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House BILL NO. 621
Wilson By request of DEPARTMENT
OF ADMINISTRATION

A BILL FOR AN ACT ENTITLED: "AN ACT TO REVISE, LIMIT, AND STANDARDIZE THE TRAVEL EXPENSE REIMBURSEMENT PROVISIONS FOR ALL STATE OFFICERS AND EMPLOYEES; AMENDING SECTIONS 1-908, 3-2906, 26-106, 26-114, 27-240, 31-104, 41-1201, 41-2107, 43-111, 43-218, 43-714, 43-1106, 44-127, 59-538, 59-539, 59-801, 66-109, 66-408, 66-513, 66-608, 66-809, 66-909, 66-1020, 66-1226, 66-1311, 66-1410, 66-1505, 66-1815, 66-1927, 66-2104, 66-2203, 66-2403, 66-2329, 66-2604, 66-2703, 66-2910, 66-3020, 66-3107, 69-5903, 70-134, 71-217, 72-107, 75-5614, 75-6204, 76-107, 76-111, 78-1304, 82-3603, 82A-110, 82A-112, 82A-1602.10, 89-3204, 93-232, 93-305, 93-313, AND 93-2074, H.C.M. 1947, AND REPEALING SECTION 59-802, R.C.M. 1947."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
Section 1. Section 59-538, R.C.M. 1947, is amended to read as follows:
"59-538. Expenses Travel expense of persons in state service. ~~per diem allowance~~ Every person engaged in any service in every department of state, except the governor, the lieutenant governor, and the attorney general, state auditor, superintendent of public instruction, public

INTRODUCED BILL

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~~service commissioners, secretary of state, state treasurer, clerk of the supreme court and justices of the supreme court who shall be paid actual and necessary expenses as hereinafter provided exclusive of persons in appointive positions, or positions created by law, whose duties consist of full or partial time in traveling to perform any service for the state under monthly or yearly salary, or who may be sent by any authorized executive of any department of the state upon a mission in performance of any clerical work, supervisory or extension work or otherwise, of every kind and character, shall be allowed, for the time engaged in such travel, sixteen dollars (\$16) per day for such travel within the state of Montana, and for travel outside the state of Montana the sum of twenty five dollars (\$25) per day for meals and other necessary expenses; except that for travel within the District of Columbia the sum of thirty dollars (\$30) per day shall be allowed and provided, that the provisions of this act shall not apply to persons holding offices specifically provided for in section 93-205, or section 93-313; provided that nothing herein contained shall be construed as affecting the validity of section 43-310. The governor shall be authorized actual and necessary expenses not to exceed sixty dollars (\$60) per day when engaged in state service away from Helena, Montana. The lieutenant governor, when directed by the governor to engage~~

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1 ~~in state service, the attorney general, state auditor,~~
 2 ~~superintendent of public instruction, public service~~
 3 ~~commissioners, secretary of state, state treasurer, clerk of~~
 4 ~~supreme court and justices of supreme court shall be~~
 5 ~~authorized actual and necessary expenses not to exceed forty~~
 6 ~~dollars (\$40) per day while engaged in state service away~~
 7 ~~from Helena, Montana. Every elected official, appointed~~
 8 ~~members of boards, commissions, councils, and department~~
 9 ~~directors, and all other state employees shall be reimbursed~~
 10 ~~for the cost of meals and lodging while away from the~~
 11 ~~person's designated headquarters; traveling outside the~~
 12 ~~employee's designated travel day and for more than three (3)~~
 13 ~~hours; and engaged in official state business in accordance~~
 14 ~~with the following provisions:~~

15 (1) Travel within the state of Montana:

16 (a) The governor shall be authorized actual and
 17 necessary expenses not to exceed sixty dollars (\$60) per
 18 day.

19 (b) All other elected state officials shall be
 20 authorized actual and necessary travel expenses not to
 21 exceed fifty dollars (\$50) per day.

22 (c) Appointed members of board, commissions, councils,
 23 and department directors shall be authorized actual and
 24 necessary travel expenses not to exceed forty dollars (\$40)
 25 per day.

1 (d) All other state employees shall be authorized the
 2 actual cost of lodging not exceeding fifteen dollars (\$15)
 3 per day plus two dollars (\$2) for the morning meal, three
 4 (\$3) for the midday meal, and five dollars (\$5) for the
 5 evening meal. All claims for lodging expense reimbursement
 6 allowed under this section must be documented by an
 7 appropriate receipt.

8 (2) Travel out of the state of Montana:

9 (a) The governor shall be authorized actual and
 10 necessary travel expenses not to exceed seventy dollars
 11 (\$70) per day.

12 (b) All other elected state officials shall be
 13 authorized actual and necessary travel expenses not to
 14 exceed sixty dollars (\$60) per day.

15 (c) Appointed members of boards, commissions,
 16 councils, and department directors shall be authorized
 17 actual and necessary travel expenses not to exceed fifty
 18 dollars (\$50) per day.

19 (d) All other state employees shall be authorized the
 20 actual cost of lodging not exceeding twenty-seven dollars
 21 (\$27) per day plus three dollars (\$3) for the morning meal,
 22 four dollars (\$4) for the midday meal, and six dollars (\$6)
 23 for the evening meal. All claims for the lodging expense
 24 reimbursement allowed under this subsection must be
 25 documented by an appropriate receipt.

1 (3) When other than commercial, non-receiptable
 2 lodging facilities are utilized by a state employee while
 3 conducting official state business in a travel status, the
 4 amount of seven dollars (\$7) will be authorized for lodging
 5 expenses for each day in which travel involved an overnight
 6 stay in lieu of the amount authorized in subsection (1) (d)
 7 or (2) (d) above.

8 (4) The actual cost of reasonable transportation
 9 expenses and other necessary business expenses incurred by a
 10 state official or employee while in an official travel
 11 status shall be subject to reimbursement.

12 (5) The provisions of this section shall not be
 13 construed as affecting the validity of section 43-310.

14 (6) The department of administration shall prescribe
 15 rules necessary to effectively administer this section."

16 Section 2. Section 59-539, R.C.M. 1947, is amended to
 17 read as follows:

18 "59-539. Computation of per diem travel allowance. In
 19 computing the per diem in lieu of subsistence for continuous
 20 travel of more than twenty four (24) hours, the calendar
 21 day, midnight to midnight, shall be the unit, and for
 22 fractional parts of a day at the commencement or ending of
 23 such continuous travel, constituting a travel period,
 24 one fourth (1/4) of the rate for a calendar day shall be
 25 allowed for each period of six (6) hours or fraction

1 thereof, when a change in the per diem rate is made during a
 2 day, the rate of per diem in effect at the beginning of the
 3 quarter in which the change occurs shall continue to the end
 4 of such quarter. Except as herein provided, for continuous
 5 travel of twenty four (24) hours or less, constituting a
 6 travel period, such period shall be regarded as commencing
 7 with the beginning of the travel and ending with the
 8 completion thereof, and for each six (6) hour portion of the
 9 period or fraction thereof one fourth (1/4) of the rate for
 10 a calendar day shall be allowed. (1) To be eligible for
 11 the travel allowance provided in section 59-538, an employee
 12 must have been in a travel status for more than three (3)
 13 continuous hours and the travel must have commenced more
 14 than one (1) hour before or terminated more than one (1)
 15 hour after the employee's normally assigned work shift. If
 16 eligible, an employee:

17 (a) earns the morning meal allowance if in a travel
 18 status between the hours of 12:01 a.m. and 10 a.m.;

19 (b) earns the midday meal allowance if in a travel
 20 status between the hours of 10:01 a.m. and 3 p.m.; and

21 (c) earns the evening meal allowance in a travel
 22 status between the hours of 3:01 p.m. and 12 midnight.

23 (2) For persons in state service regularly assigned to
 24 an 8 a.m. to 5 p.m. work period, the only per diem allowance
 25 shall be an amount not to exceed two three dollars ~~(\$2)~~ (\$3).

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1 per day ~~for moneys actually expended~~ for a midday meals meal
 2 when the departure is at or after 7 a.m. and the return on
 3 the same day is at or prior to ~~6:00~~ p.m. For persons in
 4 state service regularly assigned to work periods other than
 5 8 a.m. to 5 p.m., the employing department may establish a
 6 per diem allowance of an amount not to exceed ~~one dollar and~~
 7 ~~fifty cents (\$1.50)~~ two dollars (\$2) for ~~moneys actually~~
 8 ~~expended for a morning meals meal~~ and ~~three dollars and~~
 9 ~~fifty cents (\$3.50)~~ for ~~moneys actually expended for an~~
 10 ~~evening meals meal.~~ Only one of the three (3) allowances
 11 provided in subsection (2) may be claimed in any one (1)
 12 day. In no case shall any per diem or allowance whatsoever
 13 be paid for any absence not exceeding three (3) hours."

14 Section 3. Section 59-801, R.C.M. 1947, is amended to
 15 read as follows:

16 "59-801. Mileage of all officers. (1) Members of the
 17 legislative assembly, state officers, township officers,
 18 jurors, witnesses, county agents, and all other persons,
 19 except sheriffs, who may be entitled to mileage, when using
 20 their own automobiles or airplanes in the performance of
 21 official duties, shall be entitled to collect mileage for
 22 the distance actually traveled by automobile, and for the
 23 shortest regularly traveled automobile route when travel is
 24 by private plane, and no more unless otherwise specifically
 25 provided by law; provided, however, that nothing herein

1 contained shall be construed as affecting the validity of
 2 section 43-310.

3 (2) Where the individual is authorized to operate a
 4 privately owned vehicle even though a state government owned
 5 or leased vehicle is available, a rate of ~~one~~ twelve cents
 6 ~~(9¢)~~ (12¢) per mile shall be paid.

7 (3) Where a privately owned vehicle is used because a
 8 state government owned or leased vehicle is not available
 9 for use or it is in the best interest of the state
 10 governmental entity that a privately owned vehicle be used,
 11 twelve fifteen cents ~~(12¢)~~ (15¢) per mile shall be paid for
 12 the first one thousand (1,000) miles and twelve cents (12¢)
 13 per mile for all miles thereafter traveled within a given
 14 calendar month."

15 Section 4. Section 1-908, R.C.M. 1947, is amended to
 16 read as follows:

17 "1-908. Commissioners — compensation — meetings —
 18 officers. A commissioner of an authority shall be entitled
 19 to the necessary expense, including travel expenses, as
 20 provided for in sections 59-538, 59-539, and 59-801,
 21 incurred in the discharge of his duties. Each commissioner
 22 shall hold office until his successor has been appointed and
 23 has qualified. The certificates of the appointment and
 24 reappointment of commissioners shall be filed with the
 25 authority.

1 The powers of each authority shall be vested in the
2 commissioners thereof. A majority of the commissioners of an
3 authority shall constitute a quorum for the purpose of
4 conducting business of the authority and exercising its
5 powers and for all other purposes. Action may be taken by
6 the authority upon a vote of not less than a majority of the
7 commissioners present.

8 There shall be elected a chairman and vice-chairman
9 from among the commissioners. An authority may employ an
10 executive director, secretary, technical experts, and such
11 other officers, agents, and employees, permanent and
12 temporary, as it may require, and shall determine their
13 qualifications, duties and compensation. An authority may
14 delegate to one (1) or more of its agents or employees such
15 powers or duties as it may deem proper."

16 Section 5. Section 3-2906, R.C.M. 1947, is amended to
17 read as follows:

18 "3-2906. Compensation — per diem. Members of the
19 committee shall receive no salary, but shall be paid, from
20 the wheat research and marketing account in the federal and
21 private revenue fund, a per diem of twenty dollars (\$20) for
22 each day they are engaged in the transaction of official
23 business, together with their actual and necessary travel
24 expenses, as provided for in sections 59-538, 59-539, and
25 59-801, incurred while on official business."

1 Section 6. Section 26-106, R.C.M. 1947, is amended to
2 read as follows:

3 "26-106. Director of fish and game — powers —
4 duties. The director of fish and game shall be the secretary
5 of the commission, attend the meetings of the commission,
6 and keep a record of all of its transactions. The director
7 shall keep an inventory showing the description and value of
8 all property owned by the state and under the administration
9 of the commission. He shall be the administrative agent of
10 the commission and custodian of the property and records of
11 the department. He shall devote all of his time to his
12 official duties and his powers and duties include those of a
13 warden. He is subject to the supervision and control of the
14 commission. The director may, by and with the consent of the
15 commission, establish such department divisions and employ
16 the necessary personnel that may be needed to conduct the
17 work of the department. The director shall be paid a salary
18 fixed by the commission and shall be reimbursed for his
19 actual and necessary travel expenses, as provided for in
20 sections 59-538, 59-539, and 59-801, incurred while in the
21 performance of his duties, the same to be paid upon proper
22 vouchers from the fish and game account in the earmarked
23 revenue fund."

24 Section 7. Section 26-114, R.C.M. 1947, is amended to
25 read as follows:

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"26-114. Appointment of ex officio state fish and game wardens. All sheriffs and their deputies, constables, all peace officers of the state, or any subdivision thereof, and all state forest officers, and such other officers of the United States forest service or agents of the United States fish and wildlife service which are assigned to duty in this state, and field personnel fish and game commission, as the director, with the approval of the state fish and game commission, may appoint are hereby made ex officio state fish and game wardens, without pay, except that the commission may, in its discretion, allow ~~actual and necessary~~ traveling expenses, as provided for in sections 59-538, 59-539, and 59-801, which, if allowed, shall be paid upon proper vouchers from the state fish and game funds, and shall have the same powers with reference to the enforcement of the fish and game laws of this state as regularly appointed state fish and game wardens, and it is hereby made their duty to assist, whenever possible, in the enforcement of said laws."

Section 8. Section 27-240, R.C.M. 1947, is amended to read as follows:

"27-240. Advisory council. (1) The director of agriculture may appoint an advisory council to study and make recommendations on special pesticide problems in the state. The council shall consist of individuals

representing, equally, controlled industry, agriculture, health, and wildlife. Governmental personnel, university personnel not included, may not be represented on the council. Governmental personnel shall meet with the council in an advisory capacity when requested by the council. The council may not exceed twelve (12) members. The director of agriculture shall establish the time period in which the council shall exist. The time period may not exceed two (2) years. The department of agriculture shall provide the necessary administrative, secretarial, and any other essential items to the council.

(2) Each member of the council shall receive as compensation for his services the sum of twenty-five dollars (\$25) per day for each day actually spent in the performance of his duties and shall be reimbursed for ~~actual per diem and necessary traveling travel~~ expenses as provided by law for in sections 59-538, 59-539, and 59-801.

(3) The council may request that the department of agriculture hold a public hearing as outlined in section 27-235, to assist it in gathering factual data and information on the special problems assigned it."

Section 9. Section 31-104, R.C.M. 1947, is amended to read as follows:

"31-104. Chief -- appointment--tenure of office -- salary -- supervisory power -- resident requirement. The

1 board shall select a highway patrol chief who shall have the
 2 rank of colonel and shall hold his office until his
 3 appointment has terminated for cause, as hereinafter set
 4 forth, and shall receive a salary fixed by the board with
 5 approval of the board of examiners within the limits of the
 6 legislative appropriation for such purpose, and ~~necessary~~
 7 ~~traveling travel~~ expenses, as provided for in sections
 8 59-538, 59-539, and 59-801. The chief shall have direct
 9 control and supervision of all patrolmen, subject to the
 10 approval of the Montana highway patrol board. The person
 11 named as chief shall have been a continuous resident of
 12 Montana for at least five (5) years. The chief, with the
 13 approval of the board and within the limits of any
 14 appropriation made available for such purposes, shall:

15 1. Designate the authority and responsibility in each
 16 such rank, grade and position;

17 2. Formulate standards, policies and qualifications in
 18 the selection of recruit patrolmen;

19 3. Prescribe the official uniform of the Montana
 20 highway patrol;

21 4. Station employees in such localities as he shall
 22 deem advisable for the enforcement of the traffic laws of
 23 this state;

24 5. Charge against each employee the value of property
 25 of the state, lost or destroyed through the carelessness or

1 neglect of such employee;

2 6. Discharge, demote, or temporarily suspend after
 3 hearing as provided in section 31-105, any patrolman of the
 4 department;

5 7. Have purchased, or otherwise acquired, by the
 6 purchasing department of the state, motor equipment and all
 7 other equipment and commodities deemed by him essential to
 8 the efficient operation of the Montana highway patrol."

9 Section 10. Section 41-1201, R.C.M. 1947, is amended
 10 to read as follows:

11 "41-1201. Apprenticeship council. (a) The governor of
 12 the state of Montana shall appoint an apprenticeship
 13 council, which shall be a part of the department of labor
 14 and industry, and shall consist of six (6) members, three
 15 (3) of whom shall be appointed from and be representative of
 16 active employers employing persons in recognized
 17 apprenticeable trades, and three (3) of whom shall be
 18 appointed from and be representative of active employee
 19 organizations whose members are employed in recognized
 20 apprenticeable trades. The terms of office of the members of
 21 the apprenticeship council first appointed by the governor
 22 of the state of Montana shall be as follows: One (1)
 23 representative each of employers and employees shall be
 24 appointed for one (1) year, two (2) years and three (3)
 25 years respectively. After the expiration of the original

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1 terms, each member shall be appointed by the governor of the
 2 state of Montana for a term of three (3) years. Each member
 3 shall hold office until his successor is appointed and has
 4 qualified, and any vacancy shall be filled by appointment by
 5 the governor of the state of Montana for the unexpired
 6 portion of the term. The commissioner of labor and industry,
 7 the state official who has been designated by the state
 8 board for vocational education as being in charge of trade
 9 and industrial education and the state official who has
 10 immediate charge of the state public employment service
 11 shall be ex officio members of said council without vote.
 12 The council shall elect a chairman and vice-chairman from
 13 its voting membership, one (1) of which shall be a
 14 representative of employers and one (1) shall be a
 15 representative of employees, and each shall hold office for
 16 a term of one (1) year and until his successor is elected.

17 (b) Subject to the approval of the federal committee on
 18 apprenticeship, the apprenticeship council shall: (1)
 19 establish standards for apprenticeship agreements in
 20 conformity with the provisions of this act; (2) issue such
 21 rules and regulations as may be necessary to carry out the
 22 intent and purposes of this act; and (3) perform such other
 23 duties as are hereinafter imposed. Not less than once every
 24 two years the apprenticeship council shall make a report
 25 through the governor of the state of Montana of its

1 activities and findings to the legislature which shall be
 2 made available to the public.

3 (c) The council may accept from the federal government
 4 or any agency thereof or from any state agency, any funds
 5 made available to carry out purposes within the scope of the
 6 activities and purposes of the apprenticeship council and to
 7 use such funds as said council may direct, for the purposes
 8 for which said funds are made available.

9 (d) A ~~per diem~~ compensation of fifteen dollars
 10 ~~(\$15.00)~~ plus ~~actual and necessary~~ travel expenses, ~~for~~
 11 ~~meals and lodging, such expenses not to exceed that paid~~
 12 ~~other state officials or employees, as provided for in~~
 13 sections 59-538, 59-539, and 59-801, shall be paid each
 14 voting member of the state apprenticeship council, or their
 15 authorized representatives, while in official travel status
 16 and while attending official meetings for each whole or part
 17 of any calendar day. Such voting members, or their
 18 representatives, shall be reimbursed a mileage rate and the
 19 same is paid other state officials or state employees, for
 20 use of personally-owned vehicles to attend official meetings
 21 from any point in the state of Montana to the place of
 22 meeting in Montana and return. A maximum of three hundred
 23 dollars ~~(\$300.00)~~ shall be the limitation for the combined
 24 per diem, expenses and mileage payments as provided for
 25 herein, for each voting member of said council, or their

1 representatives, during the twelve (12) consecutive month
 2 period of any fiscal year from July first of one year to
 3 June thirtieth of the next following year.

4 (e) The commissioner of labor and industry may, subject
 5 to the approval of the appointed members of the council,
 6 appoint a director of apprenticeship and such other
 7 clerical, technical and professional staff as shall be
 8 necessary to carry out the provisions of this act. The
 9 director of apprenticeship shall serve as the secretary of
 10 the council, without a vote."

11 Section 11. Section 41-2107, R.C.B. 1947, is amended
 12 to read as follows:

13 "41-2107. Reimbursement of commission members. Members
 14 of said commission shall serve without compensation but
 15 shall be reimbursed for actual travel and other expenses, as
 16 provided for in sections 59-538, 59-539, and 59-801,
 17 incurred in the discharge of their duties, including
 18 attendance at meetings."

19 Section 12. Section 43-111, R.C.M. 1947, is amended to
 20 read as follows:

21 "43-111. Compensation of reapportionment
 22 commissioners. Commissioners are entitled to compensation of
 23 twenty dollars (\$20) per day plus travel and actual
 24 expenses, as provided for in sections 59-538, 59-539, and
 25 59-801, while attending commission meetings or in carrying

1 out the official duties of the commission."

2 Section 13. Section 43-218, R.C.M. 1947, is amended to
 3 read as follows:

4 "43-218. Pre-session caucus — house appropriation and
 5 senate finance and claims committee member — per diem and
 6 expenses. As soon after the official canvass as possible,
 7 but not later than December 1 of each year following an
 8 election when members of the legislative assembly are
 9 elected, the majority and minority parties of each house of
 10 the legislative assembly shall hold a pre-session caucus for
 11 holdover senators, senators-elect, and
 12 representatives-elect. The purpose of the caucus of each
 13 party of each house is to elect officers, appoint committees
 14 and hire any necessary employees. Members of the house
 15 appropriations committee and the senate finance and claims
 16 committee named at the caucus shall begin reviewing requests
 17 for appropriations immediately and may visit state agencies
 18 and institutions to discuss requests. Members of these
 19 committees, except senators elected at the general election
 20 held in 1968, shall receive twenty dollars (\$20) per day for
 21 each day engaged in committee business, and all members of
 22 these committees shall be reimbursed for actual and
 23 necessary travel expenses, as provided for in sections
 24 59-538, 59-539, and 59-801, incurred in their duties. Per
 25 diem and expenses shall be paid by the department of

1 administration from the appropriation for operation of the
2 preceding legislative assembly."

3 Section 14. Section 43-714, R.C.M. 1947, is amended to
4 read as follows:

5 "43-714. Expenses. When the legislature is not in
6 session, members of the legislative council, the legislative
7 subcommittees, select and standing committees, while going
8 to, attending, and returning from legislative committee
9 meetings and other necessary committee business authorized
10 by the chairman of the legislative council are entitled to:

11 (1) a mileage allowance as allowed by ~~law~~ section
12 59-801,

13 (2) actual expenses, as provided for in sections
14 59-538 and 59-539, and

15 (3) compensation as provided by law."

16 Section 15. Section 43-1106, R.C.M. 1947, is amended
17 to read as follows:

18 "43-1106. Reimbursement for expenses — per diem.
19 Members of the legislative fiscal review committee and its
20 subcommittees shall be reimbursed for ~~actual~~ travel and
21 other expenses, as provided for in sections 59-538, 59-539,
22 and 59-801, incurred in the discharge of their duties, and
23 may also receive ~~per diem payments~~ compensation as
24 authorized by law."

25 Section 16. Section 44-127, R.C.M. 1947, is amended to

1 read as follows:

2 "44-127. State library commission created. A
3 commission is hereby created to be known as the state
4 library commission. This commission shall consist of the
5 librarian of the state university, the state superintendent
6 of public instruction, ex officio member, and the three
7 members to be appointed by the governor, who shall serve
8 one, two and three years respectively. As these terms
9 expire, annually thereafter one person shall be appointed,
10 for a term of three years. The commission shall annually
11 elect a chairman from its membership. The members of said
12 commission shall receive no compensation for their services
13 except their ~~actual and necessary travel~~ travel expenses, as
14 provided for in sections 59-538, 59-539, and 59-801."

15 Section 17. Section 66-109, R.C.M. 1947, is amended to
16 read as follows:

17 "66-109. Compensation of members of board —
18 disposition and use of funds — report. (1) Each member of
19 the board is allowed the sum of twenty-five dollars (\$25)
20 per day plus mileage in accordance with section 59-801 and
21 ~~actual and necessary travel~~ travel expenses, as provided for in
22 sections 59-538, and 59-539, while in the discharge of his
23 actual duties.

24 (2) All fees and moneys received by the department for
25 licenses from practicing architects shall be deposited in

1 the earmarked revenue fund for the use of the board, subject
2 to section 82A-1603 (6)."

3 Section 18. Section 66-408, R.C.M. 1947, is amended to
4 read as follows:

5 "66-408. Compensation. Each member of the board shall
6 receive a compensation of twenty-five dollars (\$25) per day
7 while attending board meetings plus ~~legitimate and necessary~~
8 travel expenses, as provided for in sections 59-538, 59-539,
9 and 59-801, incurred in attending meetings of the board."

10 Section 19. Section 66-513, R.C.M. 1947, is amended to
11 read as follows:

12 "66-513. Disposition of fees — receipts and
13 disbursements — reports — per diem and mileage. (1) Fees
14 collected by the department under this act shall be
15 deposited in the earmarked revenue fund for the use of the
16 board, subject to section 82A-1603 (6).

17 (2) The department shall keep an accurate account of
18 funds received and vouchers issued by the department.

19 (3) The members of the board shall receive twenty-five
20 dollars (\$25) for each day during which they are actually
21 engaged in the discharge of their duties, plus mileage as
22 provided in section 59-801, and reimbursement for ~~actual and~~
23 necessary travel expenses—incurred, as provided for in
24 sections 59-538, and 59-539."

25 Section 20. Section 66-608, R.C.M. 1947, is amended to

1 read as follows:

2 "66-608. Compensation of board — expenses. Each
3 member of the board, except the physician members, who are
4 otherwise paid for the performance of their duties as
5 medical examiners, shall receive for his services the sum of
6 five dollars (\$5) per diem and ~~necessary traveling and~~
7 incidental travel expenses, as provided for in sections
8 59-538, 59-539, and 59-801. Other contingent expenses,
9 necessarily incurred, shall be paid by the state department
10 in the same manner as other expenses of the state board of
11 medical examiners."

12 Section 21. Section 66-809, R.C.M. 1947, is amended to
13 read as follows:

14 "66-809. Compensation of members of board — deposit
15 of receipts in state treasury. Each member of the board
16 shall receive, as compensation for his services, the sum of
17 twenty-five dollars (\$25) per day for each day in actual
18 attendance at any meeting at the board. In addition, each
19 member shall be reimbursed for ~~his~~ travel expenses, as
20 provided for in sections 59-538, 59-539, and 59-801,
21 necessarily incurred in the performance of ~~his~~ official
22 duties. All fees collected by the department under this act,
23 shall be deposited in the earmarked revenue fund for the use
24 of the board, subject to section 82A-1603 (6)."

25 Section 22. Section 66-909, R.C.M. 1947, is amended to

1 read as follows:

2 "66-909. Compensation and expenses allowed board
3 members — limitation on duration of examination meetings —
4 disbursement of funds. (1) Out of the funds derived from
5 fees and dues collected under this act each member of the
6 board shall be reimbursed as follows:

7 (a) Fifteen dollars (\$15) per day for each day
8 traveling to and from a meeting and while in actual
9 attendance at a meeting of the board and for each day
10 actually engaged in the duties of his office.

11 (b) Expenses and travel authorized under sections
12 59-538, ~~59-539~~, and 59-801.

13 ~~(c) For first class railroad and Pullman fares actually~~
14 ~~incurred to and from his place of residence to the place of~~
15 ~~a meeting.~~

16 (2) Meetings held for the purpose of examining
17 candidates for a license to practice dentistry in this state
18 may not exceed six (6) days.

19 (3) Money collected in excess of expenses and salaries
20 provided for shall be held by the department as a special
21 fund for meeting the expenses of the board, the proper
22 administration of this act and for educational purposes
23 considered wise by the board. The department, on the written
24 request of the board, shall set aside in a separate account
25 in the earmarked revenue fund, the emergency moneys provided

1 under section 66-906. This account may be expended only
2 when the board determines that an emergency exists requiring
3 an expenditure therefrom."

4 Section 23. Section 66-1020, R.C.M. 1947, is amended
5 to read as follows:

6 "66-1020. Compensation of members. Each member of the
7 board of medical examiners shall receive twenty-five dollars
8 (\$25) per day compensation while traveling to and from board
9 meetings, and while attending board meetings, and for each
10 full day away from home while conducting board business plus
11 ~~actual and necessary travel expenses, as provided for in~~
12 ~~sections 59-538, 59-539, and 59-801, and mileage as provided~~
13 ~~in section 59-801~~ while in the active and necessary
14 discharge of his duties."

15 Section 24. Section 66-1226, R.C.M. 1947, is amended
16 to read as follows:

17 "66-1226. Reimbursement for expenses — compensation.
18 Each member of the board shall be paid mileage as provided
19 in section 59-801, ~~and actual and necessary travel expenses,~~
20 ~~provided for in sections 59-538, and 59-539,~~ and in
21 addition, fifteen dollars (\$15) per day for each day
22 actually engaged in the discharge of duties under this act,
23 including the time spent in actual attendance at a meeting
24 of the board and in direct travel to and from meetings, and
25 a reasonable number of days for the preparation and

1 administration of examinations."

2 Section 25. Section 66-1311, R.C.B. 1947, is amended
3 to read as follows:

4 "66-1311. Compensation of board. Each member of the
5 board may receive as compensation the sum of twenty-five
6 dollars (\$25) and necessary travel expenses, as provided for
7 in sections 59-538, 59-539, and 59-801, for each day
8 actually engaged in the duties of his office. Money
9 collected by the department shall be deposited in the
10 earmarked revenue fund for the use of the board, subject to
11 section 82A-1603 (6)."

12 Section 26. Section 66-1410, R.C.M. 1947, is amended
13 to read as follows:

14 "66-1410. Compensation of board — deposit of fees.
15 (1) Each of the members of the board may receive as
16 compensation a sum not to exceed twenty dollars (\$20) for
17 each day actually engaged in the duties of their office,
18 together with legitimate and necessary travel expenses, as
19 provided for in sections 59-538, 59-539, and 59-801,
20 ~~incurred in connection with~~ attending the meetings of the
21 board.

22 (2) The fees collected by the department under this
23 chapter shall be deposited in the earmarked revenue fund for
24 the use of the board, subject to section 82A-1603 (6)."

25 Section 27. Section 66-1505, R.C.B. 1947, is amended

1 to read as follows:

2 "66-1505. Salaries and expenses of board members. Each
3 member of the board shall receive twenty-five dollars (\$25)
4 a day as compensation for the performance of his services as
5 a board member and shall be compensated in addition thereto
6 for ~~his actual and necessary travel expenses, as provided~~
7 ~~for in sections 59-538, 59-539, and 59-801,~~ in attending
8 meetings." ~~Mileage expenses of board members will be paid~~
9 ~~pursuant to section 59-801.~~

10 Section 28. Section 66-1815, R.C.M. 1947, is amended
11 to read as follows:

12 "66-1815. Powers and duties of department and board.
13 (1) The board shall elect annually a chairman, secretary,
14 and treasurer from its members. (2) The board may adopt
15 rules for the conduct of its affairs and the administration
16 of this act. (3) A quorum for the transaction of business
17 consists of three (3) members of the board. (4) The board
18 shall have a seal which shall be judicially noticed. (5) The
19 department shall keep records of the board's proceeding. In
20 a proceeding in court, civil or criminal, arising out of or
21 founded on this act, copies of these records certified as
22 correct under the seal of the board are admissible in
23 evidence as tending to prove the content of these records.
24 (6) Each member of the board shall receive as compensation
25 twenty dollars (\$20) for each day actually engaged in the

1 duties of his office, and, in addition, shall be reimbursed
 2 for ~~his actual and necessary travel~~ expenses, provided for
 3 ~~in sections 59-538, 59-539, and 59-801, incurred in~~
 4 connected with the discharge of his official duties."

5 Section 29. Section 66-1927, R.C.M. 1947, is amended
 6 to read as follows:

7 "66-1927. Board — powers and duties — compensation.

8 (1) The board shall from time to time adopt rules to carry
 9 out the provisions of this act.

10 (2) The department shall keep a record of proceedings,
 11 transactions, communications and official acts of the board,
 12 be custodian of the records of the board and shall cause to
 13 be performed other duties as the board on the written
 14 request of two (2) or more members of the board or at other
 15 times as the chairman in his discretion considers necessary.
 16 Neither the chairman nor an employee of the department,
 17 hired to provide services to the board, may be an officer or
 18 paid employee of any real estate association or group of
 19 real estate dealers or brokers.

20 (3) Each member of the board shall receive as
 21 compensation for each one-half day or portion thereof
 22 actually spent on his official duties the sum of seven
 23 dollars and fifty cents (\$7.50) and ~~his actual and necessary~~
 24 travel expenses, as provided for in sections 59-538, 59-539,
 25 and 59-801, incurred in connected with the performance of

1 other duties provided for by the board.

2 (4) The board shall adopt a seal of a design as it
 3 shall prescribe. Copies of records and papers kept by the
 4 department, certified by the chairman and authenticated by
 5 the seal of the board, shall be received in evidence in
 6 courts with like effect as the original. Records of the
 7 board are open to public inspection under rules it
 8 prescribes."

9 Section 30. Section 66-2104, R.C.M. 1947, is amended
 10 to read as follows:

11 "66-2104. Compensation of members of board —
 12 disposition of funds. (1) Each member of the board shall
 13 receive a compensation of five dollars (\$5) per day for
 14 actual services while attending meetings or otherwise
 15 engaged in business connected with the board, and shall
 16 receive ~~ten cents (\$.10) per mile for each mile actually~~
 17 ~~traveled, and five dollars (\$5) per day for expenses while~~
 18 ~~absent from home on business connected with the board~~ travel
 19 expense reimbursement as provided for in sections 59-538,
 20 59-539, and 59-801.

21 (2) Money received under this act shall be deposited in
 22 the earmarked revenue fund for the use of the board, subject
 23 to section 82A-1603 (6)."

24 Section 31. Section 66-2203, R.C.M. 1947, is amended
 25 to read as follows:

1 *66-2203. Expenses and funds — records and reports.

2 (1) Each member of the board is entitled to receive
3 ~~necessary traveling and subsistence~~ travel expenses, as
4 provided for in sections 59-538, 59-539, and 59-801.

5 (2) The department shall keep complete records of the
6 board's proceedings and of its receipts and disbursements
7 and a full and accurate list of persons licensed and
8 registered by the board. These records are public records,
9 and are at all times open to public inspection.

10 (3) Money received under this act shall be deposited in
11 the earmarked revenue fund for the use of the board, subject
12 to section 82A-1603 (6)."

13 Section 32. Section 66-2403, R.C.M. 1947, is amended
14 to read as follows:

15 *66-2403. Compensation — examination of applicants.

16 (1) A member of the board is entitled to a compensation of
17 twenty dollars (\$20) ~~per diem~~ for each day while actually
18 engaged in the work of the board and reimbursement for
19 travel expenses as provided for in sections 59-538, 59-539,
20 and 59-801.

21 (2) An applicant for a license to work at the business
22 of plumbing shall be examined as to his qualifications by
23 the department, subject to section 82A-1603 (4). The
24 department shall examine each applicant for a license, to
25 determine his qualifications and fitness for carrying on the

1 business of a master plumber or journeyman plumber, and if
2 the applicant successfully passes the examination prescribed
3 by the board, then a license shall be issued to the
4 applicant authorizing him to engage in the business and
5 occupation of a master plumber or journeyman plumber, as the
6 case may be. The license, when issued, authorizes the
7 holder to carry on the business of a master plumber or a
8 journeyman plumber, as the case may be, in any city or town
9 in this state."

10 Section 33. Section 66-2329, R.C.M. 1947, is amended
11 to read as follows:

12 *66-2329. Board — compensation and expenses. Each
13 member of the board shall receive per diem when actually
14 attending to the work of the board or any of its committees
15 and for the time spent in necessary travel. Such per diem
16 shall be fixed by the board in its sound discretion, but it
17 shall not exceed twenty-five dollars (\$25-00) per day. In
18 addition thereto, each member shall be reimbursed for all
19 ~~actual traveling, incidental, and clerical expenses~~
20 ~~necessarily incurred~~ travel expenses as provided for in
21 sections 59-538, 59-539, and 59-801, involved in carrying
22 out the provisions of this act."

23 Section 34. Section 66-2604, R.C.M. 1947, is amended
24 to read as follows:

25 *66-2604. Board — seal — compensation. (1) The board

1 shall have a seal with the following words engraved thereon:
 2 "Board of Water Well Contractors." This seal shall be
 3 affixed to writs, authentication of records, and other
 4 official proceedings of the board. The courts of this state
 5 shall take judicial notice of the seal.

6 (2) ~~Each~~ The board may employ such persons as may be
 7 necessary to perform the duties of the board, either upon a
 8 part-time basis or upon a full-time basis. ~~Appointed~~ Each
 9 appointed member of the board who is not a state employee
 10 shall receive, as compensation for his services, twenty
 11 dollars (\$20) per day for each day actually engaged in the
 12 performance of the duties of his office, including time of
 13 travel between his home and the places at which he shall
 14 perform such duties, together with mileage and ~~per-diem~~
 15 travel expenses as provided by law for in sections 59-538,
 16 59-539, and 59-801. Employees of the state of Montana who
 17 are members of the board shall receive no extra compensation
 18 for their services as members of the board."

19 Section 35. Section 66-2703, R.C.M. 1947, is amended
 20 to read as follows:

21 "66-2703. Officers of board — compensation of
 22 members. The board shall elect a chairman,
 23 secretary-treasurer, and other necessary officers. Board
 24 members shall serve without compensation but shall be
 25 reimbursed for ~~actual and necessary~~ travel expenses, as

1 provided for in sections 59-538, 59-539, and 59-801,
 2 ~~incurred in connected with~~ attending meetings or in the
 3 discharge of other board duties."

4 Section 36. Section 66-2910, R.C.M. 1947, is amended
 5 to read as follows:

6 "66-2910. Disposition of fees — receipts and
 7 disbursements. (1) Examination and renewal fees received by
 8 the department under this act shall be deposited in the
 9 earmarked revenue fund for the use of the board, subject to
 10 section 82A-1603 (b).

11 (2) The department shall keep an accurate account of
 12 funds received and vouchers issued.

13 (3) The members of the board shall receive a ~~per-diem~~
 14 compensation of twenty-five dollars (\$25) for each day
 15 during which they are actually engaged in the discharge of
 16 their duties, and ~~mileage as provided in section 59-801 for~~
 17 ~~each mile necessarily traveled in going to and from a~~
 18 ~~meeting of the board shall be allowed travel expenses, as~~
 19 provided for in sections 59-538, 59-539, and 59-801.

20 (4) ~~Per-diem~~ Compensation, mileage, and other expenses
 21 necessarily connected with the board shall be paid only out
 22 of the earmarked revenue fund."

23 Section 37. Section 66-3020, R.C.M. 1947, is amended
 24 to read as follows:

25 "66-3020. Deposit of fees in earmarked revenue fund —

1 per diem and travel expenses. (1) Fees collected by the
2 department under this act shall be deposited in the
3 earmarked revenue fund for the use of the board, subject to
4 section 62A-1603 (6).

5 (2) Each member of the board shall receive twenty
6 dollars (\$20) ~~per die~~ compensation when actually engaged in
7 the discharge of his official duty, and in addition shall
8 also be reimbursed for ~~reasonable and necessary~~ travel
9 expense, as provided for in sections 59-538, 59-539, and
10 59-801, in attending a meeting of the board in the state."

11 Section 38. Section 66-3107, R.C.M. 1947, is amended
12 to read as follows:

13 "66-3107. Organization and compensation of board. The
14 board shall elect from its membership a chairman,
15 vice-chairman and secretary-treasurer, and shall adopt rules
16 and regulations to govern its proceedings. As compensation
17 for his services, each member shall receive twenty-five
18 dollars (\$25) a day, in addition to expenses, for each day
19 of actual service in the performance of his duties. All
20 members shall be allowed ~~necessary~~ travel expenses as
21 provided for in sections 59-538, 59-539, and 59-801, and
22 living expenses, as may be approved by the board," ~~which~~
23 ~~shall be payable in the same manner as travel expense of~~
24 ~~other state officials.~~

25 Section 39. Section 69-5903, R.C.M. 1947, is amended

1 to read as follows:

2 "69-5903. Board to assist department — meetings and
3 organization — examination of candidates for certification.
4 (1) The board shall advise and assist the department in the
5 administration of the certification program. The board shall
6 serve as an advisory board to the department in actions
7 relating to the qualifications of water and waste water
8 treatment plant operators.

9 (2) Annually when new members are appointed to the
10 board a chairman shall be elected at the next board meeting.

11 (3) The board shall hold at least one (1) examination
12 each year for the purpose of examining candidates for
13 certification at a time and place designated by the board.
14 Those applicants whose competency is acceptable to the board
15 shall be recommended to the department for certification.
16 Additional meetings may be called by the chairman, or on
17 written request of four (4) members of the board when
18 necessary to carry out this chapter. Four (4) members
19 constitute a quorum. The members of the board shall receive
20 a fee of twenty dollars (\$20) per day while in session, plus
21 ~~the cost of actual and necessary travel~~ expenses, as
22 provided for in sections 59-538, 59-539, and 59-801,
23 including travel while discharging their official duties."

24 Section 40. Section 70-134, R.C.M. 1947, is amended to
25 read as follows:

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1 "70-134. Traveling expenses of commission. The
 2 commission and secretary, and such clerks and experts as may
 3 be employed, shall be entitled to receive from the state
 4 their ~~necessary~~ expenses while traveling on the business of
 5 the commission, ~~including the cost of lodging and~~
 6 ~~subsistence~~ as provided for in sections 59-538, 59-539, and
 7 59-801. Such expenditure shall be sworn to by the person
 8 who incurred the expenses, and be approved by the chairman
 9 of the commission."

10 Section 41. Section 71-217, R.C.M. 1947, is amended to
 11 read as follows:

12 "71-217. Staff personnel — how selected, paid and
 13 controlled — dismissal. Each county board shall select and
 14 appoint from a list of qualified persons furnished by the
 15 state department such staff personnel as are necessary. The
 16 staff personnel in each county shall consist of at least one
 17 qualified staff worker (or investigator) and such clerks and
 18 stenographers as may be decided necessary. If conditions
 19 warrant, the county board, with the approval of the state
 20 department, may appoint some fully qualified person listed
 21 by the state department as supervisor of its staff
 22 personnel. The staff personnel of each county department
 23 are directly responsible to the county board, but the state
 24 department shall have the authority to supervise such county
 25 employees in respect to the efficient and proper performance

1 of their duties. The county board of public welfare shall
 2 not dismiss any member of the staff personnel without the
 3 approval of the state department; but the state department
 4 shall have the authority to request the county board to
 5 dismiss any member of the staff personnel for inefficiency,
 6 incompetence or similar cause.

7 Public assistance staff personnel attached to the
 8 county board shall be paid from state public welfare funds,
 9 both their salaries and their ~~actual and necessary traveling~~
 10 travel expenses, as provided for in sections 59-538, 59-539,
 11 and 59-801, ~~and their necessary subsistence expenses~~ when
 12 away from the county seat in the performance of their
 13 duties; but the county board of public welfare shall
 14 reimburse the state department, from county poor funds,
 15 one-half of the payments so made to its public assistance
 16 staff personnel, except that, under circumstances prescribed
 17 by the state department, the reimbursement by the county
 18 board of public welfare may be less than one-half. All other
 19 administrative costs of the county department shall also be
 20 paid from county poor funds.

21 On or before the 20th day of the month following the
 22 month for which the payments to the public assistance staff
 23 personnel of the county were made, the state department
 24 shall present to the county department of public welfare a
 25 claim for the required reimbursements. The county board

1 shall make such reimbursements within twenty (20) days after
2 the presentation of the claim and the state department shall
3 credit (add) all such reimbursements to its account for
4 administrative costs."

5 Section 42. Section 72-107, R.C.M. 1947, is amended to
6 read as follows:

7 *72-107. Expenses of commissioners and employees.
8 Commissioners and the persons in their official employ, when
9 traveling in the performance of their official duties, shall
10 have a right to ~~free transportation,~~ and to have their
11 ~~actual and necessary traveling~~ travel expenses paid
12 reimbursed as provided for in sections 59-538, 59-539, and
13 59-801."

14 Section 43. Section 75-5614, R.C.M. 1947, is amended
15 to read as follows:

16 *75-5614. Per diem of board members — expenses.
17 Appointed members of the board of public education and the
18 board of regents are entitled to twenty-five dollars (\$25)
19 per day and ~~their necessary and actual~~ travel expenses, as
20 provided for in sections 59-538, 59-539, and 59-801,
21 ~~incurred~~ for each day in attendance at board meetings or in
22 the performance of any duty or service as a board member."

23 Section 44. Section 75-6204, R.C.M. 1947, is amended
24 to read as follows:

25 *75-6204. Per diem and expenses. The members of the

1 retirement board shall serve without direct or indirect
2 compensation except that each appointed member shall receive
3 twenty-five dollars (\$25) per day and ~~his necessary and~~
4 ~~actual~~ travel expenses, as provided for in sections 59-538,
5 59-539, and 59-801, ~~incurred~~ for each day in attendance at
6 the meetings of such board or in the execution of his duties
7 as a member of the retirement board. All per diem and
8 expenses paid under the provisions of this section shall be
9 paid from the expense fund of the retirement system."

10 Section 45. Section 76-107, R.C.M. 1947, is amended to
11 read as follows:

12 *76-107. Appointment, qualifications and tenure of
13 supervisors. (1) The governing body of the district shall,
14 if there are no incorporated municipalities within the
15 boundaries of said district, consist of five (5) or seven
16 (7) supervisors, elected or appointed as provided herein.

17 (2) In all cases where the boundaries of such
18 conservation district include any incorporated municipality
19 or municipalities, said board of supervisors, in addition to
20 said five (5) elected supervisors, shall consist of two (2)
21 appointed supervisors, making a total of seven (7)
22 supervisors in such districts. The two (2) appointed
23 supervisors must be residents of the municipalities within
24 the district. The legislative bodies of the incorporated
25 municipalities within the district shall, after consultation

1 with the elected supervisors, appoint the two (2) additional
2 supervisors. The term of office of the appointed supervisors
3 shall be three (3) years.

4 (3) Where there are more than two (2) incorporated
5 municipalities within a district, then the two (2) appointed
6 supervisors shall represent all the municipalities and urban
7 interests in the district, and no municipality shall have
8 more than one (1) appointed supervisor residing therein.

9 (4) The supervisors shall annually elect a chairman
10 from their members. The term of office of each supervisor
11 shall be three (3) years, except that the supervisors who
12 are first appointed shall be designated to serve for terms
13 of one (1) and two (2) years, respectively, from the date of
14 their appointment. An elected supervisor shall hold office
15 until his successor has been elected and has qualified. Any
16 vacancy occurring in the office of an elected supervisor
17 shall be filled by appointment by the remaining supervisors
18 until the next regular election, when a successor shall be
19 elected to serve the unexpired term. A majority of the
20 supervisors constitute a quorum and the concurrence of a
21 majority in any matter within their duties is required for
22 its determination. A supervisor may not receive compensation
23 for his services, but he is entitled to expenses, including
24 traveling travel expenses, as provided for in sections
25 59-538, 59-539, and 59-801, necessarily incurred in the

1 discharge of his duties.

2 (5) The supervisors may employ a secretary and such
3 other officers, agents, and employees, permanent and
4 temporary, as they may require, and shall determine their
5 qualifications, duties and compensation. The supervisors may
6 call upon the attorney general of the state for such legal
7 services as they may require, or may employ their own
8 counsel and legal staff. The supervisors may delegate to
9 their chairman, to one (1) or more supervisors, or to one
10 (1) or more agents or employees, such powers and duties as
11 they consider proper. The supervisors shall furnish to the
12 department copies of such ordinances, rules, regulations,
13 orders, contracts, forms, and other documents as they adopt
14 or employ, and such other information concerning their
15 activities as may be required in the performance of their
16 duties under this act.

17 (6) The supervisors shall provide for the execution of
18 surety bonds for all employees and officers who are
19 entrusted with funds or property; shall provide for the
20 keeping of a full and accurate record of all proceedings,
21 and of all resolutions, regulations, and orders issued or
22 adopted; and shall provide for an annual audit of the
23 accounts of receipts and disbursements. A supervisor may be
24 removed by the board upon notice and hearing, for neglect of
25 duty or malfeasance in office, but for no other reason.

1 (7) The supervisors may invite the legislative body of
 2 any municipality or county located near the territory
 3 comprised within the district to designate a representative
 4 to advise and consult with the supervisors of the district
 5 on all questions of program and policy which may affect the
 6 property, water supply, or other interests of the
 7 municipality or county."

8 Section 46. Section 76-111, R.C.M. 1947, is amended to
 9 read as follows:

10 "76-111. Board of adjustment. (7) Where the
 11 supervisors of a district adopt an ordinance prescribing
 12 land-use regulations in accordance with section 76-109, they
 13 shall further provide by ordinance for the establishment of
 14 a board of adjustment. The board of adjustment shall consist
 15 of three (3) members, each to be appointed for a term of
 16 three (3) years, except that the members first appointed
 17 shall be appointed for terms of 1, 2, and 3 years,
 18 respectively. The members of each board of adjustment shall
 19 be appointed by the department, with the advice and approval
 20 of the supervisors of the district for which the board has
 21 been established, and may be removed by the department, upon
 22 notice and hearing, for neglect of duty or malfeasance in
 23 office, but for no other reason, the hearing to be conducted
 24 jointly by the department and the supervisors of the
 25 district. Vacancies in the board of adjustment shall be

1 filled in the same manner as original appointments and shall
 2 be for the unexpired term of the member whose term becomes
 3 vacant. Members of the board of natural resources and
 4 conservation, employees of the department, and the
 5 supervisors of the district are ineligible to appointment as
 6 members of the board of adjustment. The members of the board
 7 of adjustment shall receive compensation for their services
 8 at the rate of four dollars (\$4) per diem for time spent on
 9 the work of the board, in addition to expenses, including
 10 ~~traveling travel~~ expenses, as provided for in sections
 11 59-538, 59-539, and 59-801, necessarily incurred in the
 12 discharge of their duties. The supervisors shall pay the
 13 necessary administrative and other expenses of operation
 14 incurred by the board, upon the certificate of the chairman
 15 of the board.

16 (2) The board of adjustment shall adopt rules to govern
 17 its procedures, which rules shall be in accordance with this
 18 act, and with any ordinance adopted pursuant to this
 19 section. The board shall annually elect a chairman from
 20 among its members. Meetings of the board shall be held at
 21 the call of the chairman and at such other times as the
 22 board may determine. Any two (2) members of the board
 23 constitute a quorum. The chairman, or in his absence, such
 24 other member of the board as he may designate to serve as
 25 acting chairman, may administer oaths and compel the

1 attendance of witnesses. All meetings of the board shall be
 2 open to the public. The board shall keep a full and accurate
 3 record of all proceedings, of all documents filed with it,
 4 and of all orders entered, which shall be filed in the
 5 office of the board and shall be a public record.

6 (3) Any qualified elector may file a petition with the
 7 board of adjustment, alleging that there are great practical
 8 difficulties or unnecessary hardship in the way of his
 9 carrying out upon his lands the strict letter of the
 10 land-use regulations prescribed by ordinance approved by the
 11 supervisors, and praying the board to authorize a variance
 12 from the terms of the land-use regulations in the
 13 application of the regulations to the lands occupied by the
 14 petitioner. Copies of the petition shall be served by the
 15 petitioner upon the chairman of the supervisors of the
 16 district within which his lands are located and upon the
 17 department. The board of adjustment shall fix a time for the
 18 hearing of the petition and cause due notice of the hearing
 19 to be given. The supervisors of the district and the
 20 department are entitled to appear and be heard at the
 21 hearing. A qualified elector within the district who objects
 22 to the authorizing of the variance prayed for may intervene
 23 and become a party to the proceedings. A party to the
 24 hearing before the board may appear in person, by agent, or
 25 by attorney. If, upon the facts presented at the hearing the

1 board determines that there are great practical difficulties
 2 or unnecessary hardship in the way of applying the strict
 3 letter of any of the land-use regulations upon the lands of
 4 the petitioner, it shall make and record that determination
 5 and shall make and record findings of fact as to the
 6 specific conditions which establish the great practical
 7 difficulties or unnecessary hardship. Upon the basis of the
 8 findings and determination, the board may order a variance
 9 from the terms of the land-use regulations, in their
 10 application to the lands of the petitioner, that will
 11 relieve the great practical difficulties or unnecessary
 12 hardship and will not be contrary to the public interest,
 13 and such that the spirit of the land-use regulations are
 14 observed, the public health, safety, and welfare secured,
 15 and substantial justice done.

16 (4) A petitioner aggrieved by an order of the board
 17 granting or denying, in whole or in part, the relief sought,
 18 the supervisors of the district, or an intervening party,
 19 may obtain a review of the order in any district court of
 20 the county, in which the lands of the petitioner lie, by
 21 filing in the court a petition praying that the order of the
 22 board be modified or set aside. A copy of the petition shall
 23 immediately be served upon the parties to the hearing before
 24 the board, and thereupon the party seeking review shall file
 25 in the court a transcript of the entire record in the

1 proceedings, certified by the board, including the documents
 2 and testimony upon which the order complained of was
 3 entered, and the findings, determination, and order of the
 4 board. Upon the filing, the court shall cause notice thereof
 5 to be served upon the parties, and the court has
 6 jurisdiction of the proceedings and of the questions
 7 determined or to be determined therein, and may grant such
 8 temporary relief as it deems just and proper, and make and
 9 enter a decree enforcing, modifying, and enforcing as so
 10 modified, or setting aside, in whole or in part, the order
 11 of the board. A contention that is not urged before the
 12 board may not be considered by the court unless the failure
 13 or neglect to urge the contention is excused because of
 14 extraordinary circumstances. The findings of the board as to
 15 the facts, if supported by evidence, are conclusive. If a
 16 party applies to the court for leave to produce additional
 17 evidence and shows to the satisfaction of the court that the
 18 evidence is material and that there are reasonable grounds
 19 for the failure to produce the evidence in the hearing
 20 before the board, the court may order the additional
 21 evidence to be taken before the board and to be made a part
 22 of the transcript. The board may modify its findings as to
 23 the facts or make new findings, taking into consideration
 24 the additional evidence so taken and filed, and it shall
 25 file the modified or new findings, which, if supported by

1 evidence, are conclusive, and shall file with the court its
 2 recommendations, if any, for the modification or setting
 3 aside of its original order. The jurisdiction of the court
 4 is exclusive and its judgment and decree are final, except
 5 that they are subject to review in the same manner as are
 6 other judgments or decrees of the court."

7 Section 47. Section 78-1304, R.C.H. 1947, is amended
 8 to read as follows:

9 "78-1304. Per diem and mileage. Legislative members
 10 are entitled to ~~twenty dollars (\$20) a day and mileage~~
 11 reimbursement for travel expenses as provided for in
 12 sections 59-538, 59-539, and 59-801, for days actually
 13 engaged in the work of the committee."

14 Section 48. Section 82-3603, R.C.H. 1947, is amended
 15 to read as follows:

16 "82-3603. Terms of council members — chairman and
 17 vice-chairman — vacancies — expenses of members. The term
 18 of office of each member shall be five (5) years; provided,
 19 however, that of the members first appointed, five (5) shall
 20 be appointed for terms of one (1) year, five (5) for terms
 21 of three (3) years, and five (5) for terms of five (5)
 22 years. The governor shall designate a chairman and a
 23 vice-chairman from the members of the council to serve as
 24 such at the pleasure of the governor. The chairman shall be
 25 the chief executive officer of the council. Each vacancy

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1 shall be filled for the balance of the unexpired term in the
 2 same manner as the original appointment. The members of the
 3 council shall not receive any compensation for their
 4 services, but shall be reimbursed for ~~their actual and~~
 5 necessary travel expenses, as provided for in sections
 6 59-538, 59-539, and 59-801, incurred in the performance of
 7 their duties as members of the council."

8 Section 49. Section 82A-110, R.C.M. 1947, is amended
 9 to read as follows:

10 "82A-110. Creation of advisory councils. (1) A
 11 department head or the governor may create advisory
 12 councils. An official of the executive branch of state
 13 government other than a department head or the governor,
 14 including the superintendents of the state's institutions
 15 and the presidents of the units of the state's university
 16 system, or an agency, may also create advisory councils, but
 17 only if federal law or regulation requires that such
 18 official or agency create the advisory council as a
 19 condition to the receipt of federal funds.

20 (2) Each advisory council created under this section
 21 shall be known as the ".... advisory council."

22 (3) The creating authority shall prescribe the
 23 composition and advisory functions of each advisory council
 24 created; appoint its members, who shall serve at the
 25 pleasure of the governor; and specify a date when the

1 existence of each advisory council ends.

2 (4) Advisory councils may be created only for the
 3 purpose of acting in an advisory capacity as defined in
 4 section 82A-103 (7).

5 (5) Unless he is a full-time salaried officer or
 6 employee of this state or of any political subdivision of
 7 this state, each member is entitled to be paid in an amount
 8 to be determined by the department head, not to exceed
 9 twenty-five dollars (\$25) for each day in which he is
 10 actually and necessarily engaged in the performance of
 11 council duties, and he is also entitled to be reimbursed for
 12 ~~actual and necessary travel expenses, as provided for in~~
 13 sections 59-538, 59-539, and 59-801, incurred while in the
 14 performance of council duties. Members who are full-time
 15 salaried officers or employees of this state or of any
 16 political subdivision of this state are not entitled to be
 17 compensated for their service as members, but are entitled
 18 to be reimbursed for ~~their actual and necessary travel~~
 19 expenses as provided for in sections 59-538, 59-539, and
 20 59-801.

21 (6) Unless otherwise specified by the creating
 22 authority, at its first meeting in each year each advisory
 23 council shall elect a chairman and such other officers as it
 24 considers necessary.

25 (7) Unless otherwise specified by the creating

1 authority, each advisory council shall meet at least
2 annually and shall also meet on the call of the creating
3 authority or the governor, and may meet at other times on
4 the call of the chairman or a majority of its members. An
5 advisory council may not meet outside the city of Helena
6 without the express prior authorization of the creating
7 authority.

8 (8) A majority of the membership of an advisory council
9 constitutes a quorum to do business.

10 (9) Except as provided in subsection (10) of this
11 section, an advisory council may not be created or appointed
12 by a department head or any other official without the
13 approval of the governor. In order for the creation or
14 approval of the creation of an advisory council to be
15 effective, the governor must file in his office and in the
16 office of the secretary of state a record of the council
17 created showing the council's:

18 (a) Name, in accordance with subsection (2) of this
19 section.

20 (b) Composition.

21 (c) Names and addresses of the appointed members.

22 (d) Purpose.

23 (e) Term of existence, in accordance with subsection
24 (11) of this section.

25 (10) The board of public education, the board of

1 regents of higher education, the state board of education,
2 the attorney general, and the superintendent of public
3 instruction may create advisory councils, which shall serve
4 at their pleasure, without the approval of the governor.
5 They must file a record of each council created by them in
6 the office of the governor and the office of the secretary
7 of state in accordance with subsection (9) of this section.

8 (11) An advisory council may not be created to remain
9 in existence longer than two (2) years after the date of its
10 creation or beyond the period required to receive federal or
11 private funds, whichever occurs later, unless extended by
12 the governor, or by the board of public education, or by the
13 board of regents of higher education, or by the state board
14 of education, or by the attorney general, or by the
15 superintendent of public instruction for those advisory
16 councils created in the manner set forth in subsection (10)
17 of this section. If the existence of an advisory council is
18 extended, they shall specify a new date, not more than two
19 (2) years later, when the existence of the advisory council
20 ends, and file a record of the order in the office of the
21 governor and the office of the secretary of state. The
22 existence of any advisory council may be extended as many
23 times as necessary."

24 Section 50. Section 82A-112, R.C.M. 1947, is amended
25 to read as follows:

-50- HB 621

1 §82A-112. Quasi-judicial boards. If an agency is
2 designated by law as a quasi-judicial board for the purposes
3 of this section:

4 (1) The number of and qualifications of its members are
5 as prescribed by law; in addition to those qualifications,
6 at least one (1) member shall be an attorney licensed to
7 practice law in this state.

8 (2) (a) The governor shall appoint the members. A
9 majority of the members shall be appointed to serve for
10 terms concurrent with the gubernatorial term, and until
11 their successors are appointed and qualified. The remaining
12 members shall be appointed to serve for terms ending on the
13 first day of the third January of the succeeding
14 gubernatorial term, and until their successors are appointed
15 and qualified. It is the intent of this subsection that the
16 governor appoint a majority of the members of each
17 quasi-judicial board at the beginning of his term, and the
18 remaining members in the middle of his term. As used in this
19 subsection, "majority" means the next whole number greater
20 than half.

21 (b) This subsection does not affect the terms of
22 persons who were members of a continued board on the
23 effective date of the chapter of this title continuing the
24 board; upon the expiration of those terms, members shall be
25 appointed and serve in accordance with this subsection.

1 (3) The appointment of each member is subject to the
2 confirmation of the senate. However, the governor may
3 appoint a member to assume office before the senate meets at
4 its next regular session to consider the appointment. A
5 member so appointed has all the powers of the office upon
6 assuming that office, and is a de jure officer,
7 notwithstanding the fact that the senate has not yet
8 confirmed the appointment. If the senate does not confirm
9 the appointment of a member, the governor shall appoint a
10 new member to serve for the remainder of the term.

11 (4) A vacancy shall be filled in the same manner as
12 regular appointments, and the member appointed to fill a
13 vacancy shall serve for the unexpired term to which he is
14 appointed.

15 (5) The governor shall designate the chairman. The
16 chairman may make and second motions and vote.

17 (6) Members may be removed by the governor only for
18 cause.

19 (7) Unless he is a full-time salaried officer or
20 employee of this state or of a political subdivision of this
21 state, each member is entitled to be paid twenty-five
22 dollars (\$25) for each day in which he is actually and
23 necessarily engaged in the performance of board duties, and
24 he is also entitled to be reimbursed for ~~actual and~~
25 necessary travel expenses, as provided for in sections

1 59-538, 59-539, 59-801, incurred while in the performance of
 2 board duties. Members who are full-time salaried officers or
 3 employees of this state or of a political subdivision of
 4 this state are not entitled to be compensated for their
 5 service as members, but are entitled to be reimbursed for
 6 ~~their actual and necessary travel~~ expenses as provided for
 7 in sections 59-538, 59-539, and 59-801.

8 (8) A majority of the membership constitutes a quorum
 9 to do business. A favorable vote of at least a majority of
 10 all members of a board is required to adopt any resolution,
 11 motion, or other decision, unless otherwise provided by
 12 law."

13 Section 51. Section 82A-1602.10, R.C.M. 1947, is
 14 amended to read as follows:

15 "82A-1602.10. State electrical board. (1) There is a
 16 state electrical board.

17 (2) The board consists of five (5) members, appointed
 18 by the governor, with the consent of the senate, who shall
 19 be residents of this state. One (1) member of the board
 20 shall represent the public. One (1) member of the board
 21 shall be selected from each of the following four (4)
 22 groups, from three (3) names submitted by each group:

- 23 (a) Consumer members of rural electric cooperatives;
 24 (b) Master licensed electrical contractors;
 25 (c) Licensed journeyman electricians; and

1 (d) Investor-owned electric utilities.

2 (3) The members of the board shall serve for a term of
 3 five (5) years with their terms of office so arranged that
 4 one (1) term expires on July 1 of each year.

5 (4) Each member of the board shall receive twenty-five
 6 dollars (\$25) per day for each day served in the discharge
 7 of his duties, together with ~~the actual and necessary travel~~
 8 expenses, as provided for in sections 59-538, 59-539, and
 9 59-801, incurred in the performance of his duties.

10 (5) A majority of the members of the board shall
 11 constitute a quorum for transaction of business."

12 Section 52. Section 89-3204, R.C.M. 1947, is amended
 13 to read as follows:

14 "89-3204. Compensation and reimbursement of Montana
 15 commissioners. Each member of the commission from the state
 16 of Montana shall be entitled to receive as full compensation
 17 for his services the sum of twenty dollars (\$20-00) per day
 18 while actually engaged in the performance of his duties as
 19 commissioner and shall be entitled in addition thereto, to
 20 his ~~traveling and other actual and necessary travel~~
 21 expenses, as provided for in sections 59-538, 59-539,
 22 59-801, while so engaged."

23 Section 53. Section 93-232, R.C.M. 1947, is amended to
 24 read as follows:

25 "93-232. Expenses of members of commission. Members of

1 said commission shall serve without compensation, but shall
 2 be reimbursed for ~~actual travel and other expenses, as~~
 3 provided for in sections 59-538, 59-539, 59-801, incurred in
 4 the discharge of their duties, including attendance at
 5 meetings."

6 Section 54. Section 93-305, R.C.M. 1947, is amended to
 7 read as follows:

8 "93-305. Expenses when sitting out of district, or
 9 attending judges' conference. Every judge who shall sit in
 10 the place of another judge in the trial or hearing of an
 11 action or proceeding in a district other than his own, or in
 12 the supreme court, or who shall attend a conference of
 13 judges in Helena called by the chief justice of the supreme
 14 court, shall be paid his ~~actual~~ travel expenses while
 15 engaged in that service as follows: His ~~actual traveling~~
 16 travel expenses in going from the county seat which he makes
 17 his place of residence to the place of trial, or conference,
 18 and return, and his board and lodging while engaged in the
 19 trial, hearing, or conference. All travel expense
 20 reimbursements shall be determined as provided for in
 21 sections 59-538, 59-539, and 59-801."

22 Section 55. Section 93-313, R.C.M. 1947, is amended to
 23 read as follows:

24 "93-313. Expenses of judges holding court in other
 25 counties. Each district judge of a judicial district in this

1 state, composed of more than one county, when, for the
 2 purpose of holding court and disposing of judicial business,
 3 he goes to a county of his judicial district, other than the
 4 county in which he resides, and therein holds court or
 5 transacts judicial business, shall be paid all of his actual
 6 and necessary expenses of transportation and living,
 7 incurred on account thereof, and all expenditures made
 8 therefor, as provided for in sections 59-538, 59-539,
 9 59-801, from the time he leaves his place of residence until
 10 he returns thereto. Actual and necessary expenses of
 11 transportation incurred when a judge uses his own automobile
 12 shall be calculated at the rate of twelve cents (\$.12) per
 13 mile."

14 Section 56. Section 93-2014, R.C.M. 1947, is amended
 15 to read as follows:

16 "93-2014. Compensation and expenses of members of
 17 board. The members of said board shall be entitled to their
 18 ~~necessary traveling~~ travel expenses in attending meetings of
 19 said board and in conducting such examination, and also,
 20 when away from their homes or places of residence, ~~their~~
 21 ~~necessary lodging and hotel expenses,~~ as provided for in
 22 sections 59-538, 59-539, and 59-801, and shall be paid such
 23 compensation, ~~per diem,~~ for services performed by them as
 24 members of said board, as may be fixed and determined by the
 25 supreme court."

LC 1210

1 SECTION 57. Section 59-802, R.C.M. 1947, is repealed.

-End-

HP 621

STATE OF MONTANA

REQUEST NO. 262-75

FISCAL NOTE

Form BD-15

In compliance with a written request received March 20, 19 75, there is hereby submitted a Fiscal Note for House Bill 621 pursuant to Chapter 53, Laws of Montana, 1965 - Thirty-Ninth Legislative Assembly.

Background information used in developing this Fiscal Note is available from the Office of Budget and Program Planning, to members of the Legislature upon request.

DESCRIPTION OF PROPOSED LEGISLATION:

An act to revise, limit, and standardize the travel expense reimbursement for state officers and employees.

ASSUMPTIONS:

1. Anticipated FY 75 travel expenditures under current law will be \$9.05 million.
2. Budget amounts for travel for the 1975-77 biennium are based on current rates. Thus, if no additional funding is provided for House Bill 621 rates, agencies must cut the amount of travel or fund the increase in travel expense from other program areas.
3. Major impact will be on agencies wherein travel is necessary to provide services.
4. Assume the maximum reimbursable rate for in-state lodging of \$18 per night and \$37 per night for out-of-state lodging.

FISCAL IMPACT:

If House Bill 621 is passed without additional funding, it will create a severe hardship for those agencies in which travel is an integral part of service delivery.

Applying House Bill 621 maximum rates to anticipated FY 75 miles and days travel the cost of travel would be approximately \$11.94 million as opposed to \$9.05 million under current law for an increase of \$2.89 million for FY 75, which is an increase in travel expense of 32%.



BUDGET DIRECTOR

Office of Budget and Program Planning

Date: March 24, 1975

SECOND READING

MISSING

1 HOUSE BILL NO. 621
 2 INTRODUCED BY MELOY
 3 (BY REQUEST OF DEPARTMENT OF ADMINISTRATION)
 4
 5 A BILL FOR AN ACT ENTITLED: "AN ACT TO REVISE, LIMIT, AND
 6 STANDARDIZE THE TRAVEL EXPENSE REIMBURSEMENT PROVISIONS FOR
 7 ALL STATE OFFICERS AND EMPLOYEES; AMENDING SECTIONS 1-908,
 8 3-2906, ~~16-412, 16-2723, 25-226, 25-236, 25-401, 25-404,~~
 9 26-106, 26-114, 27-240, 31-104, 41-1201, 41-2107, 43-111,
 10 43-218, ~~43-310,~~ 43-714, 43-1106, 44-127, 59-538, 59-539,
 11 59-801, 66-109, 66-408, 66-513, 66-608, 66-809, 66-909,
 12 66-1020, 66-1226, 66-1311, 66-1410, 66-1505, 66-1815,
 13 66-1927, 66-2104, 66-2203, 66-2403, 66-2329, 66-2604,
 14 66-2703, 66-2910, 66-3020, 66-3107, 69-5903, 70-134, 71-217,
 15 72-107, 75-5614, 75-6204, 76-107, 76-111, 78-1304, 82-3603,
 16 82A-110, 82A-112, 82A-1602.10, 89-3204, 93-232, 93-305,
 17 93-313, AND 93-2014, R.C.M. 1947, AND REPEALING SECTION
 18 59-802, R.C.M. 1947."

19
 20 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
 21 Section 1. Section 59-538, R.C.M. 1947, is amended to
 22 read as follows:

23 "59-538. ~~Expenses~~ Travel expense of persons in state
 24 service. ~~per diem allowance~~ Every person engaged in any
 25 service in every department of state, except the governor,

1 ~~the lieutenant governor, and the attorney general, state~~
 2 ~~auditor, superintendent of public instruction, public~~
 3 ~~service commissioners, secretary of state, state treasurer,~~
 4 ~~clerk of the supreme court and justices of the supreme court~~
 5 ~~who shall be paid actual and necessary expenses as~~
 6 ~~hereinafter provided exclusive of persons in appointive~~
 7 ~~positions, or positions created by law, whose duties consist~~
 8 ~~of full or partial time in traveling to perform any service~~
 9 ~~for the state under monthly or yearly salary, or who may be~~
 10 ~~sent by any authorized executive of any department of the~~
 11 ~~state upon a mission in performance of any clerical work,~~
 12 ~~supervisory or extension work or otherwise, of every kind~~
 13 ~~and character, shall be allowed, for the time engaged in~~
 14 ~~such travel, sixteen dollars (\$16) per day for such travel~~
 15 ~~within the state of Montana, and for travel outside the~~
 16 ~~state of Montana the sum of twenty five dollars (\$25) per~~
 17 ~~day for meals and other necessary expenses, except that for~~
 18 ~~travel within the District of Columbia the sum of thirty~~
 19 ~~dollars (\$30) per day shall be allowed and provided, that~~
 20 ~~the provisions of this act shall not apply to persons~~
 21 ~~holding offices specifically provided for in section 93-305,~~
 22 ~~or section 93-313; provided that nothing herein contained~~
 23 ~~shall be construed as affecting the validity of section~~
 24 ~~43-310. The governor shall be authorized actual and~~
 25 ~~necessary expenses not to exceed sixty dollars (\$60) per day~~

1 ~~when engaged in state service away from Helena, Montana, the~~
 2 ~~lieutenant-governor, when directed by the governor to engage~~
 3 ~~in state service, the attorney-general, state auditor,~~
 4 ~~superintendent of public instruction, public service~~
 5 ~~commissioners, secretary of state, state treasurer, clerk of~~
 6 ~~supreme court and justices of supreme court shall be~~
 7 ~~authorized actual and necessary expenses not to exceed forty~~
 8 ~~dollars (\$40) per day while engaged in state service away~~
 9 ~~from Helena, Montana. Every elected official, appointed~~
 10 ~~members of boards, commissions, councils, and department~~
 11 ~~directors, and all other state employees shall be reimbursed~~
 12 ~~for the cost of meals and lodging while away from the~~
 13 ~~person's designated headquarters; traveling outside the~~
 14 ~~employee's designated travel day and for more than three (3)~~
 15 ~~hours; and engaged in official state business in accordance~~
 16 ~~with the following provisions:~~

- 17 (1) Travel within the state of Montana:
 18 (a) The governor shall be authorized actual and
 19 necessary expenses not to exceed sixty dollars (\$60) per
 20 day.
 21 (b) All other elected state officials shall be
 22 authorized actual and necessary travel expenses not to
 23 exceed fifty dollars (\$50) per day.
 24 (c) Appointed members of board BOARDS, commissions,
 25 councils, and department directors shall be authorized

1 actual and necessary travel expenses not to exceed forty
 2 dollars (\$40) per day.

3 (d) All other state employees shall be authorized the
 4 actual cost of lodging not exceeding ~~fifteen~~ EIGHTEEN
 5 dollars ~~(\$15)~~ (\$18) per day plus two dollars (\$2) for the
 6 morning meal, three DOLLARS (\$3) for the midday meal, and
 7 five dollars (\$5) for the evening meal. All claims for
 8 lodging expense reimbursement allowed under this section
 9 must be documented by an appropriate receipt.

10 (2) Travel out of the state of Montana:
 11 (a) The governor shall be authorized actual and
 12 necessary travel expenses not to exceed seventy dollars
 13 (\$70) per day.

14 (b) All other elected state officials shall be
 15 authorized actual and necessary travel expenses not to
 16 exceed sixty dollars (\$60) per day.

17 (c) Appointed members of boards, commissions,
 18 councils, and department directors shall be authorized
 19 actual and necessary travel expenses not to exceed fifty
 20 dollars (\$50) per day.

21 (d) All other state employees shall be authorized the
 22 actual cost of lodging not exceeding ~~twenty-seven~~
 23 THIRTY-SEVEN dollars ~~(\$27)~~ (\$37) per day plus three dollars
 24 (\$3) for the morning meal, four dollars (\$4) for the midday
 25 meal, and six dollars (\$6) for the evening meal. All claims

1 for the lodging expense reimbursement allowed under this
 2 subsection must be documented by an appropriate receipt.

3 (3) When other than commercial, non-receiptable
 4 lodging facilities are utilized by a state employee while
 5 conducting official state business in a travel status, the
 6 amount of seven dollars (\$7) will be authorized for lodging
 7 expenses for each day in which travel involved INVOLVES an
 8 overnight stay in lieu of the amount authorized in
 9 subsection (1) (d) or (2) (d) above.

10 (4) The actual cost of reasonable transportation
 11 expenses and other necessary business expenses incurred by a
 12 state official or employee while in an official travel
 13 status shall be subject to reimbursement.

14 (5) The provisions of this section shall not be
 15 construed as affecting the validity of section 43-310.

16 (6) The department of administration shall prescribe
 17 rules necessary to effectively administer this section."

18 Section 2. Section 59-539, R.C.M. 1947, is amended to
 19 read as follows:

20 *59-539. Computation of per diem travel allowance. In
 21 ~~computing the per diem in lieu of subsistence for continuous~~
 22 ~~travel of more than twenty four (24) hours, the calendar~~
 23 ~~day, midnight to midnight, shall be the unit, and for~~
 24 ~~fractional parts of a day at the commencement or ending of~~
 25 ~~such continuous travel, constituting a travel period,~~

1 ~~one fourth (1/4) of the rate for a calendar day shall be~~
 2 ~~allowed for each period of six (6) hours or fraction~~
 3 ~~thereof. When a change in the per diem rate is made during a~~
 4 ~~day, the rate of per diem in effect at the beginning of the~~
 5 ~~quarter in which the change occurs shall continue to the end~~
 6 ~~of such quarter. Except as herein provided, for continuous~~
 7 ~~travel of twenty four (24) hours or less, constituting a~~
 8 ~~travel period, each period shall be regarded as commencing~~
 9 ~~with the beginning of the travel and ending with the~~
 10 ~~completion thereof, and for each six (6) hour portion of the~~
 11 ~~period or fraction thereof one fourth (1/4) of the rate for~~
 12 ~~a calendar day shall be allowed. (1) To be eligible for~~
 13 ~~the travel allowance provided in section 59-538, an employee~~
 14 ~~must have been in a travel status for more than three (3)~~
 15 ~~continuous hours and the travel must have commenced more~~
 16 ~~than one (1) hour before or terminated more than one (1)~~
 17 ~~hour after the employee's normally assigned work shift. If~~
 18 ~~eligible, an employee:~~

19 (a) earns the morning meal allowance if in a travel
 20 status between the hours of 12:01 a.m. and 10 a.m.;

21 (b) earns the midday meal allowance if in a travel
 22 status between the hours of 10:01 a.m. and 3 p.m.; and

23 (c) earns the evening meal allowance IF in a travel
 24 status between the hours of 3:01 p.m. and 12 midnight.

25 (2) For persons in state service regularly assigned to

1 an 8 a.m. to 5 p.m. work period, the only per diem allowance
 2 shall be an amount not to exceed ~~two three~~ three dollars ~~(\$2) (\$3)~~
 3 per day ~~for moneys actually expended for a midday meals meal~~
 4 when the departure is at or after 7 a.m. and the return on
 5 the same day is at or prior to ~~6:00~~ p.m. For persons in
 6 state service regularly assigned to work periods other than
 7 8 a.m. to 5 p.m., the employing department may establish a
 8 per diem allowance of an amount not to exceed ~~one dollar and~~
 9 ~~fifty cents (\$1.50) two dollars (\$2)~~ for ~~moneys actually~~
 10 ~~expended for a morning meals meal~~ and ~~three dollars and~~
 11 ~~fifty cents (\$3.50) FIVE DOLLARS(\$5)~~ for ~~moneys actually~~
 12 ~~expended for an evening meals meal. Only one of the three~~
 13 (3) allowances provided in subsection (2) may be claimed in
 14 any one (1) day. In no case shall any per diem or allowance
 15 whatsoever be paid for any absence not exceeding three (3)
 16 hours."

17 Section 3. Section 59-801, R.C.M. 1947, is amended to
 18 read as follows:

19 "59-801. Mileage of all officers. (1) Members of the
 20 ~~legislative assembly~~ LEGISLATURE, state officers, township
 21 officers, jurors, witnesses, county agents, and all other
 22 persons, except sheriffs, who may be entitled to mileage,
 23 when using their own automobiles or airplanes in the
 24 performance of official duties, shall be entitled to collect
 25 mileage for the distance actually traveled by automobile,

1 and for the shortest regularly traveled automobile route
 2 when travel is by private plane, and no more unless
 3 otherwise specifically provided by law; provided, however,
 4 that nothing herein contained shall be construed as
 5 affecting the validity of section 43-310.

6 (2) Where the individual is authorized to operate a
 7 privately owned vehicle even though a ~~state government~~ owned
 8 ~~or leased~~ vehicle is available, a rate of ~~nine twelve~~ THREE
 9 ~~cents (9¢) (12¢) (3¢)~~ LESS per mile shall be paid ~~THAN THE~~
 10 MILEAGE RATE ALLOWED BY THE UNITED STATES AUTHORIZED BY
 11 INTERNAL REVENUE SERVICE AUTHORIZED RATE FOR THE NEXT
 12 PRECEDING YEAR SHALL BE PAID.

13 (3) Where a privately owned vehicle is used because a
 14 ~~state government~~ owned or leased vehicle is not available
 15 for use or it is in the best interest of the ~~state~~
 16 ~~governmental entity~~ that a privately owned vehicle be used,
 17 ~~twelve fifteen~~ cents (12¢) (15¢) per mile A RATE EQUAL TO
 18 THE MILEAGE ALLOTMENT ALLOWED BY THE UNITED STATES INTERNAL
 19 REVENUE SERVICE FOR THE NEXT PRECEDING YEAR shall be paid
 20 for the first one thousand (1,000) miles and twelve THREE
 21 cents (12¢) (3¢) per mile LESS for all miles thereafter
 22 traveled within a given calendar month."

23 Section 4. Section 1-908, R.C.M. 1947, is amended to
 24 read as follows:

25 "1-908. Commissioners — compensation — meetings —

1 officers. A commissioner of an authority shall be entitled
 2 to the necessary expense, including travel expenses, as
 3 provided for in sections 59-538, 59-539, and 59-801,
 4 incurred in the discharge of his duties. Each commissioner
 5 shall hold office until his successor has been appointed and
 6 has qualified. The certificates of the appointment and
 7 reappointment of commissioners shall be filed with the
 8 authority.

9 The powers of each authority shall be vested in the
 10 commissioners thereof. A majority of the commissioners of an
 11 authority shall constitute a quorum for the purpose of
 12 conducting business of the authority and exercising its
 13 powers and for all other purposes. Action may be taken by
 14 the authority upon a vote of not less than a majority of the
 15 commissioners present.

16 There shall be elected a chairman and vice-chairman
 17 from among the commissioners. An authority may employ an
 18 executive director, secretary, technical experts, and such
 19 other officers, agents, and employees, permanent and
 20 temporary, as it may require, and shall determine their
 21 qualifications, duties and compensation. An authority may
 22 delegate to one (1) or more of its agents or employees such
 23 powers or duties as it may deem proper."

24 Section 5. Section 3-2906, R.C.M. 1947, is amended to
 25 read as follows:

1 "3-2906. Compensation — per diem. Members of the
 2 committee shall receive no salary, but shall be paid, from
 3 the wheat research and marketing account in the federal and
 4 private revenue fund, a per diem of twenty dollars (\$20) for
 5 each day they are engaged in the transaction of official
 6 business, together with their actual and necessary travel
 7 expenses, as provided for in sections 59-538, 59-539, and
 8 59-801, incurred while on official business."

9 SECTION 6. SECTION 16-912, R.C.M. 1947, IS AMENDED TO
 10 READ AS FOLLOWS:

11 "16-912. Compensation of members of board. (1) Each
 12 member of the board of county commissioners in counties of
 13 the first, second, third, and fourth class, shall receive an
 14 annual salary to be established by resolution of the board
 15 of county commissioners in an amount not to exceed the
 16 annual salary established in the schedule in section 25-605,
 17 R.C.M. 1947, for the clerk and recorder.

18 In addition, each member of the board of county
 19 commissioners in counties of the first, second, third and
 20 fourth class shall receive ~~twelve cents (\$.12) per mile a~~
 21 mileage allowance as provided in section 59-801 for the
 22 distance necessarily traveled in going to and returning from
 23 the county seat and his place of residence each day that
 24 such trip is actually made, and while engaged in the
 25 performance of his official duties.

1 (2) Each member of the board of county commissioners
 2 in all other counties is entitled to a salary to be
 3 established by the board of county commissioners by
 4 resolution in an amount not to exceed thirty-five dollars
 5 (\$35) per day for each day's attendance on the sessions of
 6 the board and ~~twelve cents (\$.12) per mile~~ a mileage
 7 allowance as provided in section 59-801 for the distance
 8 necessarily traveled in going to and returning from the
 9 county seat and his place of residence each day that such
 10 trip is actually made, provided, however, that any county
 11 commissioner whose place of residence is fifty (50) miles or
 12 more from the county seat, as measured by the usual route of
 13 travel, may elect to receive mileage as provided in this
 14 section or, in lieu of mileage, a sum of ten dollars (\$10)
 15 per day for each day's attendance on sessions of the board
 16 as expenses, while engaged in the performance of his
 17 official duties, and no other compensation must be allowed."

18 SECTION 7. SECTION 16-2723, R.C.M. 1947, IS AMENDED TO
 19 READ AS FOLLOWS:

20 *16-2723. Mileage and expense of sheriff. Sheriffs
 21 delivering prisoners at the state prison or mentally ill
 22 persons at the state hospital, shall receive actual expenses
 23 necessarily incurred in their transportation, which shall
 24 include the expenses of the sheriff in going and returning
 25 from such institution. They shall take vouchers for every

1 item of expenses incurred by them in such transportation,
 2 the amount of which expenses, as shown by the said vouchers
 3 when served by said sheriff, shall be audited and allowed by
 4 the department of administration or by the board of county
 5 commissioners, as the case may be, and paid out of the same
 6 money and in the same manner as are other expense claims
 7 against the state or counties, and no other or further
 8 compensation shall be received by sheriffs for such
 9 expenses, provided that in determining the actual expense,
 10 if travel be by a privately owned vehicle, the mileage rate
 11 shall be allowed as herein provided. While in the discharge
 12 of his duties, both civil and criminal, the sheriff shall
 13 receive ~~twelve cents (\$.12) per mile for each and every mile~~
 14 ~~actually and necessarily traveled, and for transporting any~~
 15 ~~person by order of court, except as hereinbefore provided,~~
 16 ~~he shall receive twelve cents (\$.12) additional per mile,~~
 17 ~~the same to be in full for transporting and dieting of such~~
 18 ~~person during such transportation; provided that where more~~
 19 ~~than one person is transported by the sheriff or when one or~~
 20 ~~more papers are served on the same trip made for the~~
 21 ~~transportation of one or more prisoners, but one mileage~~
 22 ~~shall be charged~~ a mileage allowance as provided in section
 23 59-801. The sheriff shall also be reimbursed for actual and
 24 necessarily incurred expenses for transporting, lodging and
 25 meals of person(s) ordered by the court as provided in

1 section 59-538, 59-539 and 59-801. The county shall not be
 2 liable for, nor shall the board of county commissioners pay
 3 for any claim of the sheriff or other officer, for any other
 4 expense incurred in travel or for subsistence, in cases
 5 where mileage is allowed under this section; the fees for
 6 mileage named in this section being in full for all such
 7 traveling expenses in both civil and criminal work."

8 SECTION 8. SECTION 25-226, R.C.M. 1947, IS AMENDED TO
 9 READ AS FOLLOWS:

10 "25-226. Fees of sheriff. (1) For the service of
 11 summons and complaint on each defendant, one dollar (~~\$1.00~~);

12 For levying and serving each writ of attachment of
 13 execution on real or personal property, one dollar (~~\$1.00~~);

14 For service of attachment on the body or order of
 15 arrest on each defendant, one dollar (~~\$1.00~~);

16 For the service of affidavit, order, and undertaking in
 17 claim and delivery, one dollar (~~\$1.00~~);

18 For serving a subpoena, twenty-five cents (25¢) for
 19 each witness summoned;

20 For serving writ of possession or restitution, two
 21 dollars (~~\$2.00~~);

22 For trial of the right of property or damages,
 23 including all services except mileage, three dollars
 24 (~~\$3.00~~);

25 For taking bond or undertaking in any case authorized

1 by law, one dollar (~~\$1.00~~);

2 For serving every notice, rule or order, one dollar
 3 (~~\$1.00~~), for each person served;

4 For copy of any writ, process or other paper when
 5 demanded or required by law, twenty cents (20¢) for each
 6 folio;

7 For advertising any property for sale on execution or
 8 under any judgment or order of sale, exclusive of cost of
 9 publication, one dollar (~~\$1.00~~);

10 (2) For the expense in taking and keeping possession
 11 of and preserving property under attachment, execution or
 12 other process, such sum as the court or judge may order, not
 13 to exceed the actual expense incurred, and no keeper must
 14 receive to exceed five dollars (~~\$5.00~~) per day and no keeper
 15 must be employed without an order of court, nor must he be
 16 so employed unless the property is of such character as to
 17 need the personal attention and supervision of a keeper. No
 18 property shall be placed in charge of a keeper if it can be
 19 safely and securely stored, or where there is no reasonable
 20 danger of loss.

21 (3) In addition to the fees above specified, the
 22 sheriff shall receive for each mile actually traveled, in
 23 serving any writ, process, order or other paper, including a
 24 warrant of arrest, or in conveying a person under arrest
 25 before a magistrate or to jail, only his actual expenses

1 when such travel is made by railroad, and when travel is
 2 other than by railroad, he shall receive ~~eleven cents (11¢)~~
 3 ~~per mile~~ a mileage allowance as provided in section 59-801
 4 for each mile actually traveled by him both going and
 5 returning, and the actual expenses incurred by him in
 6 conveying a person under arrest before a magistrate or to
 7 jail, and he shall receive the same mileage and his actual
 8 expenses for the person conveyed or transported under order
 9 of court within the county, the same to be in full payment
 10 for transporting and dieting such persons during such
 11 transportation; provided that where more than one person is
 12 transported by the sheriff or when one or more papers are
 13 served on the same trip made for the transportation of one
 14 or more prisoners, but one (1) mileage shall be charged.

15 (4) Provided further, that this act shall not apply to
 16 the delivery of prisoners at the state prison or at the
 17 reform school, or insane persons to the state insane asylum,
 18 for which he shall receive the actual expense incurred as
 19 provided by section 16-2723 of this code. Nor shall this act
 20 apply to trips made for the return of fugitives apprehended
 21 and arrested outside the county for which the sheriff shall
 22 receive the actual necessary expenses incurred in going for
 23 and returning with such fugitive, provided that in
 24 determining the actual expense, if travel be by a privately
 25 owned vehicle, the mileage rate shall be allowed as herein

1 provided. But no mileage must be allowed on an attachment,
 2 order of arrest, order for delivery of personal property, or
 3 any other order, notice or paper, when the same accompanies
 4 the summons, and the service thereof may be made at the time
 5 of the service of the summons, unless for the distance
 6 actually traveled beyond that required to serve the summons.
 7 When two (2) or more papers are served on the same person at
 8 the same time, or when any paper or papers are served on
 9 more than one (1) person on the same trip, but one (1)
 10 mileage must be allowed or charged, and in the service of
 11 subpoenas, but one (1) mileage must be charged when the
 12 persons named therein live in the same place or in the same
 13 direction, but mileage must be charged for the longest
 14 distance actually traveled. Any writ, order or other paper
 15 for service, must be received at any place in the county
 16 where a sheriff or a deputy is found, and mileage must be
 17 computed from such place, but if papers are delivered for
 18 service away from the county seat, all necessary copies
 19 thereof must be furnished for service. When two (2) or more
 20 officers travel in the same automobile in the discharge of
 21 any duty but one (1) mileage shall be allowed."

22 SECTION 9. SECTION 25-236, R.C.M. 1947, IS AMENDED TO
 23 READ AS FOLLOWS:

24 "25-236. Fees of coroner. The coroner is entitled to
 25 receive and collect for his own use the following fees:

1 For each day or fraction of day engaged in making an
 2 investigation relative to a death, whether an inquest is
 3 later held or not, the sum of five dollars (~~\$5.00~~), provided
 4 that not more than one day's fees shall be charged for
 5 making an investigation in any one case, except in counties
 6 of the first, second and third class;

7 For each day or fraction of day engaged in holding an
 8 inquest, five dollars (~~\$5.00~~), provided that not more than
 9 two days' fees shall be charged for holding an inquest in
 10 any one case;

11 For subpoenaing each witness, including copy of
 12 subpoena, thirty cents (30c);

13 For summoning each juror, including copy of summons,
 14 thirty cents (30c);

15 For each oath administered, five cents (5c);

16 For making transcript of testimony, per folio, fifteen
 17 cents (15c);

18 For each mile actually traveled in the performance of
 19 any duty, ~~seven cents (7c)~~ a mileage allowance as provided
 20 in section 59-801;

21 For filing papers, each five cents (5c);

22 The total amount of fees allowed by the board of county
 23 commissioners to a coroner, except when acting as sheriff,
 24 must not exceed twenty-one hundred dollars (~~\$2100.00~~) in any
 25 one year, including compensation paid all clerks,

1 stenographers and other clerical assistants employed by him,
 2 provided the coroner in a county having a population of
 3 forty-five thousand (45,000) or more, according to the
 4 latest federal census enumeration, may, at the discretion of
 5 the county commissioners receive a salary of not to exceed
 6 three thousand seven hundred fifty dollars (~~\$3,750.00~~) per
 7 year and mileage as above provided in lieu of all fees
 8 above-mentioned, and all clerical and stenographic help
 9 except as provided in section 16-3408, shall be included in
 10 such salary. Said population to be based on the latest
 11 United States census.

12 A justice of the peace, acting as coroner, is allowed
 13 the same fees as the coroner, and no more.

14 If acting as sheriff, the coroner is allowed the same
 15 fees as sheriff or constable for like services."

16 SECTION 10. SECTION 25-401, R.C.M. 1947, IS AMENDED TO
 17 READ AS FOLLOWS:

18 "25-401. Jurors' fees. Grand and trial jurors shall
 19 receive twelve dollars (\$12) per day for attendance before
 20 any court of record and ~~eight cents (8c)~~ a mileage
 21 allowance as provided in section 59-801 each way for
 22 traveling from and to their residence and county seat. Any
 23 juror who is excused from attendance upon his own motion on
 24 the first day of his appearance in obedience to notice, or
 25 who has been summoned as a special juror and not sworn in

1 the trial of the case, in the discretion of the court, may
2 receive per diem and mileage."

3 SECTION 11. SECTION 25-404, R.C.M. 1947, IS AMENDED TO
4 READ AS FOLLOWS:

5 "25-404. Witnesses' fees. For attending in any civil
6 or criminal action or proceeding before any court of record,
7 referee, or officer authorized to take depositions, or
8 commissioners to assess damages or otherwise, for each day,
9 ten dollars (\$10). For mileage in traveling to the place of
10 trial or hearing, each way, for each mile, ~~eight cents~~
11 ~~(\$.08)~~ a mileage allowance as provided in section 59-801;
12 provided, however, that no officer of the United States, the
13 state of Montana, or of any county, incorporated city or
14 town within the limits of the state of Montana shall receive
15 any per diem when testifying in a criminal proceedings, and
16 that no witness shall receive fees in any more than one
17 criminal case on the same day."

18 Section 12. Section 26-106, R.C.M. 1947, is amended to
19 read as follows:

20 "26-106. Director of fish and game — powers —
21 duties. The director of fish and game shall be the secretary
22 of the commission, attend the meetings of the commission,
23 and keep a record of all of its transactions. The director
24 shall keep an inventory showing the description and value of
25 all property owned by the state and under the administration

1 of the commission. He shall be the administrative agent of
2 the commission and custodian of the property and records of
3 the department. He shall devote all of his time to his
4 official duties and his powers and duties include those of a
5 warden. He is subject to the supervision and control of the
6 commission. The director may, by and with the consent of the
7 commission, establish such department divisions and employ
8 the necessary personnel that may be needed to conduct the
9 work of the department. The director shall be paid a salary
10 fixed by the commission and shall be reimbursed for his
11 ~~actual and necessary travel~~ expenses, as provided for in
12 sections 59-538, 59-539, and 59-801, incurred while in the
13 performance of his duties, the same to be paid upon proper
14 vouchers from the fish and game account in the earmarked
15 revenue fund."

16 Section 13. Section 26-114, R.C.M. 1947, is amended to
17 read as follows:

18 "26-114. Appointment of ex officio state fish and game
19 wardens. All sheriffs and their deputies, constables, all
20 peace officers of the state, or any subdivision thereof, and
21 all state forest officers, and such other officers of the
22 United States forest service or agents of the United States
23 fish and wildlife service which are assigned to duty in this
24 state, and field personnel fish and game commission, as the
25 director, with the approval of the state fish and game

1 commission, may appoint are hereby made ex officio state
 2 fish and game wardens, without pay, except that the
 3 commission may, in its discretion, allow ~~actual and~~
 4 ~~necessary~~ traveling expenses, as provided for in sections
 5 59-538, 59-539, and 59-801, which, if allowed, shall be paid
 6 upon proper vouchers from the state fish and game funds, and
 7 shall have the same powers with reference to the enforcement
 8 of the fish and game laws of this state as regularly
 9 appointed state fish and game wardens, and it is hereby made
 10 their duty to assist, whenever possible, in the enforcement
 11 of said laws."

12 Section 14. Section 27-240, R.C.M. 1947, is amended to
 13 read as follows:

14 "27-240. Advisory council. (1) The director of
 15 agriculture may appoint an advisory council to study and
 16 make recommendations on special pesticide problems in the
 17 state. The council shall consist of individuals
 18 representing, equally, controlled industry, agriculture,
 19 health, and wildlife. Governmental personnel, university
 20 personnel not included, may not be represented on the
 21 council. Governmental personnel shall meet with the council
 22 in an advisory capacity when requested by the council. The
 23 council may not exceed twelve (12) members. The director of
 24 agriculture shall establish the time period in which the
 25 council shall exist. The time period may not exceed two (2)

1 years. The department of agriculture shall provide the
 2 necessary administrative, secretarial, and any other
 3 essential items to the council.

4 (2) Each member of the council shall receive as
 5 compensation for his services the sum of twenty-five dollars
 6 (\$25) per day for each day actually spent in the performance
 7 of his duties and shall be reimbursed for ~~actual per diem~~
 8 ~~and necessary traveling travel~~ expenses as provided ~~by law~~
 9 for in sections 59-538, 59-539, and 59-801.

10 (3) The council may request that the department of
 11 agriculture hold a public hearing as outlined in section
 12 27-235, to assist it in gathering factual data and
 13 information on the special problems assigned it."

14 Section 15. Section 31-104, R.C.M. 1947, is amended to
 15 read as follows:

16 "31-104. Chief — appointment—tenure of office —
 17 salary — supervisory power — resident requirement. The
 18 board shall select a highway patrol chief who shall have the
 19 rank of colonel and shall hold his office until his
 20 appointment has terminated for cause, as hereinafter set
 21 forth, and shall receive a salary fixed by the board with
 22 approval of the board of examiners within the limits of the
 23 legislative appropriation for such purpose, and ~~necessary~~
 24 ~~traveling travel~~ expenses, as provided for in sections
 25 59-538, 59-539, and 59-801. The chief shall have direct

1 control and supervision of all patrolmen, subject to the
 2 approval of the Montana highway patrol board. The person
 3 named as chief shall have been a continuous resident of
 4 Montana for at least five (5) years. The chief, with the
 5 approval of the board and within the limits of any
 6 appropriation made available for such purposes, shall:

7 1. Designate the authority and responsibility in each
 8 such rank, grade and position;

9 2. Formulate standards, policies and qualifications in
 10 the selection of recruit patrolmen;

11 3. Prescribe the official uniform of the Montana
 12 highway patrol;

13 4. Station employees in such localities as he shall
 14 deem advisable for the enforcement of the traffic laws of
 15 this state;

16 5. Charge against each employee the value of property
 17 of the state, lost or destroyed through the carelessness or
 18 neglect of such employee;

19 6. Discharge, demote, or temporarily suspend after
 20 hearing as provided in section 31-105, any patrolman of the
 21 department;

22 7. Have purchased, or otherwise acquired, by the
 23 purchasing department of the state, motor equipment and all
 24 other equipment and commodities deemed by him essential to
 25 the efficient operation of the Montana highway patrol."

1 Section 16. Section 41-1201, R.C.M. 1947, is amended
 2 to read as follows:

3 "41-1201. Apprenticeship council. (a) The governor of
 4 the state of Montana shall appoint an apprenticeship
 5 council, which shall be a part of the department of labor
 6 and industry, and shall consist of six (6) members, three
 7 (3) of whom shall be appointed from and be representative of
 8 active employers employing persons in recognized
 9 apprenticeable trades, and three (3) of whom shall be
 10 appointed from and be representative of active employee
 11 organizations whose members are employed in recognized
 12 apprenticeable trades. The terms of office of the members of
 13 the apprenticeship council first appointed by the governor
 14 of the state of Montana shall be as follows: One (1)
 15 representative each of employers and employees shall be
 16 appointed for one (1) year, two (2) years and three (3)
 17 years respectively. After the expiration of the original
 18 terms, each member shall be appointed by the governor of the
 19 state of Montana for a term of three (3) years. Each member
 20 shall hold office until his successor is appointed and has
 21 qualified, and any vacancy shall be filled by appointment by
 22 the governor of the state of Montana for the unexpired
 23 portion of the term. The commissioner of labor and industry,
 24 the state official who has been designated by the state
 25 board for vocational education as being in charge of trade

1 and industrial education and the state official who has
 2 immediate charge of the state public employment service
 3 shall be ex officio members of said council without vote.
 4 The council shall elect a chairman and vice-chairman from
 5 its voting membership, one (1) of which shall be a
 6 representative of employers and one (1) shall be a
 7 representative of employees, and each shall hold office for
 8 a term of one (1) year and until his successor is elected.

9 (b) Subject to the approval of the federal committee on
 10 apprenticeship, the apprenticeship council shall: (1)
 11 establish standards for apprenticeship agreements in
 12 conformity with the provisions of this act; (2) issue such
 13 rules and regulations as may be necessary to carry out the
 14 intent and purposes of this act; and (3) perform such other
 15 duties as are hereinafter imposed. Not less than once every
 16 two years the apprenticeship council shall make a report
 17 through the governor of the state of Montana of its
 18 activities and findings to the legislature which shall be
 19 made available to the public.

20 (c) The council may accept from the federal government
 21 or any agency thereof or from any state agency, any funds
 22 made available to carry out purposes within the scope of the
 23 activities and purposes of the apprenticeship council and to
 24 use such funds as said council may direct, for the purposes
 25 for which said funds are made available.

1 (d) A ~~per-diem~~ compensation of fifteen dollars
 2 (\$15.00) plus ~~actual and necessary travel~~ travel expenses, ~~for~~
 3 ~~meals and lodging, such expenses not to exceed that paid~~
 4 ~~other state officials or employees, as provided for in~~
 5 sections 59-538, 59-539, and 59-001, shall be paid each
 6 voting member of the state apprenticeship council, or their
 7 authorized representatives, while in official travel status
 8 and while attending official meetings for each whole or part
 9 of any calendar day. Such voting members, or their
 10 representatives, shall be reimbursed a mileage rate and the
 11 same is paid other state officials or state employees, for
 12 use of personally-owned vehicles to attend official meetings
 13 from any point in the state of Montana to the place of
 14 meeting in Montana and return. A maximum of three hundred
 15 dollars (\$300.00) shall be the limitation for the combined
 16 per diem, expenses and mileage payments as provided for
 17 herein, for each voting member of said council, or their
 18 representatives, during the twelve (12) consecutive month
 19 period of any fiscal year from July first of one year to
 20 June thirtieth of the next following year.

21 (e) The commissioner of labor and industry may, subject
 22 to the approval of the appointed members of the council,
 23 appoint a director of apprenticeship and such other
 24 clerical, technical and professional staff as shall be
 25 necessary to carry out the provisions of this act. The

1 director of apprenticeship shall serve as the secretary of
2 the council, without a vote."

3 Section 17. Section 41-2107, R.C.M. 1947, is amended
4 to read as follows:

5 "41-2107. Reimbursement of commission members. Members
6 of said commission shall serve without compensation but
7 shall be reimbursed for ~~actual travel and other expenses, as~~
8 provided for in sections 59-538, 59-539, and 59-801,
9 incurred in the discharge of their duties, including
10 attendance at meetings."

11 Section 18. Section 43-111, R.C.M. 1947, is amended to
12 read as follows:

13 "43-111. Compensation of reapportionment
14 commissioners. Commissioners are entitled to compensation of
15 twenty dollars (\$20) per day plus travel ~~and actual~~
16 expenses, as provided for in sections 59-538, 59-539, and
17 59-801, while attending commission meetings or in carrying
18 out the official duties of the commission."

19 Section 19. Section 43-218, R.C.M. 1947, is amended to
20 read as follows:

21 "43-218. Pre-session caucus — house appropriation and
22 senate finance and claims committee member — per diem and
23 expenses. As soon after the official canvass as possible,
24 but not later than December 1 of each year following an
25 election when members of the ~~legislative assembly~~

1 LEGISLATURE are elected, the majority and minority parties
2 of each house of the legislative assembly shall hold a
3 pre-session caucus for holdover senators, senators-elect,
4 and representatives-elect. The purpose of the caucus of each
5 party of each house is to elect officers, appoint committees
6 and hire any necessary employees. Members of the house
7 appropriations committee and the senate finance and claims
8 committee named at the caucus shall begin reviewing requests
9 for appropriations immediately and may visit state agencies
10 and institutions to discuss requests. Members of these
11 committees, ~~except senators elected at the general election~~
12 ~~held in 1968,~~ shall receive twenty dollars (\$20) per day for
13 each day engaged in committee business, and all members of
14 these committees shall be reimbursed for ~~actual and~~
15 necessary travel expenses, as provided for in sections
16 59-538, 59-539, and 59-801, incurred in their duties. Per
17 diem and expenses shall be paid by the department of
18 administration from the appropriation for operation of the
19 preceding ~~legislative assembly~~ LEGISLATURE."

20 SECTION 20. SECTION 43-310, R.C.M. 1947, IS AMENDED TO
21 READ AS FOLLOWS:

22 "43-310. Per diem, mileage and expenses of members.
23 (1) Legislators are entitled to compensation of twenty
24 dollars (\$20) per legislative day, payable weekly, during a
25 session of the legislature, and ~~twelve cents (12¢) per mile~~

1 a mileage allowance as provided in section 59-801 for each
2 mile of travel to and from their residences and the place of
3 holding the session, by the shortest regularly traveled
4 automobile route.

5 (2) Members are also entitled to thirty-three dollars
6 (\$33) per day, seven (7) days a week payable weekly during a
7 legislative session, as reimbursement for expenses incurred
8 in attending the session. Expense payments shall stop when
9 the legislature recesses for more than three (3) days and
10 shall resume when the legislature reconvenes.

11 (3) While going to, attending, and returning from
12 legislative standing committee meetings and necessary
13 committee business authorized by the chairman of the
14 legislative council during the legislative interim,
15 legislators are entitled to:

16 (a) a mileage allowance ~~of twelve cents (12¢) per mile~~
17 as provided in section 59-801 for each mile of travel,

18 (b) actual expenses, and

19 (c) compensation of twenty dollars (\$20) per day.

20 (4) Legislators are also entitled to a mileage
21 allowance ~~of twelve cents (12¢) per mile as provided in~~
22 section 59-801 for travel to and from their respective
23 pre-session caucus meeting."

24 Section 21. Section 43-714, R.C.M. 1947, is amended to
25 read as follows:

1 "43-714. Expenses. When the legislature is not in
2 session, members of the legislative council, the legislative
3 subcommittees, select and standing committees, while going
4 to, attending, and returning from legislative committee
5 meetings and other necessary committee business authorized
6 by the chairman of the legislative council are entitled to:

7 (1) a mileage allowance as allowed by ~~law~~ section
8 59-801,

9 (2) actual expenses, as provided for in sections
10 59-538 and 59-539, and

11 (3) compensation as provided by law."

12 Section 22. Section 43-1106, R.C.M. 1947, is amended
13 to read as follows:

14 "43-1106. Reimbursement for expenses — per diem.
15 Members of the legislative fiscal review committee and its
16 subcommittees shall be reimbursed for ~~actual~~ travel and
17 other expenses, as provided for in sections 59-538, 59-539,
18 and 59-801, incurred in the discharge of their duties, and
19 may also receive ~~per diem payments~~ compensation as
20 authorized by law."

21 Section 23. Section 44-127, R.C.M. 1947, is amended to
22 read as follows:

23 "44-127. State library commission created. A
24 commission is hereby created to be known as the state
25 library commission. This commission shall consist of the

1 librarian of the state university, the state superintendent
 2 of public instruction, ex officio member, and the three
 3 members to be appointed by the governor, who shall serve
 4 one, two and three years respectively. As these terms
 5 expire, annually thereafter one person shall be appointed,
 6 for a term of three years. The commission shall annually
 7 elect a chairman from its membership. The members of said
 8 commission shall receive no compensation for their services
 9 except their ~~actual and necessary travel~~ expenses, as
 10 provided for in sections 59-538, 59-539, and 59-801."

11 Section 24. Section 66-109, R.C.M. 1947, is amended to
 12 read as follows:

13 "66-109. Compensation of members of board —
 14 disposition and use of funds — report. (1) Each member of
 15 the board is allowed the sum of twenty-five dollars (\$25)
 16 per day plus mileage in accordance with section 59-801 and
 17 ~~actual and necessary travel~~ expenses, as provided for in
 18 sections 59-538, and 59-539, while in the discharge of his
 19 actual duties.

20 (2) All fees and moneys received by the department for
 21 licenses from practicing architects shall be deposited in
 22 the earmarked revenue fund for the use of the board, subject
 23 to section 82A-1603 (6)."

24 Section 25. Section 66-408, R.C.M. 1947, is amended to
 25 read as follows:

1 "66-408. Compensation. Each member of the board shall
 2 receive a compensation of twenty-five dollars (\$25) per day
 3 while attending board meetings plus ~~legitimate and necessary~~
 4 travel expenses, as provided for in sections 59-538, 59-539,
 5 and 59-801, incurred in attending meetings of the board."

6 Section 26. Section 66-513, R.C.M. 1947, is amended to
 7 read as follows:

8 "66-513. Disposition of fees — receipts and
 9 disbursements — reports — per diem and mileage. (1) Fees
 10 collected by the department under this act shall be
 11 deposited in the earmarked revenue fund for the use of the
 12 board, subject to section 82A-1603 (6).

13 (2) The department shall keep an accurate account of
 14 funds received and vouchers issued by the department.

15 (3) The members of the board shall receive twenty-five
 16 dollars (\$25) for each day during which they are actually
 17 engaged in the discharge of their duties, plus mileage as
 18 provided in section 59-801, and reimbursement for ~~actual and~~
 19 ~~necessary travel~~ expenses incurred, as provided for in
 20 sections 59-538, and 59-539."

21 Section 27. Section 66-608, R.C.M. 1947, is amended to
 22 read as follows:

23 "66-608. Compensation of board — expenses. Each
 24 member of the board, except the physician members, who are
 25 otherwise paid for the performance of their duties as

1 medical examiners, shall receive for his services the sum of
 2 five dollars (\$5) per diem and ~~necessary traveling and~~
 3 ~~incidental travel expenses, as provided for in sections~~
 4 ~~59-538, 59-539, and 59-801.~~ Other contingent expenses,
 5 necessarily incurred, shall be paid by the state department
 6 in the same manner as other expenses of the state board of
 7 medical examiners."

8 Section 28. Section 66-809, R.C.M. 1947, is amended to
 9 read as follows:

10 "66-809. Compensation of members of board — deposit
 11 of receipts in state treasury. Each member of the board
 12 shall receive, as compensation for his services, the sum of
 13 twenty-five dollars (\$25) per day for each day in actual
 14 attendance at any meeting at the board. In addition, each
 15 member shall be reimbursed for his travel expenses, as
 16 provided for in sections 59-538, 59-539, and 59-801,
 17 necessarily incurred in the performance of his official
 18 duties. All fees collected by the department under this act,
 19 shall be deposited in the earmarked revenue fund for the use
 20 of the board, subject to section 82A-1603 (6)."

21 Section 29. Section 66-909, R.C.M. 1947, is amended to
 22 read as follows:

23 "66-909. Compensation and expenses allowed board
 24 members — limitation on duration of examination meetings —
 25 disbursement of funds. (1) Out of the funds derived from

1 fees and dues collected under this act each member of the
 2 board shall be reimbursed as follows:

3 (a) Fifteen dollars (\$15) per day for each day
 4 traveling to and from a meeting and while in actual
 5 attendance at a meeting of the board and for each day
 6 actually engaged in the duties of his office.

7 (b) Expenses and travel authorized under sections
 8 59-538, ~~59-539,~~ and 59-801.

9 ~~(c) For first class railroad and Pullman fares actually~~
 10 ~~incurred to and from his place of residence to the place of~~
 11 ~~a meeting.~~

12 (2) Meetings held for the purpose of examining
 13 candidates for a license to practice dentistry in this state
 14 may not exceed six (6) days.

15 (3) Money collected in excess of expenses and salaries
 16 provided for shall be held by the department as a special
 17 fund for meeting the expenses of the board, the proper
 18 administration of this act and for educational purposes
 19 considered wise by the board. The department, on the written
 20 request of the board, shall set aside in a separate account
 21 in the earmarked revenue fund, the emergency moneys provided
 22 under section 66-906. This account may be expended only
 23 when the board determines that an emergency exists requiring
 24 an expenditure therefrom."

25 Section 30. Section 66-1020, R.C.M. 1947, is amended

1 to read as follows:

2 *66-1020. Compensation of members. Each member of the
3 board of medical examiners shall receive twenty-five dollars
4 (\$25) per day compensation while traveling to and from board
5 meetings, and while attending board meetings, and for each
6 full day away from home while conducting board business plus
7 ~~actual and necessary travel~~ expenses, as provided for in
8 sections 59-538, 59-539, and 59-801, and mileage as provided
9 in section 59-801 while in the active and necessary
10 discharge of his duties."

11 Section 31. Section 66-1226, R.C.M. 1947, is amended
12 to read as follows:

13 *66-1226. Reimbursement for expenses — compensation.
14 Each member of the board shall be paid mileage as provided
15 in section 59-801, ~~and actual and necessary AND travel~~
16 ~~expenses, provided for in sections 59-538, and 59-539,~~ and
17 in addition, fifteen dollars (\$15) per day for each day
18 actually engaged in the discharge of duties under this act,
19 including the time spent in actual attendance at a meeting
20 of the board and in direct travel to and from meetings, and
21 a reasonable number of days for the preparation and
22 administration of examinations."

23 Section 32. Section 66-1311, R.C.M. 1947, is amended
24 to read as follows:

25 *66-1311. Compensation of board. Each member of the

1 board may receive as compensation the sum of twenty-five
2 dollars (\$25) and ~~necessary travel~~ expenses, as provided for
3 in sections 59-538, 59-539, and 59-801, for each day
4 actually engaged in the duties of his office. Money
5 collected by the department shall be deposited in the
6 earmarked revenue fund for the use of the board, subject to
7 section 82A-1603 (6)."

8 Section 33. Section 66-1410, R.C.M. 1947, is amended
9 to read as follows:

10 *66-1410. Compensation of board — deposit of fees.
11 (1) Each of the members of the board may receive as
12 compensation a sum not to exceed twenty dollars (\$20) for
13 each day actually engaged in the duties of their office,
14 together with ~~legitimate and necessary travel~~ expenses, as
15 provided for in sections 59-538, 59-539, and 59-801,
16 ~~incurred in connection with~~ attending the meetings of the
17 board.

18 (2) The fees collected by the department under this
19 chapter shall be deposited in the earmarked revenue fund for
20 the use of the board, subject to section 82A-1603 (6)."

21 Section 34. Section 66-1505, R.C.M. 1947, is amended
22 to read as follows:

23 *66-1505. Salaries and expenses of board members. Each
24 member of the board shall receive twenty-five dollars (\$25)
25 a day as compensation for the performance of his services as

1 a board member and shall be compensated in addition thereto
 2 for ~~his actual and necessary travel expenses, as provided~~
 3 ~~for in sections 59-538, 59-539, and 59-801,~~ in attending
 4 meetings." ~~Mileage expenses of board members will be paid~~
 5 ~~pursuant to section 59-801.~~

6 Section 35. Section 66-1815, R.C.M. 1947, is amended
 7 to read as follows:

8 "66-1815. Powers and duties of department and board.

9 (1) The board shall elect annually a chairman, secretary,
 10 and treasurer from its members. (2) The board may adopt
 11 rules for the conduct of its affairs and the administration
 12 of this act. (3) A quorum for the transaction of business
 13 consists of three (3) members of the board. (4) The board
 14 shall have a seal which shall be judicially noticed. (5) The
 15 department shall keep records of the board's proceeding. In
 16 a proceeding in court, civil or criminal, arising out of or
 17 founded on this act, copies of these records certified as
 18 correct under the seal of the board are admissible in
 19 evidence as tending to prove the content of these records.

20 (6) Each member of the board shall receive as compensation
 21 twenty dollars (\$20) for each day actually engaged in the
 22 duties of his office, and, in addition, shall be reimbursed
 23 for ~~his actual and necessary travel expenses, provided for~~
 24 ~~in sections 59-538, 59-539, and 59-801, incurred in~~
 25 ~~connected with~~ the discharge of his official duties."

1 Section 36. Section 66-1927, R.C.M. 1947, is amended
 2 to read as follows:

3 "66-1927. Board — powers and duties — compensation.

4 (1) The board shall from time to time adopt rules to carry
 5 out the provisions of this act.

6 (2) The department shall keep a record of proceedings,
 7 transactions, communications and official acts of the board,
 8 be custodian of the records of the board and shall cause to
 9 be performed other duties as the board on the written
 10 request of two (2) or more members of the board or at other
 11 times as the chairman in his discretion considers necessary.
 12 Neither the chairman nor an employee of the department,
 13 hired to provide services to the board, may be an officer or
 14 paid employee of any real estate association or group of
 15 real estate dealers or brokers.

16 (3) Each member of the board shall receive as
 17 compensation for each one-half day or portion thereof
 18 actually spent on his official duties the sum of seven
 19 dollars and fifty cents (\$7.50) and ~~his actual and necessary~~
 20 ~~travel expenses, as provided for in sections 59-538, 59-539,~~
 21 ~~and 59-801, incurred in connected with~~ the performance of
 22 other duties provided for by the board.

23 (4) The board shall adopt a seal of a design as it
 24 shall prescribe. Copies of records and papers kept by the
 25 department, certified by the chairman and authenticated by

1 the seal of the board, shall be received in evidence in
2 courts with like effect as the original. Records of the
3 board are open to public inspection under rules it
4 prescribes."

5 Section 37. Section 66-2104, R.C.M. 1947, is amended
6 to read as follows:

7 "66-2104. Compensation of members of board —
8 disposition of funds. (1) Each member of the board shall
9 receive a compensation of five dollars (\$5) per day for
10 actual services while attending meetings or otherwise
11 engaged in business connected with the board, and shall
12 receive ~~ten cents (\$.10) per mile for each mile actually~~
13 ~~traveled, and five dollars (\$5) per day for expenses while~~
14 ~~absent from home on business connected with the board travel~~
15 expense reimbursement as provided for in sections 59-538,
16 59-539, and 59-801.

17 (2) Money received under this act shall be deposited in
18 the earmarked revenue fund for the use of the board, subject
19 to section 82A-1603 (6)."

20 Section 38. Section 66-2203, R.C.M. 1947, is amended
21 to read as follows:

22 "66-2203. Expenses and funds — records and reports.
23 (1) Each member of the board is entitled to receive
24 ~~necessary traveling and subsistence travel expenses, as~~
25 provided for in sections 59-538, 59-539, and 59-801.

1 (2) The department shall keep complete records of the
2 board's proceedings and of its receipts and disbursements
3 and a full and accurate list of persons licensed and
4 registered by the board. These records are public records,
5 and are at all times open to public inspection.

6 (3) Money received under this act shall be deposited in
7 the earmarked revenue fund for the use of the board, subject
8 to section 82A-1603 (6)."

9 Section 39. Section 66-2403, R.C.M. 1947, is amended
10 to read as follows:

11 "66-2403. Compensation — examination of applicants.
12 (1) A member of the board is entitled to a compensation of
13 twenty dollars (\$20) ~~per day~~ for each day while actually
14 engaged in the work of the board and reimbursement for
15 travel expenses as provided for in sections 59-538, 59-539,
16 and 59-801.

17 (2) An applicant for a license to work at the business
18 of plumbing shall be examined as to his qualifications by
19 the department, subject to section 82A-1603 (4). The
20 department shall examine each applicant for a license, to
21 determine his qualifications and fitness for carrying on the
22 business of a master plumber or journeyman plumber, and if
23 the applicant successfully passes the examination prescribed
24 by the board, then a license shall be issued to the
25 applicant authorizing him to engage in the business and

1 occupation of a master plumber or journeyman plumber, as the
 2 case may be. The license, when issued, authorizes the
 3 holder to carry on the business of a master plumber or a
 4 journeyman plumber, as the case may be, in any city or town
 5 in this state."

6 Section 40. Section 66-2329, R.C.M. 1947, is amended
 7 to read as follows:

8 "66-2329. Board — compensation and expenses. Each
 9 member of the board shall receive per diem when actually
 10 attending to the work of the board or any of its committees
 11 and for the time spent in necessary travel. Such per diem
 12 shall be fixed by the board in its sound discretion, but it
 13 shall not exceed twenty-five dollars (\$25-~~00~~) per day. In
 14 addition thereto, each member shall be reimbursed for all
 15 ~~actual traveling, incidental, and clerical expenses~~
 16 necessarily incurred travel expenses as provided for in
 17 sections 59-538, 59-539, and 59-801, involved in carrying
 18 out the provisions of this act."

19 Section 41. Section 66-2604, R.C.M. 1947, is amended
 20 to read as follows:

21 "66-2604. Board — seal — compensation. (1) The board
 22 shall have a seal with the following words engraved thereon:
 23 "Board of Water Well Contractors." This seal shall be
 24 affixed to writs, authentication of records, and other
 25 official proceedings of the board. The courts of this state

1 shall take judicial notice of the seal.

2 (2) ~~Each~~ The board may employ such persons as may be
 3 necessary to perform the duties of the board, either upon a
 4 part-time basis or upon a full-time basis. ~~Appointed~~ Each
 5 appointed member of the board who is not a state employee
 6 shall receive, as compensation for his services, twenty
 7 dollars (\$20) per day for each day actually engaged in the
 8 performance of the duties of his office, including time of
 9 travel between his home and the places at which he shall
 10 perform such duties, together with mileage and ~~per diem~~
 11 travel expenses as provided ~~by law~~ for in sections 59-538,
 12 59-539, and 59-801. Employees of the state of Montana who
 13 are members of the board shall receive no extra compensation
 14 for their services as members of the board."

15 Section 42. Section 66-2703, R.C.M. 1947, is amended
 16 to read as follows:

17 "66-2703. Officers of board — compensation of
 18 members. The board shall elect a chairman,
 19 secretary-treasurer, and other necessary officers. Board
 20 members shall serve without compensation but shall be
 21 reimbursed for ~~actual and necessary~~ travel expenses, as
 22 provided for in sections 59-538, 59-539, and 59-801,
 23 ~~incurred in~~ connected with attending meetings or in the
 24 discharge of other board duties."

25 Section 43. Section 66-2910, R.C.M. 1947, is amended

1 to read as follows:

2 *66-2910. Disposition of fees — receipts and
3 disbursements. (1) Examination and renewal fees received by
4 the department under this act shall be deposited in the
5 earmarked revenue fund for the use of the board, subject to
6 section 82A-1603 (6).

7 (2) The department shall keep an accurate account of
8 funds received and vouchers issued.

9 (3) The members of the board shall receive a ~~per diem~~
10 compensation of twenty-five dollars (\$25) for each day
11 during which they are actually engaged in the discharge of
12 their duties, and ~~mileage as provided in section 59-801 for~~
13 ~~each mile necessarily traveled in going to and from a~~
14 ~~meeting of the board shall be allowed travel expenses, as~~
15 provided for in sections 59-538, 59-539, and 59-801.

16 (4) Per diem Compensation, mileage, and other expenses
17 necessarily connected with the board shall be paid only out
18 of the earmarked revenue fund."

19 Section 44. Section 66-3020, R.C.M. 1947, is amended
20 to read as follows:

21 *66-3020. Deposit of fees in earmarked revenue fund —
22 per diem and travel expenses. (1) Fees collected by the
23 department under this act shall be deposited in the
24 earmarked revenue fund for the use of the board, subject to
25 section 82A-1603 (6).

1 (2) Each member of the board shall receive twenty
2 dollars (\$20) ~~per diem~~ compensation when actually engaged in
3 the discharge of his official duty, and in addition shall
4 also be reimbursed for ~~reasonable and necessary~~ travel
5 expense, as provided for in sections 59-538, 59-539, and
6 59-801, in attending a meeting of the board in the state."

7 Section 45. Section 66-3107, R.C.M. 1947, is amended
8 to read as follows:

9 *66-3107. Organization and compensation of board. The
10 board shall elect from its membership a chairman,
11 vice-chairman and secretary-treasurer, and shall adopt rules
12 and regulations to govern its proceedings. As compensation
13 for his services, each member shall receive twenty-five
14 dollars (\$25) a day, in addition to expenses, for each day
15 of actual service in the performance of his duties. All
16 members shall be allowed ~~necessary~~ travel expenses as
17 provided for in sections 59-538, 59-539, and 59-801, and
18 living expenses, as may be approved by the board, ~~which~~
19 ~~shall be payable in the same manner as travel expense of~~
20 ~~other state officials.~~

21 Section 46. Section 69-5903, R.C.M. 1947, is amended
22 to read as follows:

23 *69-5903. Board to assist department — meetings and
24 organization — examination of candidates for certification.
25 (1) The board shall advise and assist the department in the

1 administration of the certification program. The board shall
 2 serve as an advisory board to the department in actions
 3 relating to the qualifications of water and waste water
 4 treatment plant operators.

5 (2) Annually when new members are appointed to the
 6 board a chairman shall be elected at the next board meeting.

7 (3) The board shall hold at least one (1) examination
 8 each year for the purpose of examining candidates for
 9 certification at a time and place designated by the board.
 10 Those applicants whose competency is acceptable to the board
 11 shall be recommended to the department for certification.
 12 Additional meetings may be called by the chairman, or on
 13 written request of four (4) members of the board when
 14 necessary to carry out this chapter. Four (4) members
 15 constitute a quorum. The members of the board shall receive
 16 a fee of twenty dollars (\$20) per day while in session, plus
 17 ~~the cost of actual and necessary travel~~ expenses, as
 18 provided for in sections 59-538, 59-539, and 59-801,
 19 including travel while discharging their official duties."

20 Section 47. Section 70-134, R.C.M. 1947, is amended to
 21 read as follows:

22 "70-134. Traveling expenses of commission. The
 23 commission and secretary, and such clerks and experts as may
 24 be employed, shall be entitled to receive from the state
 25 their ~~necessary~~ expenses while traveling on the business of

1 the commission, ~~including the cost of lodging and~~
 2 ~~subsistence as provided for in sections 59-538, 59-539, and~~
 3 59-801. Such expenditure shall be sworn to by the person
 4 who incurred the expenses, and be approved by the chairman
 5 of the commission."

6 Section 48. Section 71-217, R.C.M. 1947, is amended to
 7 read as follows:

8 "71-217. Staff personnel -- how selected, paid and
 9 controlled -- dismissal. Each county board shall select and
 10 appoint from a list of qualified persons furnished by the
 11 state department such staff personnel as are necessary. The
 12 staff personnel in each county shall consist of at least one
 13 qualified staff worker (or investigator) and such clerks and
 14 stenographers as may be decided necessary. If conditions
 15 warrant, the county board, with the approval of the state
 16 department, may appoint some fully qualified person listed
 17 by the state department as supervisor of its staff
 18 personnel. The staff personnel of each county department
 19 are directly responsible to the county board, but the state
 20 department shall have the authority to supervise such county
 21 employees in respect to the efficient and proper performance
 22 of their duties. The county board of public welfare shall
 23 not dismiss any member of the staff personnel without the
 24 approval of the state department; but the state department
 25 shall have the authority to request the county board to

1 dismiss any member of the staff personnel for inefficiency,
2 incompetence or similar cause.

3 Public assistance staff personnel attached to the
4 county board shall be paid from state public welfare funds,
5 both their salaries and their ~~actual and necessary traveling~~
6 travel expenses, as provided for in sections 59-538, 59-539,
7 and 59-801, ~~and their necessary subsistence expenses~~ when
8 away from the county seat in the performance of their
9 duties; but the county board of public welfare shall
10 reimburse the state department, from county poor funds,
11 one-half of the payments so made to its public assistance
12 staff personnel, except that, under circumstances prescribed
13 by the state department, the reimbursement by the county
14 board of public welfare may be less than one-half. All other
15 administrative costs of the county department shall also be
16 paid from county poor funds.

17 On or before the 20th day of the month following the
18 month for which the payments to the public assistance staff
19 personnel of the county were made, the state department
20 shall present to the county department of public welfare a
21 claim for the required reimbursements. The county board
22 shall make such reimbursements within twenty (20) days after
23 the presentation of the claim and the state department shall
24 credit (add) all such reimbursements to its account for
25 administrative costs."

1 Section 49. Section 72-107, R.C.M. 1947, is amended to
2 read as follows:

3 "72-107. Expenses of commissioners and employees.
4 Commissioners and the persons in their official employ, when
5 traveling in the performance of their official duties, shall
6 have a right to ~~free transportation,~~ and to have their
7 ~~actual and necessary traveling~~ travel expenses paid
8 reimbursed as provided for in sections 59-538, 59-539, and
9 59-801."

10 Section 50. Section 75-5614, R.C.M. 1947, is amended
11 to read as follows:

12 "75-5614. Per diem of board members — expenses.
13 Appointed members of the board of public education and the
14 board of regents are entitled to twenty-five dollars (\$25)
15 per day and ~~their necessary and actual travel~~ travel expenses, as
16 provided for in sections 59-538, 59-539, and 59-801,
17 ~~incurred~~ for each day in attendance at board meetings or in
18 the performance of any duty or service as a board member."

19 Section 51. Section 75-6204, R.C.M. 1947, is amended
20 to read as follows:

21 "75-6204. Per diem and expenses. The members of the
22 retirement board shall serve without direct or indirect
23 compensation except that each appointed member shall receive
24 twenty-five dollars (\$25) per day and ~~his necessary and~~
25 ~~actual travel~~ travel expenses, as provided for in sections 59-538,

1 ~~59-539, and 59-801, incurred~~ for each day in attendance at
 2 the meetings of such board or in the execution of his duties
 3 as a member of the retirement board. All per diem and
 4 expenses paid under the provisions of this section shall be
 5 paid from the expense fund of the retirement system."

6 Section 52. Section 76-107, R.C.M. 1947, is amended to
 7 read as follows:

8 "76-107. Appointment, qualifications and tenure of
 9 supervisors. (1) The governing body of the district shall,
 10 if there are no incorporated municipalities within the
 11 boundaries of said district, consist of five (5) or seven
 12 (7) supervisors, elected or appointed as provided herein.

13 (2) In all cases where the boundaries of such
 14 conservation district include any incorporated municipality
 15 or municipalities, said board of supervisors, in addition to
 16 said five (5) elected supervisors, shall consist of two (2)
 17 appointed supervisors, making a total of seven (7)
 18 supervisors in such districts. The two (2) appointed
 19 supervisors must be residents of the municipalities within
 20 the district. The legislative bodies of the incorporated
 21 municipalities within the district shall, after consultation
 22 with the elected supervisors, appoint the two (2) additional
 23 supervisors. The term of office of the appointed supervisors
 24 shall be three (3) years.

25 (3) Where there are more than two (2) incorporated

1 municipalities within a district, then the two (2) appointed
 2 supervisors shall represent all the municipalities and urban
 3 interests in the district, and no municipality shall have
 4 more than one (1) appointed supervisor residing therein.

5 (4) The supervisors shall annually elect a chairman
 6 from their members. The term of office of each supervisor
 7 shall be three (3) years, except that the supervisors who
 8 are first appointed shall be designated to serve for terms
 9 of one (1) and two (2) years, respectively, from the date of
 10 their appointment. An elected supervisor shall hold office
 11 until his successor has been elected and has qualified. Any
 12 vacancy occurring in the office of an elected supervisor
 13 shall be filled by appointment by the remaining supervisors
 14 until the next regular election, when a successor shall be
 15 elected to serve the unexpired term. A majority of the
 16 supervisors constitute a quorum and the concurrence of a
 17 majority in any matter within their duties is required for
 18 its determination. A supervisor may not receive compensation
 19 for his services, but he is entitled to expenses, including
 20 traveling travel expenses, as provided for in sections
 21 59-538, 59-539, and 59-801, necessarily incurred in the
 22 discharge of his duties.

23 (5) The supervisors may employ a secretary and such
 24 other officers, agents, and employees, permanent and
 25 temporary, as they may require, and shall determine their

1 qualifications, duties and compensation. The supervisors may
 2 call upon the attorney general of the state for such legal
 3 services as they may require, or may employ their own
 4 counsel and legal staff. The supervisors may delegate to
 5 their chairman, to one (1) or more supervisors, or to one
 6 (1) or more agents or employees, such powers and duties as
 7 they consider proper. The supervisors shall furnish to the
 8 department copies of such ordinances, rules, regulations,
 9 orders, contracts, forms, and other documents as they adopt
 10 or employ, and such other information concerning their
 11 activities as may be required in the performance of their
 duties under this act.

13 (6) The supervisors shall provide for the execution of
 14 surety bonds for all employees and officers who are
 15 entrusted with funds or property; shall provide for the
 16 keeping of a full and accurate record of all proceedings,
 17 and of all resolutions, regulations, and orders issued or
 18 adopted; and shall provide for an annual audit of the
 19 accounts of receipts and disbursements. A supervisor may be
 20 removed by the board upon notice and hearing, for neglect of
 21 duty or malfeasance in office, but for no other reason.

22 (7) The supervisors may invite the legislative body of
 23 any municipality or county located near the territory
 24 comprised within the district to designate a representative
 25 to advise and consult with the supervisors of the district

1 on all questions of program and policy which may affect the
 2 property, water supply, or other interests of the
 3 municipality or county."

4 Section 53. Section 76-111, R.C.M. 1947, is amended to
 5 read as follows:

6 "76-111. Board of adjustment. (1) Where the
 7 supervisors of a district adopt an ordinance prescribing
 8 land-use regulations in accordance with section 76-109, they
 9 shall further provide by ordinance for the establishment of
 10 a board of adjustment. The board of adjustment shall consist
 11 of three (3) members, each to be appointed for a term of
 12 three (3) years, except that the members first appointed
 13 shall be appointed for terms of 1, 2, and 3 years,
 14 respectively. The members of each board of adjustment shall
 15 be appointed by the department, with the advice and approval
 16 of the supervisors of the district for which the board has
 17 been established, and may be removed by the department, upon
 18 notice and hearing, for neglect of duty or malfeasance in
 19 office, but for no other reason, the hearing to be conducted
 20 jointly by the department and the supervisors of the
 21 district. Vacancies in the board of adjustment shall be
 22 filled in the same manner as original appointments and shall
 23 be for the unexpired term of the member whose term becomes
 24 vacant. Members of the board of natural resources and
 25 conservation, employees of the department, and the

1 supervisors of the district are ineligible to appointment as
 2 members of the board of adjustment. The members of the board
 3 of adjustment shall receive compensation for their services
 4 at the rate of four dollars (\$4) per diem for time spent on
 5 the work of the board, in addition to expenses, including
 6 traveling travel expenses, as provided for in sections
 7 59-538, 59-539, and 59-801, necessarily incurred in the
 8 discharge of their duties. The supervisors shall pay the
 9 necessary administrative and other expenses of operation
 10 incurred by the board, upon the certificate of the chairman
 11 of the board.

12 (2) The board of adjustment shall adopt rules to govern
 13 its procedures, which rules shall be in accordance with this
 14 act, and with any ordinance adopted pursuant to this
 15 section. The board shall annually elect a chairman from
 16 among its members. Meetings of the board shall be held at
 17 the call of the chairman and at such other times as the
 18 board may determine. Any two (2) members of the board
 19 constitute a quorum. The chairman, or in his absence, such
 20 other member of the board as he may designate to serve as
 21 acting chairman, may administer oaths and compel the
 22 attendance of witnesses. All meetings of the board shall be
 23 open to the public. The board shall keep a full and accurate
 24 record of all proceedings, of all documents filed with it,
 25 and of all orders entered, which shall be filed in the

1 office of the board and shall be a public record.

2 (3) Any qualified elector may file a petition with the
 3 board of adjustment, alleging that there are great practical
 4 difficulties or unnecessary hardship in the way of his
 5 carrying out upon his lands the strict letter of the
 6 land-use regulations prescribed by ordinance approved by the
 7 supervisors, and praying the board to authorize a variance
 8 from the terms of the land-use regulations in the
 9 application of the regulations to the lands occupied by the
 10 petitioner. Copies of the petition shall be served by the
 11 petitioner upon the chairman of the supervisors of the
 12 district within which his lands are located and upon the
 13 department. The board of adjustment shall fix a time for the
 14 hearing of the petition and cause due notice of the hearing
 15 to be given. The supervisors of the district and the
 16 department are entitled to appear and be heard at the
 17 hearing. A qualified elector within the district who objects
 18 to the authorizing of the variance prayed for may intervene
 19 and become a party to the proceedings. A party to the
 20 hearing before the board may appear in person, by agent, or
 21 by attorney. If, upon the facts presented at the hearing the
 22 board determines that there are great practical difficulties
 23 or unnecessary hardship in the way of applying the strict
 24 letter of any of the land-use regulations upon the lands of
 25 the petitioner, it shall make and record that determination

1 and shall make and record findings of fact as to the
 2 specific conditions which establish the great practical
 3 difficulties or unnecessary hardship. Upon the basis of the
 4 findings and determination, the board may order a variance
 5 from the terms of the land-use regulations, in their
 6 application to the lands of the petitioner, that will
 7 relieve the great practical difficulties or unnecessary
 8 hardship and will not be contrary to the public interest,
 9 and such that the spirit of the land-use regulations are
 10 observed, the public health, safety, and welfare secured,
 11 and substantial justice done.

(4) A petitioner aggrieved by an order of the board
 13 granting or denying, in whole or in part, the relief sought,
 14 the supervisors of the district, or an intervening party,
 15 may obtain a review of the order in any district court of
 16 the county, in which the lands of the petitioner lie, by
 17 filing in the court a petition praying that the order of the
 18 board be modified or set aside. A copy of the petition shall
 19 immediately be served upon the parties to the hearing before
 20 the board, and thereupon the party seeking review shall file
 21 in the court a transcript of the entire record in the
 22 proceedings, certified by the board, including the documents
 23 and testimony upon which the order complained of was
 24 entered, and the findings, determination, and order of the
 25 board. Upon the filing, the court shall cause notice thereof

1 to be served upon the parties, and the court has
 2 jurisdiction of the proceedings and of the questions
 3 determined or to be determined therein, and may grant such
 4 temporary relief as it deems just and proper, and make and
 5 enter a decree enforcing, modifying, and enforcing as so
 6 modified, or setting aside, in whole or in part, the order
 7 of the board. A contention that is not urged before the
 8 board may not be considered by the court unless the failure
 9 or neglect to urge the contention is excused because of
 10 extraordinary circumstances. The findings of the board as to
 11 the facts, if supported by evidence, are conclusive. If a
 12 party applies to the court for leave to produce additional
 13 evidence and shows to the satisfaction of the court that the
 14 evidence is material and that there are reasonable grounds
 15 for the failure to produce the evidence in the hearing
 16 before the board, the court may order the additional
 17 evidence to be taken before the board and to be made a part
 18 of the transcript. The board may modify its findings as to
 19 the facts or make new findings, taking into consideration
 20 the additional evidence so taken and filed, and it shall
 21 file the modified or new findings, which, if supported by
 22 evidence, are conclusive, and shall file with the court its
 23 recommendations, if any, for the modification or setting
 24 aside of its original order. The jurisdiction of the court
 25 is exclusive and its judgment and decree are final, except

1 that they are subject to review in the same manner as are
2 other judgments or decrees of the court."

3 Section 54. Section 78-1304, R.C.M. 1947, is amended
4 to read as follows:

5 "78-1304. Per diem and mileage. Legislative members
6 are entitled to ~~twenty dollars (\$20) a day and mileage~~
7 reimbursement for travel expenses as provided for in
8 sections 59-538, 59-539, and 59-801, for days actually
9 engaged in the work of the committee."

10 Section 55. Section 82-3603, R.C.M. 1947, is amended
11 to read as follows:

12 "82-3603. Terms of council members — chairman and
13 vice-chairman — vacancies — expenses of members. The term
14 of office of each member shall be five (5) years; provided,
15 however, that of the members first appointed, five (5) shall
16 be appointed for terms of one (1) year, five (5) for terms
17 of three (3) years, and five (5) for terms of five (5)
18 years. The governor shall designate a chairman and a
19 vice-chairman from the members of the council to serve as
20 such at the pleasure of the governor. The chairman shall be
21 the chief executive officer of the council. Each vacancy
22 shall be filled for the balance of the unexpired term in the
23 same manner as the original appointment. The members of the
24 council shall not receive any compensation for their
25 services, but shall be reimbursed for ~~their actual and~~

1 ~~necessary travel~~ expenses, as provided for in sections
2 59-538, 59-539, and 59-801, incurred in the performance of
3 their duties as members of the council."

4 Section 56. Section 82A-110, R.C.M. 1947, is amended
5 to read as follows:

6 "82A-110. Creation of advisory councils. (1) A
7 department head or the governor may create advisory
8 councils. An official of the executive branch of state
9 government other than a department head or the governor,
10 including the superintendents of the state's institutions
11 and the presidents of the units of the state's university
12 system, or an agency, may also create advisory councils, but
13 only if federal law or regulation requires that such
14 official or agency create the advisory council as a
15 condition to the receipt of federal funds.

16 (2) Each advisory council created under this section
17 shall be known as the "... advisory council."

18 (3) The creating authority shall prescribe the
19 composition and advisory functions of each advisory council
20 created; appoint its members, who shall serve at the
21 pleasure of the governor; and specify a date when the
22 existence of each advisory council ends.

23 (4) Advisory councils may be created only for the
24 purpose of acting in an advisory capacity as defined in
25 section 82A-103 (7).

1 (5) Unless he is a full-time salaried officer or
 2 employee of this state or of any political subdivision of
 3 this state, each member is entitled to be paid in an amount
 4 to be determined by the department head, not to exceed
 5 twenty-five dollars (\$25) for each day in which he is
 6 actually and necessarily engaged in the performance of
 7 council duties, and he is also entitled to be reimbursed for
 8 ~~actual and necessary travel expenses, as provided for in~~
 9 sections 59-538, 59-539, and 59-801, incurred while in the
 10 performance of council duties. Members who are full-time
 11 salaried officers or employees of this state or of any
 12 political subdivision of this state are not entitled to be
 13 compensated for their service as members, but are entitled
 14 to be reimbursed for ~~their actual and necessary travel~~
 15 expenses as provided for in sections 59-538, 59-539, and
 16 59-801.

17 (6) Unless otherwise specified by the creating
 18 authority, at its first meeting in each year each advisory
 19 council shall elect a chairman and such other officers as it
 20 considers necessary.

21 (7) Unless otherwise specified by the creating
 22 authority, each advisory council shall meet at least
 23 annually and shall also meet on the call of the creating
 24 authority or the governor, and may meet at other times on
 25 the call of the chairman or a majority of its members. An

1 advisory council may not meet outside the city of Helena
 2 without the express prior authorization of the creating
 3 authority.

4 (8) A majority of the membership of an advisory council
 5 constitutes a quorum to do business.

6 (9) Except as provided in subsection (10) of this
 7 section, an advisory council may not be created or appointed
 8 by a department head or any other official without the
 9 approval of the governor. In order for the creation or
 10 approval of the creation of an advisory council to be
 11 effective, the governor must file in his office and in the
 12 office of the secretary of state a record of the council
 13 created showing the council's:

14 (a) Name, in accordance with subsection (2) of this
 15 section.

16 (b) Composition.

17 (c) Names and addresses of the appointed members.

18 (d) Purpose.

19 (e) Term of existence, in accordance with subsection
 20 (11) of this section.

21 (10) The board of public education, the board of
 22 regents of higher education, the state board of education,
 23 the attorney general, and the superintendent of public
 24 instruction may create advisory councils, which shall serve
 25 at their pleasure, without the approval of the governor.

1 They must file a record of each council created by them in
2 the office of the governor and the office of the secretary
3 of state in accordance with subsection (9) of this section.

4 (11) An advisory council may not be created to remain
5 in existence longer than two (2) years after the date of its
6 creation or beyond the period required to receive federal or
7 private funds, whichever occurs later, unless extended by
8 the governor, or by the board of public education, or by the
9 board of regents of higher education, or by the state board
10 of education, or by the attorney general, or by the
11 superintendent of public instruction for those advisory
12 councils created in the manner set forth in subsection (10)
13 of this section. If the existence of an advisory council is
14 extended, they shall specify a new date, not more than two
15 (2) years later, when the existence of the advisory council
16 ends, and file a record of the order in the office of the
17 governor and the office of the secretary of state. The
18 existence of any advisory council may be extended as many
19 times as necessary."

20 Section 57. Section 82A-112, R.C.M. 1947, is amended
21 to read as follows:

22 "82A-112. Quasi-judicial boards. If an agency is
23 designated by law as a quasi-judicial board for the purposes
24 of this section:

25 (1) The number of and qualifications of its members are

1 as prescribed by law; in addition to those qualifications,
2 at least one (1) member shall be an attorney licensed to
3 practice law in this state.

4 (2) (a) The governor shall appoint the members. A
5 majority of the members shall be appointed to serve for
6 terms concurrent with the gubernatorial term, and until
7 their successors are appointed and qualified. The remaining
8 members shall be appointed to serve for terms ending on the
9 first day of the third January of the succeeding
10 gubernatorial term, and until their successors are appointed
11 and qualified. It is the intent of this subsection that the
12 governor appoint a majority of the members of each
13 quasi-judicial board at the beginning of his term, and the
14 remaining members in the middle of his term. As used in this
15 subsection, "majority" means the next whole number greater
16 than half.

17 (b) This subsection does not affect the terms of
18 persons who were members of a continued board on the
19 effective date of the chapter of this title continuing the
20 board; upon the expiration of those terms, members shall be
21 appointed and serve in accordance with this subsection.

22 (3) The appointment of each member is subject to the
23 confirmation of the senate. However, the governor may
24 appoint a member to assume office before the senate meets at
25 its next regular session to consider the appointment. A

1 member so appointed has all the powers of the office upon
 2 assuming that office, and is a de jure officer,
 3 notwithstanding the fact that the senate has not yet
 4 confirmed the appointment. If the senate does not confirm
 5 the appointment of a member, the governor shall appoint a
 6 new member to serve for the remainder of the term.

7 (4) A vacancy shall be filled in the same manner as
 8 regular appointments, and the member appointed to fill a
 9 vacancy shall serve for the unexpired term to which he is
 10 appointed.

11 (5) The governor shall designate the chairman. The
 12 chairman may make and second motions and vote.

13 (6) Members may be removed by the governor only for
 14 cause.

15 (7) Unless he is a full-time salaried officer or
 16 employee of this state or of a political subdivision of this
 17 state, each member is entitled to be paid twenty-five
 18 dollars (\$25) for each day in which he is actually and
 19 necessarily engaged in the performance of board duties, and
 20 he is also entitled to be reimbursed for ~~actual and~~
 21 necessary travel expenses, as provided for in sections
 22 59-538, 59-539, AND 59-801, incurred while in the
 23 performance of board duties. Members who are full-time
 24 salaried officers or employees of this state or of a
 25 political subdivision of this state are not entitled to be

1 compensated for their service as members, but are entitled
 2 to be reimbursed for ~~their actual and necessary travel~~
 3 expenses as provided for in sections 59-538, 59-539, and
 4 59-801.

5 (8) A majority of the membership constitutes a quorum
 6 to do business. A favorable vote of at least a majority of
 7 all members of a board is required to adopt any resolution,
 8 motion, or other decision, unless otherwise provided by
 9 law.*

10 section 58. Section 82A-1602.10, R.C.M. 1947, is
 11 amended to read as follows:

12 *82A-1602.10. State electrical board. (1) There is a
 13 state electrical board.

14 (2) The board consists of five (5) members, appointed
 15 by the governor, with the consent of the senate, who shall
 16 be residents of this state. One (1) member of the board
 17 shall represent the public. One (1) member of the board
 18 shall be selected from each of the following four (4)
 19 groups, from three (3) names submitted by each group:

- 20 (a) Consumer members of rural electric cooperatives;
- 21 (b) Master licensed electrical contractors;
- 22 (c) Licensed journeyman electricians; and
- 23 (d) Investor-owned electric utilities.

24 (3) The members of the board shall serve for a term of
 25 five (5) years with their terms of office so arranged that

1 one (1) term expires on July 1 of each year.

2 (4) Each member of the board shall receive twenty-five
3 dollars (\$25) per day for each day served in the discharge
4 of his duties, together with ~~the actual and necessary travel~~
5 ~~expenses, as provided for in sections 59-538, 59-539, and~~
6 ~~59-801~~, incurred in the performance of his duties.

7 (5) A majority of the members of the board shall
8 constitute a quorum for transaction of business."

9 Section 59. Section 89-3204, R.C.M. 1947, is amended
10 to read as follows:

11 "89-3204. Compensation and reimbursement of Montana
12 commissioners. Each member of the commission from the state
13 of Montana shall be entitled to receive as full compensation
14 for his services the sum of twenty dollars (\$20-~~00~~) per day
15 while actually engaged in the performance of his duties as
16 commissioner and shall be entitled in addition thereto, to
17 his ~~traveling and other actual and necessary travel~~
18 ~~expenses, as provided for in sections 59-538, 59-539, AND~~
19 ~~59-801~~, while so engaged."

20 Section 60. Section 93-232, R.C.M. 1947, is amended to
21 read as follows:

22 "93-232. Expenses of members of commission. Members of
23 said commission shall serve without compensation, but shall
24 be reimbursed for ~~actual travel and other expenses, as~~
25 ~~provided for in sections 59-538, 59-539, AND 59-801~~,

1 incurred in the discharge of their duties, including
2 attendance at meetings."

3 Section 61. Section 93-305, R.C.M. 1947, is amended to
4 read as follows:

5 "93-305. Expenses when sitting out of district, or
6 attending judges' conference. Every judge who shall sit in
7 the place of another judge in the trial or hearing of an
8 action or proceeding in a district other than his own, or in
9 the supreme court, or who shall attend a conference of
10 judges in Helena called by the chief justice of the suprema
11 court, shall be paid his ~~actual travel~~ expenses while
12 engaged in that service as follows: His ~~actual traveling~~
13 ~~travel~~ expenses in going from the county seat which he makes
14 his place of residence to the place of trial, or conference,
15 and return, and his board and lodging while engaged in the
16 trial, hearing, or conference. All travel expense
17 reimbursements shall be determined as provided for in
18 sections 59-538, 59-539, and 59-801."

19 Section 62. Section 93-313, R.C.M. 1947, is amended to
20 read as follows:

21 "93-313. Expenses of judges holding court in other
22 counties. Each district judge of a judicial district in this
23 state, composed of more than one county, when, for the
24 purpose of holding court and disposing of judicial business,
25 he goes to a county of his judicial district, other than the

1 county in which he resides, and therein holds court or
 2 transacts judicial business, shall be paid all of his actual
 3 and necessary expenses of transportation and living,
 4 incurred on account thereof, and all expenditures made
 5 therefor, ~~as provided for in sections 59-538, 59-539, and~~
 6 ~~59-801,~~ from the time he leaves his place of residence until
 7 he returns thereto. Actual and necessary expenses of
 8 transportation incurred when a judge uses his own automobile
 9 shall be calculated at the rate of twelve cents (\$.12) per
 10 mile."

11 Section 63. Section 93-2014, R.C.M. 1947, is amended
 12 to read as follows:

13 "93-2014. Compensation and expenses of members of
 14 board. The members of said board shall be entitled to their
 15 ~~necessary traveling travel~~ expenses in attending meetings of
 16 said board and in conducting such examination, and also,
 17 when away from their homes or places of residence, ~~their~~
 18 ~~necessary lodging and hotel expenses, as provided for in~~
 19 ~~sections 59-538, 59-539, and 59-801,~~ and shall be paid such
 20 compensation, ~~per diem,~~ for services performed by them as
 21 members of said board, as may be fixed and determined by the
 22 supreme court."

23 Section 64. Section 59-802, R.C.M. 1947, is repealed.

-End-

March 18, 1975

SENATE COMMITTEE ON STATE ADMINISTRATION

AMENDMENTS TO HOUSE BILL NO. 621

That House Bill No. 621, third reading, be amended as follows:

1. Amend page 5, section 1, line 17.
Following: "section"
Insert: "for state government"
2. Amend page 7, section 2, line 2.
Strike: "shall"
Insert: "may"
3. Amend page 7, section 2, line 16.
Following: line 16
Insert: "(3) The department of administration shall prescribe rules necessary to effectively administer this section for state government."
4. Amend page 8, section 3, line 22.
Following: line 22
Insert: "(4) The department of administration shall prescribe rules necessary to effectively administer this section for state government."
5. Amend page 53, section 53, line 4.
Following: "per"
Strike: "diem"
Insert: "day"
6. Amend page 67, section 62, lines 7 through 10.
Following: "thereto."
Strike: "Actual and necessary expenses of transportation incurred when a judge uses his own automobile shall be calculated at the rate of twelve (\$.12) per mile."

March 24, 1975

SENATE COMMITTEE ON FINANCE AND CLAIMS

AMENDMENTS TO HOUSE BILL NO. 621

That House Bill No. 621, third reading, be amended as follows:

1. Amend page 3, section 1, lines 21 through line 2 on page 4.
Following: line 20
Strike: lines 21 on page 3 through line 2 on page 4 in their entirety
Re-number: subsequent subsection
2. Amend page 4, section 1, line 3.
Following: "(d)"
Strike: "All"
Insert: "All other elected state officials, appointed members of boards, commissions, councils, department directors, and all"
3. Amend page 4, section 1, line 4.
Following: "fifteen"
Strike: "EIGHTEEN"
Insert: "sixteen"
4. Amend page 4, section 1, line 5.
Following: "~~(\$15)~~"
Strike: "~~(\$18)~~"
Insert: "~~(\$16)~~"
5. Amend page 4, section 1, lines 14 through 20.
Following: line 13
Strike: lines 14 through 20 in their entirety
Re-number: subsequent subsection
6. Amend page 4, section 1, line 21.
Following: "(d)"
Strike: "All"
Insert: "All other other elected state officials, appointed members of boards, commissioners, councils, department directors, and all"
7. Amend page 5, section 1, line 17.
Following: line 17
Insert: "(7) All commercial air travel shall be by the least expensive class service available."

1 HOUSE BILL NO. 621

2 INTRODUCED BY MELOY

3 (BY REQUEST OF DEPARTMENT OF ADMINISTRATION)

4
5 A BILL FOR AN ACT ENTITLED: "AN ACT TO REVISE, LIMIT, AND
6 STANDARDIZE THE TRAVEL EXPENSE REIMBURSEMENT PROVISIONS FOR
7 ALL STATE OFFICERS AND EMPLOYEES; AMENDING SECTIONS 1-908,
8 3-2906, ~~16-412, 16-2723, 25-226, 25-236, 25-401, 25-404,~~
9 26-106, 26-114, 27-240, 31-104, 41-1201, 41-2107, 43-111,
10 43-218, ~~43-310,~~ 43-714, 43-1106, 44-127, 59-538, 59-539,
11 59-801, 66-109, 66-408, 66-513, 66-608, 66-809, 66-909,
12 66-1020, 66-1226, 66-1311, 66-1410, 66-1505, 66-1815,
13 66-1927, 66-2104, 66-2203, 66-2403, 66-2329, 66-2604,
14 66-2703, 66-2910, 66-3020, 66-3107, 69-5903, 70-134, 71-217,
15 72-107, 75-5614, 75-6204, 76-107, 76-111, 78-1304, 82-3603,
16 82A-110, 82A-112, 82A-1602.10, 89-3204, 93-232, 93-305,
17 93-313, AND 93-2074, R.C.M. 1947, AND REPEALING SECTION
18 59-602, R.C.M. 1947."

19
20 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

21 Section 1. Section 59-538, R.C.M. 1947, is amended to
22 read as follows:

23 "59-538. ~~Expense~~ Travel expense of persons in state
24 service. ~~per diem allowance~~ Every person engaged in any
25 service in every department of state, except the governor,

1 ~~the lieutenant governor, and the attorney general, state~~
2 ~~auditor, superintendent of public instruction, public~~
3 ~~service commissioners, secretary of state, state treasurer,~~
4 ~~clerk of the supreme court and justices of the supreme court~~
5 ~~who shall be paid actual and necessary expenses as~~
6 ~~hereinafter provided exclusive of persons in appointive~~
7 ~~positions, or positions created by law, whose duties consist~~
8 ~~of full or partial time in traveling to perform any service~~
9 ~~for the state under monthly or yearly salary, or who may be~~
10 ~~sent by any authorized executive of any department of the~~
11 ~~state upon a mission in performance of any clerical work,~~
12 ~~supervisory or extension work or otherwise, of every kind~~
13 ~~and character, shall be allowed, for the time engaged in~~
14 ~~such travel, sixteen dollars (\$16) per day for such travel~~
15 ~~within the state of Montana, and for travel outside the~~
16 ~~state of Montana the sum of twenty five dollars (\$25) per~~
17 ~~day for meals and other necessary expenses; except that for~~
18 ~~travel within the District of Columbia the sum of thirty~~
19 ~~dollars (\$30) per day shall be allowed and provided, that~~
20 ~~the provisions of this act shall not apply to persons~~
21 ~~holding offices specifically provided for in section 93-305,~~
22 ~~or section 93-313; provided that nothing herein contained~~
23 ~~shall be construed as affecting the validity of section~~
24 ~~43-310. The governor shall be authorized actual and~~
25 ~~necessary expenses not to exceed sixty dollars (\$60) per day~~

1 ~~when engaged in state service away from Helena, Montana. The~~
 2 ~~lieutenant governor, when directed by the governor to engage~~
 3 ~~in state service, the attorney general, state auditor,~~
 4 ~~superintendent of public instruction, public service~~
 5 ~~commissioners, secretary of state, state treasurer, clerk of~~
 6 ~~supreme court and justices of supreme court shall be~~
 7 ~~authorized actual and necessary expenses not to exceed forty~~
 8 ~~dollars (\$40) per day while engaged in state service away~~
 9 ~~from Helena, Montana. Every elected official, appointed~~
 10 ~~members of boards, commissions, councils, and department~~
 11 ~~directors, and all other state employees shall be reimbursed~~
 12 ~~for the cost of meals and lodging while away from the~~
 13 ~~person's designated headquarters; traveling outside the~~
 14 ~~employee's designated travel day and for more than three (3)~~
 15 ~~hours; and engaged in official state business in accordance~~
 16 ~~with the following provisions:~~

- 17 (1) Travel within the state of Montana:
- 18 (a) The governor shall be authorized actual and
- 19 necessary expenses not to exceed sixty dollars (\$60) per
- 20 day.
- 21 (b) All other elected state officials shall be
- 22 authorized actual and necessary travel expenses not to
- 23 exceed fifty dollars (\$50) per day.
- 24 (c) Appointed members of board BOARDS, commissions,
- 25 councils, and department directors shall be authorized

1 ~~actual and necessary travel expenses not to exceed forty~~
 2 ~~dollars (\$40) per day.~~

3 ~~(d) (B) All-ALL OTHER ELECTED STATE OFFICIALS,~~
 4 ~~APPOINTED MEMBERS OF BOARDS, COMMISSIONS, COUNCILS,~~
 5 ~~DEPARTMENT DIRECTORS, AND ALL other state employees shall be~~
 6 ~~authorized the actual cost of lodging not exceeding fifteen~~
 7 ~~EIGHTEEN SIXTEEN dollars (\$15) (\$18) (\$16) per day plus two~~
 8 ~~dollars (\$2) for the morning meal, three DOLLARS (\$3) for~~
 9 ~~the midday meal, and five dollars (\$5) for the evening meal.~~
 10 ~~All claims for lodging expense reimbursement allowed under~~
 11 ~~this section must be documented by an appropriate receipt.~~

12 (2) Travel out of the state of Montana:

- 13 (a) The governor shall be authorized actual and
- 14 necessary travel expenses not to exceed seventy dollars
- 15 (\$70) per day.

- 16 (b) All other elected state officials shall be
- 17 authorized actual and necessary travel expenses not to
- 18 exceed sixty dollars (\$60) per day.

- 19 (c) Appointed members of boards, commissions,
- 20 councils, and department directors shall be authorized
- 21 actual and necessary travel expenses not to exceed fifty
- 22 dollars (\$50) per day.

23 ~~(d) (B) All-ALL OTHER ELECTED STATE OFFICIALS,~~
 24 ~~APPOINTED MEMBERS OF BOARDS, COMMISSIONS, COUNCILS,~~
 25 ~~DEPARTMENT DIRECTORS, AND ALL other state employees shall be~~

1 authorized the actual cost of lodging not exceeding
 2 twenty-seven THIRTY-SEVEN dollars (\$27) (\$37) per day plus
 3 three dollars (\$3) for the morning meal, four dollars (\$4)
 4 for the midday meal, and six dollars (\$6) for the evening
 5 meal. All claims for the lodging expense reimbursement
 6 allowed under this subsection must be documented by an
 7 appropriate receipt.

8 (3) When other than commercial, non-receiptable
 9 lodging facilities are utilized by a state employee while
 10 conducting official state business in a travel status, the
 11 amount of seven dollars (\$7) will be authorized for lodging
 12 expenses for each day in which travel involved INVOLVES an
 13 overnight stay in lieu of the amount authorized in
 14 subsection (1) (d) or (2) (d) above.

15 (4) The actual cost of reasonable transportation
 16 expenses and other necessary business expenses incurred by a
 17 state official or employee while in an official travel
 18 status shall be subject to reimbursement.

19 (5) The provisions of this section shall not be
 20 construed as affecting the validity of section 43-310.

21 (6) The department of administration shall prescribe
 22 rules necessary to effectively administer this section FOR
 23 STATE GOVERNMENT.

24 (7) ALL COMMERCIAL AIR TRAVEL SHALL BE BY THE LEAST
 25 EXPENSIVE CLASS SERVICE AVAILABLE."

1 Section 2. Section 59-539, R.C.M. 1947, is amended to
 2 read as follows:

3 *59-539. Computation of per diem travel allowance. In
 4 computing the per diem in lieu of subsistence for continuous
 5 travel of more than twenty-four (24) hours, the calendar
 6 day, midnight to midnight, shall be the unit, and for
 7 fractional parts of a day at the commencement or ending of
 8 such continuous travel, constituting a travel period,
 9 one-fourth (1/4) of the rate for a calendar day shall be
 10 allowed for each period of six (6) hours or fraction
 11 thereof. When a change in the per diem rate is made during a
 12 day, the rate of per diem in effect at the beginning of the
 13 quarter in which the change occurs shall continue to the end
 14 of such quarter. Except as herein provided, for continuous
 15 travel of twenty-four (24) hours or less, constituting a
 16 travel period, such period shall be regarded as commencing
 17 with the beginning of the travel and ending with the
 18 completion thereof, and for each six (6) hour portion of the
 19 period or fraction thereof one-fourth (1/4) of the rate for
 20 a calendar day shall be allowed. (1) To be eligible for
 21 the travel allowance provided in section 59-538, an employee
 22 must have been in a travel status for more than three (3)
 23 continuous hours and the travel must have commenced more
 24 than one (1) hour before or terminated more than one (1)
 25 hour after the employee's normally assigned work shift. If

1 eligible, an employee:
 2 (a) earns the morning meal allowance if in a travel
 3 status between the hours of 12:01 a.m. and 10 a.m.;
 4 (b) earns the midday meal allowance if in a travel
 5 status between the hours of 10:01 a.m. and 3 p.m.; and
 6 (c) earns the evening meal allowance if in a travel
 7 status between the hours of 3:01 p.m. and 1/2 midnight.
 8 (2) For persons in state service regularly assigned to
 9 an 8 a.m. to 5 p.m. work period, the only per diem allowance
 10 shall ~~MAY~~ be an amount not to exceed ~~two~~ three dollars ~~(\$2)~~
 11 ~~(\$3)~~ per day ~~for moneys actually expended~~ for a midday meals
 12 ~~meal~~ when the departure is at or after 7 a.m. and the return
 13 on the same day is at or prior to 6:00 p.m. For persons in
 14 state service regularly assigned to work periods other than
 15 8 a.m. to 5 p.m., the employing department may establish a
 16 per diem allowance of an amount not to exceed ~~one dollar and~~
 17 ~~fifty cents (\$1.50)~~ two dollars (\$2) for ~~moneys actually~~
 18 ~~expended for a morning meals meal~~ and ~~three dollars and~~
 19 ~~fifty cents (\$3.50)~~ FIVE DOLLARS (\$5) for ~~moneys actually~~
 20 ~~expended for an evening meals meal.~~ Only one of the three
 21 (3) allowances provided in subsection (2) may be claimed in
 22 any one (1) day. In no case shall any per diem or allowance
 23 whatsoever be paid for any absence not exceeding three (3)
 24 hours.
 25 (3) THE DEPARTMENT OF ADMINISTRATION SHALL PRESCRIBE

1 RULES NECESSARY TO EFFECTIVELY ADMINISTER THIS SECTION FOR
 2 STATE GOVERNMENT."

3 Section 3. Section 59-801, R.C.M. 1947, is amended to
 4 read as follows:

5 "59-801. Mileage of all officers. (1) Members of the
 6 ~~legislative assembly~~ LEGISLATURE, state officers, township
 7 officers, jurors, witnesses, county agents, and all other
 8 persons, except sheriffs, who may be entitled to mileage,
 9 when using their own automobiles or airplanes in the
 10 performance of official duties, shall be entitled to collect
 11 mileage for the distance actually traveled by automobile,
 12 and for the shortest regularly traveled automobile route
 13 when travel is by private plane, and no more unless
 14 otherwise specifically provided by law; provided, however,
 15 that nothing herein contained shall be construed as
 16 affecting the validity of section 43-310.

17 (2) Where the individual is authorized to operate a
 18 privately owned vehicle even though a state government owned
 19 or leased vehicle is available, a rate of ~~nine~~ twelve ~~THREE~~
 20 ~~cents (9¢)~~ (12¢) ~~(3¢)~~ LESS per mile shall be paid THAN THE
 21 MILEAGE RATE ALLOWED BY THE UNITED STATES AUTHORIZED BY
 22 INTERNAL REVENUE SERVICE AUTHORIZED RATE FOR THE NEXT
 23 PRECEDING YEAR SHALL BE PAID.

24 (3) Where a privately owned vehicle is used because a
 25 state government owned or leased vehicle is not available

1 for use or it is in the best interest of the state
 2 governmental entity that a privately owned vehicle be used,
 3 twelve ~~fifteen~~ cents (12¢) ~~(15¢)~~ per mile A RATE EQUAL TO
 4 THE MILEAGE ALLOTMENT ALLOWED BY THE UNITED STATES INTERNAL
 5 REVENUE SERVICE FOR THE NEXT PRECEDING YEAR shall be paid
 6 for the first one thousand (1,000) miles and ~~twelve~~ THREE
 7 cents ~~(12¢)~~ (3¢) per mile LESS for all miles thereafter
 8 traveled within a given calendar month.

9 (4) THE DEPARTMENT OF ADMINISTRATION SHALL PRESCRIBE
 10 RULES NECESSARY TO EFFECTIVELY ADMINISTER THIS SECTION FOR
 11 STATE GOVERNMENT."

12 Section 4. Section 1-908, R.C.M. 1947, is amended to
 13 read as follows:

14 "1-908. Commissioners — compensation — meetings —
 15 officers. A commissioner of an authority shall be entitled
 16 to the necessary expense, including travel expenses, as
 17 provided for in sections 59-538, 59-539, and 59-801,
 18 incurred in the discharge of his duties. Each commissioner
 19 shall hold office until his successor has been appointed and
 20 has qualified. The certificates of the appointment and
 21 reappointment of commissioners shall be filed with the
 22 authority.

23 The powers of each authority shall be vested in the
 24 commissioners thereof. A majority of the commissioners of an
 25 authority shall constitute a quorum for the purpose of

1 conducting business of the authority and exercising its
 2 powers and for all other purposes. Action may be taken by
 3 the authority upon a vote of not less than a majority of the
 4 commissioners present.

5 There shall be elected a chairman and vice-chairman
 6 from among the commissioners. An authority may employ an
 7 executive director, secretary, technical experts, and such
 8 other officers, agents, and employees, permanent and
 9 temporary, as it may require, and shall determine their
 10 qualifications, duties and compensation. An authority may
 11 delegate to one (1) or more of its agents or employees such
 12 powers or duties as it may deem proper."

13 Section 5. Section 3-2906, R.C.M. 1947, is amended to
 14 read as follows:

15 "3-2906. Compensation — per diem. Members of the
 16 committee shall receive no salary, but shall be paid, from
 17 the wheat research and marketing account in the federal and
 18 private revenue fund, a per diem of twenty dollars (\$20) for
 19 each day they are engaged in the transaction of official
 20 business, together with their actual and necessary travel
 21 expenses, as provided for in sections 59-538, 59-539, and
 22 59-801, incurred while on official business."

23 SECTION 6. SECTION 16-912, R.C.M. 1947, IS AMENDED TO
 24 READ AS FOLLOWS:

25 "16-912. Compensation of members of board. (1) Each

1 member of the board of county commissioners in counties of
 2 the first, second, third, and fourth class, shall receive an
 3 annual salary to be established by resolution of the board
 4 of county commissioners in an amount not to exceed the
 5 annual salary established in the schedule in section 25-605,
 6 R.C.M. 1947, for the clerk and recorder.

7 In addition, each member of the board of county
 8 commissioners in counties of the first, second, third and
 9 fourth class shall receive ~~twelve cents (\$.12) per mile a~~
 10 mileage allowance as provided in section 59-801 for the
 11 distance necessarily traveled in going to and returning from
 12 the county seat and his place of residence each day that
 13 such trip is actually made, and while engaged in the
 14 performance of his official duties.

15 (2) Each member of the board of county commissioners
 16 in all other counties is entitled to a salary to be
 17 established by the board of county commissioners by
 18 resolution in an amount not to exceed thirty-five dollars
 19 (\$35) per day for each day's attendance on the sessions of
 20 the board and ~~twelve cents (\$.12) per mile a mileage~~
 21 allowance as provided in section 59-801 for the distance
 22 necessarily traveled in going to and returning from the
 23 county seat and his place of residence each day that such
 24 trip is actually made, provided, however, that any county
 25 commissioner whose place of residence is fifty (50) miles or

1 more from the county seat, as measured by the usual route of
 2 travel, may elect to receive mileage as provided in this
 3 section or, in lieu of mileage, a sum of ten dollars (\$10)
 4 per day for each day's attendance on sessions of the board
 5 as expenses, while engaged in the performance of his
 6 official duties, and no other compensation must be allowed."

7 SECTION 7. SECTION 16-2723, R.C.M. 1947, IS AMENDED TO
 8 READ AS FOLLOWS:

9 "16-2723. Mileage and expense of sheriff. Sheriffs
 10 delivering prisoners at the state prison or mentally ill
 11 persons at the state hospital, shall receive actual expenses
 12 necessarily incurred in their transportation, which shall
 13 include the expenses of the sheriff in going and returning
 14 from such institution. They shall take vouchers for every
 15 item of expenses incurred by them in such transportation,
 16 the amount of which expenses, as shown by the said vouchers
 17 when served by said sheriff, shall be audited and allowed by
 18 the department of administration or by the board of county
 19 commissioners, as the case may be, and paid out of the same
 20 money and in the same manner as are other expense claims
 21 against the state or counties, and no other or further
 22 compensation shall be received by sheriffs for such
 23 expenses, provided that in determining the actual expense,
 24 if travel be by a privately owned vehicle, the mileage rate
 25 shall be allowed as herein provided. While in the discharge

1 of his duties, both civil and criminal, the sheriff shall
 2 receive ~~twelve cents (\$.12) per mile for each and every mile~~
 3 ~~actually and necessarily traveled, and for transporting any~~
 4 ~~person by order of court, except as hereinbefore provided,~~
 5 ~~he shall receive twelve cents (\$.12) additional per mile,~~
 6 ~~the same to be in full for transporting and dieting of such~~
 7 ~~person during such transportation; provided that there more~~
 8 ~~than one person is transported by the sheriff or when one or~~
 9 ~~more papers are served on the same trip made for the~~
 10 ~~transportation of one or more prisoners, but one mileage~~
 11 ~~shall be charged a mileage allowance as provided in section~~
 12 ~~59-801. The sheriff shall also be reimbursed for actual and~~
 13 ~~necessarily incurred expenses for transporting, lodging and~~
 14 ~~meals of person(s) ordered by the court as provided in~~
 15 ~~section 59-538, 59-539 and 59-801. The county shall not be~~
 16 liable for, nor shall the board of county commissioners pay
 17 for any claim of the sheriff or other officer, for any other
 18 expense incurred in travel or for subsistence, in cases
 19 where mileage is allowed under this section; the fees for
 20 mileage named in this section being in full for all such
 21 traveling expenses in both civil and criminal work."

22 SECTION 8. SECTION 25-226, R.C.M. 1947, IS AMENDED TO
 23 READ AS FOLLOWS:

24 "25-226. Fees of sheriff. (1) For the service of
 25 summons and complaint on each defendant, one dollar ~~(\$1.00)~~

1 (\$1);

2 For levying and serving each writ of attachment of
 3 execution on real or personal property, one dollar ~~(\$1.00)~~
 4 (\$1);

5 For service of attachment on the body or order of
 6 arrest on each defendant, one dollar ~~(\$1.00)~~ (\$1);

7 For the service of affidavit, order, and undertaking in
 8 claim and delivery, one dollar ~~(\$1.00)~~ (\$1);

9 For serving a subpoena, twenty-five cents (25¢) for
 10 each witness summoned;

11 For serving writ of possession or restitution, two
 12 dollars ~~(\$2.00)~~ (\$2);

13 For trial of the right of property or damages,
 14 including all services except mileage, three dollars ~~(\$3.00)~~
 15 (\$3);

16 For taking bond or undertaking in any case authorized
 17 by law, one dollar ~~(\$1.00)~~ (\$1);

18 For serving every notice, rule or order, one dollar
 19 ~~(\$1.00)~~ (\$1), for each person served;

20 For copy of any writ, process or other paper when
 21 demanded or required by law, twenty cents (20¢) for each
 22 folio;

23 For advertising any property for sale on execution or
 24 under any judgment or order of sale, exclusive of cost of
 25 publication, one dollar ~~(\$1.00)~~ (\$1);

1 (2) For the expense in taking and keeping possession
 2 of and preserving property under attachment, execution or
 3 other process, such sum as the court or judge may order, not
 4 to exceed the actual expense incurred, and no keeper must
 5 receive to exceed five dollars ~~(\$5.00)~~ (\$5) per day and no
 6 keeper must be employed without an order of court, nor must
 7 he be so employed unless the property is of such character
 8 as to need the personal attention and supervision of a
 9 keeper. No property shall be placed in charge of a keeper if
 10 it can be safely and securely stored, or where there is no
 11 reasonable danger of loss.

12 (3) In addition to the fees above specified, the
 13 sheriff shall receive for each mile actually traveled, in
 14 serving any writ, process, order or other paper, including a
 15 warrant of arrest, or in conveying a person under arrest
 16 before a magistrate or to jail, only his actual expenses
 17 when such travel is made by railroad, and when travel is
 18 other than by railroad, he shall receive ~~eleven cents (11¢)~~
 19 per mile a mileage allowance as provided in section 59-801
 20 for each mile actually traveled by him both going and
 21 returning, and the actual expenses incurred by him in
 22 conveying a person under arrest before a magistrate or to
 23 jail, and he shall receive the same mileage and his actual
 24 expenses for the person conveyed or transported under order
 25 of court within the county, the same to be in full payment

1 for transporting and dieting such persons during such
 2 transportation; provided that where more than one person is
 3 transported by the sheriff or when one or more papers are
 4 served on the same trip made for the transportation of one
 5 or more prisoners, but one (1) mileage shall be charged.

6 (4) Provided further, that this act shall not apply to
 7 the delivery of prisoners at the state prison or at the
 8 reformatory school, or insane persons to the state insane asylum,
 9 for which he shall receive the actual expense incurred as
 10 provided by section 16-2723 of this code. Nor shall this act
 11 apply to trips made for the return of fugitives apprehended
 12 and arrested outside the county for which the sheriff shall
 13 receive the actual necessary expenses incurred in going for
 14 and returning with such fugitive, provided that in
 15 determining the actual expense, if travel be by a privately
 16 owned vehicle, the mileage rate shall be allowed as herein
 17 provided. But no mileage must be allowed on an attachment,
 18 order of arrest, order for delivery of personal property, or
 19 any other order, notice or paper, when the same accompanies
 20 the summons, and the service thereof may be made at the time
 21 of the service of the summons, unless for the distance
 22 actually traveled beyond that required to serve the summons.
 23 When two (2) or more papers are served on the same person at
 24 the same time, or when any paper or papers are served on
 25 more than one (1) person on the same trip, but one (1)

1 mileage must be allowed or charged, and in the service of
 2 subpoenas, but one (1) mileage must be charged when the
 3 persons named therein live in the same place or in the same
 4 direction, but mileage must be charged for the longest
 5 distance actually traveled. Any writ, order or other paper
 6 for service, must be received at any place in the county
 7 where a sheriff or a deputy is found, and mileage must be
 8 computed from such place, but if papers are delivered for
 9 service away from the county seat, all necessary copies
 10 thereof must be furnished for service. When two (2) or more
 11 officers travel in the same automobile in the discharge of
 12 any duty but one (1) mileage shall be allowed.*

13 SECTION 9. SECTION 25-236, R.C.M. 1947, IS AMENDED TO
 14 READ AS FOLLOWS:

15 *25-236. Fees of coroner. The coroner is entitled to
 16 receive and collect for his own use the following fees:

17 For each day or fraction of day engaged in making an
 18 investigation relative to a death, whether an inquest is
 19 later held or not, the sum of five dollars ~~(\$5.00)~~ (\$5),
 20 provided that not more than one day's fees shall be charged
 21 for making an investigation in any one case, except in
 22 counties of the first, second and third class;

23 For each day or fraction of day engaged in holding an
 24 inquest, five dollars ~~(\$5.00)~~ (\$5), provided that not more
 25 than two days' fees shall be charged for holding an inquest

1 in any one case;

2 For subpoenaing each witness, including copy of
 3 subpoena, thirty cents (30¢);

4 For summoning each juror, including copy of summons,
 5 thirty cents (30¢);

6 For each oath administered, five cents (5¢);

7 For making transcript of testimony, per folio, fifteen
 8 cents (15¢);

9 For each mile actually traveled in the performance of
 10 any duty, ~~seven cents (7¢)~~ a mileage allowance as provided
 11 in section 59-801;

12 For filing papers, each five cents (5¢);

13 The total amount of fees allowed by the board of county
 14 commissioners to a coroner, except when acting as sheriff,
 15 must not exceed twenty-one hundred dollars ~~(\$2100.00)~~
 16 (\$2100) in any one year, including compensation paid all
 17 clerks, stenographers and other clerical assistants employed
 18 by him, provided the coroner in a county having a population
 19 of forty-five thousand (45,000) or more, according to the
 20 latest federal census enumeration, may, at the discretion of
 21 the county commissioners receive a salary of not to exceed
 22 three thousand seven hundred fifty dollars ~~(\$3,750.00)~~
 23 (\$3,750) per year and mileage as above provided in lieu of
 24 all fees above-mentioned, and all clerical and stenographic
 25 help except as provided in section 16-3408, shall be

1 included in such salary. Said population to be based on the
 2 latest United States census.

3 A justice of the peace, acting as coroner, is allowed
 4 the same fees as the coroner, and no more.

5 If acting as sheriff, the coroner is allowed the same
 6 fees as sheriff or constable for like services."

7 SECTION 10. SECTION 25-401, R.C.M. 1947, IS AMENDED TO

8 READ AS FOLLOWS:

9 "25-401. Jurors' fees. Grand and trial jurors shall
 10 receive twelve dollars (\$12) per day for attendance before
 11 any court of record and ~~eight cents (8¢) per mile~~ a mileage
 12 allowance as provided in section 59-801 each way for
 13 traveling from and to their residence and county seat. Any
 14 juror who is excused from attendance upon his own motion on
 15 the first day of his appearance in obedience to notice, or
 16 who has been summoned as a special juror and not sworn in
 17 the trial of the case, in the discretion of the court, may
 18 receive per diem and mileage."

19 SECTION 11. SECTION 25-404, R.C.M. 1947, IS AMENDED TO

20 READ AS FOLLOWS:

21 "25-404. Witnesses' fees. For attending in any civil
 22 or criminal action or proceeding before any court of record,
 23 referee, or officer authorized to take depositions, or
 24 commissioners to assess damages or otherwise, for each day,
 25 ten dollars (\$10). For mileage in traveling to the place of

1 trial or hearing, each way, for each mile, ~~eight cents~~
 2 ~~(\$-08)~~ a mileage allowance as provided in section 59-801;
 3 provided, however, that no officer of the United States, the
 4 state of Montana, or of any county, incorporated city or
 5 town within the limits of the state of Montana shall receive
 6 any per diem when testifying in a criminal proceedings, and
 7 that no witness shall receive fees in any more than one
 8 criminal case on the same day."

9 Section 12. Section 26-106, R.C.M. 1947, is amended to
 10 read as follows:

11 "26-106. Director of fish and game — powers —
 12 duties. The director of fish and game shall be the secretary
 13 of the commission, attend the meetings of the commission,
 14 and keep a record of all of its transactions. The director
 15 shall keep an inventory showing the description and value of
 16 all property owned by the state and under the administration
 17 of the commission. He shall be the administrative agent of
 18 the commission and custodian of the property and records of
 19 the department. He shall devote all of his time to his
 20 official duties and his powers and duties include those of a
 21 warden. He is subject to the supervision and control of the
 22 commission. The director may, by and with the consent of the
 23 commission, establish such department divisions and employ
 24 the necessary personnel that may be needed to conduct the
 25 work of the department. The director shall be paid a salary

1 fixed by the commission and shall be reimbursed for his
 2 ~~actual and necessary travel~~ expenses, as provided for in
 3 sections 59-538, 59-539, and 59-801, incurred while in the
 4 performance of his duties, the same to be paid upon proper
 5 vouchers from the fish and game account in the earmarked
 6 revenue fund."

7 Section 13. Section 26-114, R.C.M. 1947, is amended to
 8 read as follows:

9 "26-114. Appointment of ex officio state fish and game
 10 wardens. All sheriffs and their deputies, constables, all
 11 peace officers of the state, or any subdivision thereof, and
 12 all state forest officers, and such other officers of the
 13 United States forest service or agents of the United States
 14 fish and wildlife service which are assigned to duty in this
 15 state, and field personnel fish and game commission, as the
 16 director, with the approval of the state fish and game
 17 commission, may appoint are hereby made ex officio state
 18 fish and game wardens, without pay, except that the
 19 commission may, in its discretion, allow ~~actual and~~
 20 ~~necessary~~ traveling expenses, as provided for in sections
 21 59-538, 59-539, and 59-801, which, if allowed, shall be paid
 22 upon proper vouchers from the state fish and game funds, and
 23 shall have the same powers with reference to the enforcement
 24 of the fish and game laws of this state as regularly
 25 appointed state fish and game wardens, and it is hereby made

1 their duty to assist, whenever possible, in the enforcement
 2 of said laws."

3 Section 14. Section 27-240, R.C.M. 1947, is amended to
 4 read as follows:

5 "27-240. Advisory council. (1) The director of
 6 agriculture may appoint an advisory council to study and
 7 make recommendations on special pesticide problems in the
 8 state. The council shall consist of individuals
 9 representing, equally, controlled industry, agriculture,
 10 health, and wildlife. Governmental personnel, university
 11 personnel not included, may not be represented on the
 12 council. Governmental personnel shall meet with the council
 13 in an advisory capacity when requested by the council. The
 14 council may not exceed twelve (12) members. The director of
 15 agriculture shall establish the time period in which the
 16 council shall exist. The time period may not exceed two (2)
 17 years. The department of agriculture shall provide the
 18 necessary administrative, secretarial, and any other
 19 essential items to the council.

20 (2) Each member of the council shall receive as
 21 compensation for his services the sum of twenty-five dollars
 22 (\$25) per day for each day actually spent in the performance
 23 of his duties and shall be reimbursed for ~~actual per diem~~
 24 ~~and necessary traveling~~ travel expenses as provided ~~by law~~
 25 for in sections 59-538, 59-539, and 59-801.

1 (3) The council may request that the department of
 2 agriculture hold a public hearing as outlined in section
 3 27-235, to assist it in gathering factual data and
 4 information on the special problems assigned it."

5 Section 15. Section 31-104, R.C.M. 1947, is amended to
 6 read as follows:

7 "31-104. Chief — appointment — tenure of office —
 8 salary — supervisory power — resident requirement. The
 9 board shall select a highway patrol chief who shall have the
 10 rank of colonel and shall hold his office until his
 11 appointment has terminated for cause, as hereinafter set
 12 forth, and shall receive a salary fixed by the board with
 13 approval of the board of examiners within the limits of the
 14 legislative appropriation for such purpose, and ~~necessary~~
 15 ~~traveling travel~~ expenses, as provided for in sections
 16 59-538, 59-539, and 59-801. The chief shall have direct
 17 control and supervision of all patrolmen, subject to the
 18 approval of the Montana highway patrol board. The person
 19 named as chief shall have been a continuous resident of
 20 Montana for at least five (5) years. The chief, with the
 21 approval of the board and within the limits of any
 22 appropriation made available for such purposes, shall:

- 23 1. Designate the authority and responsibility in each
- 24 such rank, grade and position;
- 25 2. Formulate standards, policies and qualifications in

1 the selection of recruit patrolmen;

2 3. Prescribe the official uniform of the Montana
 3 highway patrol;

4 4. Station employees in such localities as he shall
 5 deem advisable for the enforcement of the traffic laws of
 6 this state;

7 5. Charge against each employee the value of property
 8 of the state, lost or destroyed through the carelessness or
 9 neglect of such employee;

10 6. Discharge, demote, or temporarily suspend after
 11 hearing as provided in section 31-105, any patrolman of the
 12 department;

13 7. Have purchased, or otherwise acquired, by the
 14 purchasing department of the state, motor equipment and all
 15 other equipment and commodities deemed by him essential to
 16 the efficient operation of the Montana highway patrol."

17 Section 16. Section 41-1201, R.C.M. 1947, is amended
 18 to read as follows:

19 "41-1201. Apprenticeship council. (a) The governor of
 20 the state of Montana shall appoint an apprenticeship
 21 council, which shall be a part of the department of labor
 22 and industry, and shall consist of six (6) members, three
 23 (3) of whom shall be appointed from and be representative of
 24 active employers employing persons in recognized
 25 apprenticeable trades, and three (3) of whom shall be

1 appointed from and be representative of active employee
 2 organizations whose members are employed in recognized
 3 apprenticeable trades. The terms of office of the members of
 4 the apprenticeship council first appointed by the governor
 5 of the state of Montana shall be as follows: One (1)
 6 representative each of employers and employees shall be
 7 appointed for one (1) year, two (2) years and three (3)
 8 years respectively. After the expiration of the original
 9 terms, each member shall be appointed by the governor of the
 10 state of Montana for a term of three (3) years. Each member
 11 shall hold office until his successor is appointed and has
 12 qualified, and any vacancy shall be filled by appointment by
 13 the governor of the state of Montana for the unexpired
 14 portion of the term. The commissioner of labor and industry,
 15 the state official who has been designated by the state
 16 board for vocational education as being in charge of trade
 17 and industrial education and the state official who has
 18 immediate charge of the state public employment service
 19 shall be ex officio members of said council without vote.
 20 The council shall elect a chairman and vice-chairman from
 21 its voting membership, one (1) of which shall be a
 22 representative of employers and one (1) shall be a
 23 representative of employees, and each shall hold office for
 24 a term of one (1) year and until his successor is elected.

25 (b) Subject to the approval of the federal committee on

1 apprenticeship, the apprenticeship council shall: (1)
 2 establish standards for apprenticeship agreements in
 3 conformity with the provisions of this act; (2) issue such
 4 rules and regulations as may be necessary to carry out the
 5 intent and purposes of this act; and (3) perform such other
 6 duties as are hereinafter imposed. Not less than once every
 7 two years the apprenticeship council shall make a report
 8 through the governor of the state of Montana of its
 9 activities and findings to the legislature which shall be
 10 made available to the public.

11 (c) The council may accept from the federal government
 12 or any agency thereof or from any state agency, any funds
 13 made available to carry out purposes within the scope of the
 14 activities and purposes of the apprenticeship council and to
 15 use such funds as said council may direct, for the purposes
 16 for which said funds are made available.

17 (d) A ~~per diem~~ compensation of fifteen dollars
 18 ~~(\$15.00) (\$15)~~ plus actual and necessary travel expenses,
 19 ~~for meals and lodging, such expenses not to exceed that paid~~
 20 ~~other state officials or employees, as provided for in~~
 21 sections 59-536, 59-539, and 59-801, shall be paid each
 22 voting member of the state apprenticeship council, or their
 23 authorized representatives, while in official travel status
 24 and while attending official meetings for each whole or part
 25 of any calendar day. Such voting members, or their

1 representatives, shall be reimbursed a mileage rate and the
 2 same is paid other state officials or state employees, for
 3 use of personally-owned vehicles to attend official meetings
 4 from any point in the state of Montana to the place of
 5 meeting in Montana and return. A maximum of three hundred
 6 dollars ~~(\$300.00)~~ (\$300) shall be the limitation for the
 7 combined per diem, expenses and mileage payments as provided
 8 for herein, for each voting member of said council, or their
 9 representatives, during the twelve (12) consecutive month
 10 period of any fiscal year from July first of one year to
 11 June thirtieth of the next following year.

12 (e) The commissioner of labor and industry may, subject
 13 to the approval of the appointed members of the council,
 14 appoint a director of apprenticeship and such other
 15 clerical, technical and professional staff as shall be
 16 necessary to carry out the provisions of this act. The
 17 director of apprenticeship shall serve as the secretary of
 18 the council, without a vote."

19 Section 17. Section 43-2107, R.C.M. 1947, is amended
 20 to read as follows:

21 "43-2107. Reimbursement of commission members. Members
 22 of said commission shall serve without compensation but
 23 shall be reimbursed for ~~actual travel and other expenses, as~~
 24 provided for in sections 59-538, 59-539, and 59-801,
 25 incurred in the discharge of their duties, including

1 attendance at meetings."

2 Section 18. Section 43-111, R.C.M. 1947, is amended to
 3 read as follows:

4 "43-111. Compensation of reapportionment
 5 commissioners. Commissioners are entitled to compensation of
 6 twenty dollars (\$20) per day plus travel ~~and actual~~
 7 expenses, as provided for in sections 59-538, 59-539, and
 8 59-801, while attending commission meetings or in carrying
 9 out the official duties of the commission."

10 Section 19. Section 43-218, R.C.M. 1947, is amended to
 11 read as follows:

12 "43-218. Pre-session caucus — house appropriation and
 13 senate finance and claims committee member — per diem and
 14 expenses. As soon after the official canvass as possible,
 15 but not later than December 1 of each year following an
 16 election when members of the ~~legislative assembly~~
 17 LEGISLATURE are elected, the majority and minority parties
 18 of each house of the legislative assembly shall hold a
 19 pre-session caucus for holdover senators, senators-elect,
 20 and representatives-elect. The purpose of the caucus of each
 21 party of each house is to elect officers, appoint committees
 22 and hire any necessary employees. Members of the house
 23 appropriations committee and the senate finance and claims
 24 committee named at the caucus shall begin reviewing requests
 25 for appropriations immediately and may visit state agencies

1 and institutions to discuss requests. Members of these
 2 committees, ~~except Senators elected at the general election~~
 3 ~~held in 1968~~, shall receive twenty dollars (\$20) per day for
 4 each day engaged in committee business, and all members of
 5 these committees shall be reimbursed for ~~actual and~~
 6 necessary travel expenses, as provided for in sections
 7 59-538, 59-539, and 59-801, incurred in their duties. Per
 8 diem and expenses shall be paid by the department of
 9 administration from the appropriation for operation of the
 10 preceding ~~legislative assembly~~ LEGISLATURE."

11 SECTION 20. SECTION 43-310, R.C.M. 1947, IS AMENDED TO
 12 READ AS FOLLOWS:

13 "43-310. Per diem, mileage and expenses of members.

14 (1) Legislators are entitled to compensation of twenty
 15 dollars (\$20) per legislative day, payable weekly, during a
 16 session of the legislature, and ~~twelve cents (12¢) per mile~~
 17 a mileage allowance as provided in section 59-801 for each
 18 mile of travel to and from their residences and the place of
 19 holding the session, by the shortest regularly traveled
 20 automobile route.

21 (2) Members are also entitled to thirty-three dollars
 22 (\$33) per day, seven (7) days a week payable weekly during a
 23 legislative session, as reimbursement for expenses incurred
 24 in attending the session. Expense payments shall stop when
 25 the legislature recesses for more than three (3) days and

1 shall resume when the legislature reconvenes.

2 (3) While going to, attending, and returning from
 3 legislative standing committee meetings and necessary
 4 committee business authorized by the chairman of the
 5 legislative council during the legislative interim,
 6 legislators are entitled to:

7 (a) a mileage allowance ~~of twelve cents (12¢) per mile~~
 8 as provided in section 59-801 for each mile of travel,

9 (b) actual expenses, and

10 (c) compensation of twenty dollars (\$20) per day.

11 (4) Legislators are also entitled to a mileage
 12 allowance ~~of twelve cents (12¢) per mile as provided in~~
 13 section 59-801 for travel to and from their respective
 14 pre-session caucus meeting."

15 Section 21. Section 43-714, R.C.M. 1947, is amended to
 16 read as follows:

17 "43-714. Expenses. When the legislature is not in
 18 session, members of the legislative council, the legislative
 19 subcommittees, select and standing committees, while going
 20 to, attending, and returning from legislative committee
 21 meetings and other necessary committee business authorized
 22 by the chairman of the legislative council are entitled to:

23 (1) a mileage allowance as allowed by ~~law~~ section
 24 59-801,

25 (2) actual expenses, as provided for in sections

1 59-538 and 59-539, and

2 (3) compensation as provided by law."

3 Section 22. Section 43-1106, R.C.M. 1947, is amended
4 to read as follows:

5 "43-1106. Reimbursement for expenses — per diem.
6 Members of the legislative fiscal review committee and its
7 subcommittees shall be reimbursed for ~~actual~~ travel and
8 other expenses, as provided for in sections 59-538, 59-539,
9 and 59-801, incurred in the discharge of their duties, and
10 may also receive ~~per diem payments~~ compensation as
11 authorized by law."

12 Section 23. Section 44-127, R.C.M. 1947, is amended to
13 read as follows:

14 "44-127. State library commission created. A
15 commission is hereby created to be known as the state
16 library commission. This commission shall consist of the
17 librarian of the state university, the state superintendent
18 of public instruction, ex officio member, and the three
19 members to be appointed by the governor, who shall serve
20 one, two and three years respectively. As these terms
21 expire, annually thereafter one person shall be appointed,
22 for a term of three years. The commission shall annually
23 elect a chairman from its membership. The members of said
24 commission shall receive no compensation for their services
25 except their ~~actual and necessary travel~~ travel expenses, as

1 provided for in sections 59-538, 59-539, and 59-801."

2 Section 24. Section 66-109, R.C.M. 1947, is amended to
3 read as follows:

4 "66-109. Compensation of members of board —
5 disposition and use of funds — report. (1) Each member of
6 the board is allowed the sum of twenty-five dollars (\$25)
7 per day plus mileage in accordance with section 59-801 and
8 ~~actual and necessary travel~~ travel expenses, as provided for in
9 sections 59-538, and 59-539, while in the discharge of his
10 actual duties.

11 (2) All fees and moneys received by the department for
12 licenses from practicing architects shall be deposited in
13 the earmarked revenue fund for the use of the board, subject
14 to section 82A-1603 (6)."

15 Section 25. Section 66-408, R.C.M. 1947, is amended to
16 read as follows:

17 "66-408. Compensation. Each member of the board shall
18 receive a compensation of twenty-five dollars (\$25) per day
19 while attending board meetings plus ~~legitimate and necessary~~
20 travel expenses, as provided for in sections 59-538, 59-539,
21 and 59-801, incurred in attending meetings of the board."

22 Section 26. Section 66-513, R.C.M. 1947, is amended to
23 read as follows:

24 "66-513. Disposition of fees — receipts and
25 disbursements — reports — per diem and mileage. (1) Fees

1 collected by the department under this act shall be
 2 deposited in the earmarked revenue fund for the use of the
 3 board, subject to section 82A-1603 (6).

4 (2) The department shall keep an accurate account of
 5 funds received and vouchers issued by the department.

6 (3) The members of the board shall receive twenty-five
 7 dollars (\$25) for each day during which they are actually
 8 engaged in the discharge of their duties, plus mileage as
 9 provided in section 59-801, and reimbursement for ~~actual and~~
 10 ~~necessary travel expenses incurred, as provided for in~~
 11 sections 59-538, and 59-539."

12 Section 27. Section 66-608, R.C.M. 1947, is amended to
 13 read as follows:

14 "66-608. Compensation of board — expenses. Each
 15 member of the board, except the physician members, who are
 16 otherwise paid for the performance of their duties as
 17 medical examiners, shall receive for his services the sum of
 18 five dollars (\$5) per diem and ~~necessary traveling and~~
 19 ~~incidental travel expenses, as provided for in sections~~
 20 59-538, 59-539, and 59-801. Other contingent expenses,
 21 necessarily incurred, shall be paid by the state department
 22 in the same manner as other expenses of the state board of
 23 medical examiners."

24 Section 28. Section 66-809, R.C.M. 1947, is amended to
 25 read as follows:

1 "66-809. Compensation of members of board — deposit
 2 of receipts in state treasury. Each member of the board
 3 shall receive, as compensation for his services, the sum of
 4 twenty-five dollars (\$25) per day for each day in actual
 5 attendance at any meeting at the board. In addition, each
 6 member shall be reimbursed for ~~his~~ travel expenses, as
 7 provided for in sections 59-538, 59-539, and 59-801,
 8 necessarily incurred in the performance of ~~his~~ official
 9 duties. All fees collected by the department under this act,
 10 shall be deposited in the earmarked revenue fund for the use
 11 of the board, subject to section 82A-1603 (6)."

12 Section 29. Section 66-909, R.C.M. 1947, is amended to
 13 read as follows:

14 "66-909. Compensation and expenses allowed board
 15 members — limitation on duration of examination meetings —
 16 disbursement of funds. (1) Out of the funds derived from
 17 fees and dues collected under this act each member of the
 18 board shall be reimbursed as follows:

19 (a) Fifteen dollars (\$15) per day for each day
 20 traveling to and from a meeting and while in actual
 21 attendance at a meeting of the board and for each day
 22 actually engaged in the duties of his office.

23 (b) Expenses and travel authorized under sections
 24 59-538, 59-539, and 59-801.

25 ~~(c) For first class railroad and Pullman fares actually~~

1 ~~incurred to and from his place of residence to the place of~~
2 ~~a meeting.~~

3 (2) Meetings held for the purpose of examining
4 candidates for a license to practice dentistry in this state
5 may not exceed six (6) days.

6 (3) Money collected in excess of expenses and salaries
7 provided for shall be held by the department as a special
8 fund for meeting the expenses of the board, the proper
9 administration of this act and for educational purposes
10 considered wise by the board. The department, on the written
11 request of the board, shall set aside in a separate account
12 in the earmarked revenue fund, the emergency moneys provided
13 under section 66-906. This account may be expended only
14 when the board determines that an emergency exists requiring
15 an expenditure therefrom."

16 Section 30. Section 66-1020, R.C.M. 1947, is amended
17 to read as follows:

18 "66-1020. Compensation of members. Each member of the
19 board of medical examiners shall receive twenty-five dollars
20 (\$25) per day compensation while traveling to and from board
21 meetings, and while attending board meetings, and for each
22 full day away from home while conducting board business plus
23 ~~actual and necessary travel~~ expenses, as provided for in
24 ~~sections 59-538, 59-539, and 59-801, and mileage as provided~~
25 ~~in section 59-801~~ while in the active and necessary

1 discharge of his duties."

2 Section 31. Section 66-1226, R.C.M. 1947, is amended
3 to read as follows:

4 "66-1226. Reimbursement for expenses — compensation.
5 Each member of the board shall be paid mileage as provided
6 in section 59-801, ~~and actual and necessary~~ and travel
7 ~~expenses, provided for in sections 59-538, and 59-539,~~ and
8 in addition, fifteen dollars (\$15) per day for each day
9 actually engaged in the discharge of duties under this act,
10 including the time spent in actual attendance at a meeting
11 of the board and in direct travel to and from meetings, and
12 a reasonable number of days for the preparation and
13 administration of examinations."

14 Section 32. Section 66-1311, R.C.M. 1947, is amended
15 to read as follows:

16 "66-1311. Compensation of board. Each member of the
17 board may receive as compensation the sum of twenty-five
18 dollars (\$25) and ~~necessary travel~~ expenses, as provided for
19 in sections 59-538, 59-539, and 59-801, for each day
20 actually engaged in the duties of his office. Money
21 collected by the department shall be deposited in the
22 earmarked revenue fund for the use of the board, subject to
23 section 82A-1603 (6)."

24 Section 33. Section 66-1410, R.C.M. 1947, is amended
25 to read as follows:

1 "66-1410. Compensation of board — deposit of fees.
 2 (1) Each of the members of the board may receive as
 3 compensation a sum not to exceed twenty dollars (\$20) for
 4 each day actually engaged in the duties of their office,
 5 together with ~~legitimate and necessary travel~~ expenses, as
 6 provided for in sections 59-538, 59-539, and 59-801,
 7 ~~incurred in connected with~~ attending the meetings of the
 8 board.

9 (2) The fees collected by the department under this
 10 chapter shall be deposited in the earmarked revenue fund for
 11 the use of the board, subject to section 82A-1603 (6)."

12 Section 34. Section 66-1505, R.C.M. 1947, is amended
 13 to read as follows:

14 "66-1505. Salaries and expenses of board members. Each
 15 member of the board shall receive twenty-five dollars (\$25)
 16 a day as compensation for the performance of his services as
 17 a board member and shall be compensated in addition thereto
 18 for ~~his actual and necessary travel~~ expenses, as provided
 19 for in sections 59-538, 59-539, and 59-801, in attending
 20 meetings." ~~Mileage expenses of board members will be paid~~
 21 ~~pursuant to section 59-801.~~

22 Section 35. Section 66-1815, R.C.M. 1947, is amended
 23 to read as follows:

24 "66-1815. Powers and duties of department and board.
 25 (1) The board shall elect annually a chairman, secretary,

1 and treasurer from its members. (2) The board may adopt
 2 rules for the conduct of its affairs and the administration
 3 of this act. (3) A quorum for the transaction of business
 4 consists of three (3) members of the board. (4) The board
 5 shall have a seal which shall be judicially noticed. (5) The
 6 department shall keep records of the board's proceeding. In
 7 a proceeding in court, civil or criminal, arising out of or
 8 founded on this act, copies of these records certified as
 9 correct under the seal of the board are admissible in
 10 evidence as tending to prove the content of these records.

11 (6) Each member of the board shall receive as compensation
 12 twenty dollars (\$20) for each day actually engaged in the
 13 duties of his office, and, in addition, shall be reimbursed
 14 for ~~his actual and necessary travel~~ expenses, provided for
 15 in sections 59-538, 59-539, and 59-801, incurred in
 16 connected with the discharge of his official duties."

17 Section 36. Section 66-1927, R.C.M. 1947, is amended
 18 to read as follows:

19 "66-1927. Board — powers and duties — compensation.
 20 (1) The board shall from time to time adopt rules to carry
 21 out the provisions of this act.

22 (2) The department shall keep a record of proceedings,
 23 transactions, communications and official acts of the board,
 24 be custodian of the records of the board and shall cause to
 25 be performed other duties as the board on the written

1 request of two (2) or more members of the board or at other
 2 times as the chairman in his discretion considers necessary.
 3 Neither the chairman nor an employee of the department,
 4 hired to provide services to the board, may be an officer or
 5 paid employee of any real estate association or group of
 6 real estate dealers or brokers.

7 (3) Each member of the board shall receive as
 8 compensation for each one-half day or portion thereof
 9 actually spent on his official duties the sum of seven
 10 dollars and fifty cents (\$7.50) and ~~his actual and necessary~~
 11 travel expenses, as provided for in sections 59-538, 59-539,
 12 and 59-801, incurred in connection with the performance of
 13 other duties provided for by the board.

14 (4) The board shall adopt a seal of a design as it
 15 shall prescribe. Copies of records and papers kept by the
 16 department, certified by the chairman and authenticated by
 17 the seal of the board, shall be received in evidence in
 18 courts with like effect as the original. Records of the
 19 board are open to public inspection under rules it
 20 prescribes."

21 Section 37. Section 66-2104, K.C.M. 1947, is amended
 22 to read as follows:

23 "66-2104. Compensation of members of board —
 24 disposition of funds. (1) Each member of the board shall
 25 receive a compensation of five dollars (\$5) per day for

1 actual services while attending meetings or otherwise
 2 engaged in business connected with the board, and shall
 3 receive ~~ten cents (\$.10) per mile for each mile actually~~
 4 ~~traveled, and five dollars (\$5) per day for expenses while~~
 5 ~~absent from home on business connected with the board travel~~
 6 expense reimbursement as provided for in sections 59-538,
 7 59-539, and 59-801.

8 (2) Money received under this act shall be deposited in
 9 the earmarked revenue fund for the use of the board, subject
 10 to section 82A-1603 (6)."

11 Section 38. Section 66-2203, K.C.M. 1947, is amended
 12 to read as follows:

13 "66-2203. Expenses and funds — records and reports.

14 (1) Each member of the board is entitled to receive
 15 ~~necessary traveling and subsistence travel expenses, as~~
 16 provided for in sections 59-538, 59-539, and 59-801.

17 (2) The department shall keep complete records of the
 18 board's proceedings and of its receipts and disbursements
 19 and a full and accurate list of persons licensed and
 20 registered by the board. These records are public records,
 21 and are at all times open to public inspection.

22 (3) Money received under this act shall be deposited in
 23 the earmarked revenue fund for the use of the board, subject
 24 to section 82A-1603 (6)."

25 Section 39. Section 66-2403, K.C.M. 1947, is amended

1 to read as follows:

2 "66-2403. Compensation — examination of applicants.
 3 (1) A member of the board is entitled to a compensation of
 4 twenty dollars (\$20) ~~per diem~~ for each day while actually
 5 engaged in the work of the board and reimbursement for
 6 travel expenses as provided for in sections 59-538, 59-539,
 7 and 59-801.

8 (2) An applicant for a license to work at the business
 9 of plumbing shall be examined as to his qualifications by
 10 the department, subject to section 82A-1603 (4). The
 11 department shall examine each applicant for a license, to
 12 determine his qualifications and fitness for carrying on the
 13 business of a master plumber or journeyman plumber, and if
 14 the applicant successfully passes the examination prescribed
 15 by the board, then a license shall be issued to the
 16 applicant authorizing him to engage in the business and
 17 occupation of a master plumber or journeyman plumber, as the
 18 case may be. The license, when issued, authorizes the
 19 holder to carry on the business of a master plumber or a
 20 journeyman plumber, as the case may be, in any city or town
 21 in this state."

22 Section 40. Section 66-2329, R.C.M. 1947, is amended
 23 to read as follows:

24 "66-2329. Board — compensation and expenses. Each
 25 member of the board shall receive per diem when actually

1 attending to the work of the board or any of its committees
 2 and for the time spent in necessary travel. Such per diem
 3 shall be fixed by the board in its sound discretion, but it
 4 shall not exceed twenty-five dollars ~~(\$25.00)~~ (\$25) per day.
 5 In addition thereto, each member shall be reimbursed for all
 6 ~~actual traveling, incidental, and clerical expenses~~
 7 necessarily incurred travel expenses as provided for in
 8 sections 59-538, 59-539, and 59-801, involved in carrying
 9 out the provisions of this act."

10 Section 41. Section 66-2604, R.C.M. 1947, is amended
 11 to read as follows:

12 "66-2604. Board — seal — compensation. (1) The board
 13 shall have a seal with the following words engraved thereon:
 14 "Board of Water Well Contractors." This seal shall be
 15 affixed to writs, authentication of records, and other
 16 official proceedings of the board. The courts of this state
 17 shall take judicial notice of the seal.

18 (2) ~~Each~~ The board may employ such persons as may be
 19 necessary to perform the duties of the board, either upon a
 20 part-time basis or upon a full-time basis. ~~Appointed~~ Each
 21 appointed member of the board who is not a state employee
 22 shall receive, as compensation for his services, twenty
 23 dollars (\$20) per day for each day actually engaged in the
 24 performance of the duties of his office, including time of
 25 travel between his home and the places at which he shall

1 perform such duties, together with mileage and ~~per diem~~
 2 travel expenses as provided ~~by law for in sections 59-538,~~
 3 59-539, and 59-801. Employees of the state of Montana who
 4 are members of the board shall receive no extra compensation
 5 for their services as members of the board."

6 Section 42. Section 66-2703, R.C.M. 1947, is amended
 7 to read as follows:

8 "66-2703. Officers of board — compensation of
 9 members. The board shall elect a chairman,
 10 secretary-treasurer, and other necessary officers. Board
 11 members shall serve without compensation but shall be
 12 reimbursed for ~~actual and necessary travel~~ travel expenses, as
 13 provided for in sections 59-538, 59-539, and 59-801,
 14 incurred in connected with attending meetings or in the
 15 discharge of other board duties."

16 Section 43. Section 66-2910, R.C.M. 1947, is amended
 17 to read as follows:

18 "66-2910. Disposition of fees — receipts and
 19 disbursements. (1) Examination and renewal fees received by
 20 the department under this act shall be deposited in the
 21 earmarked revenue fund for the use of the board, subject to
 22 section 82A-1603 (6).

23 (2) The department shall keep an accurate account of
 24 funds received and vouchers issued.

25 (3) The members of the board shall receive a ~~per diem~~

1 compensation of twenty-five dollars (\$25) for each day
 2 during which they are actually engaged in the discharge of
 3 their duties, and ~~mileage as provided in section 59-801 for~~
 4 ~~each mile necessarily traveled in going to and from a~~
 5 ~~meeting of the board shall be allowed travel expenses, as~~
 6 provided for in sections 59-538, 59-539, and 59-801.

7 (4) ~~Per diem~~ Compensation, mileage, and other expenses
 8 necessarily connected with the board shall be paid only out
 9 of the earmarked revenue fund."

10 Section 44. Section 66-3020, R.C.M. 1947, is amended
 11 to read as follows:

12 "66-3020. Deposit of fees in earmarked revenue fund —
 13 per diem and travel expenses. (1) Fees collected by the
 14 department under this act shall be deposited in the
 15 earmarked revenue fund for the use of the board, subject to
 16 section 82A-1603 (6).

17 (2) Each member of the board shall receive twenty
 18 dollars (\$20) ~~per diem~~ compensation when actually engaged in
 19 the discharge of his official duty, and in addition shall
 20 also be reimbursed for ~~reasonable and necessary~~ travel
 21 expense, as provided for in sections 59-538, 59-539, and
 22 59-801, in attending a meeting of the board in the state."

23 Section 45. Section 66-3107, R.C.M. 1947, is amended
 24 to read as follows:

25 "66-3107. Organization and compensation of board. The

1 board shall elect from its membership a chairman,
 2 vice-chairman and secretary-treasurer, and shall adopt rules
 3 and regulations to govern its proceedings. As compensation
 4 for his services, each member shall receive twenty-five
 5 dollars (\$25) a day, in addition to expenses, for each day
 6 of actual service in the performance of his duties. All
 7 members shall be allowed ~~necessary~~ travel expenses as
 8 provided for in sections 59-538, 59-539, and 59-801, and
 9 living expenses, as may be approved by the board, ~~which~~
 10 ~~shall be payable in the same manner as travel expense of~~
 11 ~~other state officials.~~

12 Section 46. Section 69-5903, R.C.M. 1947, is amended
 13 to read as follows:

14 *69-5903. Board to assist department — meetings and
 15 organization — examination of candidates for certification.
 16 (1) The board shall advise and assist the department in the
 17 administration of the certification program. The board shall
 18 serve as an advisory board to the department in actions
 19 relating to the qualifications of water and waste water
 20 treatment plant operators.

21 (2) Annually when new members are appointed to the
 22 board a chairman shall be elected at the next board meeting.

23 (3) The board shall hold at least one (1) examination
 24 each year for the purpose of examining candidates for
 25 certification at a time and place designated by the board.

1 Those applicants whose competency is acceptable to the board
 2 shall be recommended to the department for certification.
 3 Additional meetings may be called by the chairman, or on
 4 written request of four (4) members of the board when
 5 necessary to carry out this chapter. Four (4) members
 6 constitute a quorum. The members of the board shall receive
 7 a fee of twenty dollars (\$20) per day while in session, plus
 8 ~~the cost of actual and necessary travel~~ expenses, as
 9 provided for in sections 59-538, 59-539, and 59-801,
 10 including travel while discharging their official duties."

11 Section 47. Section 70-134, R.C.M. 1947, is amended to
 12 read as follows:

13 *70-134. Traveling expenses of commission. The
 14 commission and secretary, and such clerks and experts as may
 15 be employed, shall be entitled to receive from the state
 16 their ~~necessary~~ expenses while traveling on the business of
 17 the commission, ~~including the cost of lodging and~~
 18 ~~subsistence~~ as provided for in sections 59-538, 59-539, and
 19 59-801. Such expenditure shall be sworn to by the person
 20 who incurred the expenses, and be approved by the chairman
 21 of the commission."

22 Section 48. Section 71-217, R.C.M. 1947, is amended to
 23 read as follows:

24 *71-217. Staff personnel — how selected, paid and
 25 controlled — dismissal. Each county board shall select and

1 appoint from a list of qualified persons furnished by the
 2 state department such staff personnel as are necessary. The
 3 staff personnel in each county shall consist of at least one
 4 qualified staff worker (or investigator) and such clerks and
 5 stenographers as may be decided necessary. If conditions
 6 warrant, the county board, with the approval of the state
 7 department, may appoint some fully qualified person listed
 8 by the state department as supervisor of its staff
 9 personnel. The staff personnel of each county department
 10 are directly responsible to the county board, but the state
 11 department shall have the authority to supervise such county
 12 employees in respect to the efficient and proper performance
 13 of their duties. The county board of public welfare shall
 14 not dismiss any member of the staff personnel without the
 15 approval of the state department; but the state department
 16 shall have the authority to request the county board to
 17 dismiss any member of the staff personnel for inefficiency,
 18 incompetence or similar cause.

19 Public assistance staff personnel attached to the
 20 county board shall be paid from state public welfare funds,
 21 both their salaries and their ~~actual and necessary traveling~~
 22 travel expenses, as provided for in sections 59-538, 59-539,
 23 and 59-801, and their necessary subsistence expenses when
 24 away from the county seat in the performance of their
 25 duties; but the county board of public welfare shall

1 reimburse the state department, from county poor funds,
 2 one-half of the payments so made to its public assistance
 3 staff personnel, except that, under circumstances prescribed
 4 by the state department, the reimbursement by the county
 5 board of public welfare may be less than one-half. All other
 6 administrative costs of the county department shall also be
 7 paid from county poor funds.

8 On or before the 20th day of the month following the
 9 month for which the payments to the public assistance staff
 10 personnel of the county were made, the state department
 11 shall present to the county department of public welfare a
 12 claim for the required reimbursements. The county board
 13 shall make such reimbursements within twenty (20) days after
 14 the presentation of the claim and the state department shall
 15 credit (add) all such reimbursements to its account for
 16 administrative costs."

17 Section 49. Section 72-107, R.C.M. 1947, is amended to
 18 read as follows:

19 "72-107. Expenses of commissioners and employees.
 20 Commissioners and the persons in their official employ, when
 21 traveling in the performance of their official duties, shall
 22 have a right to ~~free transportation, and to have their~~
 23 actual and necessary traveling travel expenses paid
 24 reimbursed as provided for in sections 59-538, 59-539, and
 25 59-801."

1 Section 50. Section 75-5614, R.C.M. 1947, is amended
 2 to read as follows:

3 "75-5614. Per diem of board members — expenses.
 4 Appointed members of the board of public education and the
 5 board of regents are entitled to twenty-five dollars (\$25)
 6 per day and ~~their necessary and actual travel~~ travel expenses, as
 7 provided for in sections 59-538, 59-539, and 59-801,
 8 ~~incurred~~ for each day in attendance at board meetings or in
 9 the performance of any duty or service as a board member."

10 Section 51. Section 75-6204, R.C.M. 1947, is amended
 11 to read as follows:

12 "75-6204. Per diem and expenses. The members of the
 13 retirement board shall serve without direct or indirect
 14 compensation except that each appointed member shall receive
 15 twenty-five dollars (\$25) per day and ~~his necessary and~~
 16 ~~actual travel~~ travel expenses, as provided for in sections 59-538,
 17 59-539, and 59-801, incurred for each day in attendance at
 18 the meetings of such board or in the execution of his duties
 19 as a member of the retirement board. All per diem and
 20 expenses paid under the provisions of this section shall be
 21 paid from the expense fund of the retirement system."

22 Section 52. Section 76-107, R.C.M. 1947, is amended to
 23 read as follows:

24 "76-107. Appointment, qualifications and tenure of
 25 supervisors. (1) The governing body of the district shall,

1 if there are no incorporated municipalities within the
 2 boundaries of said district, consist of five (5) or seven
 3 (7) supervisors, elected or appointed as provided herein.

4 (2) In all cases where the boundaries of such
 5 conservation district include any incorporated municipality
 6 or municipalities, said board of supervisors, in addition to
 7 said five (5) elected supervisors, shall consist of two (2)
 8 appointed supervisors, making a total of seven (7)
 9 supervisors in such districts. The two (2) appointed
 10 supervisors must be residents of the municipalities within
 11 the district. The legislative bodies of the incorporated
 12 municipalities within the district shall, after consultation
 13 with the elected supervisors, appoint the two (2) additional
 14 supervisors. The term of office of the appointed supervisors
 15 shall be three (3) years.

16 (3) Where there are more than two (2) incorporated
 17 municipalities within a district, then the two (2) appointed
 18 supervisors shall represent all the municipalities and urban
 19 interests in the district, and no municipality shall have
 20 more than one (1) appointed supervisor residing therein.

21 (4) The supervisors shall annually elect a chairman
 22 from their members. The term of office of each supervisor
 23 shall be three (3) years, except that the supervisors who
 24 are first appointed shall be designated to serve for terms
 25 of one (1) and two (2) years, respectively, from the date of

1 their appointment. An elected supervisor shall hold office
 2 until his successor has been elected and has qualified. Any
 3 vacancy occurring in the office of an elected supervisor
 4 shall be filled by appointment by the remaining supervisors
 5 until the next regular election, when a successor shall be
 6 elected to serve the unexpired term. A majority of the
 7 supervisors constitute a quorum and the concurrence of a
 8 majority in any matter within their duties is required for
 9 its determination. A supervisor may not receive compensation
 10 for his services, but he is entitled to expenses, including
 11 traveling travel expenses, as provided for in sections
 12 59-538, 59-539, and 59-801, necessarily incurred in the
 13 discharge of his duties.

14 (5) The supervisors may employ a secretary and such
 15 other officers, agents, and employees, permanent and
 16 temporary, as they may require, and shall determine their
 17 qualifications, duties and compensation. The supervisors may
 18 call upon the attorney general of the state for such legal
 19 services as they may require, or may employ their own
 20 counsel and legal staff. The supervisors may delegate to
 21 their chairman, to one (1) or more supervisors, or to one
 22 (1) or more agents or employees, such powers and duties as
 23 they consider proper. The supervisors shall furnish to the
 24 department copies of such ordinances, rules, regulations,
 25 orders, contracts, forms, and other documents as they adopt

1 or employ, and such other information concerning their
 2 activities as may be required in the performance of their
 3 duties under this act.

4 (6) The supervisors shall provide for the execution of
 5 surety bonds for all employees and officers who are
 6 entrusted with funds or property; shall provide for the
 7 keeping of a full and accurate record of all proceedings,
 8 and of all resolutions, regulations, and orders issued or
 9 adopted; and shall provide for an annual audit of the
 10 accounts of receipts and disbursements. A supervisor may be
 11 removed by the board upon notice and hearing, for neglect of
 12 duty or malfeasance in office, but for no other reason.

13 (7) The supervisors may invite the legislative body of
 14 any municipality or county located near the territory
 15 comprised within the district to designate a representative
 16 to advise and consult with the supervisors of the district
 17 on all questions of program and policy which may affect the
 18 property, water supply, or other interests of the
 19 municipality or county."

20 Section 53. Section 76-111, R.C.M. 1947, is amended to
 21 read as follows:

22 "76-111. Board of adjustment. (1) Where the
 23 supervisors of a district adopt an ordinance prescribing
 24 land-use regulations in accordance with section 76-109, they
 25 shall further provide by ordinance for the establishment of

1 a board of adjustment. The board of adjustment shall consist
 2 of three (3) members, each to be appointed for a term of
 3 three (3) years, except that the members first appointed
 4 shall be appointed for terms of 1, 2, and 3 years,
 5 respectively. The members of each board of adjustment shall
 6 be appointed by the department, with the advice and approval
 7 of the supervisors of the district for which the board has
 8 been established, and may be removed by the department, upon
 9 notice and hearing, for neglect of duty or malfeasance in
 10 office, but for no other reason, the hearing to be conducted
 11 jointly by the department and the supervisors of the
 12 district. Vacancies in the board of adjustment shall be
 13 filled in the same manner as original appointments and shall
 14 be for the unexpired term of the member whose term becomes
 15 vacant. Members of the board of natural resources and
 16 conservation, employees of the department, and the
 17 supervisors of the district are ineligible to appointment as
 18 members of the board of adjustment. The members of the board
 19 of adjustment shall receive compensation for their services
 20 at the rate of four dollars (\$4) per diem DAY for time spent
 21 on the work of the board, in addition to expenses, including
 22 traveling travel expenses, as provided for in sections
 23 59-538, 59-539, and 59-801, necessarily incurred in the
 24 discharge of their duties. The supervisors shall pay the
 25 necessary administrative and other expenses of operation

1 incurred by the board, upon the certificate of the chairman
 2 of the board.

3 (2) The board of adjustment shall adopt rules to govern
 4 its procedures, which rules shall be in accordance with this
 5 act, and with any ordinance adopted pursuant to this
 6 section. The board shall annually elect a chairman from
 7 among its members. Meetings of the board shall be held at
 8 the call of the chairman and at such other times as the
 9 board may determine. Any two (2) members of the board
 10 constitute a quorum. The chairman, or in his absence, such
 11 other member of the board as he may designate to serve as
 12 acting chairman, may administer oaths and compel the
 13 attendance of witnesses. All meetings of the board shall be
 14 open to the public. The board shall keep a full and accurate
 15 record of all proceedings, of all documents filed with it,
 16 and of all orders entered, which shall be filed in the
 17 office of the board and shall be a public record.

18 (3) Any qualified elector may file a petition with the
 19 board of adjustment, alleging that there are great practical
 20 difficulties or unnecessary hardship in the way of his
 21 carrying out upon his lands the strict letter of the
 22 land-use regulations prescribed by ordinance approved by the
 23 supervisors, and praying the board to authorize a variance
 24 from the terms of the land-use regulations in the
 25 application of the regulations to the lands occupied by the

1 petitioner. Copies of the petition shall be served by the
 2 petitioner upon the chairman of the supervisors of the
 3 district within which his lands are located and upon the
 4 department. The board of adjustment shall fix a time for the
 5 hearing of the petition and cause due notice of the hearing
 6 to be given. The supervisors of the district and the
 7 department are entitled to appear and be heard at the
 8 hearing. A qualified elector within the district who objects
 9 to the authorizing of the variance prayed for may intervene
 10 and become a party to the proceedings. A party to the
 11 hearing before the board may appear in person, by agent, or
 12 by attorney. If, upon the facts presented at the hearing the
 13 board determines that there are great practical difficulties
 14 or unnecessary hardship in the way of applying the strict
 15 letter of any of the land-use regulations upon the lands of
 16 the petitioner, it shall make and record that determination
 17 and shall make and record findings of fact as to the
 18 specific conditions which establish the great practical
 19 difficulties or unnecessary hardship. Upon the basis of the
 20 findings and determination, the board may order a variance
 21 from the terms of the land-use regulations, in their
 22 application to the lands of the petitioner, that will
 23 relieve the great practical difficulties or unnecessary
 24 hardship and will not be contrary to the public interest,
 25 and such that the spirit of the land-use regulations are

1 observed, the public health, safety, and welfare secured,
 2 and substantial justice done.

3 (4) A petitioner aggrieved by an order of the board
 4 granting or denying, in whole or in part, the relief sought,
 5 the supervisors of the district, or an intervening party,
 6 may obtain a review of the order in any district court of
 7 the county, in which the lands of the petitioner lie, by
 8 filing in the court a petition praying that the order of the
 9 board be modified or set aside. A copy of the petition shall
 10 immediately be served upon the parties to the hearing before
 11 the board, and thereupon the party seeking review shall file
 12 in the court a transcript of the entire record in the
 13 proceedings, certified by the board, including the documents
 14 and testimony upon which the order complained of was
 15 entered, and the findings, determination, and order of the
 16 board. Upon the filing, the court shall cause notice thereof
 17 to be served upon the parties, and the court has
 18 jurisdiction of the proceedings and of the questions
 19 determined or to be determined therein, and may grant such
 20 temporary relief as it deems just and proper, and make and
 21 enter a decree enforcing, modifying, and enforcing as so
 22 modified, or setting aside, in whole or in part, the order
 23 of the board. A contention that is not urged before the
 24 board may not be considered by the court unless the failure
 25 or neglect to urge the contention is excused because of

1 extraordinary circumstances. The findings of the board as to
 2 the facts, if supported by evidence, are conclusive. If a
 3 party applies to the court for leave to produce additional
 4 evidence and shows to the satisfaction of the court that the
 5 evidence is material and that there are reasonable grounds
 6 for the failure to produce the evidence in the hearing
 7 before the board, the court may order the additional
 8 evidence to be taken before the board and to be made a part
 9 of the transcript. The board may modify its findings as to
 10 the facts or make new findings, taking into consideration
 11 the additional evidence so taken and filed, and it shall
 12 file the modified or new findings, which, if supported by
 13 evidence, are conclusive, and shall file with the court its
 14 recommendations, if any, for the modification or setting
 15 aside of its original order. The jurisdiction of the court
 16 is exclusive and its judgment and decree are final, except
 17 that they are subject to review in the same manner as are
 18 other judgments or decrees of the court."

19 Section 54. Section 78-1304, R.C.M. 1947, is amended
 20 to read as follows:

21 "78-1304. Per diem and mileage. Legislative members
 22 are entitled to ~~twenty dollars (\$20) a day and mileage~~
 23 reimbursement for travel expenses as provided for in
 24 sections 59-538, 59-539, and 59-801, for days actually
 25 engaged in the work of the committee."

1 Section 55. Section 82-3603, R.C.M. 1947, is amended
 2 to read as follows:

3 "82-3603. Terms of council members — chairman and
 4 vice-chairman — vacancies — expenses of members. The term
 5 of office of each member shall be five (5) years; provided,
 6 however, that of the members first appointed, five (5) shall
 7 be appointed for terms of one (1) year, five (5) for terms
 8 of three (3) years, and five (5) for terms of five (5)
 9 years. The governor shall designate a chairman and a
 10 vice-chairman from the members of the council to serve as
 11 such at the pleasure of the governor. The chairman shall be
 12 the chief executive officer of the council. Each vacancy
 13 shall be filled for the balance of the unexpired term in the
 14 same manner as the original appointment. The members of the
 15 council shall not receive any compensation for their
 16 services, but shall be reimbursed for ~~their actual and~~
 17 necessary travel expenses, as provided for in sections
 18 59-538, 59-539, and 59-801, incurred in the performance of
 19 their duties as members of the council."

20 Section 56. Section 82A-110, R.C.M. 1947, is amended
 21 to read as follows:

22 "82A-110. Creation of advisory councils. (1) A
 23 department head or the governor may create advisory
 24 councils. An official of the executive branch of state
 25 government other than a department head or the governor,

1 including the superintendents of the state's institutions
2 and the presidents of the units of the state's university
3 system, or an agency, may also create advisory councils, but
4 only if federal law or regulation requires that such
5 official or agency create the advisory council as a
6 condition to the receipt of federal funds.

7 (2) Each advisory council created under this section
8 shall be known as the ".... advisory council."

9 (3) The creating authority shall prescribe the
10 composition and advisory functions of each advisory council
11 created; appoint its members, who shall serve at the
12 pleasure of the governor; and specify a date when the
13 existence of each advisory council ends.

14 (4) Advisory councils may be created only for the
15 purpose of acting in an advisory capacity as defined in
16 section 82A-103 (7).

17 (5) Unless he is a full-time salaried officer or
18 employee of this state or of any political subdivision of
19 this state, each member is entitled to be paid in an amount
20 to be determined by the department head, not to exceed
21 twenty-five dollars (\$25) for each day in which he is
22 actually and necessarily engaged in the performance of
23 council duties, and he is also entitled to be reimbursed for
24 actual and necessary travel expenses, as provided for in
25 sections 59-538, 59-539, and 59-801, incurred while in the

1 performance of council duties. Members who are full-time
2 salaried officers or employees of this state or of any
3 political subdivision of this state are not entitled to be
4 compensated for their service as members, but are entitled
5 to be reimbursed for ~~their actual and necessary travel~~
6 expenses as provided for in sections 59-538, 59-539, and
7 59-801.

8 (6) Unless otherwise specified by the creating
9 authority, at its first meeting in each year each advisory
10 council shall elect a chairman and such other officers as it
11 considers necessary.

12 (7) Unless otherwise specified by the creating
13 authority, each advisory council shall meet at least
14 annually and shall also meet on the call of the creating
15 authority or the governor, and may meet at other times on
16 the call of the chairman or a majority of its members. An
17 advisory council may not meet outside the city of Helena
18 without the express prior authorization of the creating
19 authority.

20 (8) A majority of the membership of an advisory council
21 constitutes a quorum to do business.

22 (9) Except as provided in subsection (10) of this
23 section, an advisory council may not be created or appointed
24 by a department head or any other official without the
25 approval of the governor. In order for the creation or

1 approval of the creation of an advisory council to be
 2 effective, the governor must file in his office and in the
 3 office of the secretary of state a record of the council
 4 created showing the council's:

5 (a) Name, in accordance with subsection (2) of this
 6 section.

7 (b) Composition.

8 (c) Names and addresses of the appointed members.

9 (d) Purpose.

10 (e) Term of existence, in accordance with subsection
 11 (11) of this section.

12 (10) The board of public education, the board of
 13 regents of higher education, the state board of education,
 14 the attorney general, and the superintendent of public
 15 instruction may create advisory councils, which shall serve
 16 at their pleasure, without the approval of the governor.
 17 They must file a record of each council created by them in
 18 the office of the governor and the office of the secretary
 19 of state in accordance with subsection (9) of this section.

20 (11) An advisory council may not be created to remain
 21 in existence longer than two (2) years after the date of its
 22 creation or beyond the period required to receive federal or
 23 private funds, whichever occurs later, unless extended by
 24 the governor, or by the board of public education, or by the
 25 board of regents of higher education, or by the state board

1 of education, or by the attorney general, or by the
 2 superintendent of public instruction for those advisory
 3 councils created in the manner set forth in subsection (10)
 4 of this section. If the existence of an advisory council is
 5 extended, they shall specify a new date, not more than two
 6 (2) years later, when the existence of the advisory council
 7 ends, and file a record of the order in the office of the
 8 governor and the office of the secretary of state. The
 9 existence of any advisory council may be extended as many
 10 times as necessary."

11 Section 57. Section 82A-112, R.C.H. 1947, is amended
 12 to read as follows:

13 "82A-112. Quasi-judicial boards. If an agency is
 14 designated by law as a quasi-judicial board for the purposes
 15 of this section:

16 (1) The number of and qualifications of its members are
 17 as prescribed by law; in addition to those qualifications,
 18 at least one (1) member shall be an attorney licensed to
 19 practice law in this state.

20 (2) (a) The governor shall appoint the members. A
 21 majority of the members shall be appointed to serve for
 22 terms concurrent with the gubernatorial term, and until
 23 their successors are appointed and qualified. The remaining
 24 members shall be appointed to serve for terms ending on the
 25 first day of the third January of the succeeding

1 gubernatorial term, and until their successors are appointed
 2 and qualified. It is the intent of this subsection that the
 3 governor appoint a majority of the members of each
 4 quasi-judicial board at the beginning of his term, and the
 5 remaining members in the middle of his term. As used in this
 6 subsection, "majority" means the next whole number greater
 7 than half.

8 (b) This subsection does not affect the terms of
 9 persons who were members of a continued board on the
 10 effective date of the chapter of this title continuing the
 11 board; upon the expiration of those terms, members shall be
 12 appointed and serve in accordance with this subsection.

13 (3) The appointment of each member is subject to the
 14 confirmation of the senate. However, the governor may
 15 appoint a member to assume office before the senate meets at
 16 its next regular session to consider the appointment. A
 17 member so appointed has all the powers of the office upon
 18 assuming that office, and is a de jure officer,
 19 notwithstanding the fact that the senate has not yet
 20 confirmed the appointment. If the senate does not confirm
 21 the appointment of a member, the governor shall appoint a
 22 new member to serve for the remainder of the term.

23 (4) A vacancy shall be filled in the same manner as
 24 regular appointments, and the member appointed to fill a
 25 vacancy shall serve for the unexpired term to which he is

1 appointed.

2 (5) The governor shall designate the chairman. The
 3 chairman may make and second motions and vote.

4 (6) Members may be removed by the governor only for
 5 cause.

6 (7) Unless he is a full-time salaried officer or
 7 employee of this state or of a political subdivision of this
 8 state, each member is entitled to be paid twenty-five
 9 dollars (\$25) for each day in which he is actually and
 10 necessarily engaged in the performance of board duties, and
 11 he is also entitled to be reimbursed for ~~actual and~~
 12 ~~necessary travel~~ expenses, as provided for in sections
 13 59-538, 59-539, AND 59-801, incurred while in the
 14 performance of board duties. Members who are full-time
 15 salaried officers or employees of this state or of a
 16 political subdivision of this state are not entitled to be
 17 compensated for their service as members, but are entitled
 18 to be reimbursed for ~~their actual and necessary travel~~
 19 ~~expenses as provided for in sections 59-538, 59-539, and~~
 20 59-801.

21 (8) A majority of the membership constitutes a quorum
 22 to do business. A favorable vote of at least a majority of
 23 all members of a board is required to adopt any resolution,
 24 motion, or other decision, unless otherwise provided by
 25 law."

1 Section 58. Section 82A-1602.10, R.C.M. 1947, is
2 amended to read as follows:

3 "82A-1602.10. State electrical board. (1) There is a
4 state electrical board.

5 (2) The board consists of five (5) members, appointed
6 by the governor, with the consent of the senate, who shall
7 be residents of this state. One (1) member of the board
8 shall represent the public. One (1) member of the board
9 shall be selected from each of the following four (4)
10 groups, from three (3) names submitted by each group:

- 11 (a) Consumer members of rural electric cooperatives;
- 12 (b) Master licensed electrical contractors;
- 13 (c) Licensed journeyman electricians; and
- 14 (d) Investor-owned electric utilities.

15 (3) The members of the board shall serve for a term of
16 five (5) years with their terms of office so arranged that
17 one (1) term expires on July 1 of each year.

18 (4) Each member of the board shall receive twenty-five
19 dollars (\$25) per day for each day served in the discharge
20 of his duties, together with ~~the actual and necessary travel~~
21 expenses, as provided for in sections 59-538, 59-539, and
22 59-801, incurred in the performance of his duties.

23 (5) A majority of the members of the board shall
24 constitute a quorum for transaction of business."

25 Section 59. Section 89-3204, R.C.M. 1947, is amended

1 to read as follows:

2 "89-3204. Compensation and reimbursement of Montana
3 commissioners. Each member of the commission from the state
4 of Montana shall be entitled to receive as full compensation
5 for his services the sum of twenty dollars ~~(\$20.00)~~ (\$20)
6 per day while actually engaged in the performance of his
7 duties as commissioner and shall be entitled in addition
8 thereto, to his ~~traveling and other actual and necessary~~
9 travel expenses, as provided for in sections 59-538, 59-539,
10 AND 59-801, while so engaged."

11 Section 60. Section 93-232, R.C.M. 1947, is amended to
12 read as follows:

13 "93-232. Expenses of members of commission. Members of
14 said commission shall serve without compensation, but shall
15 be reimbursed for ~~actual travel and other expenses, as~~
16 provided for in sections 59-538, 59-539, AND 59-801,
17 incurred in the discharge of their duties, including
18 attendance at meetings."

19 Section 61. Section 93-305, R.C.M. 1947, is amended to
20 read as follows:

21 "93-305. Expenses when sitting out of district, or
22 attending judges' conference. Every judge who shall sit in
23 the place of another judge in the trial or hearing of an
24 action or proceeding in a district other than his own, or in
25 the supreme court, or who shall attend a conference of

1 judges in Helena called by the chief justice of the supreme
 2 court, shall be paid his ~~actual~~ travel expenses while
 3 engaged in that service as follows: His ~~actual traveling~~
 4 travel expenses in going from the county seat which he makes
 5 his place of residence to the place of trial, or conference,
 6 and return, and his board and lodging while engaged in the
 7 trial, hearing, or conference. All travel expense
 8 reimbursements shall be determined as provided for in
 9 sections 59-538, 59-539, and 59-801."

10 Section 62. Section 93-313, R.C.M. 1947, is amended to
 11 read as follows:

12 "93-313. Expenses of judges holding court in other
 13 counties. Each district judge of a judicial district in this
 14 state, composed of more than one county, when, for the
 15 purpose of holding court and disposing of judicial business,
 16 he goes to a county of his judicial district, other than the
 17 county in which he resides, and therein holds court or
 18 transacts judicial business, shall be paid all of his actual
 19 and necessary expenses of transportation and living,
 20 incurred on account thereof, and all expenditures made
 21 therefor, as provided for in sections 59-538, 59-539, AND
 22 59-801, from the time he leaves his place of residence until
 23 he returns thereto. ~~Actual and necessary expenses of~~
 24 ~~transportation incurred when a judge uses his own automobile~~
 25 ~~shall be calculated at the rate of twelve cents (\$12) per~~

1 ~~mile."~~

2 Section 63. Section 93-2014, R.C.M. 1947, is amended
 3 to read as follows:

4 "93-2014. Compensation and expenses of members of
 5 board. The members of said board shall be entitled to their
 6 ~~necessary traveling~~ travel expenses in attending meetings of
 7 said board and in conducting such examination, and also,
 8 when away from their homes or places of residence, ~~their~~
 9 ~~necessary lodging and hotel expenses, as provided for in~~
 10 ~~sections 59-538, 59-539, and 59-801~~, and shall be paid such
 11 compensation, ~~per diem~~, for services performed by them as
 12 members of said board, as may be fixed and determined by the
 13 supreme court."

14 Section 64. Section 59-802, R.C.M. 1947, is repealed.

-End-