administrator, provided however, that appointments by the administrator of major department heads shall be subject to the approval of the commission."

Section 335.2, R. C. M. 1935, provides *inter alia*: "The members of the commission shall meet and elect such officers of the commission as they deem advisable and shall meet thereafter at least four times a year and whenever called in session by the chairman of the commission, or the Governor of the State of Montana or by a majority of the members of the commission."

Under the foregoing statutory provisions, and for the reasons stated in our Opinion No. 314 to you on July 6, 1936, relative to the compensation of members of the State Highway Commission, it is our opinion that the members of the Montana Relief Commission may validly be paid per diem for each day that the commission is in session and not otherwise.