

traveling expenses while away from home in the performance of the duties of his office, the maximum amount each member of the commission shall receive for per diem shall not exceed five hundred dollars (\$500.00) per annum."

Since the members of the board are paid on a per diem basis and not a monthly or yearly salary, they do not come within the express terms of Section 459.1, and are therefore not limited to the \$4.00 per day for expenses therein provided.

**Opinion No. 82.**

**Officers—Expenses.**

HELD: Section 459.1, relating to expenses of officers, does not apply to officers of the state paid on a per diem basis.

April 13, 1937.

Hon. L. M. A. Wass  
Administrator, Montana Liquor  
Control Board  
Helena, Montana

Dear Mr. Wass:

You have submitted the following question:

"Are the members of the Montana Liquor Control Board bound by Section 459.1 of Chapter 52, entitled 'Regulations Concerning Public Officers,' of Revised Codes of Montana 1935, or any acts subsequent thereto? Or, are the board members allowed their actual expenses over \$4.00 per day while engaged in their official duties?"

Section 459.1, R. C. M. 1935, provides:

"Every person engaged in any service in every department of state, \* \* \* whose duties consist of full or partial time in traveling to perform any service for the state under **monthly or yearly salary**, \* \* \* shall be limited to not more than four dollars (\$4.00) per day \* \* \*."

Chapter 30, Laws of 1937, provides:

"Each of the members of the Montana Liquor Control Board shall receive, as compensation for his official services, the sum of ten dollars (\$10.00) per diem, for each day actually engaged in the duties of his office, including his time of travel between his home and place of employment of such duties, together with the