

1 House BILL NO. 719  
2 INTRODUCED BY [Signature]

3  
4 A BILL FOR AN ACT ENTITLED: "AN ACT TO REVISE, LIMIT, AND  
5 STANDARDIZE TRAVEL EXPENSE REIMBURSEMENTS PAID FROM PUBLIC  
6 FUNDS BY STATE GOVERNMENTAL ENTITIES, NOT INCLUDING THE  
7 LEGISLATIVE BRANCH; AMENDING SECTIONS 5-609, 16-5119,  
8 26-108, 26-1505, 27-238, 44-128, 59-801, 59-1402, 62-503,  
9 66-409, 66-2805, 66-3205, 66-3703, 66-3905, 68-1802,  
10 69-3414, 75-8408, 79-1016, 82-301, 82-1208, 82-1519,  
11 82-4402, 82A-210, 82A-507, 82A-1602.30, 84-601, 84-702,  
12 84-6704, 92-116.1, 93-716, 93-721, AND 95-3124.1, R.C.M.  
13 1947."

14  
15 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

16 Section 1. Section 59-801, R.C.M. 1947, is amended to  
17 read as follows:

18 "59-801. Mileage of ~~all~~ officers. (1) ~~Automobiles~~  
19 Members of the legislature, state officers, ~~township~~  
20 officers and employees, jurors, witnesses, county agents,  
21 and all other persons, ~~except sheriffs~~, who may be entitled  
22 to mileage paid from public funds, when using their own  
23 automobiles in the performance of official duties, ~~shall be~~  
24 are entitled to collect mileage for the distance actually  
25 traveled by automobile, and no more, unless otherwise

1 specifically provided by law; ~~provided, however, that~~  
2 ~~nothing herein contained shall be construed as affecting the~~  
3 ~~validity of section 43-310.~~

4 (2) ~~where~~ When the individual is authorized to operate  
5 a privately owned vehicle even though a government-owned or  
6 leased vehicle is available, a rate of ~~three~~ 3 cents ~~(3¢)~~  
7 less per mile than the mileage rate allowed by the United  
8 States internal revenue service for the ~~next~~ preceding year  
9 shall be paid.

10 (3) ~~where~~ When a privately owned vehicle is used  
11 because a government-owned or leased vehicle is not  
12 available ~~for use or it~~ because such use is in the best  
13 interest of the governmental entity, ~~that a privately owned~~  
14 ~~vehicle be used~~, a rate equal to the mileage allotment  
15 allowed by the United States internal revenue service for  
16 the ~~next~~ preceding year shall be paid for the first ~~one~~  
17 ~~thousand~~ (1,000) miles and ~~three~~ 3 cents ~~(3¢)~~ per mile less  
18 for all miles thereafter traveled within a given calendar  
19 month.

20 (4) ~~Private planes~~. Members of the legislature, state  
21 officers, ~~township officers and employees~~, jurors,  
22 witnesses, county agents, and all other persons, ~~except~~  
23 ~~sheriffs~~, who may be entitled to mileage paid from public  
24 funds, when using their own airplanes, in the performance of  
25 official duties, are entitled to collect mileage for the

1 distance actually traveled at a rate of ~~twenty~~ 20 cents  
 2 ~~(20¢)~~ per statute mile, and no more, unless specifically  
 3 provided by law. ~~This section does not affect the validity~~  
 4 ~~of section 43-310.~~

5 (5) This section does not alter 43-310.

6 ~~(5)~~ (6) The department of administration shall  
 7 prescribe rules necessary ~~to effectively administer~~ for the  
 8 effective administration of this section for state  
 9 government."

10 Section 2. Section 5-609, R.C.M. 1947, is amended to  
 11 read as follows:

12 "~~5-609. Secretary of board meetings of board~~  
 13 ~~quorum remuneration. State banking board — secretary —~~  
 14 ~~meetings — per diem. (1) The board state banking board~~  
 15 ~~created in 82A-407 shall elect a secretary from its members~~  
 16 ~~a secretary to serve at the pleasure of the board.~~

17 (2) In performing its functions, the board shall have  
 18 use of the offices, equipment, and personnel of the  
 19 department of business regulation as it requires.

20 (3) The board shall hold regular meetings each quarter  
 21 at a fixed date and time at the office of the department of  
 22 ~~business regulation.~~ Special meetings may be called at ~~any~~  
 23 ~~time~~ by the chairman at any time upon ~~three~~ ~~(3)~~ days' notice  
 24 to the members.

25 (4) A quorum for all meetings shall be a majority of

1 the board members, and ~~action may be taken by~~ a majority of  
 2 the quorum present at any meeting may take action.

3 (5) The chairman shall have a voice but no vote in all  
 4 meetings except to break a tie.

5 (6) Any board member except the chairman may be  
 6 removed by the governor without cause in any case.

7 (7) The board members, except the chairman, shall be  
 8 paid ~~twenty-five dollars~~ ~~(\$25)~~ per a day or any part thereof  
 9 devoted to the performance of their duties, and ~~actual and~~  
 10 ~~reasonable~~ travel expenses, as provided for in 59-538,  
 11 59-539, and 59-801, as amended, incurred in the performance  
 12 of their duties and ~~mileage as provided by law to state~~  
 13 ~~officers.~~ The costs and expenses of the board shall be  
 14 legitimate charges of the department of ~~business~~  
 15 ~~regulation."~~

16 Section 3. Section 16-5119, R.C.M. 1947, is amended to  
 17 read as follows:

18 "~~16-5119. Commission organization and procedure.~~

19 ~~(1) The commission shall have the power to~~ may adopt rules  
 20 for its own organization and procedure.

21 (2) The commission shall select from its membership  
 22 any additional officers it considers necessary.

23 (3) The commission may employ and fix the compensation  
 24 and duties of necessary staff.

25 (4) Commission members shall be reimbursed for ~~actual~~

1 ~~and necessary travel expenses, as provided for in 59-538,~~  
 2 ~~59-539, and 59-801, as amended,~~ incurred as commission  
 3 members and shall be paid compensation as provided by law  
 4 for interim standing committees.

5 (5) A majority of the members of the commission shall  
 6 constitute a quorum for the transaction of business, and ~~to~~  
 7 ~~to be effective a~~ recommendation of the commission shall  
 8 ~~have any effect unless~~ must be adopted by a majority of the  
 9 ~~whole number all~~ of the commission members of the  
 10 ~~commission.~~

11 (6) Open meetings — hearings. All meetings of the  
 12 commission shall be open to the public. The commission shall  
 13 hold public hearings and may use other suitable means to  
 14 disseminate information and stimulate public discussion of  
 15 its purposes, progress, conclusions, and recommendations.

16 (7) The chairperson shall schedule meetings of the  
 17 commission as ~~deemed~~ considered necessary. The chairperson  
 18 shall give due notice of the time and place of the meetings  
 19 to members of the commission.

20 (8) The commission shall maintain a written record of  
 21 its proceedings and its finances, which shall be open to  
 22 inspection by any person at the office of the commission  
 23 during regular office hours.

24 (9) Upon request, state agencies and units of local  
 25 government shall cooperate with the commission by furnishing

1 assistance and data to the extent possible.

2 (10) State, municipal, and county officers and  
 3 employees, at the request of the commission and with the  
 4 consent of the employing agency, may be granted leave with  
 5 or without pay from their agency to serve as consultants to  
 6 the commission. If leave with pay is granted, they shall  
 7 receive no other compensation, except ~~mileage and per diem~~  
 8 travel expenses, from the commission as provided for in  
 9 59-538, 59-539, and 59-807, as amended.

10 (11) The commission may establish advisory boards and  
 11 committees, ~~including on them~~ which may include persons who  
 12 are not members of the study commission.

13 (12) The commission may do ~~any and~~ all things ~~as are~~  
 14 consistent with and reasonably required to perform its  
 15 function under this act."

16 Section 4. Section 26-108, R.C.M. 1947, is amended to  
 17 read as follows:

18 "26-108. Employees of the commission — removal —  
 19 rating — salaries — expenses. The director ~~shall have the~~  
 20 power to may suspend without pay, reduce in rank, or remove  
 21 any employee at any time for cause, providing that any  
 22 person who has been continuously employed for ~~one~~ (1) year  
 23 or more immediately preceding any suspension or discharge  
 24 may demand and receive a hearing ~~on charges filed~~ before the  
 25 ~~fish and game~~ commission on charges filed. The action of the

1 commission resulting from such a hearing shall be final.  
 2 The director shall rate all employees on the basis of merit  
 3 and efficiency in accordance with such rules ~~and regulations~~  
 4 as the commission may adopt to secure a proper rating of  
 5 each person employed. The salaries of employees shall be  
 6 fixed by the commission, and ~~necessary~~ travel expenses, as  
 7 provided ~~by law for in 59-538, 59-539, and 59-801, as~~  
 8 amended, shall be allowed employees while upon official  
 9 business away from designated headquarters."

10 Section 5. Section 26-1505, R.C.M. 1947, is amended to  
 11 read as follows:

12 "26-1505. Refusal by applicant to modify plans —  
 13 arbitration of disputes. (1) If the ~~fish and game~~  
 14 commission notifies the applicant that the construction will  
 15 adversely affect fish or game habitat, the applicant, within  
 16 ~~fifteen—(15)~~ days after receiving the recommendations and  
 17 alternatives of the ~~fish and game~~ commission, shall notify  
 18 the ~~fish and game~~ commission if it refuses to modify its  
 19 plans in accordance with ~~such the~~ recommendations or  
 20 alternatives. In the event of ~~such~~ refusal, the disagreement  
 21 shall be arbitrated as provided in subsection (2) of this  
 22 section.

23 (2) Upon receipt of ~~such a~~ notice of refusal, the ~~fish~~  
 24 ~~and game~~ commission shall determine if it wants the  
 25 disagreement arbitrated. Within ~~ten—(10)~~ days after an

1 affirmative determination, and after notice to the  
 2 applicant, the ~~fish and game~~ commission shall notify, in  
 3 writing, all district judges of the judicial district or  
 4 districts in which the project is located that an  
 5 arbitration board is needed. Within ~~five—(5)~~ days of receipt  
 6 of notification, ~~such the~~ judges shall appoint three ~~(3)~~  
 7 people from the county or counties in which the project is  
 8 located to an arbitration committee. Within ~~ten—(10)~~ days  
 9 after the committee is appointed, it shall meet, hear  
 10 testimony from all the parties concerned, and issue a  
 11 decision signed by at least two ~~(2)~~ members of the  
 12 committee. The decision shall be binding on all parties  
 13 concerned. ~~The actual and necessary~~ Travel expenses of the  
 14 arbitrators, shall be allowed as in 59-538, 59-539, and  
 15 59-801, as amended, and shall be divided equally among the  
 16 agencies involved."

17 Section 6. Section 27-238, R.C.M. 1947, is amended to  
 18 read as follows:

19 "27-238. Subpoena power of department of agriculture.  
 20 (1) The department of agriculture ~~shall have the power to~~  
 21 may subpoena witnesses, ~~to~~ administer oaths, and ~~to~~ require  
 22 the production of records, books, ~~and~~ or documents for  
 23 examination at any hearing or investigation conducted by it.  
 24 Subpoenaed witnesses shall be paid ~~the same per diem and~~  
 25 mileage travel expenses as is authorized by the law for

1 ~~state employees provided for in 59-538, 59-539, and 59-801,~~  
2 ~~as amended.~~

3 (2) ~~In case of failure or refusal on the part of any~~  
4 ~~person. If a person fails or refuses to comply with the~~  
5 subpoena issued by the department of agriculture or ~~in case~~  
6 ~~of the refusal of any if a witness refuses to testify as to~~  
7 ~~on any material matter regarding which he may be~~  
8 interrogated, any district court in the state, upon good  
9 cause shown by the application of the department of  
10 agriculture, may issue a warrant of attachment for such  
11 person, ~~and if~~ If, after a hearing, the court finds his  
12 failure or refusal to be unjustified, ~~it may~~ may compel him to  
13 comply with ~~such the~~ subpoena, and to attend before the  
14 department of agriculture and produce any subpoenaed  
15 records, books, ~~and or~~ documents for examination, and to  
16 give his testimony. ~~Such The~~ court ~~shall have the power to~~  
17 ~~may~~ may punish for contempt as in the case of disobedience to a  
18 like subpoena issued by the court, or for refusal to testify  
19 therein."

20 Section 7. Section 44-128, R.C.M. 1947, is amended to  
21 read as follows:

22 "44-128. ~~Employment of librarians~~ Librarian and  
23 assistants. The commission shall employ as its executive  
24 officer a librarian, who ~~shall be~~ is a graduate of an  
25 accredited library school, and ~~who shall not be~~ is not a

1 member of the commission, for such compensation as the  
2 commission ~~may deem~~ considers adequate, and ~~who~~. The  
3 executive officer shall perform the duties assigned by the  
4 commission, ~~to~~ and serve at the will of the commission. The  
5 commission may also employ such other assistants as ~~shall be~~  
6 are required for the performance of the commission's work.  
7 In addition to their salaries, while on commission business  
8 the librarian and assistants shall be allowed their ~~mileage~~  
9 ~~and per diem while absent from the commission office in the~~  
10 ~~service of the commission~~ travel expenses, as provided for  
11 in 59-538, 59-539, and 59-801, as amended.\*

12 Section 8. Section 59-1402, R.C.M. 1947, is amended to  
13 read as follows:

14 "59-1402. Meetings of commission — quorum —  
15 compensation. (1) The commission shall hold at least two  
16 ~~(2)~~ meetings before submitting a report to the ~~legislative~~  
17 ~~assembly~~ legislature as provided in ~~section~~ 59-1404.

18 (2) All meetings shall be called by the chairman of  
19 the commission, and notice of the meeting dates shall be  
20 given by mail to each commission member at least ~~twenty (20)~~  
21 days before the day scheduled for the meeting.

22 (3) A majority of members present at any meeting is  
23 sufficient to transact any business to come before the  
24 meeting; however, a majority of all commission members is  
25 necessary to ratify the commission's recommendations to the

1 legislature.

2 (4) Commission members shall be reimbursed from the  
3 appropriation to the office of the legislative council for  
4 their ~~actual and necessary travel~~ expenses incurred, as  
5 provided for in 59-538, 59-539, and 59-801, as amended, and  
6 ~~twenty five dollars (\$25) per day~~ while attending meetings  
7 of the commission.

8 (5) The commission shall choose one ~~(4)~~ of its members  
9 as chairman at its initial meeting, and the executive  
10 director of the legislative council or his delegate shall  
11 serve as secretary to the commission and shall record and  
12 transcribe all minutes of commission meetings and prepare  
13 all correspondence, notices, and formal recommendations as  
14 directed by the chairman."

15 Section 9. Section 62-503, R.C.M. 1947, is amended to  
16 read as follows:

17 "62-503. Chairman — quorum — costs — salary. (1)  
18 The board shall organize by electing one ~~(4)~~ of its members  
19 chairman. Three ~~(3)~~ members of the board shall constitute a  
20 quorum for the transaction of business by the board.

21 (2) The board may incur costs, charges, and expenses  
22 reasonably necessary to carry out this act.

23 (3) Each member may be paid ~~twenty five dollars (\$25)~~  
24 for each day in which he is actually and necessarily engaged  
25 in the performance of board duties, and shall also be

1 reimbursed for ~~actual and necessary travel~~ expenses, as  
2 provided for in 59-538, 59-539, and 59-801, as amended,  
3 incurred in his official service."

4 Section 10. Section 66-409, R.C.M. 1947, is amended to  
5 read as follows:

6 "66-409. Powers and duties. (1) The department shall,  
7 subject to ~~section~~ 82A-1603, conduct practical examinations  
8 of applicants for apprentice cards and for certificates of  
9 registration to practice as registered barbers, not less  
10 than four ~~(4)~~ times ~~each~~ a year at times and places the  
11 board determines. The examinations shall cover the  
12 fundamentals of barbering, dermatology, and sanitation. The  
13 department shall issue apprentice cards and certificates of  
14 registration.

15 (2) The board may approve price agreements,  
16 establishing minimum prices for barber work, which are  
17 signed and submitted to the board by an organized group or  
18 groups of at least ~~seventy five percent (75%)~~ of the barbers  
19 in a city or town, if the board, after ascertaining by  
20 investigations and proofs as the situation permits and  
21 requires, finds that the price agreement is just and will  
22 best protect the public health and safety by affording a  
23 sufficient minimum price for barber work to enable the  
24 barbers to furnish modern and healthful services and  
25 appliances to minimize the danger to the public health

1 incident to this work. Under this chapter, a city or town  
 2 includes, ~~in addition to~~ the territory within its legal  
 3 limits, and the territory adjacent to it and lying within  
 4 ~~three (3)~~ miles of its legal limits. In determining whether  
 5 a price agreement is just and will best protect the public  
 6 health and safety, the board shall ~~take into consideration~~  
 7 consider all conditions affecting the barber business in its  
 8 relation to the public health and safety.

9 (3) In determining reasonable minimum prices, the  
 10 board shall ~~take into consideration~~ consider the necessary  
 11 cost incurred in the city or town to maintain a barbershop  
 12 in a clean, healthful, and sanitary condition.

13 (4) ~~The board, after~~ After making an investigation,  
 14 the board shall by order fix ~~by order~~ the minimum price for  
 15 work usually performed in a barbershop in the city or town  
 16 in which the price agreement has been signed. The board may,  
 17 on the petition of ~~fifty percent (50%)~~ of the barbers of the  
 18 city or town, readjust the minimum prices, and the new  
 19 prices must be approved by ~~seventy-five percent (75%)~~ of the  
 20 barbers in the city or town. This section does not apply to  
 21 students who have been enrolled less than ~~nine (9)~~ months in  
 22 a barber college in this state or ~~until they become~~ who are  
 23 not apprentice barbers.

24 (5) The board may adopt rules for the administration  
 25 of this chapter.

1 (6) A person hired by the department to make an  
 2 inspection of a barbershop, school, or college shall be  
 3 recommended by the board. He shall receive ~~thirty dollars~~  
 4 ~~(\$30)~~ per day plus ~~actual and necessary~~ travel expenses, as  
 5 provided for in 59-538, 59-539, and 59-801, as amended."

6 Section 11. Section 66-2805, R.C.M. 1947, is amended  
 7 to read as follows:

8 "66-2805. Meetings — powers — compensation. (1) Each  
 9 July the ~~The~~ board shall ~~annually in the month of July,~~  
 10 elect from its membership a president, vice-president, and  
 11 secretary-treasurer. The board shall meet quarterly and at  
 12 such other times it considers necessary.

13 (2) The board may:

14 (a) ~~adopt~~ adopt rules for the administration of this  
 15 act and for the licensing of electrical contractors and the  
 16 examination and licensing of master and journeymen  
 17 electricians;

18 (b) ~~adopt~~ adopt a seal;

19 (c) ~~Cause~~ cause the prosecution and enjoinder of  
 20 persons violating this act;

21 (d) ~~Suspend~~ suspend or revoke a license granted under  
 22 this act for any of the following reasons:

23 (i) ~~Violation~~ violation of this act, the national  
 24 electrical code, or the rules of the board;

25 (ii) ~~Any~~ any cause for which issuance of the license

1 could have been denied had it existed and been known to the  
2 board;

3 (iii) ~~Commission~~ commission of any act of gross  
4 negligence, incompetency, or misconduct as may be determined  
5 by the board in the practice of a master or journeyman  
6 electrician or the business of an electrical contractor; or

7 (iv) ~~Making~~ making a material misstatement,  
8 misrepresentation, or fraud in obtaining a license.

9 (3) Each member of the board shall receive ~~actual and~~  
10 necessary travel expenses, as provided for in 59-538,  
11 59-539, and 59-801, as amended, incurred in the performance  
12 of his duties."

13 Section 12. Section 66-3205, R.C.M. 1947, is amended  
14 to read as follows:

15 "66-3205. Duties of board. (1) The board shall hold a  
16 regular annual meeting in which it shall select from its  
17 members a chairman and a secretary. The department shall  
18 keep a record of the board's proceedings. Other regular  
19 meetings shall be held at such times as the rules of the  
20 board provide. Special meetings may be held at times  
21 considered necessary or advisable by the chairman and the  
22 majority of its members, or on the request of the governor.  
23 Reasonable notice of meetings shall be given in the manner  
24 prescribed by the board. The quorum of the board consists of  
25 the majority of its members.

1 (2) Each board member shall receive ~~actual and~~  
2 necessary traveling and subsistence travel expenses, as  
3 provided for in 59-538, 59-539, and 59-801, as amended,  
4 incidental to board meetings.

5 (3) The board may make reasonable and necessary rules  
6 for the proper performance of its duties and for the  
7 regulation of proceedings before it.

8 (4) The attorney general shall act as attorney for the  
9 board. He or his representative may sit as an ex officio  
10 member of the board in an advisory capacity only.

11 (5) The board shall adopt an official seal."

12 Section 13. Section 66-3703, R.C.M. 1947, is amended  
13 to read as follows:

14 "66-3703. Board — compensation — meetings — quorum.  
15 (1) Board members may be compensated as determined by the  
16 board, but not to exceed ~~twenty-five dollars (\$25)~~ per a  
17 day, for official business. Board members shall be  
18 reimbursed for their ~~actual and necessary travel~~ travel expenses,  
19 as provided for in 59-538, 59-539, and 59-801, as amended,  
20 incurred while on official business of the board.

21 (2) The board shall meet at least twice a year and  
22 elect a chairman at the first meeting of each calendar year.

23 (3) Four ~~(4)~~ members of the board constitute a quorum  
24 for the purpose of transacting business."

25 Section 14. Section 66-3905, R.C.M. 1947, is amended

1 to read as follows:

2 "66-3905. Function of the board and department. (1)  
3 The board shall meet at least once ~~every~~ a year at a place,  
4 day, and hour determined by the board. The board shall also  
5 meet at other times and places as the bylaws of the board  
6 may provide or by call of the chairman or a majority of the  
7 members of the board. A quorum of the board shall consist of  
8 the majority of its members, but in no instance ~~shall~~ may a  
9 meeting of three ~~(2)~~ board members who are exclusively  
10 speech pathologists or exclusively audiologists be  
11 considered a quorum.

12 (2) Each board member shall receive ~~actual and~~  
13 necessary travel expenses incidental to board meetings and  
14 business, as provided for in 59-538, 59-539, and 59-801, as  
15 amended mileage shall be as provided in section 59-801.

16 (3) The department may employ persons it ~~deems~~  
17 considers necessary to carry out the provisions of this act.

18 (4) All meetings of the board for the consideration of  
19 and action on matters coming before the board are open to  
20 the public, except:

21 (a) matters involving the management of internal  
22 affairs of the board may be considered and acted upon by the  
23 board in executive meetings under rules prescribed by the  
24 board;

25 (b) sessions to prepare, approve, grade, or administer

1 examinations;

2 (c) upon request of a person who has failed the  
3 licensing examinations and who is appearing to appeal the  
4 failure.

5 (5) The board may make ~~all~~ rules which are reasonable  
6 or necessary for the proper performance of its duties and  
7 for the regulation of proceedings before it.

8 (6) The department shall prepare a report to the  
9 governor as required by law.

10 (7) The board shall:

11 (a) administer, coordinate, and enforce the provisions  
12 of this act;

13 (b) evaluate the qualifications of each applicant for  
14 a license as issued under this act and supervise the  
15 examination of such applicants;

16 (c) investigate persons engaging in practices which  
17 allegedly violate the provisions of this act;

18 (d) conduct hearings and keep records and minutes as  
19 the board considers necessary to an orderly dispatch of  
20 business;

21 (e) adopt rules including but not limited to those  
22 governing ethical standards of practice under this act;

23 (f) make recommendations to the governor and other  
24 state officials regarding new and revised programs and  
25 legislation related to speech pathology or audiology which

1 could be beneficial to the citizens of the state of Montana;

2 (g) cause the prosecution and enjoinder of all persons  
3 violating this act, by the complaints of its secretary filed  
4 with the county attorney, in the county where the violation  
5 took place, and incur necessary expenses therefor;

6 (h) adopt a seal by which the board shall authenticate  
7 its proceedings. Copies of the proceedings, records, and  
8 acts of the board, signed by the chairman or secretary of  
9 the board and stamped with the seal, shall be prima facie  
10 evidence of the validity of such documents."

11 Section 15. Section 68-1802, R.C.M. 1947, is amended  
12 to read as follows:

13 "68-1802. Compensation and expenses of board members.  
14 The ~~actual and necessary travel~~ expenses of members of the  
15 board shall be as allowed in 59-538, 59-539, and 59-801, as  
16 amended, and reimbursed by the retirement system. Those  
17 members of the board who are not members of the retirement  
18 system shall be entitled to receive, in addition to ~~actual~~  
19 ~~and necessary travel~~ expenses, compensation at the rate of  
20 ~~twenty-five dollars (\$25) per~~ a day. All expenses of the  
21 administration of this act in excess of the amounts provided  
22 by the membership fees contributed pursuant to ~~section~~  
23 68-1904 shall be a charge on the appropriation made from the  
24 general fund of the state."

25 Section 16. Section 69-3414, R.C.M. 1947, is amended

1 to read as follows:

2 "69-3414. Compensation of members. (1) Members of the  
3 board shall receive compensation of ~~twenty-five dollars~~  
4 ~~(\$25) per~~ a day plus ~~actual and necessary travel~~ expenses,  
5 ~~and mileage~~ as provided for in ~~section 59-538, 59-539, and~~  
6 59-801, as amended, while engaged in business of the board.

7 (2) The board shall appoint one ~~(4)~~ of its members  
8 chairman. The board shall meet at least once annually and at  
9 such other times as agreed upon. The board shall not meet  
10 more than four ~~(4)~~ times ~~in any year.~~"

11 Section 17. Section 75-8408, R.C.M. 1947, is amended  
12 to read as follows:

13 "75-8408. Bureau of mines and geology — purpose. The  
14 bureau of mines and geology shall:

15 (1) ~~Compile~~ compile and publish statistics relative to  
16 Montana geology, mining, milling, and metallurgy;

17 (2) ~~Collect~~ collect:

18 (a) typical geological and mineral specimens;

19 (b) samples of products;

20 (c) photographs, models, and drawings of appliances  
21 used in the mines, mills, and smelters of Montana; and

22 (d) a library and a bibliography of literature  
23 relative to the progress of geology, mining, milling, and  
24 smelting in Montana;

25 (3) ~~Study~~ study the geological formations of Montana,

1 with special reference to their economic mineral resources,  
2 and ground water;

3 (4) ~~Examine~~ examine the topography and physical  
4 features of Montana relative to their bearing upon the  
5 occupation of the people;

6 (5) ~~Study~~ study the mining, milling, and smelting in  
7 Montana relative to their improvement;

8 (6) ~~Public~~ publish bulletins and reports of a general  
9 and detailed description of the natural resources, geology,  
10 mines, mills, and reduction plants of Montana;

11 (7) ~~Make~~ make qualitative examinations of rocks and  
12 mineral samples;

13 (8) ~~Consider~~ consider scientific and economic problems  
14 the regents ~~do~~ consider valuable to the people of  
15 Montana;

16 (9) ~~Communicate~~ communicate special information of  
17 Montana geology, mining, and metallurgy;

18 (10) ~~Co-operate~~ cooperate with:

19 (a) departments of the system;

20 (b) the state mine inspector;

21 (c) departments of the state;

22 (d) the United States geological survey; and

23 (e) the United States bureau of mines;

24 (11) ~~Make~~ make examinations of state land regarding  
25 ~~their~~ its geology and mineral value at the request of the

1 department of state lands and make investments. ~~(a)~~ These  
2 services are limited to the time available for such work  
3 after all other duties of the bureau of mines and geology  
4 are served. ~~(b)~~ Written reports shall be made. ~~(c)~~ Travel,  
5 ~~food, lodging, and incidental~~ expenses incurred by the  
6 examiner shall be paid as provided for in 59-538, 59-539,  
7 and 59-801, as amended, by the agency requesting the  
8 examination upon the presentation of claims in the ordinary  
9 form.

10 (12) ~~Deposit~~ deposit all material collected in the  
11 state museums or in the Montana college of mineral science  
12 and technology after completed use by the bureau of mines  
13 and geology;

14 (13) ~~Distribute~~ distribute duplicates of  
15 representative material to the units of the university  
16 system to their best educational advantage; and

17 (14) ~~Print~~ print the regular and special reports, with  
18 illustrations and maps, and distribute them on direction of  
19 the regents."

20 Section 18. Section 79-1016, R.C.M. 1947, is amended  
21 to read as follows:

22 "79-1016. Inquiries and investigations by budget  
23 director. The budget director or his designated  
24 representative shall ~~make~~ such further inquiries and  
25 investigations as he ~~shall~~ considers necessary as to

1 any item included in the report and estimates furnished by  
 2 any department, agency, or institution. In making such  
 3 investigations, he shall be allowed his necessary travel  
 4 expenses of travel and subsistence as provided by law for in  
 5 59-538, 59-539, and 59-801, as amended, in visiting any  
 6 institution or department in the state. The budget director  
 7 may appoint a chief assistant and may employ such other  
 8 personnel as may be necessary to carry out the provisions of  
 9 this chapter."

10 Section 19. Section 82-301, R.C.M. 1947, is amended to  
 11 read as follows:

12 "82-301. Board of athletics ~~compensation and expense~~  
 13 ~~meetings chairman seal quorum.~~ The members of  
 14 the board of athletics shall serve without compensation but  
 15 shall be allowed necessary travel expenses, as provided for  
 16 in 59-538, 59-539, and 59-801, as amended, to be paid by the  
 17 state treasurer on warrant properly drawn, out of the  
 18 proceeds of the tax collected under this act. ~~The board~~  
 19 ~~shall before~~ Before April 1 of each year, the board shall  
 20 elect one of its number chairman, shall adopt a seal for the  
 21 board, and may adopt rules for the administration of its  
 22 office. Two ~~(2)~~ of the members of the board constitute a  
 23 quorum to do business, and the concurrence of at least two  
 24 ~~(2)~~ members is necessary to render a choice or decision by  
 25 the board."

1 Section 20. Section 82-1208, R.C.M. 1947, is amended  
 2 to read as follows:

3 "82-1208. Special deputy fire marshals — acting fire  
 4 marshal — fire marshal's employees. (1) In an emergency,  
 5 or during the absence or disability of the state fire  
 6 marshal, the attorney general may appoint an acting fire  
 7 marshal, who shall perform the duties of the office, or any  
 8 duty which may be assigned to him, such appointment to cease  
 9 when the necessity therefor has been relieved.

10 (2) The state fire marshal may appoint special deputy  
 11 state fire marshals throughout the state and define their  
 12 duties. When performing these duties or attending a training  
 13 course conducted by the state fire marshal, special deputy  
 14 fire marshals may be paid at a rate not to exceed ~~forty~~  
 15 ~~dollars (\$40) per a~~ day plus ~~per diem allowance for travel~~  
 16 ~~expenses and mileage at the same rates specified for state~~  
 17 ~~employees as provided for in 59-538, 59-539, and 59-801, as~~  
 18 amended.

19 (3) The fire marshal may appoint assistants and  
 20 clerical employees to perform duties as specified by the  
 21 marshal to assist in carrying out the duties assigned him by  
 22 law."

23 Section 21. Section 82-1519, R.C.M. 1947, is amended  
 24 to read as follows:

25 "82-1519. Compensation of chairman and officers —

1 report. ~~It shall be the duty of all (1) All~~ public officers  
 2 ~~to shall~~ perform the duties relative to hail insurance under  
 3 this act, without other compensation than that allowed by  
 4 law. The Chairman of the state board of hail insurance shall  
 5 receive a salary in such amount as may be specified by the  
 6 ~~legislative assembly legislature~~ in the appropriation to the  
 7 board of hail insurance, and all appointed officers and  
 8 employees under this act shall be allowed ~~the per diem and~~  
 9 ~~mileage allowed state employees travel expenses as provided~~  
 10 ~~for in 59-538, 59-539, and 59-801, as amended.~~ The  
 11 compensation of all appointed officers and employees of the  
 12 board shall be fixed by the state board of hail insurance.  
 13 If the ~~legislative assembly legislature~~ does not specify the  
 14 maximum salary for the head of the agency, the salary shall  
 15 be fixed by the state board of hail insurance after approval  
 16 by the board of examiners. Before approving any salary  
 17 increase, the board of examiners shall review the salaries  
 18 of comparable positions in Montana state government, other  
 19 states, and private industry.

20 (2) The chairman of the state board of hail insurance  
 21 shall report as provided in ~~section 2 [82-4002] of this~~  
 22 ~~act.~~"

23 Section 22. Section 82-4402, R.C.M. 1947, is amended  
 24 to read as follows:

25 "82-4402. Board member appointed by governor —

1 compensation. The governor shall appoint the board member.  
 2 He shall report directly to the governor. ~~Such~~ The member,  
 3 with the approval of the governor, may designate an  
 4 alternate to represent the state when he is unable to do so.  
 5 The member, or his alternate, ~~shall~~ may receive no  
 6 compensation in addition to salary for his services as a  
 7 member of the board, but shall be reimbursed for ~~actual and~~  
 8 ~~necessary~~ travel expenses as provided for in 59-538, 59-539,  
 9 and 59-801, as amended, incurred in the performance of his  
 10 duties."

11 Section 23. Section 82A-210, R.C.M. 1947, is amended  
 12 to read as follows:

13 "82A-210. Board of administration — composition —  
 14 terms — allocated. (1) There is a board of administration.

15 (2) The board consists of five ~~(5)~~ members appointed  
 16 by the governor. The members are:

17 (a) ~~Three (3)~~ three public employees who ~~shall be~~ are  
 18 members of a public retirement system. ~~Not (not more than~~  
 19 one (1) of these members may be an employee of the same  
 20 department); and

21 (b) ~~Two (2)~~ two members at large.

22 (3) The term of office for each member is ~~five (5)~~  
 23 years.

24 (4) The board is allocated to the department for  
 25 administrative purposes only as prescribed in ~~section~~

LC 0107/01

1 82A-108.  
 2 (5) Members of the board shall be paid their ~~actual~~  
 3 ~~and-necessary travel~~ expenses as provided for in 59-538,  
 4 59-539, and 59-801, as amended, and members of the board who  
 5 are not members of the public retirement system shall be  
 6 entitled, in addition to ~~actual--and--necessary travel~~  
 7 expenses, to compensation as established for a  
 8 quasi-judicial board in section 82A-112 (7)."

9 Section 24. Section 82A-507, R.C.M. 1947, is amended  
 10 to read as follows:

11 "82A-507. Board of trustees of state historical  
 12 society -- continued. (1) The board of trustees of the state  
 13 historical society, created in Title 44, chapter 5, R.C.M.  
 14 1947, is continued.

15 (2) The composition, method of appointment, terms of  
 16 office, and qualifications of board members remain as  
 17 prescribed by law.

18 (3) Each member is entitled to be paid an amount to be  
 19 determined by the department head, not to exceed ~~twenty-five~~  
 20 ~~dollars--(\$25)~~ for each day in which he is actually and  
 21 necessarily engaged in the performance of board duties, and  
 22 he is also entitled to be reimbursed for ~~actual--and~~  
 23 necessary travel expenses, as provided for in 59-538,  
 24 59-539, and 59-801, as amended, incurred while in the  
 25 performance of board duties. Members who are full-time

1 salaried officers or employees of this state or of any  
 2 political subdivision of this state are not entitled to be  
 3 compensated for their service as members, but are entitled  
 4 to be reimbursed for their ~~actual--and--necessary travel~~  
 5 expenses."

6 Section 25. Section 82A-1602.30, R.C.M. 1947, is  
 7 amended to read as follows:

8 "82A-1602.30. Board created. (1) There is a board of  
 9 landscape architects. The board consists of five ~~(5)~~  
 10 members of which at least three ~~(3)~~ must be landscape  
 11 architects. Members of the board shall be appointed by the  
 12 governor and must be residents of this state. At least  
 13 three ~~(3)~~ shall have the qualifications of landscape  
 14 architects required by this act, and, except for the first  
 15 appointed members, three ~~(3)~~ members must be licensed  
 16 landscape architects. The board is allocated to the  
 17 department of professional and occupational licensing for  
 18 administrative purposes only as prescribed in ~~section~~  
 19 82A-108.

20 (2) The terms of the members of the board first  
 21 appointed are as follows:

- 22 (a) one member for ~~one (1)~~ year;  
 23 (b) two members for ~~two (2)~~ years; and  
 24 (c) two members for ~~three (3)~~ years.  
 25 (3) Future terms are for ~~four (4)~~ years. Each member

1 shall hold office until the appointment and qualification of  
 2 his successor. Vacancies occurring prior to the expiration  
 3 of the term shall be filled in the same manner as original  
 4 appointments. No member may serve more than ~~eight (8)~~  
 5 consecutive years.

6 ~~(3) (4)~~ The board may promulgate such rules, including  
 7 setting of fees, as are necessary in the performance of its  
 8 duties, and may hear contested cases arising under this act.

9 ~~(4) (5)~~ The At its first meeting of every calendar  
 10 year, the board shall elect annually, at its first meeting  
 11 of every calendar year, from its members, a president who  
 12 may appoint a secretary. The secretary may or may not be a  
 13 member of the board. In carrying out the provisions of this  
 14 act, all the only reimbursement members of the board shall  
 15 may receive only reimbursement is for travel and actual  
 16 expenses allowed as in 59-538, 59-539, and 59-801, as  
 17 amended, incurred in the performance of board duties."

18 Section 26. Section 84-601, E.C.M. 1947, is amended to  
 19 read as follows:

20 "84-601. County tax appeal board — ~~when to hear~~  
 21 ~~protests meetings and compensation.~~ The board of county  
 22 commissioners of each county shall appoint a ~~three (3)~~  
 23 ~~three-member~~ county tax appeal board. The members of each  
 24 tax appeal board shall be residents of the county in which  
 25 they serve, ~~they.~~ They shall serve ~~four (4)~~ 4-year terms and

1 shall ~~effective July 1, 1973,~~ receive compensation of  
 2 ~~twenty-five dollars (\$25) per a~~ day and travel expenses as  
 3 provided for in 59-538, 59-539, and 59-801, as amended, only  
 4 when the county tax appeal board is in session to hear  
 5 taxpayers' appeals from property tax assessments or when  
 6 they are attending meetings called by the state tax appeal  
 7 board. Travel expenses and compensation shall be paid from  
 8 the appropriation to the state tax appeal board. Office  
 9 space and equipment for the county tax appeal boards shall  
 10 be furnished by the county. All other incidental expenses  
 11 ~~will~~ shall be paid from the appropriation of the state tax  
 12 appeal board. ~~The first term shall run from July 1, 1973,~~  
 13 ~~through December 31, 1976.~~ The county tax appeal board must  
 14 meet on the third Monday of June in each year to hear  
 15 protests concerning assessments made by the department of  
 16 revenue. It must continue in session for that purpose from  
 17 time to time until the business of hearing protests is  
 18 disposed of, but not later than the second Monday in August.  
 19 In connection with any such appeal, the county tax appeal  
 20 board ~~shall have the authority to may~~ change any assessment  
 21 or fix the assessment at some other level. ~~It is the duty~~  
 22 ~~of the~~ The county clerk ~~to~~ shall publish a notice to  
 23 taxpayers, ~~of giving~~ the time the county tax appeal board  
 24 will meet to hear protests concerning assessments and the  
 25 latest date the county tax appeal board may take

1 applications for such hearings, ~~by publication~~ The notice  
 2 shall be published in a newspaper, if any is printed in the  
 3 county, ~~or~~ if none, then in such manner as the board may  
 4 direct. The notice shall be published at least ~~seven~~ (7)  
 5 days prior to the first meeting of the county tax appeal  
 6 board."

7 Section 27. Section 84-702, R.C.M. 1947, is amended to  
 8 read as follows:

9 "84-702. Qualification and compensation. ~~The persons~~  
 10 ~~to~~ To be appointed ~~as members~~ a member of the state tax  
 11 appeal board, ~~shall be such as are known to a person must~~  
 12 possess knowledge of the subject of taxation and skill in  
 13 matters pertaining thereto. No person so appointed ~~shall~~ may  
 14 hold any other office under the laws of this state ~~or~~ or  
 15 any other state, ~~or~~ or any office under the government of  
 16 the United States or under the government of any other  
 17 state. He shall devote his entire time to the duties of the  
 18 office and shall not hold any other position of trust or  
 19 profit, ~~or~~ or engage in any occupation or business  
 20 interfering or inconsistent with his duties. The state tax  
 21 appeal board is transferred to the department of  
 22 administration for administrative purposes only as is  
 23 specified in ~~section~~ section 82A-108, R.C.M. 1947. However, the  
 24 board may hire its own personnel, and ~~section~~ section 82A-108 (2) (d)  
 25 does not apply. The member designated chairman as provided

1 for in 84-703 shall receive additional compensation of not  
 2 more than ~~five hundred dollars (\$500) per annum a year,~~  
 3 payable in the same manner as the salary. The state tax  
 4 appeal board shall be paid ~~per diem and~~ travel expenses, as  
 5 provided for in 59-538, 59-539, and 59-801, as amended, when  
 6 away from the capital on official business."

7 Section 28. Section 84-6704, R.C.M. 1947, is amended  
 8 to read as follows:

9 "84-6704. Advisory committee — members —  
 10 reimbursement — meetings. There is hereby established the  
 11 multistate tax compact advisory committee composed of the  
 12 member of the multistate tax commission representing this  
 13 state or any alternate designated by him, the attorney  
 14 general or his designee, and two members of the senate, one  
 15 ~~(1)~~ from each of the two ~~(2)~~ major political parties  
 16 appointed by the senate committee on committees, and two ~~(2)~~  
 17 members of the house of representatives, one ~~(1)~~ from each  
 18 of the two ~~(2)~~ major political parties, appointed by the  
 19 speaker of the house. The chairman shall be the member of  
 20 the commission representing this state. Members of the  
 21 commission who are members of the ~~legislative assembly~~  
 22 legislature shall be reimbursed for ~~actual and necessary~~  
 23 travel expenses, as provided for in 59-538, 59-539, and  
 24 59-801, as amended, incurred on commission business from any  
 25 funds appropriated to implement this compact. The committee

1 shall meet on the call of its chairman or at the request of  
 2 a majority of its members, but in any event it shall meet  
 3 not less than three ~~{3}~~ times in each year. The committee  
 4 may consider ~~any and~~ all matters relating to recommendations  
 5 of the multistate tax commission and the activities of the  
 6 members in representing this state thereon."

7 Section 29. Section 92-116.1, R.C.M. 1947, is amended  
 8 to read as follows:

9 "92-116.1. Administration fund. (1) ~~There is hereby~~  
 10 ~~established in the state treasury a workmen's~~ A workers'  
 11 compensation administration fund is established, out of  
 12 which all costs of administering the workmen's workers'  
 13 Compensation and Occupational Disease Acts and the various  
 14 occupational safety acts the division must administer are to  
 15 be paid upon lawful appropriation. The following moneys  
 16 collected by the workmen's workers' compensation division  
 17 shall be deposited in the state treasury to the credit of  
 18 the workmen's workers' compensation administrative fund and  
 19 shall be used for the administrative expenses of the  
 20 division:

21 (a) all fees and fines provided in sections 92-119,  
 22 92-820, and 92-1358;

23 (b) all fees paid for inspection of boilers and  
 24 issuance of licenses to operating engineers as required by  
 25 law;

1 (c) all fees paid from an assessment on each plan No.  
 2 1 employer, plan No. 2 insurer, and plan No. 3, the state  
 3 insurance fund. The assessments shall be levied against the  
 4 preceding calendar year's gross annual payroll of the plan  
 5 No. 1 employers and the gross annual direct premiums  
 6 collected in Montana on the policies of the plan No. 2  
 7 insurers, insuring employers covered under the act, during  
 8 the preceding calendar year. However, no assessment of the  
 9 plan No. 1 employer or plan No. 2 insurer shall be less than  
 10 ~~two hundred dollars~~ ~~{200}~~. The assessments shall be  
 11 sufficient to fund the direct costs identified to the three  
 12 ~~{3}~~ plans and an equitable portion of the indirect costs  
 13 based on the ratio of the preceding fiscal year's indirect  
 14 costs distributed to the plans using proper accounting and  
 15 cost allocation procedures. Plan No. 3 shall be assessed an  
 16 amount sufficient to fund its direct costs and an equitable  
 17 portion of the indirect costs as referred to above. Other  
 18 sources of revenue including unexpended funds from the  
 19 preceding fiscal year shall be used to reduce the costs  
 20 before levying the assessments.

21 (2) The administration fund shall be debited with  
 22 expenses incurred by the division in the general  
 23 administration of the provisions of this act, including the  
 24 salaries of its members, officers, and employees, and the  
 25 ~~actual and necessary traveling~~ travel expenses and

1 disbursements of such ~~the~~ members, officers, and employees,  
 2 as provided for in 59-538, 59-539, and 59-801, as amended,  
 3 incurred while on the business of the division either within  
 4 or without the state.

5 (3) Disbursements from the administration moneys shall  
 6 be made after being approved by the division upon claim  
 7 therefor."

8 Section 30. Section 93-716, R.C.M. 1947, is amended to  
 9 read as follows:

10 "93-716. No compensation -- travel expenses. The  
 11 members of the commission are not entitled to compensation  
 12 for their services, but they are entitled to ~~actual~~ travel  
 13 expenses, as provided for in 59-538, 59-539, and 59-801, as  
 14 amended, while actually engaged in the discharge of their  
 15 official duties."

16 Section 31. Section 93-721, R.C.M. 1947, is amended to  
 17 read as follows:

18 "93-721. No compensation -- travel expenses. A  
 19 commission member is not entitled to compensation for his  
 20 services but is entitled to ~~actual~~ travel expenses, as  
 21 provided for in 59-538, 59-539, and 59-801, as amended,  
 22 incurred in the performance of his duties."

23 Section 32. Section 95-3124.1, R.C.M. 1947, is amended  
 24 to read as follows:

25 "95-3124.1. Expenses for returning fugitives. An agent

1 of this state authorized to return a fugitive from justice  
 2 to this state may utilize commercial transportation,  
 3 aircraft, or motor vehicle to return the fugitive. The  
 4 agent shall be paid ~~all--actual--and--necessary~~ travel  
 5 expenses, as provided for in 59-538, 59-539, and 59-801, as  
 6 amended, incurred in returning the fugitive to this state.  
 7 ~~Actual--and--necessary--expenses--for--transportation--when--a~~  
 8 ~~vehicle--other--than--a--state--vehicle--is--utilized,--shall--be~~  
 9 ~~calculated--at--the--rate--allowed--by--law--for--state--employees."~~

-End-

STATE OF MONTANA

REQUEST NO. ~~602-77~~

FISCAL NOTE

Form BD-15

In compliance with a written request received March 4, 19 77, there is hereby submitted a Fiscal Note  
or House Bill 719 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

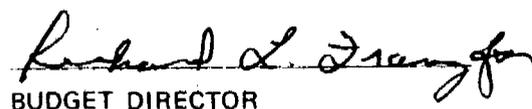
An act to revise, limit, and standardize travel expense reimbursements paid from public funds by state governmental agencies,  
not including the legislative branch.

ASSUMPTION:

It is the purpose of this bill to limit the travel provisions to those specifications defined in Sections 59-538, 59-539 and  
59-801, R.C.M. 1947, for all of state government and affected local government entities (excepting the Legislative Branch).

FISCAL IMPACT:

It is impossible within the time frame available to provide accurate, meaningful data concerning the financial impact of this  
bill. However, it can be reasonably construed that this bill will not increase travel costs of government and may produce  
a slight reduction in overall travel costs.

  
BUDGET DIRECTOR

Office of Budget and Program Planning

Date: 3-10-77

Approved by Committee on Judiciary

1 HOUSE BILL NO. 719  
 2 INTRODUCED BY MELOY  
 3  
 4 A BILL FOR AN ACT ENTITLED: "AN ACT TO REVISE, LIMIT, AND  
 5 STANDARDIZE TRAVEL EXPENSE REIMBURSEMENTS PAID FROM PUBLIC  
 6 FUNDS BY STATE GOVERNMENTAL ENTITIES, NOT INCLUDING THE  
 7 LEGISLATIVE BRANCH; AMENDING SECTIONS 5-609, 16-5119,  
 8 26-108, 26-1505, 27-238, 44-128, 59-801, 59-1402, 62-503,  
 9 66-409, 66-2805, 66-3205, 66-3703, 66-3905, 68-1802,  
 10 69-3414, 75-8408, 79-1016, 82-301, 82-1208, 82-1519,  
 11 82-4402, 82A-210, 82A-507, 82A-1602.30, 84-601, 84-702,  
 12 84-6704, 92-116.1, 93-716, 93-721, AND 95-3124.1, R.C.M.  
 13 1947."

14  
 15 IF IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:  
 16 Section 1. Section 59-801, R.C.M. 1947, is amended to  
 17 read as follows:

18 "59-801. Mileage ~~of all officers.~~ (1) ~~Automobiles~~  
 19 ~~Members of the legislature, state officers, township~~  
 20 ~~officers and employees,~~ jurors, witnesses, county agents,  
 21 and all other persons, ~~except sheriffs,~~ who may be entitled  
 22 to mileage, paid from public funds, when using their own  
 23 automobiles in the performance of official duties, ~~shall be~~  
 24 are entitled to collect mileage for the distance actually  
 25 traveled by automobile, and no more, unless otherwise

1 specifically provided by law; ~~provided, however, that~~  
 2 ~~nothing herein contained shall be construed as affecting the~~  
 3 ~~validity of section 43-340.~~

4 (2) ~~Where~~ When the individual is authorized to operate  
 5 a privately owned vehicle even though a government-owned or  
 6 leased vehicle is available, a rate of ~~three 3~~ 3 cents ~~(3¢)~~  
 7 less per mile than the mileage rate allowed by the United  
 8 States internal revenue service for the ~~next~~ preceding year  
 9 shall be paid.

10 (3) ~~Where~~ When a privately owned vehicle is used  
 11 because a government-owned or leased vehicle is not  
 12 available ~~for use~~ or ~~it~~ because such use is in the best  
 13 interest of the governmental entity, ~~that a privately owned~~  
 14 ~~vehicle be used,~~ a rate equal to the mileage allotment  
 15 allowed by the United States internal revenue service for  
 16 the ~~next~~ preceding year shall be paid for the first ~~one~~  
 17 ~~thousand (1,000)~~ miles and ~~three 3~~ 3 cents ~~(3¢)~~ per mile less  
 18 for all miles thereafter traveled within a given calendar  
 19 month.

20 (4) ~~Private planes~~ Members of the legislature, state  
 21 officers, ~~township officers and employees,~~ jurors,  
 22 witnesses, county agents, and all other persons, ~~except~~  
 23 ~~sheriffs,~~ who may be entitled to mileage paid from public  
 24 funds, when using their own airplanes, in the performance of  
 25 official duties, are entitled to collect mileage for the

*Changes in HB are on P. 11 & 20  
 Refer to white copy*

SECOND READING

1 legislature.

2 (4) Commission members shall be reimbursed from the  
3 appropriation to the office of the legislative council for  
4 their ~~actual and necessary~~ travel expenses incurred, as  
5 provided for in 59-538, 59-539, and 59-801, as amended, and  
6 ~~twenty-five dollars (\$25) per day PER DAY~~ while attending  
7 meetings of the commission.

8 (5) The commission shall choose one ~~(1)~~ of its members  
9 as chairman at its initial meeting, and the executive  
10 director of the legislative council or his delegate shall  
11 serve as secretary to the commission and shall record and  
12 transcribe all minutes of commission meetings and prepare  
13 all correspondence, notices, and formal recommendations as  
14 directed by the chairman."

15 Section 9. Section 62-503, R.C.M. 1947, is amended to  
16 read as follows:

17 "62-503. Chairman -- quorum -- costs -- salary. (1)  
18 The board shall organize by electing one ~~(1)~~ of its members  
19 chairman. Three ~~(3)~~ members of the board shall constitute a  
20 quorum for the transaction of business by the board.

21 (2) The board may incur costs, charges, and expenses  
22 reasonably necessary to carry out this act.

23 (3) Each member may be paid ~~twenty-five dollars (\$25)~~  
24 for each day in which he is actually and necessarily engaged  
25 in the performance of board duties, and shall also be

1 to read as follows:

2 "69-3414. Compensation of members. (1) Members of the  
3 board shall receive compensation of ~~twenty-five dollars~~  
4 ~~(\$25) per a day plus actual and necessary travel expenses,~~  
5 ~~and mileage~~ as provided for in ~~section 59-538, 59-539, and~~  
6 ~~59-801, as amended,~~ while engaged in business of the board.

7 (2) The board shall appoint one ~~(1)~~ of its members  
8 chairman. The board shall meet at least once annually and at  
9 such other times as agreed upon. The board shall not meet  
10 more than four ~~(4)~~ times ~~in any a~~ year."

11 Section 17. Section 75-8408, R.C.M. 1947, is amended  
12 to read as follows:

13 "75-8408. Bureau of mines and geology -- purpose. The  
14 bureau of mines and geology shall:

15 (1) ~~Compile~~ compile and publish statistics relative to  
16 Montana geology, mining, milling, and metallurgy;

17 (2) ~~Collect~~ collect:

18 (a) typical geological and mineral specimens;

19 (b) samples of products;

20 (c) photographs, models, and drawings of appliances  
21 used in the mines, mills, and smelters of Montana; and

22 (d) a library and a bibliography of literature  
23 relative to the progress of geology, mining, milling, and  
24 smelting in Montana;

25 (3) ~~Study~~ study the geological formations of Montana,

HOUSE BILL NO. 719  
INTRODUCED BY MELOY

A BILL FOR AN ACT ENTITLED: "AN ACT TO REVISE, LIMIT, AND STANDARDIZE TRAVEL EXPENSE REIMBURSEMENTS PAID FROM PUBLIC FUNDS BY STATE GOVERNMENTAL ENTITIES, NOT INCLUDING THE LEGISLATIVE BRANCH; AMENDING SECTIONS 5-609, 16-5119, 26-108, 26-1505, 27-238, 44-128, 59-801, 59-1402, 62-503, 66-409, 66-2805, 66-3205, 66-3703, 66-3905, 68-1802, 69-3414, 75-8408, 79-1016, 82-301, 82-1208, 82-1519, 82-4402, 82A-210, 82A-507, 82A-1602.30, 84-601, 84-702, 84-6704, 92-116.1, 93-716, 93-721, AND 95-3124.1, R.C.M. 1947."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:  
Section 1. Section 59-801, R.C.M. 1947, is amended to read as follows:

"59-801. Mileage of ~~all~~ officers. (1) ~~Automobiles~~ Members of the legislature, state officers, ~~township officers and employees~~, jurors, witnesses, county agents, and all other persons, ~~except sheriffs~~, who may be entitled to mileage paid from public funds, when using their own automobiles in the performance of official duties, ~~shall be~~ are entitled to collect mileage for the distance actually traveled by automobile, and no more, unless otherwise

The Amendments for H.B. 719 are on Page 6

Please refer to Yellow Copy

THIRD READING

~~specifically provided by law provided, however, that nothing herein contained shall be construed as affecting the validity of section 43-310.~~

(2) Where ~~When~~ the individual is authorized to operate a privately owned vehicle even though a government-owned or leased vehicle is available, a rate of ~~three 1/2 cents (3 1/2)~~ less per mile than the mileage rate allowed by the United States internal revenue service for the next preceding year shall be paid.

(3) Where ~~When~~ a privately owned vehicle is used because a government-owned or leased vehicle is not available ~~for use~~ or it because such use is in the best interest of the governmental entity, ~~that a privately-owned vehicle be used~~, a rate equal to the mileage allotment allowed by the United States internal revenue service for the next preceding year shall be paid for the first one thousand (1,000) miles and ~~three 1/2 cents (3 1/2)~~ per mile less for all miles thereafter traveled within a given calendar month.

(4) ~~Private-plane~~ Members of the legislature, state officers, ~~township officers and employees~~, jurors, witnesses, county agents, and all other persons, ~~except sheriffs~~, who may be entitled to mileage paid from public funds, when using their own airplanes, in the performance of official duties, are entitled to collect mileage for the

1 ~~and necessary travel expenses, as provided for in 59-538,~~  
 2 ~~59-539, and 59-801, as amended,~~ incurred as commission  
 3 members and shall be paid compensation as provided by law  
 4 for interim standing committees.

5 (5) A majority of the members of the commission shall  
 6 constitute a quorum for the transaction of business, and no  
 7 ~~to be effective a~~ recommendation of the commission shall  
 8 ~~have any effect unless~~ must be adopted by a majority of the  
 9 ~~whole--number~~ all of the commission members of ~~the~~  
 10 commission.

11 (6) Open meetings -- hearings. All meetings of the  
 12 commission shall be open to the public. The commission shall  
 13 hold public hearings and may use other suitable means to  
 14 disseminate information and stimulate public discussion of  
 15 its purposes, progress, conclusions, and recommendations.

16 (7) The chairperson shall schedule meetings of the  
 17 commission as ~~deemed~~ considered necessary. The chairperson  
 18 shall give due notice of the time and place of the meetings  
 19 to members of the commission.

20 (8) The commission shall maintain a written record of  
 21 its proceedings and its finances, which shall be open to  
 22 inspection by any person at the office of the commission  
 23 during regular office hours.

24 (9) Upon request, state agencies and units of local  
 25 government shall cooperate with the commission by furnishing

1 assistance and data to the extent possible.

2 (10) State, municipal, and county officers and  
 3 employees, at the request of the commission and with the  
 4 consent of the employing agency, may be granted leave with  
 5 or without pay from their agency to serve as consultants to  
 6 the commission. If leave with pay is granted, they shall  
 7 receive no other compensation, except ~~with~~ travel expenses,  
 8 from the commission as provided for in  
 9 59-538, 59-539, and 59-801, as amended.

10 (11) The commission may establish advisory boards and  
 11 committees, ~~including on them~~ which may include persons who  
 12 are not members of the study commission.

13 (12) The commission may do ~~any and~~ all things ~~as are~~  
 14 consistent with and reasonably required to perform its  
 15 function under this act."

16 Section 4. Section 26-108, R.C.M. 1947, is amended to  
 17 read as follows:

18 "26-108. Employees of the commission -- removal --  
 19 rating -- salaries -- expenses. The director ~~shall have the~~  
 20 power to ~~may~~ suspend without pay, reduce in rank, or remove  
 21 any employee at any time for cause, providing that any  
 22 person who has been continuously employed for ~~one--(1)~~ year  
 23 or more immediately preceding any suspension or discharge  
 24 may demand and receive a hearing ~~on charges filed~~ before the  
 25 fish and game commission on charges filed. The action of the

April 1, 1977

SENATE  
STANDING COMMITTEE REPORT  
Committee on State Administration

That House Bill No. 719, third reading, be amended as follows:

1. Amend title, line 10.

Following: "82-1208,"

Strike: "82-1519,"

2. Amend page 24, section 21, line 23 through line 22 on page 25.

Following: line 22

Strike: section 21 in its entirety

1 HOUSE BILL NO. 719  
 2 INTRODUCED BY MELOY  
 3  
 4 A BILL FOR AN ACT ENTITLED: "AN ACT TO REVISE, LIMIT, AND  
 5 STANDARDIZE TRAVEL EXPENSE REIMBURSEMENTS PAID FROM PUBLIC  
 6 FUNDS BY STATE GOVERNMENTAL ENTITIES, NOT INCLUDING THE  
 7 LEGISLATIVE BRANCH; AMENDING SECTIONS 5-609, 16-5119,  
 8 26-108, 26-1505, 27-238, 44-128, 59-801, 59-1402, 62-503,  
 9 66-409, 66-2805, 66-3205, 66-3703, 66-3905, 68-1802,  
 10 69-3414, 75-8408, 79-1016, 82-301, 82-1208, ~~82-1519,~~  
 11 82-4402, 82A-210, 82A-507, 82A-1602.30, 84-601, 84-702,  
 12 84-6704, 92-116.1, 93-716, 93-721, AND 95-3124.1, R.C.M.  
 13 1947."  
 14  
 15 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:  
 16 Section 1. Section 59-801, R.C.M. 1947, is amended to  
 17 read as follows:  
 18 "59-801. Mileage of ~~all~~ officers. (1) ~~Automobiles~~  
 19 Members of the legislature, state officers, ~~township~~  
 20 officers and employees, jurors, witnesses, county agents,  
 21 and all other persons, ~~except sheriffs~~, who may be entitled  
 22 to mileage, paid from public funds, when using their own  
 23 automobiles in the performance of official duties, ~~shall be~~  
 24 are entitled to collect mileage for the distance actually  
 25 traveled by automobiles and no more, unless otherwise

REFERENCE BILL

1 specifically provided by law ~~provided, however, that~~  
 2 ~~nothing herein contained shall be construed as affecting the~~  
 3 ~~validity of section 43-318.~~

4 (2) ~~Where~~ When the individual is authorized to operate  
 5 a privately owned vehicle even though a government-owned or  
 6 leased vehicle is available, a rate of three 3 cents ~~(3¢)~~  
 7 less per mile than the mileage rate allowed by the United  
 8 States internal revenue service for the next preceding year  
 9 shall be paid.

10 (3) ~~Where~~ When a privately owned vehicle is used  
 11 because a government-owned or leased vehicle is not  
 12 available ~~for use or it because such use is in the best~~  
 13 interest of the governmental entity, ~~that a privately-owned~~  
 14 ~~vehicle be used~~, a rate equal to the mileage allotment  
 15 allowed by the United States internal revenue service for  
 16 the next preceding year shall be paid for the first one  
 17 ~~thousand-(1,000)~~ miles and three 3 cents ~~(3¢)~~ per mile less  
 18 for all miles thereafter traveled within a given calendar  
 19 month.

20 (4) ~~Private-plane~~ Members of the legislature, state  
 21 officers, ~~township~~ officers and employees, jurors,  
 22 witnesses, county agents, and all other persons, ~~except~~  
 23 ~~sheriffs~~, who may be entitled to mileage paid from public  
 24 funds, when using their own airplanes, in the performance of  
 25 official duties, are entitled to collect mileage for the

1 distance actually traveled at a rate of twenty 20 cents  
 2 ~~(20¢)~~ per statute mile, and no more, unless specifically  
 3 provided by law. ~~This section does not affect the validity~~  
 4 ~~of section 43-310.~~

5 (5) This section does not alter 43-310.

6 ~~(5)(6)~~ The department of administration shall  
 7 prescribe rules necessary ~~to effectively administer for the~~  
 8 effective administration of this section for state  
 9 government."

10 Section 2. Section 5-609, R.C.M. 1947, is amended to  
 11 read as follows:

12 "5-609. ~~Secretary of board meetings of board~~  
 13 ~~quorum remuneration~~ State banking board -- secretary --  
 14 meetings -- per diem. (1) ~~The board state banking board~~  
 15 created in 82A-407 shall elect a secretary from its members  
 16 ~~a secretary~~ to serve at the pleasure of the board.

17 (2) In performing its functions, the board shall have  
 18 use of the offices, equipment, and personnel of the  
 19 department of business regulation as it requires.

20 (3) The board shall hold regular meetings each quarter  
 21 at a fixed date and time at the office of the department of  
 22 ~~business regulation.~~ Special meetings may be called ~~at any~~  
 23 ~~time~~ by the chairman at any time upon ~~three (3)~~ days' notice  
 24 to the members.

25 (4) A quorum for all meetings shall be a majority of

1 the board members, and ~~action may be taken by~~ a majority of  
 2 the quorum present at any meeting may take action.

3 (5) The chairman shall have a voice but no vote in all  
 4 meetings except to break a tie.

5 (6) Any board member except the chairman may be  
 6 removed by the governor without cause in any case.

7 (7) The board members, except the chairman, shall be  
 8 paid ~~twenty-five dollars (\$25) per a~~ day or any part thereof  
 9 devoted to the performance of their duties, and ~~actual and~~  
 10 reasonable travel expenses, as provided for in 59-538,  
 11 59-539, and 59-801, as amended, incurred in the performance  
 12 of their duties ~~and mileage as provided by law to state~~  
 13 ~~officers.~~ The costs and expenses of the board shall be  
 14 legitimate charges of the department of ~~business~~  
 15 regulation."

16 Section 3. Section 16-5119, R.C.M. 1947, is amended to  
 17 read as follows:

18 "16-5119. Commission organization and procedure.  
 19 (1) ~~The commission shall have the power to~~ may adopt rules  
 20 for its own organization and procedure.

21 (2) The commission shall select from its membership  
 22 any additional officers it considers necessary.

23 (3) The commission may employ and fix the compensation  
 24 and duties of necessary staff.

25 (4) Commission members shall be reimbursed for ~~actual~~

1 ~~and necessary travel expenses, as provided for in 59-538,~~  
 2 ~~59-539, and 59-801, as amended,~~ incurred as commission  
 3 members and shall be paid compensation as provided by law  
 4 for interim standing committees.

5 (5) A majority of the members of the commission shall  
 6 constitute a quorum for the transaction of business, and ~~no~~  
 7 ~~to be effective~~ a recommendation of the commission shall  
 8 ~~have any effect unless~~ ~~must be~~ adopted by a majority of the  
 9 ~~whole--number~~ all of the commission members of ~~the~~  
 10 commission.

11 (6) Open meetings -- hearings. All meetings of the  
 12 commission shall be open to the public. The commission shall  
 13 hold public hearings and may use other suitable means to  
 14 disseminate information and stimulate public discussion of  
 15 its purposes, progress, conclusions, and recommendations.

16 (7) The chairperson shall schedule meetings of the  
 17 commission as ~~deemed~~ considered necessary. The chairperson  
 18 shall give due notice of the time and place of the meetings  
 19 to members of the commission.

20 (8) The commission shall maintain a written record of  
 21 its proceedings and its finances, which shall be open to  
 22 inspection by any person at the office of the commission  
 23 during regular office hours.

24 (9) Upon request, state agencies and units of local  
 25 government shall cooperate with the commission by furnishing

1 assistance and data to the extent possible.

2 (10) State, municipal, and county officers and  
 3 employees, at the request of the commission and with the  
 4 consent of the employing agency, may be granted leave with  
 5 or without pay from their agency to serve as consultants to  
 6 the commission. If leave with pay is granted, they shall  
 7 receive no other compensation, except ~~mileage and per diem~~  
 8 travel expenses, from the commission as provided for in  
 9 59-538, 59-539, and 59-801, as amended.

10 (11) The commission may establish advisory boards and  
 11 committees, ~~including on them~~ which may include persons who  
 12 are not members of the study commission.

13 (12) The commission may do ~~any and~~ all things ~~as are~~  
 14 consistent with and reasonably required to perform its  
 15 function under this act."

16 Section 4. Section 26-108, R.C.M. 1947, is amended to  
 17 read as follows:

18 "26-108. Employees of the commission -- removal --  
 19 rating -- salaries -- expenses. The director ~~shall have the~~  
 20 ~~power to~~ may suspend without pay, reduce in rank, or remove  
 21 any employee at any time for cause, providing that any  
 22 person who has been continuously employed for ~~one--(1)~~ year  
 23 or more immediately preceding any suspension or discharge  
 24 may demand and receive a hearing ~~on charges filed~~ before the  
 25 ~~fish and game commission~~ on charges filed. The action of the

1 commission resulting from such a hearing shall be final.  
 2 The director shall rate all employees on the basis of merit  
 3 and efficiency in accordance with such rules ~~and regulations~~  
 4 as the commission may adopt to secure a proper rating of  
 5 each person employed. The salaries of employees shall be  
 6 fixed by the commission, and necessary travel expenses, as  
 7 provided by ~~law for in 59-538, 59-539, and 59-801, as~~  
 8 ~~amended~~, shall be allowed ~~employees~~ while upon official  
 9 business away from designated headquarters."

10 Section 5. Section 26-1505, R.C.M. 1947, is amended to  
 11 read as follows:

12 "26-1505. Refusal by applicant to modify plans --  
 13 arbitration of disputes. (1) If the ~~fish--and--game~~  
 14 commission notifies the applicant that the construction will  
 15 adversely affect fish or game habitat, the applicant, within  
 16 ~~fifteen--{15}~~ days after receiving the recommendations and  
 17 alternatives of the ~~fish--and--game~~ commission, shall notify  
 18 the ~~fish--and--game~~ commission if it refuses to modify its  
 19 plans in accordance with ~~such the~~ recommendations or  
 20 alternatives. In the event of such refusal, the disagreement  
 21 shall be arbitrated as provided in subsection (2) of this  
 22 section.

23 (2) Upon receipt of ~~such a~~ notice of refusal, the ~~fish~~  
 24 ~~and--game~~ commission shall determine if it wants the  
 25 disagreement arbitrated. Within ~~ten--{10}~~ days after an

1 affirmative determination and after notice to the  
 2 applicant, the ~~fish--and--game~~ commission shall notify, in  
 3 writing, all district judges of the judicial district or  
 4 districts in which the project is located that an  
 5 arbitration board is needed. Within ~~five--{5}~~ days of receipt  
 6 of notification, ~~such the~~ judges shall appoint three ~~{3}~~  
 7 people from the county or counties in which the project is  
 8 located to an arbitration committee. Within ~~ten--{10}~~ days  
 9 after the committee is appointed, it shall meet, hear  
 10 testimony from all the parties concerned, and issue a  
 11 decision signed by at least two ~~{2}~~ members of the  
 12 committee. The decision shall be binding on all parties  
 13 concerned. ~~The--actual--and--necessary~~ travel expenses of the  
 14 arbitrators, ~~shall be allowed as in 59-538, 59-539, and~~  
 15 ~~59-801, as amended, and~~ shall be divided equally among the  
 16 agencies involved."

17 Section 6. Section 27-238, R.C.M. 1947, is amended to  
 18 read as follows:

19 "27-238. Subpoena power of department of agriculture.  
 20 (1) The department of agriculture ~~shall have the power to~~  
 21 ~~may~~ subpoena witnesses, to administer oaths, and to require  
 22 the production of records, books, and ~~or~~ documents for  
 23 examination at any hearing or investigation conducted by it.  
 24 Subpoenaed witnesses shall be paid ~~the same per diem and~~  
 25 ~~mileage~~ travel expenses as ~~is authorized by the law for~~

1 ~~state--employees provided for in 59-538, 59-539, and 59-801,~~  
2 ~~as amended.~~

3 (2) ~~In case of failure or refusal on the part of any~~  
4 ~~person if a person fails or refuses~~ to comply with the  
5 subpoena issued by the department of agriculture or ~~in case~~  
6 ~~of the refusal of any if a witness refuses~~ to testify ~~as to~~  
7 ~~on~~ any material matter regarding which he may be  
8 interrogated, any district court in the state, upon good  
9 cause shown by the application of the department of  
10 agriculture, may issue a warrant of attachment for such  
11 person, ~~and if~~ after a hearing, the court finds his  
12 failure or refusal to be unjustified, ~~it may~~ compel him to  
13 comply with ~~such the~~ subpoena, and to attend before the  
14 department of agriculture and produce any subpoenaed  
15 records, books, and ~~or~~ documents for examination, and to  
16 give his testimony. ~~Such the~~ court ~~shall have the power to~~  
17 ~~may~~ punish for contempt as in the case of disobedience to a  
18 like subpoena issued by the court, or for refusal to testify  
19 therein."

20 Section 7. Section 44-128, R.C.M. 1947, is amended to  
21 read as follows:

22 "44-128. Employment ~~of~~ ~~librarian~~ Librarian and  
23 assistants. The commission shall employ as its executive  
24 officer a librarian, who ~~shall be~~ is a graduate of an  
25 accredited library school, and ~~who shall not be~~ is not a

1 member of the commission, for such compensation as the  
2 commission ~~may deem~~ considers adequate and ~~who.~~ The  
3 executive officer shall perform the duties assigned by the  
4 commission ~~to and~~ serve at the will of the commission. The  
5 commission may also employ such other assistants as ~~shall be~~  
6 are required for the performance of the commission's work.  
7 In addition to their salaries, while on commission business  
8 the librarian and assistants shall be allowed their stipend  
9 ~~and per diem while absent from the commission office in the~~  
10 service of the commission travel expenses, as provided for  
11 in 59-538, 59-539, and 59-801, as amended."

12 Section 8. Section 59-1402, R.C.M. 1947, is amended to  
13 read as follows:

14 "59-1402. Meetings of commission -- quorum --  
15 compensation. (1) The commission shall hold at least two  
16 ~~(2)~~ meetings before submitting a report to the ~~legislative~~  
17 assembly legislature as provided in section 59-1404.

18 (2) All meetings shall be called by the chairman of  
19 the commission, and notice of the meeting dates shall be  
20 given by mail to each commission member at least ~~twenty~~ ~~(20)~~  
21 days before the day scheduled for the meeting.

22 (3) A majority of members present at any meeting is  
23 sufficient to transact any business to come before the  
24 meeting; however, a majority of all commission members is  
25 necessary to ratify the commission's recommendations to the

1 legislature.

2 (4) Commission members shall be reimbursed from the  
 3 appropriation to the office of the legislative council for  
 4 their ~~actual and necessary travel~~ expenses incurred, as  
 5 provided for in 59-538, 59-539, and 59-801, as amended, and  
 6 ~~twenty-five dollars-(\$25)-per day~~ PER DAY while attending  
 7 meetings of the commission.

8 (5) The commission shall choose one ~~of~~ of its members  
 9 as chairman at its initial meeting, and the executive  
 10 director of the legislative council or his delegate shall  
 11 serve as secretary to the commission and shall record and  
 12 transcribe all minutes of commission meetings and prepare  
 13 all correspondence, notices, and formal recommendations as  
 14 directed by the chairman."

15 Section 9. Section 62-503, R.C.M. 1947, is amended to  
 16 read as follows:

17 "62-503. Chairman -- quorum -- costs ~~and~~ salary. (1)  
 18 The board shall organize by electing one ~~of~~ of its members  
 19 chairman. Three ~~of~~ members of the board shall constitute a  
 20 quorum for the transaction of business by the board.

21 (2) The board may incur costs, charges, and expenses  
 22 reasonably necessary to carry out this act.

23 (3) Each member may be paid ~~twenty-five dollars-(\$25)~~  
 24 for each day in which he is actually and necessarily engaged  
 25 in the performance of board duties, and shall also be

1 reimbursed for ~~actual and necessary travel~~ expenses, as  
 2 provided for in 59-538, 59-539, and 59-801, as amended,  
 3 incurred in his official service."

4 Section 10. Section 66-409, R.C.M. 1947, is amended to  
 5 read as follows:

6 "66-409. Powers and duties. (1) The department shall,  
 7 subject to section 82A-1603, conduct practical examinations  
 8 of applicants for apprentice cards and for certificates of  
 9 registration to practice as registered barbers, not less  
 10 than four ~~of~~ times each a year at times and places the  
 11 board determines. The examinations shall cover the  
 12 fundamentals of barbering, dermatology, and sanitation. The  
 13 department shall issue apprentice cards and certificates of  
 14 registration.

15 (2) The board may approve price agreements,  
 16 establishing minimum prices for barber work, which are  
 17 signed and submitted to the board by an organized group or  
 18 groups of at least ~~seventy-five percent-(75%)~~ of the barbers  
 19 in a city or town, if the board, after ascertaining by  
 20 investigations and proofs as the situation permits and  
 21 requires, finds that the price agreement is just and will  
 22 best protect the public health and safety by affording a  
 23 sufficient minimum price for barber work to enable the  
 24 barbers to furnish modern and healthful services and  
 25 appliances to minimize the danger to the public health

1 incident to this work. Under this chapter, a city or town  
 2 includes ~~in addition to~~ the territory within its legal  
 3 limits, ~~and~~ the territory adjacent to it and lying within  
 4 three ~~{3}~~ miles of its legal limits. In determining whether  
 5 a price agreement is just and will best protect the public  
 6 health and safety, the board shall ~~take into consideration~~  
 7 consider all conditions affecting the barber business in its  
 8 relation to the public health and safety.

9 (3) In determining reasonable minimum prices, the  
 10 board shall ~~take into consideration~~ consider the necessary  
 11 cost incurred in the city or town to maintain a barbershop  
 12 in a clean, healthful, and sanitary condition.

13 (4) ~~The board, after~~ After making an investigation,  
 14 ~~the board~~ shall by order fix ~~by order~~ the minimum price for  
 15 work usually performed in a barbershop in the city or town  
 16 in which the price agreement has been signed. The board may,  
 17 on the petition of ~~fifty percent {50%}~~ of the barbers of the  
 18 city or town, readjust the minimum prices, and the new  
 19 prices must be approved by ~~seventy-five percent {75%}~~ of the  
 20 barbers in the city or town. This section does not apply to  
 21 students who have been enrolled less than ~~nine {9}~~ months in  
 22 a barber college in this state or ~~until they become~~ who are  
 23 not apprentice barbers.

24 (5) The board may adopt rules for the administration  
 25 of this chapter.

1 (6) A person hired by the department to make an  
 2 inspection of a ~~barbershop~~ school, or college shall be  
 3 recommended by the board. He shall receive ~~thirty dollars~~  
 4 ~~{30}~~ per day plus ~~actual and necessary~~ travel expenses, as  
 5 provided for in 59-538, 59-539, and 59-801, as amended."

6 Section 11. Section 66-2805, R.C.M. 1947, is amended  
 7 to read as follows:

8 "66-2805. Meetings -- powers -- compensation. (1) ~~Each~~  
 9 ~~July the~~ The board shall ~~annually in the month of July,~~  
 10 elect from its membership a president, vice-president, and  
 11 secretary-treasurer. The board shall meet quarterly and at  
 12 such other times it considers necessary.

13 (2) The board may:

14 (a) ~~Adopt~~ adopt rules for the administration of this  
 15 act and for the licensing of electrical contractors and the  
 16 examination and licensing of master and journeymen  
 17 electricians;

18 (b) ~~Adopt~~ adopt a seal;

19 (c) ~~Enuse~~ cause the prosecution and enjoinder of  
 20 persons violating this act;

21 (d) ~~Suspend~~ suspend or revoke a license granted under  
 22 this act for any of the following reasons:

23 (i) ~~Violation~~ violation of this act, the national  
 24 electrical code, or the rules of the board;

25 (ii) Any ~~any~~ cause for which issuance of the license

1 could have been denied had it existed and been known to the  
2 board;

3 (iii) ~~Commission~~ commission of any act of gross  
4 negligence, incompetency, or misconduct as may be determined  
5 by the board in the practice of a master or journeyman  
6 electrician or the business of an electrical contractor; or

7 (iv) ~~Making~~ making a material misstatement,  
8 misrepresentations or fraud in obtaining a license.

9 (3) Each member of the board shall receive ~~actual~~ and  
10 necessary travel expenses, as provided for in 59-538,  
11 59-539, and 59-801, as amended, incurred in the performance  
12 of his duties."

13 Section 12. Section 66-3205, R.C.M. 1947, is amended  
14 to read as follows:

15 "66-3205. Duties of board. (1) The board shall hold a  
16 regular annual meeting in which it shall select from its  
17 members a chairman and a secretary. The department shall  
18 keep a record of the board's proceedings. Other regular  
19 meetings shall be held at such times as the rules of the  
20 board provide. Special meetings may be held at times  
21 considered necessary or advisable by the chairman and the  
22 majority of its members, or on the request of the governor.  
23 Reasonable notice of meetings shall be given in the manner  
24 prescribed by the board. The quorum of the board consists of  
25 the majority of its members.

1 (2) Each board member shall receive ~~actual~~ and  
2 necessary ~~traveling and subsistence~~ travel expenses, as  
3 provided for in 59-538, 59-539, and 59-801, as amended,  
4 incidental to board meetings.

5 (3) The board may make reasonable and necessary rules  
6 for the proper performance of its duties and for the  
7 regulation of proceedings before it.

8 (4) The attorney general shall act as attorney for the  
9 board. He or his representative may sit as an ex officio  
10 member of the board in an advisory capacity only.

11 (5) The board shall adopt an official seal."

12 Section 13. Section 66-3703, R.C.M. 1947, is amended  
13 to read as follows:

14 "66-3703. Board -- compensation -- meetings -- quorum.  
15 (1) Board members may be compensated as determined by the  
16 board, but not to exceed ~~twenty-five dollars~~ (\$25) per a  
17 day, for official business. Board members shall be  
18 reimbursed for their ~~actual and necessary~~ travel expenses,  
19 as provided for in 59-538, 59-539, and 59-801, as amended,  
20 incurred while on official business of the board.

21 (2) The board shall meet at least twice a year and  
22 elect a chairman at the first meeting of each calendar year.

23 (3) Four ~~four~~ members of the board constitute a quorum  
24 for the purpose of transacting business."

25 Section 14. Section 66-3905, R.C.M. 1947, is amended

1 to read as follows:

2 "66-3905. Function of the board and department. (1)  
 3 The board shall meet at least once every a year at a place,  
 4 day~~s~~ and hour determined by the board. The board shall also  
 5 meet at other times and places as the bylaws of the board  
 6 may provide or by call of the chairman or a majority of the  
 7 members of the board. A quorum of the board shall consist of  
 8 the majority of its members, but in no instance shall ~~may~~ a  
 9 meeting of three ~~(3)~~ board members who are exclusively  
 10 speech pathologists or exclusively audiologists be  
 11 considered a quorum.

12 (2) Each board member shall receive actual ~~and~~  
 13 necessary travel expenses incidental to board meetings and  
 14 business~~, as provided for in 59-538, 59-539, and 59-801, as~~  
 15 ~~amended Mileage shall be as provided in section 59-801.~~

16 (3) The department may employ persons it deems  
 17 considers necessary to carry out the provisions of this act.

18 (4) All meetings of the board for the consideration of  
 19 and action on matters coming before the board are open to  
 20 the public, except:

21 (a) matters involving the management of internal  
 22 affairs of the board may be considered and acted upon by the  
 23 board in executive meetings under rules prescribed by the  
 24 board;

25 (b) sessions to prepare, approve, grade~~s~~ or administer

1 examinations;

2 (c) upon request of a person who has failed the  
 3 licensing examinations and who is appearing to appeal the  
 4 failure.

5 (5) The board may make ~~all~~ rules which are reasonable  
 6 or necessary for the proper performance of its duties and  
 7 for the regulation of proceedings before it.

8 (6) The department shall prepare a report to the  
 9 governor as required by law.

10 (7) The board shall:

11 (a) administer, coordinate~~s~~ and enforce the provisions  
 12 of this act;

13 (b) evaluate the qualifications of each applicant for  
 14 a license as issued under this act and supervise the  
 15 examination of such applicants;

16 (c) investigate persons engaging in practices which  
 17 allegedly violate the provisions of this act;

18 (d) conduct hearings and keep records and minutes as  
 19 the board considers necessary to an orderly dispatch of  
 20 business;

21 (e) adopt rules including but not limited to those  
 22 governing ethical standards of practice under this act;

23 (f) make recommendations to the governor and other  
 24 state officials regarding new and revised programs and  
 25 legislation related to speech pathology or audiology which

1 could be beneficial to the citizens of the state of Montana;

2 (g) cause the prosecution and enjoinder of all persons  
3 violating this act, by the complaints of its secretary filed  
4 with the county attorney in the county where the violation  
5 took place, and incur necessary expenses therefor;

6 (h) adopt a seal by which the board shall authenticate  
7 its proceedings. Copies of the proceedings, records, and  
8 acts of the board, signed by the chairman or secretary of  
9 the board and stamped with the seal, shall be prima facie  
10 evidence of the validity of such documents."

11 Section 15. Section 68-1802, R.C.M. 1947, is amended  
12 to read as follows:

13 "68-1802. Compensation and expenses of board members.  
14 The ~~actual--and-necessary travel~~ expenses of members of the  
15 board shall be as allowed in 59-538, 59-539, and 59-801, as  
16 amended, and reimbursed by the retirement system. Those  
17 members of the board who are not members of the retirement  
18 system shall be entitled to receive, in addition to ~~actual~~  
19 ~~and-necessary travel~~ expenses, compensation at the rate of  
20 ~~twenty-five--dollars--(\$25)--per a day~~. All expenses of the  
21 administration of this act in excess of the amounts provided  
22 by the membership fees contributed pursuant to section  
23 68-1904 shall be a charge on the appropriation made from the  
24 general fund of the state."

25 Section 16. Section 69-3414, .C.M. 1947, is amended

1 to read as follows:

2 "69-3414. Compensation of members. (1) Members of the  
3 board shall receive compensation of ~~twenty-five--dollars~~  
4 ~~(\$25)--per a day plus actual-and-necessary travel expenses,~~  
5 ~~and-mileage as provided for in section 59-538, 59-539, and~~  
6 ~~59-801, as amended,~~ while engaged in business of the board.

7 (2) The board shall appoint one ~~(1)~~ of its members  
8 chairman. The board shall meet at least once annually and at  
9 such other times as agreed upon. The board shall not meet  
10 more than four ~~(4)~~ times in any A year."

11 Section 17. Section 75-8408, R.C.M. 1947, is amended  
12 to read as follows:

13 "75-8408. Bureau of mines and geology -- purpose. The  
14 bureau of mines and geology shall:

- 15 (1) ~~Compile~~ compile and publish statistics relative to  
16 Montana geology, mining, milling, and metallurgy;
- 17 (2) ~~Collect~~ collect:
- 18 (a) typical geological and mineral specimens;
- 19 (b) samples of products;
- 20 (c) photographs, models, and drawings of appliances  
21 used in the mines, mills, and smelters of Montana; and
- 22 (d) a library and a bibliography of literature  
23 relative to the progress of geology, mining, milling, and  
24 smelting in Montana;
- 25 (3) ~~Study~~ study the geological formations of Montana,

1 with special reference to their economic mineral resources  
2 and ground water*;*

3 (4) ~~Examine~~ examine the topography and physical  
4 features of Montana relative to their bearing upon the  
5 occupation of the people*;*

6 (5) ~~Study~~ study the mining, milling, and smelting in  
7 Montana relative to their improvement*;*

8 (6) ~~Publish~~ publish bulletins and reports of a general  
9 and detailed description of the natural resources, geology,  
10 mines, mills, and reduction plants of Montana*;*

11 (7) ~~Make~~ make qualitative examinations of rocks and  
12 mineral samples*;*

13 (8) ~~Consider~~ consider scientific and economic problems  
14 the regents deem consider valuable to the people of  
15 Montana*;*

16 (9) ~~Communicate~~ communicate special information of  
17 Montana geology, mining, and metallurgy*;*

18 (10) ~~Co-operate~~ cooperate with:

19 (a) departments of the system;

20 (b) the state mine inspector;

21 (c) departments of the state;

22 (d) the United States geological survey; and

23 (e) the United States bureau of mines*;*

24 (11) ~~Make~~ make examinations of state land regarding  
25 their its geology and mineral value at the request of the

1 department of state lands and make investments. ~~(a)~~ These  
2 services are limited to the time available for such work  
3 after all other duties of the bureau of mines and geology  
4 are served. ~~(b)~~ Written reports shall be made. ~~(c)~~ Travel  
5 ~~food, lodging, and incidental~~ expenses incurred by the  
6 examiner shall be paid as provided for in 59-538, 59-539,  
7 and 59-801, as amended, by the agency requesting the  
8 examination upon the presentation of claims in the ordinary  
9 form.

10 (12) ~~Deposit~~ deposit all material collected in the  
11 state museums or in the Montana college of mineral science  
12 and technology after completed use by the bureau of mines  
13 and geology*;*

14 (13) ~~Distribute~~ distribute duplicates of  
15 representative material to the units of the university  
16 system to their best educational advantage*;* and

17 (14) ~~Print~~ print the regular and special reports, with  
18 illustrations and maps, and distribute them on direction of  
19 the regents."

20 Section 18. Section 79-1016, R.C.M. 1947, is amended  
21 to read as follows:

22 "79-1016. Inquiries and investigations by budget  
23 director. The budget director or his designated  
24 representative shall make such further inquiries and  
25 investigations as he ~~shall deem~~ considers necessary as to

1 any item included in the report and estimates furnished by  
 2 any department, agency, or institution. In making such  
 3 investigations, he shall be allowed his necessary travel  
 4 expenses ~~of travel and subsistence as provided by law for in~~  
 5 ~~59-538, 59-539, and 59-801, as amended,~~ in visiting any  
 6 institution or department in the state. The budget director  
 7 may appoint a chief assistant and may employ such other  
 8 personnel as may be necessary to carry out the provisions of  
 9 this chapter."

10 Section 19. Section 82-301, R.C.M. 1947, is amended to  
 11 read as follows:

12 "82-301. Board of athletics ~~---compensation and expense~~  
 13 ~~---meetings--- chairman--- seal--- quorum.~~ The members of  
 14 the board of athletics shall serve without compensation but  
 15 shall be allowed necessary travel expenses, as provided for  
 16 in 59-538, 59-539, and 59-801, as amended, to be paid by the  
 17 state treasurer on warrant properly drawn out of the  
 18 proceeds of the tax collected under this act. ~~the board~~  
 19 ~~shall before~~ Before April 1 of each year the board shall  
 20 elect one of its number chairman, shall adopt a seal for the  
 21 board, and may adopt rules for the administration of its  
 22 office. Two ~~(2)~~ of the members of the board constitute a  
 23 quorum to do business, and the concurrence of at least two  
 24 ~~(2)~~ members is necessary to render a choice or decision by  
 25 the board."

1 Section 20. Section 82-1208, R.C.M. 1947, is amended  
 2 to read as follows:

3 "82-1208. Special deputy fire marshals -- acting fire  
 4 marshal -- fire marshal's employees. (1) In an emergency  
 5 or during the absence or disability of the state fire  
 6 marshal, the attorney general may appoint an acting fire  
 7 marshal, who shall perform the duties of the office or any  
 8 duty which may be assigned to him, such appointment to cease  
 9 when the necessity therefor has been relieved.

10 (2) The state fire marshal may appoint special deputy  
 11 state fire marshals throughout the state and define their  
 12 duties. When performing these duties or attending a training  
 13 course conducted by the state fire marshal, special deputy  
 14 fire marshals may be paid at a rate not to exceed forty  
 15 dollars ~~(\$40)~~ per a day plus per diem allowance for travel  
 16 expenses ~~and mileage at the same rates specified for state~~  
 17 ~~employees as provided for in 59-538, 59-539, and 59-801, as~~  
 18 ~~amended.~~

19 (3) The fire marshal may appoint assistants and  
 20 clerical employees to perform duties as specified by the  
 21 marshal to assist in carrying out the duties assigned him by  
 22 law."

23 ~~Section 21. Section 82-1519, R.C.M. 1947, is amended~~  
 24 ~~to read as follows:~~

25 ~~"82-1519. Compensation of chairman and officers---~~

1 ~~reports--it shall be the duty of all~~ {1} ~~All~~ public officers  
 2 ~~to shall perform the duties relative to hail insurance under~~  
 3 ~~this act, without other compensation than that allowed by~~  
 4 ~~law. The chairman of the state board of hail insurance shall~~  
 5 ~~receive a salary in such amount as may be specified by the~~  
 6 ~~legislative assembly legislature in the appropriation to the~~  
 7 ~~board of hail insurance; and all appointed officers and~~  
 8 ~~employees under this act shall be allowed the per diem and~~  
 9 ~~mileage allowed state employees~~ travel expenses as provided  
 10 ~~for in 59-536, 59-539, and 59-801, as amended. The~~  
 11 ~~compensation of all appointed officers and employees of the~~  
 12 ~~board shall be fixed by the state board of hail insurance;~~  
 13 ~~if the legislative assembly legislature does not specify the~~  
 14 ~~maximum salary for the head of the agency, the salary shall~~  
 15 ~~be fixed by the state board of hail insurance after approval~~  
 16 ~~by the board of examiners. Before approving any salary~~  
 17 ~~increase, the board of examiners shall review the salaries~~  
 18 ~~of comparable positions in Montana state government, other~~  
 19 ~~states, and private industry.~~

20 {2} ~~The chairman of the state board of hail insurance~~  
 21 ~~shall report as provided in section 2 [82-4002] of this~~  
 22 ~~act."~~

23 Section 21. Section 82-4402, R.C.M. 1947, is amended  
 24 to read as follows:

25 "82-4402. Board member appointed by governor --

1 compensation. The governor shall appoint the board member.  
 2 He shall report directly to the governor. ~~Such~~ The member,  
 3 with the approval of the governor, may designate an  
 4 alternate to represent the state when he is unable to do so.  
 5 The member or his alternate ~~shall~~ may receive no  
 6 compensation in addition to salary for his services as a  
 7 member of the board, but shall be reimbursed for ~~actual~~ and  
 8 necessary travel expenses as provided for in 59-538, 59-539,  
 9 and 59-801, as amended, incurred in the performance of his  
 10 duties."

11 Section 22. Section 82A-210, R.C.M. 1947, is amended  
 12 to read as follows:

13 "82A-210. Board of administration -- composition --  
 14 terms -- allocated. (1) There is a board of administration.

15 (2) The board consists of five ~~{5}~~ members appointed  
 16 by the governor. The members are:

17 (a) ~~Three~~ ~~{3}~~ three public employees who ~~shall be~~ are  
 18 members of a public retirement system. ~~Not~~ (not more than  
 19 one ~~{1}~~) of these members may be an employee of the same  
 20 department. ); and

21 (b) ~~Two~~ ~~{2}~~ two members at large.

22 (3) The term of office for each member is ~~five~~ ~~{5}~~  
 23 years.

24 (4) The board is allocated to the department for  
 25 administrative purposes only as prescribed in section

1 82A-108.

2 (5) Members of the board shall be paid their ~~actual~~  
3 ~~and--necessary travel~~ expenses as provided for in 59-538,  
4 59-539, and 59-801, as amended, and members of the board who  
5 are not members of the public retirement system shall be  
6 entitled, in addition to ~~actual--and--necessary travel~~  
7 expenses, to compensation as established for a  
8 quasi-judicial board in section 82A-112 (7)."

9 Section 23. Section 82A-507, R.C.M. 1947, is amended  
10 to read as follows:

11 \*82A-507. Board of trustees of state historical  
12 society -- continued. (1) The board of trustees of the state  
13 historical society, created in Title 44, chapter 5, R.C.M.  
14 1947, is continued.

15 (2) The composition, method of appointment, terms of  
16 office, and qualifications of board members remain as  
17 prescribed by law.

18 (3) Each member is entitled to be paid an amount to be  
19 determined by the department head, not to exceed ~~twenty-five~~  
20 ~~dollars-(\$25)~~ for each day in which he is actually and  
21 necessarily engaged in the performance of board duties, and  
22 he is also entitled to be reimbursed for ~~actual--and~~  
23 necessary travel expenses, as provided for in 59-538,  
24 59-539, and 59-801, as amended, incurred while in the  
25 performance of board duties. Members who are full-time

1 salaried officers or employees of this state or of any  
2 political subdivision of this state are not entitled to be  
3 compensated for their service as members, but are entitled  
4 to be reimbursed for their ~~actual--and--necessary travel~~  
5 expenses.\*

6 Section 24. Section 82A-1602.30, R.C.M. 1947, is  
7 amended to read as follows:

8 \*82A-1602.30. Board created. (1) There is a board of  
9 landscape architects. The board consists of five ~~(5)~~  
10 members of which at least three ~~(3)~~ must be landscape  
11 architects. Members of the board shall be appointed by the  
12 governor and must be residents of this state. At least  
13 three ~~(3)~~ shall have the qualifications of landscape  
14 architects required by this act, and, except for the first  
15 appointed members, three ~~(3)~~ members must be licensed  
16 landscape architects. The board is allocated to the  
17 department of professional and occupational licensing for  
18 administrative purposes only as prescribed in section  
19 82A-108.

20 (2) The terms of the members of the board first  
21 appointed are as follows:

- 22 (a) one member for one-~~(1)~~ year;  
23 (b) two members for two-~~(2)~~ years; and  
24 (c) two members for three-~~(3)~~ years.  
25 ~~(3)~~ Future terms are for four-~~(4)~~ years. Each member

1 shall hold office until the appointment and qualification of  
 2 his successor. Vacancies occurring prior to the expiration  
 3 of the term shall be filled in the same manner as original  
 4 appointments. No member may serve more than eight--(8)  
 5 consecutive years.

6 ~~(3)(4)~~ The board may promulgate such rules, including  
 7 setting of fees, as are necessary in the performance of its  
 8 duties, and may hear contested cases arising under this act.

9 ~~(4)(5)~~ The At its first meeting of every calendar  
 10 year, the board shall elect ~~annually, at its first meeting~~  
 11 ~~of every calendar year~~ from its members, a president who  
 12 may appoint a secretary. The secretary may or may not be a  
 13 member of the board. In carrying out the provisions of this  
 14 act, ~~at the only reimbursement~~ members of the board shall  
 15 ~~may receive only reimbursement is~~ for travel ~~and actual~~  
 16 expenses allowed as in 59-538, 59-539, and 59-801, as  
 17 amended, incurred in the performance of board duties."

18 Section 25. Section 84-601, R.C.M. 1947, is amended to  
 19 read as follows:

20 "84-601. County tax appeal board -- ~~when to hear~~  
 21 ~~protests meetings and compensation.~~ The board of county  
 22 commissioners of each county shall appoint a three--(3)  
 23 ~~three-member~~ county tax appeal board. The members of each  
 24 tax appeal board shall be residents of the county in which  
 25 they serve ~~they.~~ They shall serve four--(4) 4-year terms and

1 shall ~~effective July 1, 1973,~~ receive compensation of  
 2 ~~twenty-five dollars (\$25) per a~~ day and travel expenses as  
 3 provided for in 59-538, 59-539, and 59-801, as amended, only  
 4 when the county tax appeal board is in session to hear  
 5 taxpayers' appeals from property tax assessments or ~~when~~  
 6 ~~they are~~ attending meetings called by the state tax appeal  
 7 board. Travel expenses and compensation shall be paid from  
 8 the appropriation to the state tax appeal board. Office  
 9 space and equipment for the county tax appeal boards shall  
 10 be furnished by the county. All other incidental expenses  
 11 ~~will~~ shall be paid from the appropriation of the state tax  
 12 appeal board. ~~The first term shall run from July 1, 1973,~~  
 13 ~~through December 31, 1976.~~ The county tax appeal board must  
 14 meet on the third Monday of June in each year to hear  
 15 protests concerning assessments made by the department of  
 16 revenue. It must continue in session for that purpose from  
 17 time to time until the business of hearing protests is  
 18 disposed of, but not later than the second Monday in August.  
 19 In connection with any such appeal, the county tax appeal  
 20 board ~~shall have the authority to~~ may change any assessment  
 21 or fix the assessment at some other level. ~~it is the duty~~  
 22 ~~of the~~ The county clerk to shall publish a notice to  
 23 taxpayers, of giving the time the county tax appeal board  
 24 will meet to hear protests concerning assessments and the  
 25 latest date the county tax appeal board may take

1 applications for such hearings ~~by publication~~ The notice  
 2 shall be published in a newspaper, if any is printed in the  
 3 county; ~~or~~ if none, then in such manner as the board may  
 4 direct. The notice shall be published at least seven ~~(7)~~  
 5 days prior to the first meeting of the county tax appeal  
 6 board."

7 Section 26. Section 84-702, R.C.M. 1947, is amended to  
 8 read as follows:

9 "84-702. Qualification and compensation. ~~The persons~~  
 10 ~~to be appointed as members a member~~ of the state tax  
 11 ~~appeal board, shall be such as are known to a person must~~  
 12 possess knowledge of the subject of taxation and skill in  
 13 matters pertaining thereto. No person so appointed ~~shall~~ may  
 14 hold any other office under the laws of this state nor ~~or~~  
 15 any other state, nor ~~or~~ any office under ~~the~~ government of  
 16 the United States or under the government of any other  
 17 state. He shall devote his entire time to the duties of the  
 18 office and shall not hold any ~~other~~ position of trust or  
 19 profit, nor ~~or~~ engage in any occupation or business  
 20 interfering or inconsistent with his duties. The state tax  
 21 appeal board is transferred to the department of  
 22 administration for administrative purposes only as is  
 23 specified in section 82A-108, R.C.M. 1947. However, the  
 24 board may hire its own personnel, and section 82A-108(2)(d)  
 25 does not apply. The member designated chairman as provided

1 for in 84-703 shall receive additional compensation of not  
 2 more than ~~five hundred dollars (\$500) per annum a year,~~  
 3 payable in the same manner as the salary. The state tax  
 4 appeal board shall be paid ~~per diem and~~ travel expenses, as  
 5 provided for in 59-538, 59-539, and 59-801, as amended, when  
 6 away from the capital on official business."

7 Section 27. Section 84-6704, R.C.M. 1947, is amended  
 8 to read as follows:

9 "84-6704. Advisory committee -- members --  
 10 reimbursement -- meetings. There is hereby established the  
 11 multistate tax compact advisory committee composed of the  
 12 member of the multistate tax commission representing this  
 13 state or any alternate designated by him, the attorney  
 14 general or his designee, and two members of the senate, one  
 15 ~~(1)~~ from each of the two ~~(2)~~ major political parties  
 16 appointed by the senate committee on committees, and two ~~(2)~~  
 17 members of the house of representatives, one ~~(1)~~ from each  
 18 of the two ~~(2)~~ major political parties, appointed by the  
 19 speaker of the house. The chairman shall be the member of  
 20 the commission representing this state. Members of the  
 21 commission who are members of the ~~legislative assembly~~  
 22 legislature shall be reimbursed for ~~actual and necessary~~  
 23 travel expenses, as provided for in 59-538, 59-539, and  
 24 59-801, as amended, incurred on commission business from any  
 25 funds appropriated to implement this compact. The committee

1 shall meet on the call of its chairman or at the request of  
 2 a majority of its members, but in any event it shall meet  
 3 not less than three ~~(3)~~ times in each year. The committee  
 4 may consider ~~any and all~~ matters relating to recommendations  
 5 of the multistate tax commission and the activities of the  
 6 members in representing this state thereon."

7 Section 28. Section 92-116.1, R.C.M. 1947, is amended  
 8 to read as follows:

9 "92-116.1. Administration fund. (1) ~~There is hereby~~  
 10 ~~established in the state treasury a workmen's A workers'~~  
 11 compensation administration fund is established, out of  
 12 which all costs of administering the Workmen's Workers'  
 13 Compensation and Occupational Disease Acts and the various  
 14 occupational safety acts the division must administer are to  
 15 be paid upon lawful appropriation. The following moneys  
 16 collected by the workmen's workers' compensation division  
 17 shall be deposited in the state treasury to the credit of  
 18 the workmen's workers' compensation administrative fund and  
 19 shall be used for the administrative expenses of the  
 20 division:

21 (a) all fees and fines provided in sections 92-119,  
 22 92-820, and 92-1358;

23 (b) all fees paid for inspection of boilers and  
 24 issuance of licenses to operating engineers as required by  
 25 law;

1 (c) all fees paid from an assessment on each plan No.  
 2 1 employer, plan No. 2 insurer, and plan No. 3, the state  
 3 insurance fund. The assessments shall be levied against the  
 4 preceding calendar year's gross annual payroll of the plan  
 5 No. 1 employers and the gross annual direct premiums  
 6 collected in Montana on the policies of the plan No. 2  
 7 insurers, insuring employers covered under the act, during  
 8 the preceding calendar year. However, no assessment of the  
 9 plan No. 1 employer or plan No. 2 insurer shall be less than  
 10 ~~two hundred dollars~~ ~~(\$200)~~. The assessments shall be  
 11 sufficient to fund the direct costs identified to the three  
 12 ~~(3)~~ plans and an equitable portion of the indirect costs  
 13 based on the ratio of the preceding fiscal year's indirect  
 14 costs distributed to the plans using proper accounting and  
 15 cost allocation procedures. Plan No. 3 shall be assessed an  
 16 amount sufficient to fund its direct costs and an equitable  
 17 portion of the indirect costs as referred to above. Other  
 18 sources of revenue including unexpended funds from the  
 19 preceding fiscal year shall be used to reduce the costs  
 20 before levying the assessments.

21 (2) The administration fund shall be debited with  
 22 expenses incurred by the division in the general  
 23 administration of the provisions of this act, including the  
 24 salaries of its members, officers, and employees, and the  
 25 ~~actual and necessary traveling~~ travel expenses and

1 disbursements of such ~~the~~ members, officers, and employees,  
 2 ~~as provided for in 59-538, 59-539, and 59-801, as amended,~~  
 3 incurred while on the business of the division either within  
 4 or without the state.

5 (3) Disbursements from the administration moneys shall  
 6 be made after being approved by the division upon claim  
 7 therefor."

8 Section 29. Section 93-716, R.C.M. 1947, is amended to  
 9 read as follows:

10 "93-716. No compensation -- travel expenses. The  
 11 members of the commission are not entitled to compensation  
 12 for their services, but they are entitled to ~~actual~~ travel  
 13 expenses, as provided for in 59-538, 59-539, and 59-801, as  
 14 amended, while actually engaged in the discharge of their  
 15 official duties."

16 Section 30. Section 93-721, R.C.M. 1947, is amended to  
 17 read as follows:

18 "93-721. No compensation -- travel expenses. A  
 19 commission member is not entitled to compensation for his  
 20 services but is entitled to ~~actual~~ travel expenses, as  
 21 provided for in 59-538, 59-539, and 59-801, as amended,  
 22 incurred in the performance of his duties."

23 Section 31. Section 95-3124.1, R.C.M. 1947, is amended  
 24 to read as follows:

25 "95-3124.1. Expenses for returning fugitives. An agent

1 of this state authorized to return a fugitive from justice  
 2 to this state may utilize commercial transportation,  
 3 aircraft, or motor vehicle to return the fugitive. The  
 4 agent shall be paid ~~all--actual--and--necessary~~ travel  
 5 expenses, as provided for in 59-538, 59-539, and 59-801, as  
 6 amended, incurred in returning the fugitive to this state.  
 7 ~~Actual--and--necessary--expenses--for--transportation--when--a~~  
 8 ~~vehicle--other--than--a--state--vehicle--is--utilized,--shall--be~~  
 9 ~~calculated--at--the--rate--allowed--by--law--for--state--employees."~~

-End-