

Dental Board, Pay of Members of. State Board of Dental Examiners, Pay of Members of. Compensation, Members of Board of Dental Examiners.

The State Board of Dental Examiners is vested with discretionary power to use the money coming into its treasury for the enforcement of the provisions of the law creating the Board. and order certain charges for investigating alleged violations of the law, or attending educational meetings.

June 10, 1916.

Hon. George A. Judson,
County Attorney,
Great Falls, Montana.

Dear Sir:

I am in receipt of your letter submitting for consideration the following questions:

"7. Is the treasurer of a dental board authorized to pay members of the board mileage and per diem for traveling about the state for the purpose of investigating alleged violations of the law, regulating the practice of dentistry?

"2. Is such treasurer authorized to pay expenses of a member of said board in attending the National Board of Dental Examiners?"

The law contains no specific statement relative to what may be included in the term expenses of the board. Section 1583, Revised Codes, provides that the money "coming into the treasury of said board shall be paid out upon the warrant of the president and the secretary thereof, in payment of the compensation and expenses of said board in carrying out the provisions of this Act," but the law nowhere contains an enumeration of what may be classed as "expenses". A certain discretionary power seems to be vested in the board to use the moneys which come into its hands for the carrying out of the purposes and provisions of the law. A somewhat similar question was before this office with reference to expenses of county officers.

See Opinions Attorney General, 1912-1914, p. 17.

On December 30th, 1914, the State Board of Nurses submitted to this department the following question relating to the construction of Chapter 50, Laws of 1913:

"May members of said board receive any per diem or expenses while in attendance upon conventions of nurses or other educational meetings?"

In answer to this question, this department said:

"The statute is wholly silent on this subject. I cannot say as a matter of law that such expenses may be properly allowed, nor can I say that it would be improper to allow them in any case. It is probable that the exigency of the case and the facts and circumstance attending the meeting would have a material bearing upon the question as to whether the expenses or per diem should be allowed. In view of there being no statutory direction it would require a judgment of court in each particular case to determine the question. I can only advise caution."

In view of there being no statutory direction, I can add but little to the above; and, in view of the fact that this is money which is paid in for the use of the dental board in carrying out the provisions of the Act, I am of the opinion that the board is vested with some discretion in determining its method of procedure, and that, unless there is a clear abuse of that power, it should be left generally to the judgment of the board charged with the duty and vested with the authority

of carrying into operation the laws and regulations relating to the practice of dentistry in this state.

Yours very truly,

J. B. POINDEXTER,

Attorney General.