

No. 180

**MONTANA STATE BOARD OF DENTAL EXAMINERS—
COMPENSATION OF MEMBERS THEREOF—DENTAL
EXAMINERS, Compensation of While Traveling**

Held: A member of the Montana State Board of Dental Examiners is entitled to the sum of fifteen (\$15.00) dollars per day for time spent while traveling to and from a board meeting as provided by law, provided, of course, the travel is in the ordinary course and is by direct route to and from the said board meeting.

July 17, 1941.

Dr. D. H. McCauley, Secretary-Treasurer
Montana State Board of Dental Examiners
Laurel, Montana

Dear Dr. McCauley:

In a letter which I received from you dated July 16, 1941, you state in part as follows:

"The members of the Montana State Board of Dental Examiners appointed by the Governor of the state reside in many separate districts and on account of the immensity of our state are compelled to travel long distances to a certain central point, usually meeting at Helena. These trips call for much time being spent traveling to and from the respective homes. Section 9 of the Montana Dentistry Regulation Act provides the sum of Fifteen Dollars per diem is allowed for each day actually engaged in the duties of this office. This Board, therefore, would like an opinion and a decision from your office whether or not a man traveling from some far away point is entitled to the per diem and should be paid the \$15.00 per day for time spent while traveling to a meeting. We would like your interpretation regarding the per diem allowed by the Dental law, providing at all times no meeting of the Board shall exceed six days in duration."

Section 3115.9, Revised Codes of Montana, 1935, provides as follows:

"Out of the funds coming into the possession of the board from the fees and dues charged as hereinabove provided, the sum of fifteen (\$15.00) dollars per day for each day actually engaged in the duties of his office and the amount of the actual railroad and Pullman fares to and from his place of residence to the place where the meetings of said board are held, shall be paid to each member of said board attending such meetings. Meetings held for the purpose of examining candidates for license to practice dentistry in Montana shall in no case exceed six days. Said board may, if by it deemed advisable, with the consent of the county attorney of any county, employ and compensate out of said fund, special counsel to assist in the prosecution in the courts of such county and in the supreme court of this state, of any offense alleged to have been committed under the provisions of this act in such county. Such expenses shall be paid from the fees received by the board under the provisions of this act. The secretary-treasurer of the board shall receive such reasonable compensation for his services as said board may fix. All moneys received from any source in excess of expenses and salaries above provided for, shall be held by the secretary-treasurer of said board as a special fund for meeting the expenses of said board, the proper administration of this act and for such educational purposes as may be deemed wise by said board. All moneys on hand shall be invested or deposited under the direction of the board, and all moneys received by the board under this act shall be and remain subject to its exclusive custody and control."

It is evident—from the statute above quoted—members of the Montana State Board of Dental Examiners are entitled to the sum of fifteen dollars (\$15.00) per day for each day actually engaged in the duties of their offices and the amount of the actual railroad and pullman fares to and from their place of residence to the place where the meetings of said board are held. It should be noted the statute just quoted provides a member of the Montana State Board of Dental Examiners is entitled to his actual railroad and pullman fares to and from his place of residence to the place where the said meetings are held, thus showing it was the legislative intent the member also receive the sum of fifteen (\$15.00) dollars per day while traveling to and from the board meetings.

From the foregoing, I beg to advise you it is my opinion each member of the Montana State Board of Dental Examiners is entitled to the sum of fifteen (\$15.00) dollars per day for time spent while traveling to and from a board meeting as provided for by law, provided, of course, the travel is in the ordinary course and is by direct route both to and from the said board meeting.

Sincerely yours,

JOHN W. BONNER
Attorney General