

SENATE BILL NO. 463

INTRODUCED BY S. BROWN, HIMSL

BY REQUEST OF THE LEGISLATIVE AUDIT COMMITTEE

IN THE SENATE

February 13, 1981	Introduced and referred to Committee on Finance and Claims. Fiscal note requested.
February 17, 1981	Fiscal note returned.
February 19, 1981	Committee recommend bill do pass as amended. Report adopted.
February 20, 1981	Bill printed and placed on members' desks.
February 21, 1981	Motion pass consideration.
February 23, 1981	Second reading, do pass.
February 24, 1981	Correctly engrossed.
February 25, 1981	Third reading, passed. Ayes, 46; Noes, 4. Transmitted to House.

IN THE HOUSE

March 3, 1981	Introduced and referred to Committee on State Administration.
March 18, 1981	Committee recommend bill be concurred in as amended. Report adopted.
March 24, 1981	Motion pass consideration.

March 27, 1981 Second reading, concurred in.

March 30, 1981 On motion rules suspended and bill allowed to be transmitted on 71st legislative day. Motion adopted.

March 31, 1981 Third reading, concurred in as amended. Ayes, 88; Noes, 11.

IN THE SENATE

April 1, 1981 Returned from House with amendments.

April 10, 1981 Second reading, amendments concurred in.

April 11, 1981 Third reading, amendments concurred in. Ayes, 47; Noes, 1. Sent to enrolling.

Reported correctly enrolled.

1 *Senate* BILL NO. *463*
2 INTRODUCED BY *HELEN Brown* *Amend*

3 BY REQUEST OF THE LEGISLATIVE AUDIT COMMITTEE

4
5 A BILL FOR AN ACT ENTITLED: "AN ACT TO PROVIDE FOR UNIFORM
6 COMPENSATION AND TRAVEL EXPENSES FOR THE BOARDS OF COUNTY
7 PRINTING, VETERANS' AFFAIRS, ATHLETICS, BANKING, MEDICAL
8 EXAMINERS, DENTISTS, OSTEOPATHIC PHYSICIANS, PODIATRY
9 EXAMINERS, PHARMACISTS, NURSING, NURSING HOME
10 ADMINISTRATORS, OPTOMETRISTS, PHYSICAL THERAPY EXAMINERS,
11 CHIROPRACTORS, RADIOLOGIC TECHNOLOGISTS, SPEECH PATHOLOGISTS
12 AND AUDIOLOGISTS, HEARING AID DISPENSERS, PSYCHOLOGISTS,
13 VETERINARIANS, MORTICIANS, BARBERS, COSMETOLOGISTS, MASSAGE
14 THERAPISTS, SANITARIANS, PUBLIC ACCOUNTANTS, REALTY
15 REGULATION, ARCHITECTS, LANDSCAPE ARCHITECTS, PROFESSIONAL
16 ENGINEERS AND LAND SURVEYORS, PLUMBERS, AND THE STATE
17 ELECTRICAL BOARD, AND THE COMMISSION FOR HUMAN RIGHTS;
18 AMENDING SECTIONS 2-15-1102, 2-15-1706, 2-15-22C2, 23-3-102,
19 32-1-201, 37-3-206, 37-4-203, 37-4-204, 37-5-202, 37-6-201,
20 37-7-202, 37-8-203, 37-9-201, 37-10-203, 37-11-203,
21 37-12-202, 37-14-201, 37-15-203, 37-16-203, 37-17-201,
22 37-18-203, 37-19-201, 37-30-202, 37-31-202, 37-33-202,
23 37-40-202, 37-50-202, 37-51-205, 37-65-202, 37-66-201,
24 37-67-203, 37-68-202, AND 37-69-203, MCA."

25

1 WHEREAS, during its sunset reviews of licensing and
2 regulatory boards the Legislative Audit Committee noted that
3 compensation and travel expenses for the boards vary
4 considerably from board to board; and

5 WHEREAS, the various boards have very similar duties
6 and responsibilities.

7 THEREFORE, it is the intent of this act to provide for
8 the payment of uniform compensation and travel expenses for
9 members of state licensing and regulatory boards.

10

11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

12 NEW SECTION. Section 1. Board members' compensation
13 and expenses. Unless otherwise provided by law, each member
14 of a board allocated to the department is entitled to
15 receive \$30 per day compensation and travel expenses, as
16 provided for in 2-18-501 through 2-18-503, for each day
17 spent on official board business. Board members who conduct
18 official board business in their city of residence are
19 entitled to receive a midday meal allowance, as provided for
20 in 2-18-501, for each day in which 6 or more hours are spent
21 on official board business. Ex officio board members may not
22 receive compensation but shall receive travel expenses.

23 Section 2. Section 2-15-1102, MCA, is amended to read:
24 "2-15-1102. Board of county printing -- composition --
25 allocation -- compensation. (1) There is a board of county

1 printing.

2 (2) The board consists of five members appointed by
3 the governor for terms of 2 years.

4 (3) The members are:

5 (a) two members of the printing industry;

6 (b) two county commissioners;

7 (c) one member of the general public.

8 (4) The board is allocated to the department for
9 administrative purposes only as prescribed in 2-15-121.

10 (5) The members of the board shall be compensated and
11 reimbursed in the same manner and amount as are members of
12 advisory councils in 2-15-122 provided for in [section 1]
13 for boards allocated to the department of professional and
14 occupational licensing."

15 Section 3. Section 2-15-1706, MCA, is amended to read:

16 "2-15-1706. Commission for human rights -- allocation
17 --quasi-judicial. (1) There is a commission for human
18 rights.

19 (2) The commission consists of five members appointed
20 by the governor.

21 (3) The commission is designated as a quasi-judicial
22 board for the purposes of 2-15-124 but its members shall be
23 compensated and receive travel expenses as provided for in
24 [section 1].

25 (4) The commission is allocated to the department of

1 labor and industry for administrative purposes only as
2 provided in 2-15-121, except that the commission may hire
3 its own personnel, may seek and receive private and federal
4 funds in its own name, and may determine all matters of
5 policy concerning the use of its budget. Subsection (2)(d)
6 of 2-15-121 shall not apply for purposes of this section."

7 Section 4. Section 2-15-2202, MCA, is amended to read:

8 "2-15-2202. Board of veterans' affairs. (1) There is a
9 board of veterans' affairs.

10 (2) The board consists of five members appointed by
11 the governor. Not more than one member shall be appointed
12 from a single county. However, a change of residence within
13 the state after appointment does not alter a member's
14 status. All members shall be residents of this state and
15 shall have been honorably discharged from service in the
16 military forces of the United States in any of its wars. A
17 vacancy occurring on the board shall be filled by the
18 governor, subject to the conditions of this subsection.

19 (3) Each member shall receive compensation and travel
20 expenses as provided for in [section 1].

21 ~~(3)(4)~~ Each member shall serve for a term of 5 years.

22 ~~(4)(5)~~ The board is allocated to the department for
23 administrative purposes only as prescribed in 2-15-121.
24 However, the board may hire its own personnel, and
25 2-15-121(2)(d) does not apply."

1 Section 5. Section 23-3-102, MCA, is amended to read:

2 "23-3-102. Board of athletics. The members of the
3 board of athletics shall ~~serve--without-compensation-but~~
4 ~~shall-be-allowed receive compensation and~~ travel expenses,
5 as provided for in ~~2-18-501-through-2-18-503--as-amended,~~
6 [section 1], to be paid by the state treasurer on warrant
7 properly drawn, out of the proceeds of the tax collected
8 under this chapter. Before April 1 of each year the board
9 shall elect one of its number chairman, shall adopt a seal
10 for the board, and may adopt rules for the administration of
11 its office. Two of the members of the board constitute a
12 quorum to do business, and the concurrence of at least two
13 members is necessary to render a choice or decision by the
14 board."

15 Section 6. Section 32-1-201, MCA, is amended to read:

16 "32-1-201. State banking board -- secretary --
17 meetings -- per diem. (1) The state banking board, created
18 in 2-15-1903, shall elect a secretary from its members to
19 serve at the pleasure of the board.

20 (2) In performing its functions, the board shall have
21 use of the offices, equipment, and personnel of the
22 department as it requires.

23 (3) The board shall hold regular meetings each quarter
24 at a fixed date and time at the office of the department.
25 Special meetings may be called by the chairman at any time

1 upon 3 days' notice to the members.

2 (4) A quorum for all meetings shall be a majority of
3 the board members, and a majority of the quorum present at
4 any meeting may take action.

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

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

9 (7) The board members, ~~except-the-chairman,~~ shall be
10 paid ~~---\$25---a---day---or---any---part---thereof---devoted---to---the~~
11 ~~performance-of-their-duties~~ receive compensation and travel
12 expenses in the same manner and amount as provided for in
13 ~~2-18-501-through--2-18-503--as--amended--incurred--in--the~~
14 ~~performance-of-their-duties~~ [section 1] for boards allocated
15 to the department of professional and occupational
16 licensing. The costs and expenses of the board shall be
17 legitimate charges of the department."

18 Section 7. Section 37-3-206, MCA, is amended to read:

19 "37-3-206. Compensation and expenses of members. Each
20 member of the board of medical examiners shall receive \$25
21 per-day compensation ~~while--traveling--to--and--from--board~~
22 ~~meetings--and--while--attending--board-meetings--and--for--each~~
23 ~~full-day-away-from-home--while--conducting--board--business,~~
24 plus and travel expenses as provided for in ~~2-18-501-through~~
25 ~~2-18-503--while--in--the--active--and--necessary--discharge--of--his~~

1 duties [section 1]."

2 Section 8. Section 37-4-203, MCA, is amended to read:

3 "37-4-203. Compensation and expenses of board members
4 --disbursement of excess funds. (1) Out of the funds derived
5 from fees collected under this chapter, each member of the
6 board shall ~~be reimbursed as follows:~~

7 ~~(a) --\$25 per day for each day in actual attendance at a
8 meeting of the board;~~

9 ~~(b) --expenses and travel authorized under 2-18-501
10 through 2-18-503 receive compensation and travel expenses as
11 provided for in [section 1].~~

12 (2) Money collected in excess of expenses and salaries
13 provided for shall be held by the department as a special
14 fund for meeting the expenses of the board, the proper
15 administration of this chapter, and educational purposes
16 considered wise by the board. The department, on the written
17 request of the board, shall set aside in a separate account
18 in the earmarked revenue fund the emergency moneys provided
19 under 37-4-307. This account may be expended only when the
20 board determines that an emergency exists requiring an
21 expenditure therefrom."

22 Section 9. Section 37-4-204, MCA, is amended to read:

23 "37-4-204. Affiliation with national association
24 authorized -- delegate -- expenses allowed. The board may
25 affiliate with the national association as an active member,

1 pay regular annual dues to the association, and send a
2 delegate to the meetings of the association. ~~The delegate
3 shall be reimbursed as follows:~~

4 ~~(1) --\$15 per day for each day traveling to and from a
5 meeting and while in actual attendance at a meeting;~~

6 ~~(2) --expenses and travel authorized under 2-18-501 and
7 2-18-503; and~~

8 ~~(3) --first class railroad and Pullman fares actually
9 incurred to and from his place of residence to the place of
10 a meeting."~~

11 Section 10. Section 37-5-202, MCA, is amended to read:

12 "37-5-202. Compensation of members -- deposit of fees.

13 (1) Each of the members of the board ~~may is entitled to~~
14 receive as compensation ~~a sum not to exceed \$20 for each day~~
15 ~~actually engaged in the duties of his office, together with~~
16 ~~and travel expenses as provided for in 2-18-501 through~~
17 ~~2-18-503, connected with attending the meetings of the board~~
18 ~~[section 1].~~

19 (2) The fees collected by the department under this
20 chapter shall be deposited in the earmarked revenue fund for
21 the use of the board, subject to 37-1-101(6)."

22 Section 11. Section 37-6-201, MCA, is amended to read:

23 "37-6-201. Compensation of board members -- expenses.
24 Each member of the board shall receive ~~for his services \$5~~
25 ~~per diem compensation~~ and travel expenses as provided for in

1 ~~2-18-581 through 2-18-583~~ [section 1]. Other contingent
2 expenses necessarily incurred shall be paid by the state
3 department in the same manner as other expenses of the state
4 board of podiatry examiners."

5 Section 12. Section 37-7-202, MCA, is amended to read:

6 "37-7-202. Salaries and expenses of board members.
7 Each member of the board shall receive \$25-a-day-as
8 compensation for-the-performance-of-his-services-as-a-board
9 member and shall-be-compensated-in-addition--thereto--for
10 travel expenses, as provided for in 2-18-581--through
11 2-18-583,--in-attending-meetings [section 1]."

12 Section 13. Section 37-8-203, MCA, is amended to read:

13 "37-8-203. Compensation of members -- expenses. Each
14 member of the board shall be--paid--mitage receive
15 compensation and travel expenses as provided in 2-18-581
16 through--2-18-583--and,--in-addition,--\$25-per-day-for-each-day
17 actually-engaged-in--the--discharge--of--duties--under--this
18 chapter,--including-the-time-spent-in-actual-attendance-at-a
19 meeting-of-the-board--and--in--direct--travel--to--and--from
20 meetings--and--a-reasonable-number-of-days-for-the-preparation
21 and-administration-of-examinations [section 1]."

22 Section 14. Section 37-9-201, MCA, is amended to read:

23 "37-9-201. Organization and compensation of board. (1)
24 The board shall elect from its membership a chairman,
25 vice-chairman, and secretary-treasurer and shall adopt rules

1 to govern its proceedings.

2 (2) ~~As compensation for his services, each member~~
3 ~~shall receive \$25 a day, in addition to expenses, for each~~
4 ~~day of actual service in the performance of his duties. All~~
5 ~~members shall be allowed~~ Each board member shall receive
6 compensation and travel expenses as provided for in 2-18-581
7 through-2-18-583--and--living--expenses--as--may--be--approved--by
8 the board [section 1]."

9 Section 15. Section 37-10-203, MCA, is amended to
10 read:

11 "37-10-203. Compensation of members -- expenses --
12 deposit of moneys. (1) Each member of the board may is
13 entitled to receive as compensation the--sum--of--\$25 and
14 travel expenses as provided for in 2-18-581--through--2-18-583
15 for--each--day--actually-engaged-in-the-duties-of-his-office
16 [section 1].

17 (2) Money collected by the department shall be
18 deposited in the earmarked revenue fund for the use of the
19 board, subject to 37-1-101(6)."

20 Section 16. Section 37-11-203, MCA, is amended to
21 read:

22 "37-11-203. Travel expense -- deposit of fees. (1)
23 Each board member shall be--reimbursed--for receive
24 compensation and travel expenses as provided for in 2-18-581
25 through-2-18-583--for-each-day-actually-engaged-in-the-duties

1 ~~of-his-office [section 1].~~

2 (2) All fees collected by the department shall be
3 deposited in the earmarked revenue account for the use of
4 the board, subject to 37-1-101(6). The department shall keep
5 an accurate account of funds received and expenditures made
6 from the account.

7 (3) The board of medical examiners shall transfer
8 funds in the earmarked revenue account collected after
9 January 1, 1979, which were derived from the examination and
10 licensure or relicensure of physical therapists in this
11 state to the earmarked account designated as the "physical
12 therapist account".

13 Section 17. Section 37-12-202, MCA, is amended to
14 read:

15 "37-12-202. Compensation of members -- expenses. The
16 members of the board shall receive \$25-for-each-day-during
17 which-they-are-actually-engaged-in-the-discharge-of-their
18 duties-plus-mileage-and-reimbursement-for compensation and
19 travel expenses as provided for in ~~2-18-501-through-2-18-503~~
20 [section 1]."

21 Section 18. Section 37-14-201, MCA, is amended to
22 read:

23 "37-14-201. Compensation of board members -- meetings
24 -- quorum. (1) ~~Board-members-may-be-compensated-as~~
25 ~~determined-by-the-board, but-not-to-exceed-\$25-a-day,--for~~

1 ~~official--business.~~ Board members shall be-reimbursed-for
2 their receive compensation and travel expenses, as provided
3 for in ~~2-18-501-through-2-18-503, as-amended, incurred-while~~
4 ~~on-official-business-of-the-board [section 1].~~

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

7 (3) Four members of the board constitute a quorum for
8 the purpose of transacting business."

9 Section 19. Section 37-15-203, MCA, is amended to
10 read:

11 "37-15-203. Compensation and expenses. Each board
12 member shall receive compensation and travel expenses and
13 ~~mileage--incidental--to--board--meetings--and--business,~~ as
14 provided for in ~~2-18-501--through--2-18-503,--as-amended,~~
15 ~~Compensation-may-be-paid-each-board-member-not-otherwise~~
16 ~~compensated--in--the--amount--of--\$25-per-day-when-attending~~
17 ~~board-meetings [section 1].~~"

18 Section 20. Section 37-16-203, MCA, is amended to
19 read:

20 "37-16-203. Compensation of members -- expenses. Each
21 member of the board shall receive \$20--a--day compensation
22 ~~when--actually-engaged-in-the-discharge-of-his-official-duty~~
23 ~~and-in-addition-shall-be-reimbursed--for~~ travel expenses
24 expenses as provided for in ~~2-18-501-through-2-18-503, in~~
25 ~~attending-a-meeting-of-the-board-in-the-state [section 1].~~"

1 Section 21. Section 37-17-201, MCA, is amended to
2 read:

3 "37-17-201. Meetings -- expenses of members --
4 attorney general as board attorney -- seal. (1) The board
5 shall hold a regular annual meeting in which it shall select
6 from its members a chairman and a secretary. Other regular
7 meetings shall be held at such times as the rules of the
8 board provide. Special meetings may be held at times
9 considered necessary or advisable by the chairman and the
10 majority of its members or on the request of the governor.
11 Reasonable notice of meetings shall be given in the manner
12 prescribed by the board. The quorum of the board consists of
13 the majority of its members. The department shall keep a
14 record of the board's proceedings.

15 (2) Each board member shall receive compensation and
16 travel expenses as provided for in ~~2-18-501 through~~
17 ~~2-18-503, as amended, incidental to board meetings~~ [section
18 1].

19 (3) The attorney general shall act as attorney for the
20 board. He or his representative may sit as an ex officio
21 member of the board in an advisory capacity only.

22 (4) The board shall adopt an official seal."

23 Section 22. Section 37-18-203, MCA, is amended to
24 read:

25 "37-18-203. Compensation and expenses of members --

1 department records of board proceedings and licensees. (1)
2 Each member of the board is entitled to receive compensation
3 and travel expenses as provided for in ~~2-18-501 through~~
4 ~~2-18-503, in addition, each member of the board may receive~~
5 ~~compensation of \$25 per day for attending board meetings~~
6 ~~[section 1].~~

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

12 Section 23. Section 37-19-201, MCA, is amended to
13 read:

14 "37-19-201. Organization -- compensation and expenses
15 of members. The board shall elect a chairman,
16 secretary-treasurer, and other necessary officers. Board
17 members ~~may serve for~~ are entitled to receive compensation
18 ~~of \$25 per day for attending board meetings and shall be~~
19 ~~reimbursed for travel expenses~~ as provided for in ~~2-18-501~~
20 ~~through 2-18-503, connected with attending meetings or in~~
21 ~~the discharge of other board duties~~ [section 1]."

22 Section 24. Section 37-30-202, MCA, is amended to
23 read:

24 "37-30-202. Compensation of members -- expenses. Each
25 member of the board shall receive ~~o~~ compensation ~~of \$25 per~~

1 ~~day-while-attending-board-meetings-plus and~~ travel expenses
2 as provided for in ~~2-18-581-through-2-18-583, incurred-in~~
3 ~~attending-meetings-of-the-board [section 1]."~~

4 Section 25. Section 37-31-202, MCA, is amended to
5 read:

6 "37-31-202. Compensation of members -- expenses. Each
7 member of the board may is entitled to receive as
8 compensation for ~~his services the sum of \$25 per day for~~
9 ~~each day in actual attendance at any meeting of the board~~
10 ~~in addition, each member shall be reimbursed for and~~ travel
11 expenses as provided for in ~~2-18-581 through 2-18-583~~
12 ~~necessity incurred in the performance of official duties~~
13 ~~[section 1]."~~

14 Section 26. Section 37-33-202, MCA, is amended to
15 read:

16 "37-33-202. Compensation of members -- expenses. (1)
17 The members of the board shall receive a compensation of \$25
18 for each day during which they are actually engaged in the
19 discharge of their duties and shall be allowed travel
20 expenses as provided for in ~~2-18-581 through 2-18-583~~
21 ~~[section 1].~~

22 (2) Compensation, mileage, and other expenses
23 necessarily connected with the board shall be paid only out
24 of the earmarked revenue fund."

25 Section 27. Section 37-40-202, MCA, is amended to

1 read:

2 "37-40-202. Compensation -- expenses. Members of the
3 board shall receive compensation of ~~\$25 a day plus and~~
4 travel expenses as provided for in ~~2-18-581 through~~
5 ~~2-18-583 as amended, while engaged in business of the board~~
6 ~~[section 1]."~~

7 Section 28. Section 37-50-202, MCA, is amended to
8 read:

9 "37-50-202. Compensation of members -- expenses. Each
10 member of the board ~~while actually engaged in the duties of~~
11 ~~his office is entitled to:~~

- 12 (1) ~~a mileage allowance as provided in 2-18-583~~
13 (2) ~~expenses as provided in 2-18-581 and 2-18-582~~ and
14 (3) ~~a salary equal to one-fourth the daily rate of a~~
15 ~~grade by step-by-classified state employee for every 6~~
16 ~~hours or fraction thereof spent away from home on board~~
17 business is entitled to receive compensation and travel
18 expenses as provided for in [section 1]."

19 Section 29. Section 37-51-205, MCA, is amended to
20 read:

21 "37-51-205. Compensation of members -- expenses. Each
22 member of the board shall receive as compensation for ~~each~~
23 ~~day actually spent on his official duties the sum of \$25 and~~
24 travel expenses as provided for in ~~2-18-581 through~~
25 ~~2-18-583 connected with the performance of duties for the~~

1 board [section 1]."

2 Section 30. Section 37-65-202, MCA, is amended to
3 read:

4 "37-65-202. Compensation of board members -- expenses.
5 Each member of the board is ~~allowed the sum of \$25 per day~~
6 ~~plus mileage~~ entitled to receive compensation and travel
7 expenses as provided for in ~~2-18-501 through 2-18-503, while~~
8 ~~in the discharge of his actual duties~~ [section 1]."

9 Section 31. Section 37-66-201, MCA, is amended to
10 read:

11 "37-66-201. Organization -- compensation. (1) At its
12 first meeting of every calendar year, the board shall elect
13 from among its public representative members a chairman, who
14 may appoint a secretary. The secretary may or may not be a
15 member of the board.

16 (2) ~~In carrying out the provisions of this chapter,~~
17 ~~the only reimbursement~~ The members of the board may ~~are~~
18 ~~entitled to receive~~ is for compensation and travel expenses,
19 as ~~allowed provided~~ in ~~2-18-501 through 2-18-503, as~~
20 ~~amended, incurred in the performance of board duties~~
21 [section 1]."

22 Section 32. Section 37-67-203, MCA, is amended to
23 read:

24 "37-67-203. Compensation of board members -- expenses.
25 Each member of the board shall receive per diem when

1 actually attending to the work of the board or any of its
2 committees and for the time spent in necessary travel. Such
3 per diem shall be fixed by the board in its sound
4 discretion, but it shall not exceed \$25 per day, in addition
5 thereto; each member shall be reimbursed for compensation
6 and travel expenses, as provided for in ~~2-18-501 through~~
7 ~~2-18-503, involved in carrying out the provisions of this~~
8 chapter [section 1]."

9 Section 33. Section 37-68-202, MCA, is amended to
10 read:

11 "37-68-202. Compensation and expenses of board
12 members. Each member of the board shall receive \$25 per day
13 for each day served in the discharge of his duties, together
14 with compensation and travel expenses, as provided for in
15 ~~2-18-501 through 2-18-503, as amended, incurred in the~~
16 ~~performance of his duties~~ [section 1]."

17 Section 34. Section 37-69-203, MCA, is amended to
18 read:

19 "37-69-203. Compensation of board members -- expenses.
20 A member of the board is entitled to compensation of \$20 for
21 each day while actually engaged in the work of the board and
22 reimbursement for travel expenses as provided for in
23 ~~2-18-501 through 2-18-503~~ [section 1]."

24 Section 35. Codification instruction. Section 1 is
25 intended to be codified as an integral part of Title 37,

LC 1290/01

1 chapter 1, part 1.

-End-

STATE OF MONTANA

REQUEST NO. 372-81

FISCAL NOTE

Form BD-15

In compliance with a written request received February 13, 19 81, there is hereby submitted a Fiscal Note for Senate Bill 463 pursuant to Title 5, Chapter 4, Part 2 of the Montana Code Annotated (MCA).

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

To provide for uniform compensation and travel expenses for certain state regulatory boards.

Assumptions

The bill pertains to the board members from the following departments:

1. Five board members in the Department of Labor and Industry.
2. 144 board members in the Department of Professional and Occupational Licensing.
3. Five board members in the Department of Social and Rehabilitation Services.
4. Five board members in the Department of Business Regulation.

<u>Fiscal Impact</u>	<u>FY 1982</u>	<u>FY 1983</u>
Labor & Industry	\$ 300	\$ 300
Professional & Occupational Licensing	9,045	9,045
Social & Rehabilitation Services	295	295
Business Regulation	<u>100</u>	<u>100</u>
Increased Expenditure	\$9,740	\$9,740

Note: The proposed measure will have minimal impact upon the Board of County Printing within the Department of Community Affairs.

David M. Lewis

BUDGET DIRECTOR

Office of Budget and Program Planning

Date: 2/18/81

Approved by Committee
on Finance & Claims

1 SENATE BILL NO. 463

2 INTRODUCED BY S. BROWN, HIMSL

3 BY REQUEST OF THE LEGISLATIVE AUDIT COMMITTEE

4

5 A BILL FOR AN ACT ENTITLED: "AN ACT TO PROVIDE FOR UNIFORM
6 COMPENSATION AND TRAVEL EXPENSES FOR THE BOARDS OF COUNTY
7 PRINTING, VETERANS' AFFAIRS, ATHLETICS, BANKING, MEDICAL
8 EXAMINERS, DENTISTS, OSTEOPATHIC PHYSICIANS, PODIATRY
9 EXAMINERS, PHARMACISTS, NURSING, NURSING HOME
10 ADMINISTRATORS, OPTOMETRISTS, PHYSICAL THERAPY EXAMINERS,
11 CHIROPRACTORS, RADIOLOGIC TECHNOLOGISTS, SPEECH PATHOLOGISTS
12 AND AUDIOLOGISTS, HEARING AID DISPENSERS, PSYCHOLOGISTS,
13 VETERINARIANS, MORTICIANS, BARBERS, COSMETOLOGISTS, MASSAGE
14 THERAPISTS, SANITARIANS, PUBLIC ACCOUNTANTS, REALTY
15 REGULATION, ARCHITECTS, LANDSCAPE ARCHITECTS, PROFESSIONAL
16 ENGINEERS AND LAND SURVEYORS, PLUMBERS, AND THE STATE
17 ELECTRICAL BOARD, BANKING, AND THE COMMISSION FOR HUMAN
18 RIGHTS; AMENDING SECTIONS 2-15-1102, 2-15-1706, 2-15-2202,
19 23-3-102, 32-1-201, 37-3-206, 37-4-203, 37-4-204, 37-5-202,
20 37-6-201, 37-7-202, 37-8-203, 37-9-201, 37-10-203,
21 37-11-203, 37-12-202, 37-14-201, 37-15-203, 37-16-203,
22 37-17-201, 37-18-203, 37-19-201, 37-30-202, 37-31-202,
23 37-33-202, 37-40-202, 37-50-202, 37-51-205, 37-65-202,
24 37-66-201, 37-67-203, 37-68-202, AND 37-69-203, MCA."

25

1 WHEREAS, during its sunset reviews of licensing and
2 regulatory boards the Legislative Audit Committee noted that
3 compensation and travel expenses for the boards vary
4 considerably from board to board; and

5 WHEREAS, the various boards have very similar duties
6 and responsibilities.

7 THEREFORE, it is the intent of this act to provide for
8 the payment of uniform compensation and travel expenses for
9 members of state licensing and regulatory boards.

10

11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

12 NEW SECTION. Section 1. Board members' compensation
13 and expenses. Unless otherwise provided by law, each member
14 of a board allocated to the department is entitled to
15 receive \$90 \$40 per day compensation and travel expenses, as
16 provided for in 2-18-501 through 2-18-503, for each day
17 spent on official board business. Board members who conduct
18 official board business in their city of residence are
19 entitled to receive a midday meal allowance, as provided for
20 in 2-18-501, for each day in which 6 or more hours are spent
21 on official board business. Ex officio board members may not
22 receive compensation but shall receive travel expenses.

23 Section 2. Section 2-15-1102, MCA, is amended to read:
24 "2-15-1102. Board of county printing -- composition --
25 allocation -- compensation. (1) There is a board of county

1 printing.

2 (2) The board consists of five members appointed by
3 the governor for terms of 2 years.

4 (3) The members are:

5 (a) two members of the printing industry;

6 (b) two county commissioners;

7 (c) one member of the general public.

8 (4) The board is allocated to the department for
9 administrative purposes only as prescribed in 2-15-121.

10 (5) The members of the board shall be compensated and
11 reimbursed in the same manner and amount as are members of
12 advisory councils in 2-15-122 provided for in [section 1]
13 for boards allocated to the department of professional and
14 occupational licensing."

15 Section 3. Section 2-15-1706, MCA, is amended to read:

16 "2-15-1706. Commission for human rights -- allocation
17 --quasi-judicial. (1) There is a commission for human
18 rights.

19 (2) The commission consists of five members appointed
20 by the governor.

21 ~~(3)~~ The commission is designated as a quasi-judicial
22 board for the purposes of 2-15-124 but its members shall be
23 compensated and receive travel expenses as provided for in
24 [section 1].

25 (4) The commission is allocated to the department of

1 labor and industry for administrative purposes only as
2 provided in 2-15-121, except that the commission may hire
3 its own personnel, may seek and receive private and federal
4 funds in its own name, and may determine all matters of
5 policy concerning the use of its budget. Subsection (2)(d)
6 of 2-15-121 shall not apply for purposes of this section."

7 Section 4. Section 2-15-2202, MCA, is amended to read:

8 "2-15-2202. Board of veterans' affairs. (1) There is a
9 board of veterans' affairs.

10 (2) The board consists of five members appointed by
11 the governor. Not more than one member shall be appointed
12 from a single county. However, a change of residence within
13 the state after appointment does not alter a member's
14 status. All members shall be residents of this state and
15 shall have been honorably discharged from service in the
16 military forces of the United States in any of its wars. A
17 vacancy occurring on the board shall be filled by the
18 governor, subject to the conditions of this subsection.

19 (3) Each member shall receive compensation and travel
20 expenses as provided for in [section 1].

21 ~~(3)~~(4) Each member shall serve for a term of 5 years.

22 ~~(4)~~(5) The board is allocated to the department for
23 administrative purposes only as prescribed in 2-15-121.
24 However, the board may hire its own personnel, and
25 2-15-121(2)(d) does not apply."

1 Section 5. Section 23-3-102, MCA, is amended to read:

2 "23-3-102. Board of athletics. The members of the
3 board of athletics shall ~~serve--without-compensation-but~~
4 ~~shall-be-allowed~~ receive compensation and travel expenses
5 as provided for in ~~2-18-501-through-2-18-503,--as-amended,~~
6 [section 1], to be paid by the state treasurer on warrant
7 properly drawn, out of the proceeds of the tax collected
8 under this chapter. Before April 1 of each year the board
9 shall elect one of its number chairman, shall adopt a seal
10 for the board, and may adopt rules for the administration of
11 its office. Two of the members of the board constitute a
12 quorum to do business, and the concurrence of at least two
13 members is necessary to render a choice or decision by the
14 board."

15 Section 6. Section 32-1-201, MCA, is amended to read:

16 "32-1-201. State banking board -- secretary --
17 meetings -- per diem. (1) The state banking board, created
18 in 2-15-1803, shall elect a secretary from its members to
19 serve at the pleasure of the board.

20 (2) In performing its functions, the board shall have
21 use of the offices, equipment, and personnel of the
22 department as it requires.

23 (3) The board shall hold regular meetings each quarter
24 at a fixed date and time at the office of the department.
25 Special meetings may be called by the chairman at any time

1 upon 3 days' notice to the members.

2 (4) A quorum for all meetings shall be a majority of
3 the board members, and a majority of the quorum present at
4 any meeting may take action.

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

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

9 (7) The board members, ~~except the chairman,~~ shall be
10 ~~paid---\$25--a--day--or--any--part--thereof--devoted--to--the~~
11 ~~performance-of-their-duties~~ receive compensation and travel
12 expenses, in the same manner and amount as provided for in
13 ~~2-18-501-through-2-18-503,--as--amended,--incurred--in--the~~
14 ~~performance-of-their-duties~~ [section 1] for boards allocated
15 to the department of professional and occupational
16 licensing. The costs and expenses of the board shall be
17 legitimate charges of the department."

18 Section 7. Section 37-3-206, MCA, is amended to read:

19 "37-3-206. Compensation and expenses of members. Each
20 member of the board of medical examiners shall receive \$25
21 per-day compensation ~~while--traveling--to--and--from--board~~
22 ~~meetings--and--while--attending--board-meetings--and--for--each~~
23 ~~full-day-away-from-home--while--conducting--board--business,~~
24 plus and travel expenses as provided for in ~~2-18-501-through~~
25 ~~2-18-503,--while--in--the--active--and--necessary--discharge--of--his~~

1 ~~duties [section 1]."~~

2 Section 8. Section 37-4-203, MCA, is amended to read:

3 *37-4-203. Compensation and expenses of board members
4 ~~disbursement of excess funds. (1) Out of the funds derived~~
5 ~~from fees collected under this chapter, each member of the~~
6 ~~board shall be reimbursed as follows:~~

7 ~~(a) \$25 per day for each day in actual attendance at a~~
8 ~~meeting of the board;~~

9 ~~(b) expenses and travel authorized under 2-18-501~~
10 ~~through 2-18-503 receive compensation and travel expenses as~~
11 ~~provided for in [section 1].~~

12 (2) Money collected in excess of expenses and salaries
13 provided for shall be held by the department as a special
14 fund for meeting the expenses of the board, the proper
15 administration of this chapter, and educational purposes
16 considered wise by the board. The department, on the written
17 request of the board, shall set aside in a separate account
18 in the earmarked revenue fund the emergency moneys provided
19 under 37-4-307. This account may be expended only when the
20 board determines that an emergency exists requiring an
21 expenditure therefrom."

22 Section 9. Section 37-4-204, MCA, is amended to read:

23 *37-4-204. Affiliation with national association
24 authorized -- delegate -- expenses allowed. The board may
25 affiliate with the national association as an active member,

1 pay regular annual dues to the association, and send a
2 delegate to the meetings of the association. ~~The delegate~~
3 ~~shall be reimbursed as follows:~~

4 ~~(1) \$15 per day for each day traveling to and from a~~
5 ~~meeting and while in actual attendance at a meeting;~~

6 ~~(2) expenses and travel authorized under 2-18-501 and~~
7 ~~2-18-503; and~~

8 ~~(3) first class railroad and Pullman fares actually~~
9 ~~incurred to and from his place of residence to the place of~~
10 ~~a meeting."~~

11 Section 10. Section 37-5-202, MCA, is amended to read:

12 *37-5-202. Compensation of members -- deposit of fees.

13 (1) Each of the members of the board may be entitled to
14 ~~receive as compensation a sum not to exceed \$20 for each day~~
15 ~~actually engaged in the duties of his office, together with~~
16 and ~~travel expenses, as provided for in 2-18-501 through~~
17 ~~2-18-503, connected with attending the meetings of the board~~
18 [section 1].

19 (2) The fees collected by the department under this
20 chapter shall be deposited in the earmarked revenue fund for
21 the use of the board, subject to 37-1-101(6)."

22 Section 11. Section 37-6-201, MCA, is amended to read:

23 *37-6-201. Compensation of board members -- expenses.
24 Each member of the board shall receive ~~for his services \$5~~
25 per diem compensation and travel expenses as provided for in

1 ~~2-18-501 through 2-18-503~~ [section 1]. Other contingent
2 expenses necessarily incurred shall be paid by the state
3 department in the same manner as other expenses of the state
4 board of podiatry examiners."

5 Section 12. Section 37-7-202, MCA, is amended to read:
6 "37-7-202. Salaries and expenses of board members.
7 Each member of the board shall receive \$25-a-day-as
8 compensation for-the-performance-of-his-services-as-a-board
9 member and shall-be-compensated-in-addition-thereto-for
10 travel expenses, as provided for in 2-18-501-through
11 2-18-503, in-attending-meetings [section 1]."

12 Section 13. Section 37-8-203, MCA, is amended to read:
13 "37-8-203. Compensation of members -- expenses. Each
14 member of the board shall be-paid-mileage receive
15 compensation and travel expenses as provided in 2-18-501
16 through-2-18-503-and-in-addition-\$25-per-day-for-each-day
17 actually-engaged-in-the-discharge-of-duties-under-this
18 chapter,--including-the-time-spent-in-actual-attendance-at-a
19 meeting-of-the-board--and--in--direct--travel--to--and--from
20 meetings-and-a-reasonable-number-of-days-for-the-preparation
21 and-administration-of-examinations [section 1]."

22 Section 14. Section 37-9-201, MCA, is amended to read:
23 "37-9-201. Organization and compensation of board. (1)
24 The board shall elect from its membership a chairman,
25 vice-chairman, and secretary-treasurer and shall adopt rules

1 to govern its proceedings.

2 (2) ~~As compensation for his services, each member~~
3 ~~shall receive \$25 a day, in addition to expenses, for each~~
4 ~~day of actual service in the performance of his duties. All~~
5 ~~members shall be allowed~~ Each board member shall receive
6 compensation and travel expenses as provided for in 2-18-501
7 through-2-18-503-and-travel-expenses-as-may-be-approved-by
8 the-board [section 1]."

9 Section 15. Section 37-10-203, MCA, is amended to
10 read:

11 "37-10-203. Compensation of members -- expenses --
12 deposit of moneys. (1) Each member of the board may is
13 entitled to receive as compensation the-sum-of-\$25 and
14 travel expenses as provided for in 2-18-501-through-2-18-503
15 for--each--day--actually-engaged-in-the-duties-of-his-office
16 [section 1]."

17 (2) Money collected by the department shall be
18 deposited in the earmarked revenue fund for the use of the
19 board, subject to 37-1-101(6)."

20 Section 16. Section 37-11-203, MCA, is amended to
21 read:

22 "37-11-203. Travel expense -- deposit of fees. (1)
23 Each board member shall be--reimbursed--for receive
24 compensation and travel expenses as provided for in 2-18-501
25 through-2-18-503-for-each-day-actually-engaged-in-the-duties

1 of-his-office [section 1].

2 (2) All fees collected by the department shall be
3 deposited in the earmarked revenue account for the use of
4 the board, subject to 37-1-101(6). The department shall keep
5 an accurate account of funds received and expenditures made
6 from the account.

7 (3) The board of medical examiners shall transfer
8 funds in the earmarked revenue account collected after
9 January 1, 1979, which were derived from the examination and
10 licensure or relicensure of physical therapists in this
11 state to the earmarked account designated as the "physical
12 therapist account".

13 Section 17. Section 37-12-202, MCA, is amended to
14 read:

15 "37-12-202. Compensation of members -- expenses. The
16 members of the board shall receive \$25-for-each-day-during
17 which-they-are-actually-engaged-in-the-discharge-of-their
18 duties-plus-mileage-and-reimbursement-for compensation and
19 travel expenses as provided for in 2-18-501-through-2-18-503
20 [section 1]."

21 Section 18. Section 37-14-201, MCA, is amended to
22 read:

23 "37-14-201. Compensation of board members -- meetings
24 -- quorum. (1) Board-members-may-be-compensated-as
25 determined-by-the-board-but-not-to-exceed-\$25-a-day-for

1 official-business. Board members shall be-reimbursed-for
2 their receive compensation and travel expenses, as provided
3 for in 2-18-501-through-2-18-503, as-amended, incurred-while
4 on-official-business-of-the-board [section 1].

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

7 (3) Four members of the board constitute a quorum for
8 the purpose of transacting business."

9 Section 19. Section 37-15-203, MCA, is amended to
10 read:

11 "37-15-203. Compensation and expenses. Each board
12 member shall receive compensation and travel expenses and
13 ~~mileage--incidentel--to--board--meetings--and--business,~~ as
14 provided for in 2-18-501--through--2-18-503,--as-amended.
15 ~~Compensation-may-be-paid-each--board--member--not--otherwise~~
16 ~~compensated--in--the--amount--of--\$25-per-day-when-attending~~
17 ~~board-meetings [section 1]."~~

18 Section 20. Section 37-16-203, MCA, is amended to
19 read:

20 "37-16-203. Compensation of members -- expenses. Each
21 member of the board shall receive \$28--a--day compensation
22 when--actually-engaged-in-the-discharge-of-his-official-duty
23 and in-addition-shall--be--reimbursed--for travel expense
24 expenses as provided for in 2-18-501-through-2-18-503, in
25 attending-a-meeting-of-the-board-in-the-state [section 1]."

1 Section 21. Section 37-17-201, MCA, is amended to
2 read:

3 "37-17-201. Meetings -- expenses of members --
4 attorney general as board attorney -- seal. (1) The board
5 shall hold a regular annual meeting in which it shall select
6 from its members a chairman and a secretary. Other regular
7 meetings shall be held at such times as the rules of the
8 board provide. Special meetings may be held at times
9 considered necessary or advisable by the chairman and the
10 majority of its members or on the request of the governor.
11 Reasonable notice of meetings shall be given in the manner
12 prescribed by the board. The quorum of the board consists of
13 the majority of its members. The department shall keep a
14 record of the board's proceedings.

15 (2) Each board member shall receive compensation and
16 travel expenses as provided for in ~~2-18-501 through~~
17 ~~2-18-503, as amended, incidental to board meetings~~ [section
18 1].

19 (3) The attorney general shall act as attorney for the
20 board. He or his representative may sit as an ex officio
21 member of the board in an advisory capacity only.

22 (4) The board shall adopt an official seal."

23 Section 22. Section 37-18-203, MCA, is amended to
24 read:

25 "37-18-203. Compensation and expenses of members --

1 department records of board proceedings and licensees. (1)
2 Each member of the board is entitled to receive compensation
3 and travel expenses as provided for in ~~2-18-501 through~~
4 ~~2-18-503, in addition, each member of the board may receive~~
5 ~~compensation of \$25 per day for attending board meetings~~
6 [section 1].

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

12 Section 23. Section 37-19-201, MCA, is amended to
13 read:

14 "37-19-201. Organization -- compensation and expenses
15 of members. The board shall elect a chairman,
16 secretary-treasurer, and other necessary officers. Board
17 members may serve for a are entitled to receive compensation
18 of \$25 per day for attending board meetings and shall be
19 reimbursed for travel expenses as provided for in ~~2-18-501~~
20 ~~through 2-18-503, connected with attending meetings or in~~
21 ~~the discharge of other board duties~~ [section 1]."

22 Section 24. Section 37-30-202, MCA, is amended to
23 read:

24 "37-30-202. Compensation of members -- expenses. Each
25 member of the board shall receive a compensation of ~~\$25 per~~

1 ~~day-while-attending-board-meetings-plus and~~ travel expenses
2 as provided for in ~~2-18-501-through-2-18-503~~ incurred in
3 ~~attending-meetings-of-the-board~~ [section 1]."

4 Section 25. Section 37-31-202, MCA, is amended to
5 read:

6 "37-31-202. Compensation of members -- expenses. Each
7 member of the board may is entitled to receive as
8 compensation ~~for-his-services-the-sum-of-\$25-per-day-for~~
9 ~~each-day-in-actual-attendance-at-any-meeting-of-the-board~~
10 ~~in-addition~~ and travel
11 expenses as provided for in ~~2-18-501-through-2-18-503~~
12 ~~necessity-incurred-in-the-performance-of-official-duties~~
13 [section 1]."

14 Section 26. Section 37-33-202, MCA, is amended to
15 read:

16 "37-33-202. Compensation of members -- expenses. (1)
17 The members of the board shall receive a compensation of ~~\$25~~
18 ~~for-each-day-during-which-they-are-actually-engaged-in-the~~
19 ~~discharge-of-their-duties~~ and shall ~~be-allowed~~ travel
20 expenses as provided for in ~~2-18-501-through-2-18-503~~
21 [section 1].

22 (2) Compensation, mileage, and other expenses
23 necessarily connected with the board shall be paid only out
24 of the earmarked revenue fund."

25 Section 27. Section 37-40-202, MCA, is amended to

1 read:

2 "37-40-202. Compensation -- expenses. Members of the
3 board shall receive compensation of ~~-\$25-a-day-plus and~~
4 travel expenses as provided for in ~~2-18-501-through~~
5 ~~2-18-503-as-amended~~ while-engaged-in-business-of-the-board
6 [section 1]."

7 Section 28. Section 37-50-202, MCA, is amended to
8 read:

9 "37-50-202. Compensation of members -- expenses. Each
10 member of the board ~~while-actually-engaged-in-the-duties-of~~
11 ~~his-office-is-entitled-to~~
12 ~~(1)-a-mileage-allowance-as-provided-in-2-18-503~~
13 ~~(2)-expenses-as-provided-in-2-18-501-and-2-18-502-and~~
14 ~~(3)-a-salary-equal-to-one-fourth-the-daily-rate-of-a~~
15 ~~grade-87-step-2-classified-state-employee-for-every-6~~
16 ~~hours-or-fraction-thereof-spent-away-from-home-on-board~~
17 business is entitled to receive compensation and travel
18 expenses as provided for in [section 1]."

19 Section 29. Section 37-51-205, MCA, is amended to
20 read:

21 "37-51-205. Compensation of members -- expenses. Each
22 member of the board shall receive as compensation ~~for--each~~
23 ~~day-actually-spent-on-his-official-duties-the-sum-of-\$25~~ and
24 travel expenses as provided for in ~~2-18-501-through~~
25 ~~2-18-503-connected-with-the-performance-of-duties--for--the~~

1 board [section 1]."

2 Section 30. Section 37-65-202, MCA, is amended to
3 read:

4 "37-65-202. Compensation of board members -- expenses.
5 Each member of the board is ~~allowed the sum of \$25 per day~~
6 ~~plus mileage~~ entitled to receive compensation and travel
7 expenses as provided for in ~~2-18-501 through 2-18-503~~, while
8 ~~in the discharge of his actual duties~~ [section 1]."

9 Section 31. Section 37-66-201, MCA, is amended to
10 read:

11 "37-66-201. Organization -- compensation. (1) At its
12 first meeting of every calendar year, the board shall elect
13 from among its public representative members a chairman, who
14 may appoint a secretary. The secretary may or may not be a
15 member of the board.

16 (2) ~~in carrying out the provisions of this chapter~~
17 ~~the only reimbursement~~ The members of the board may are
18 entitled to receive ~~is for~~ compensation and travel expenses
19 as ~~allowed~~ provided in ~~2-18-501 through 2-18-503~~, ~~as~~
20 ~~amended~~, ~~incurred in the performance of board duties~~
21 [section 1]."

22 Section 32. Section 37-67-203, MCA, is amended to
23 read:

24 "37-67-203. Compensation of board members -- expenses.
25 Each member of the board shall receive ~~per diem when~~

1 ~~actually attending to the work of the board or any of its~~
2 ~~committees and for the time spent in necessary travel~~, ~~such~~
3 ~~per diem shall be fixed by the board in its sound~~
4 ~~discretion, but it shall not exceed \$25 per day.~~ ~~In addition~~
5 ~~thereto, each member shall be reimbursed for~~ compensation
6 and travel expenses, as provided for in ~~2-18-501 through~~
7 ~~2-18-503~~, ~~involved in carrying out the provisions of this~~
8 chapter [section 1]."

9 Section 33. Section 37-68-202, MCA, is amended to
10 read:

11 "37-68-202. Compensation and expenses of board
12 members. Each member of the board shall receive ~~\$25 per day~~
13 ~~for each day served in the discharge of his duties, together~~
14 ~~with~~ compensation and travel expenses, as provided for in
15 ~~2-18-501 through 2-18-503~~, ~~as amended~~, ~~incurred in the~~
16 ~~performance of his duties~~ [section 1]."

17 Section 34. Section 37-69-203, MCA, is amended to
18 read:

19 "37-69-203. Compensation of board members -- expenses.
20 A member of the board is entitled to ~~compensation of \$20 for~~
21 ~~each day while actually engaged in the work of the board and~~
22 ~~reimbursement for~~ travel expenses as provided for in
23 ~~2-18-501 through 2-18-503~~ [section 1]."

24 Section 35. Codification instruction. Section 1 is
25 intended to be codified as an integral part of Title 37,

SB 0463/02

1 chapter 1, part 1.

-End-

1 SENATE BILL NO. 463

2 INTRODUCED BY S. BROWN, HIMSL

3 BY REQUEST OF THE LEGISLATIVE AUDIT COMMITTEE

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10
11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

12 NEW SECTION. Section 1. Board members' compensation
13 and expenses. Unless otherwise provided by law, each member
14 of a board allocated to the department is entitled to
15 receive ~~\$30~~ \$40 per day compensation and travel expenses, as
16 provided for in 2-18-501 through 2-18-503, for each day
17 spent on official board business. Board members who conduct
18 official board business in their city of residence are
19 entitled to receive a midday meal allowance, as provided for
20 in 2-18-501, for each day in which 6 or more hours are spent
21 on official board business. Ex officio board members may not
22 receive compensation but shall receive travel expenses.

23 Section 2. Section 2-15-1102, MCA, is amended to read:
24 "2-15-1102. Board of county printing -- composition --
25 allocation -- compensation. (1) There is a board of county

1 printing.

2 (2) The board consists of five members appointed by
3 the governor for terms of 2 years.

4 (3) The members are:

5 (a) two members of the printing industry;

6 (b) two county commissioners;

7 (c) one member of the general public.

8 (4) The board is allocated to the department for
9 administrative purposes only as prescribed in 2-15-121.

10 (5) The members of the board shall be compensated and
11 reimbursed in the same manner and amount as are members of
12 advisory councils in 2-15-122 provided for in [section 1]
13 for boards allocated to the department of professional and
14 occupational licensing."

15 Section 3. Section 2-15-1706, MCA, is amended to read:

16 "2-15-1706. Commission for human rights -- allocation
17 --quasi-judicial. (1) There is a commission for human
18 rights.

19 (2) The commission consists of five members appointed
20 by the governor.

21 (3) The commission is designated as a quasi-judicial
22 board for the purposes of 2-15-124 but its members shall be
23 compensated and receive travel expenses as provided for in
24 [section 1].

25 (4) The commission is allocated to the department of

1 labor and industry for administrative purposes only as
2 provided in 2-15-121, except that the commission may hire
3 its own personnel, may seek and receive private and federal
4 funds in its own name, and may determine all matters of
5 policy concerning the use of its budget. Subsection (2)(d)
6 of 2-15-121 shall not apply for purposes of this section."

7 Section 4. Section 2-15-2202, MCA, is amended to read:

8 "2-15-2202. Board of veterans' affairs. (1) There is a
9 board of veterans' affairs.

10 (2) The board consists of five members appointed by
11 the governor. Not more than one member shall be appointed
12 from a single county. However, a change of residence within
13 the state after appointment does not alter a member's
14 status. All members shall be residents of this state and
15 shall have been honorably discharged from service in the
16 military forces of the United States in any of its wars. A
17 vacancy occurring on the board shall be filled by the
18 governor, subject to the conditions of this subsection.

19 (3) Each member shall receive compensation and travel
20 expenses as provided for in [section 1].

21 ~~(3)~~(4) Each member shall serve for a term of 5 years.

22 ~~(4)~~(5) The board is allocated to the department for
23 administrative purposes only as prescribed in 2-15-121.
24 However, the board may hire its own personnel, and
25 2-15-121(2)(d) does not apply."

1 Section 5. Section 23-3-102, MCA, is amended to read:

2 "23-3-102. Board of athletics. The members of the
3 board of athletics shall ~~serve without compensation but~~
4 ~~shall be allowed~~ receive compensation and travel expenses,
5 as provided for in ~~2-18-501 through 2-18-503, as amended by~~
6 [Section 1], to be paid by the state treasurer on warrant
7 properly drawn, out of the proceeds of the tax collected
8 under this chapter. Before April 1 of each year the board
9 shall elect one of its number chairman, shall adopt a seal
10 for the board, and may adopt rules for the administration of
11 its office. Two of the members of the board constitute a
12 quorum to do business, and the concurrence of at least two
13 members is necessary to render a choice or decision by the
14 board."

15 Section 6. Section 32-1-201, MCA, is amended to read:

16 "32-1-201. State banking board -- secretary --
17 meetings -- per diem. (1) The state banking board, created
18 in 2-15-1803, shall elect a secretary from its members to
19 serve at the pleasure of the board.

20 (2) In performing its functions, the board shall have
21 use of the offices, equipment, and personnel of the
22 department as it requires.

23 (3) The board shall hold regular meetings each quarter
24 at a fixed date and time at the office of the department.
25 Special meetings may be called by the chairman at any time

1 upon 3 days' notice to the members.

2 (4) A quorum for all meetings shall be a majority of
3 the board members, and a majority of the quorum present at
4 any meeting may take action.

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

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

9 (7) The board members, ~~except the chairman,~~ shall be
10 ~~paid \$25 a day or any part thereof devoted to the~~
11 ~~performance of their duties~~ receive compensation and travel
12 ~~expenses in the same manner and amount as provided for in~~
13 ~~2-18-501 through 2-18-503, as amended, incurred in the~~
14 ~~performance of their duties~~ [section 1] for boards allocated
15 to the department of professional and occupational
16 licensing. The costs and expenses of the board shall be
17 legitimate charges of the department."

18 Section 7. Section 37-3-206, MCA, is amended to read:

19 "37-3-206. Compensation and expenses of members. Each
20 member of the board of medical examiners shall receive \$25
21 per-day compensation ~~while traveling to and from board~~
22 ~~meetings and while attending board meetings and for each~~
23 ~~full-day-away-from-home while conducting board business,~~
24 ~~plus and~~ travel expenses as provided for in ~~2-18-501 through~~
25 ~~2-18-503, while in the active and necessary discharge of his~~

1 duties [section 1]."

2 Section 8. Section 37-4-203, MCA, is amended to read:

3 "37-4-203. Compensation and expenses of board members

4 --disbursement of excess funds. (1) Out of the funds derived

5 from fees collected under this chapter, each member of the

6 board shall be reimbursed as follows:

7 (a) ~~425 per day for each day in actual attendance at a~~

8 ~~meeting of the board;~~

9 (b) ~~expenses and travel authorized under 2-18-501~~

10 ~~through 2-18-503 receive compensation and travel expenses as~~

11 ~~provided for in [section 1].~~

12 (2) Money collected in excess of expenses and salaries

13 provided for shall be held by the department as a special

14 fund for meeting the expenses of the board, the proper

15 administration of this chapter, and educational purposes

16 considered wise by the board. The department, on the written

17 request of the board, shall set aside in a separate account

18 in the earmarked revenue fund the emergency moneys provided

19 under 37-4-307. This account may be expended only when the

20 board determines that an emergency exists requiring an

21 expenditure therefrom."

22 Section 9. Section 37-4-204, MCA, is amended to read:

23 "37-4-204. Affiliation with national association

24 authorized -- delegate -- expenses allowed. The board may

25 affiliate with the national association as an active member,

1 pay regular annual dues to the association, and send a

2 delegate to the meetings of the association. ~~The delegate~~

3 ~~shall be reimbursed as follows:~~

4 (1) ~~425 per day for each day traveling to and from a~~

5 ~~meeting and while in actual attendance at a meeting;~~

6 (2) ~~expenses and travel authorized under 2-18-501 and~~

7 ~~2-18-503; and~~

8 (3) ~~first-class railroad and Pullman fares actually~~

9 ~~incurred to and from his place of residence to the place of~~

10 ~~a meeting."~~

11 Section 10. Section 37-5-202, MCA, is amended to read:

12 "37-5-202. Compensation of members -- deposit of fees.

13 (1) Each of the members of the board may is entitled to

14 receive as compensation ~~a sum not to exceed 420 for each day~~

15 ~~actually engaged in the duties of his office, together with~~

16 and travel expenses, as provided for in 2-18-501 through

17 2-18-503, connected with attending the meetings of the board

18 [section 1].

19 (2) The fees collected by the department under this

20 chapter shall be deposited in the earmarked revenue fund for

21 the use of the board, subject to 37-1-101(6)."

22 Section 11. Section 37-6-201, MCA, is amended to read:

23 "37-6-201. Compensation of board members -- expenses.

24 Each member of the board shall receive ~~for his services \$5~~

25 per diem compensation and travel expenses as provided for in

1 ~~2-18-501 through 2-18-503~~ [section 1]. Other contingent
2 expenses necessarily incurred shall be paid by the state
3 department in the same manner as other expenses of the state
4 board of podiatry examiners."

5 Section 12. Section 37-7-202, MCA, is amended to read:
6 "37-7-202. Salaries and expenses of board members.
7 Each member of the board shall receive \$25--a--day--as
8 compensation ~~for the performance of his services as a board~~
9 ~~member and shall be compensated in addition thereto for~~
10 ~~travel expenses~~ as provided for in ~~2-18-501 through~~
11 ~~2-18-503 in attending meetings~~ [section 1]."

12 Section 13. Section 37-8-203, MCA, is amended to read:
13 "37-8-203. Compensation of members -- expenses. Each
14 member of the board shall ~~be paid mileage~~ receive
15 compensation and travel expenses as provided in ~~2-18-501~~
16 ~~through 2-18-503 and in addition \$25 per day for each day~~
17 ~~actually engaged in the discharge of duties under this~~
18 ~~chapter including the time spent in actual attendance at a~~
19 ~~meeting of the board and in direct travel to and from~~
20 ~~meetings and a reasonable number of days for the preparation~~
21 ~~and administration of examinations~~ [section 1]."

22 Section 14. Section 37-9-201, MCA, is amended to read:
23 "37-9-201. Organization and compensation of board. (1)
24 The board shall elect from its membership a chairman,
25 vice-chairman, and secretary-treasurer and shall adopt rules

1 to govern its proceedings.

2 (2) ~~As compensation for his services, each member~~
3 ~~shall receive \$25 a day in addition to expenses for each~~
4 ~~day of actual service in the performance of his duties. All~~
5 ~~members shall be allowed~~ Each board member shall receive
6 compensation and travel expenses as provided for in ~~2-18-501~~
7 ~~through 2-18-503 and living expenses as may be approved by~~
8 ~~the board~~ [section 1]."

9 Section 15. Section 37-10-203, MCA, is amended to
10 read:

11 "37-10-203. Compensation of members -- expenses --
12 deposit of moneys. (1) Each member of the board may is
13 entitled to receive as compensation the ~~sum of \$25~~ and
14 travel expenses as provided for in ~~2-18-501 through 2-18-503~~
15 ~~for each day actually engaged in the duties of his office~~
16 [section 1].

17 (2) Money collected by the department shall be
18 deposited in the earmarked revenue fund for the use of the
19 board, subject to 37-1-101(6)."

20 Section 16. Section 37-11-203, MCA, is amended to
21 read:

22 "37-11-203. Travel expense -- deposit of fees. (1)
23 Each board member shall ~~be reimbursed for~~ receive
24 compensation and travel expenses as provided for in ~~2-18-501~~
25 ~~through 2-18-503 for each day actually engaged in the duties~~

1 ~~of his office~~ [section 1].

2 (2) All fees collected by the department shall be
3 deposited in the earmarked revenue account for the use of
4 the board, subject to 37-1-101(6). The department shall keep
5 an accurate account of funds received and expenditures made
6 from the account.

7 (3) The board of medical examiners shall transfer
8 funds in the earmarked revenue account collected after
9 January 1, 1979, which were derived from the examination and
10 licensure or relicensure of physical therapists in this
11 state to the earmarked account designated as the "physical
12 therapist account".

13 Section 17. Section 37-12-202, MCA, is amended to
14 read:

15 "37-12-202. Compensation of members -- expenses. The
16 members of the board shall receive \$25-for-each--day--during
17 which--they--are--actually-engaged-in-the-discharge-of-their
18 duties-plus-mileage-and-reimbursement-for compensation and
19 travel expenses as provided for in 2-18-501-through-2-18-503
20 [section 1]."

21 Section 18. Section 37-14-201, MCA, is amended to
22 read:

23 "37-14-201. Compensation of board members -- meetings
24 -- quorum. (1) Board--members--may--be--compensated--as
25 determined-by-the-board, but not to exceed \$25--a--day,--for

1 official--business. Board members shall be-reimbursed-for
2 their receive compensation and travel expenses, as provided
3 for in 2-18-501-through-2-18-503,--as-amended,--incurred-while
4 on-official-business-of-the-board [section 1].

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

7 (3) Four members of the board constitute a quorum for
8 the purpose of transacting business."

9 Section 19. Section 37-15-203, MCA, is amended to
10 read:

11 "37-15-203. Compensation and expenses. Each board
12 member shall receive compensation and travel expenses and
13 mileage--incidentals--to--board--meetings--and--business, as
14 provided for in 2-18-501--through--2-18-503,--as-amended.
15 Compensation may be paid each--board--member--not--otherwise
16 compensated--in--the--amount--of--\$25-per-day-when-attending
17 board-meetings [section 1]."

18 Section 20. Section 37-16-203, MCA, is amended to
19 read:

20 "37-16-203. Compensation of members -- expenses. Each
21 member of the board shall receive \$28--a--day compensation
22 when--actually-engaged-in-the-discharge-of-his-official-duty
23 and in-addition-shall--be--reimbursed--for travel expenses
24 expenses as provided for in 2-18-501-through-2-18-503, in
25 attending-a-meeting-of-the-board-in-the-state [section 1]."

1 Section 21. Section 37-17-201, MCA, is amended to
2 read:

3 "37-17-201. Meetings -- expenses of members --
4 attorney general as board attorney -- seal. (1) The board
5 shall hold a regular annual meeting in which it shall select
6 from its members a chairman and a secretary. Other regular
7 meetings shall be held at such times as the rules of the
8 board provide. Special meetings may be held at times
9 considered necessary or advisable by the chairman and the
10 majority of its members or on the request of the governor.
11 Reasonable notice of meetings shall be given in the manner
12 prescribed by the board. The quorum of the board consists of
13 the majority of its members. The department shall keep a
14 record of the board's proceedings.

15 (2) Each board member shall receive compensation and
16 travel expenses, as provided for in ~~2-18-501 through~~
17 ~~2-18-503, as amended, incidental to board meetings~~ [section
18 1].

19 (3) The attorney general shall act as attorney for the
20 board. He or his representative may sit as an ex officio
21 member of the board in an advisory capacity only.

22 (4) The board shall adopt an official seal."

23 Section 22. Section 37-18-203, MCA, is amended to
24 read:

25 "37-18-203. Compensation and expenses of members --

1 department records of board proceedings and licensees. (1)
2 Each member of the board is entitled to receive compensation
3 and travel expenses as provided for in ~~2-18-501 through~~
4 ~~2-18-503, in addition, each member of the board may receive~~
5 ~~compensation of \$25 per day for attending board meetings~~
6 [section 1].

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

12 Section 23. Section 37-19-201, MCA, is amended to
13 read:

14 "37-19-201. Organization -- compensation and expenses
15 of members. The board shall elect a chairman,
16 secretary-treasurer, and other necessary officers. Board
17 members ~~may serve for a~~ are entitled to receive compensation
18 ~~of \$25 per day for attending board meetings and shall be~~
19 ~~reimbursed for~~ travel expenses, as provided for in ~~2-18-501~~
20 ~~through 2-18-503, connected with attending meetings or in~~
21 ~~the discharge of other board duties~~ [section 1]."

22 Section 24. Section 37-30-202, MCA, is amended to
23 read:

24 "37-30-202. Compensation of members -- expenses. Each
25 member of the board shall receive a compensation ~~of \$25 per~~

1 ~~day while attending board meetings plus and~~ travel expenses,
2 as provided for in ~~2-18-501 through 2-18-503~~, incurred in
3 ~~attending meetings of the board~~ [section 1]."

4 Section 25. Section 37-31-202, MCA, is amended to
5 read:

6 "37-31-202. Compensation of members -- expenses. Each
7 member of the board ~~may~~ is entitled to receive as
8 compensation ~~for his services the sum of \$25 per day for~~
9 ~~each day in actual attendance at any meeting of the board.~~
10 ~~In addition, each member shall be reimbursed for and~~ travel
11 expenses, as provided for in ~~2-18-501 through 2-18-503~~,
12 ~~necessarily incurred in the performance of official duties~~
13 [section 1]."

14 Section 26. Section 37-33-202, MCA, is amended to
15 read:

16 "37-33-202. Compensation of members -- expenses. (1)
17 The members of the board shall receive a compensation of \$25
18 ~~for each day during which they are actually engaged in the~~
19 ~~discharge of their duties~~ and shall ~~be allowed~~ travel
20 expenses as provided for in ~~2-18-501 through 2-18-503~~
21 [section 1].

22 (2) Compensation, mileage, and other expenses
23 necessarily connected with the board shall be paid only out
24 of the earmarked revenue fund."

25 Section 27. Section 37-40-202, MCA, is amended to

1 read:

2 "37-40-202. Compensation -- expenses. Members of the
3 board shall receive compensation of ~~\$25 a day plus and~~
4 travel expenses, as provided for in ~~2-18-501 through~~
5 ~~2-18-503~~, ~~as amended~~, while engaged in business of the board
6 [section 1]."

7 Section 28. Section 37-50-202, MCA, is amended to
8 read:

9 "37-50-202. Compensation of members -- expenses. Each
10 member of the board ~~while actually engaged in the duties of~~
11 ~~his office is entitled to:~~

- 12 (1) ~~a mileage allowance as provided in 2-18-503;~~
13 (2) ~~expenses as provided in 2-18-501 and 2-18-502; and~~
14 (3) ~~a salary equal to one-fourth the daily rate of a~~
15 ~~grade 8y step 1y classified state employee for every 6~~
16 ~~hours or fraction thereof spent away from home on board~~
17 business is entitled to receive compensation and travel
18 expenses as provided for in [section 1]."

19 Section 29. Section 37-51-205, MCA, is amended to
20 read:

21 "37-51-205. Compensation of members -- expenses. Each
22 member of the board shall receive as compensation ~~for each~~
23 ~~day actually spent on his official duties the sum of \$25 and~~
24 travel expenses, as provided for in ~~2-18-501 through~~
25 ~~2-18-503~~, connected with the performance of duties for the

1 board [section 1]."

2 Section 30. Section 37-65-202, MCA, is amended to
3 read:

4 "37-65-202. Compensation of board members -- expenses.
5 Each member of the board is ~~entitled the sum of \$25 per day~~
6 ~~plus mileage~~ entitled to receive compensation and travel
7 expenses as provided for in 2-18-501 through 2-18-503, ~~while~~
8 ~~in the discharge of his actual duties~~ [section 1]."

9 Section 31. Section 37-66-201, MCA, is amended to
10 read:

11 "37-66-201. Organization -- compensation. (1) At its
12 first meeting of every calendar year, the board shall elect
13 from among its public representative members a chairman, who
14 may appoint a secretary. The secretary may or may not be a
15 member of the board.

16 (2) ~~in carrying out the provisions of this chapter~~
17 ~~the only reimbursement~~ The members of the board may are
18 entitled to receive ~~is for~~ compensation and travel expenses
19 as ~~entitled~~ provided in 2-18-501 through 2-18-503, ~~as~~
20 ~~amended, incurred in the performance of board duties~~
21 [section 1]."

22 Section 32. Section 37-67-203, MCA, is amended to
23 read:

24 "37-67-203. Compensation of board members -- expenses.
25 Each member of the board shall receive ~~per diem~~ when

1 ~~actually attending to the work of the board or any of its~~
2 ~~committees and for the time spent in necessary travel. Such~~
3 ~~per diem shall be fixed by the board in its sound~~
4 ~~discretion, but it shall not exceed \$25 per day. In addition~~
5 ~~thereto, each member shall be reimbursed for~~ compensation
6 and travel expenses, as provided for in 2-18-501 through
7 2-18-503, ~~involved in carrying out the provisions of this~~
8 chapter [section 1]."

9 Section 33. Section 37-68-202, MCA, is amended to
10 read:

11 "37-68-202. Compensation and expenses of board
12 members. Each member of the board shall receive ~~\$25 per day~~
13 ~~for each day served in the discharge of his duties, together~~
14 ~~with~~ compensation and travel expenses, as provided for in
15 2-18-501 through 2-18-503, ~~as amended, incurred in the~~
16 ~~performance of his duties~~ [section 1]."

17 Section 34. Section 37-69-203, MCA, is amended to
18 read:

19 "37-69-203. Compensation of board members -- expenses.
20 A member of the board is entitled to compensation ~~of \$20 for~~
21 ~~each day while actually engaged in the work of the board and~~
22 ~~reimbursement for~~ travel expenses as provided for in
23 2-18-501 through 2-18-503 [section 1]."

24 Section 35. Codification instruction. Section 1 is
25 intended to be codified as an integral part of Title 37,

SB 0463/02

1 chapter 1, part 1.

-End-

SENATE BILL NO. 463

INTRODUCED BY S. BROWN, HIMS

BY REQUEST OF THE LEGISLATIVE AUDIT COMMITTEE

A BILL FOR AN ACT ENTITLED: "AN ACT TO PROVIDE FOR UNIFORM COMPENSATION AND TRAVEL EXPENSES FOR THE BOARDS OF COUNTY PRINTING, VETERANS' AFFAIRS, ATHLETICS, BANKING, MEDICAL EXAMINERS, DENTISTS, OSTEOPATHIC PHYSICIANS, PODIATRY EXAMINERS, PHARMACISTS, NURSING, NURSING HOME ADMINISTRATORS, OPTOMETRISTS, PHYSICAL THERAPY EXAMINERS, CHIROPRACTORS, RADIOLOGIC TECHNOLOGISTS, SPEECH PATHOLOGISTS AND AUDIOLOGISTS, HEARING AID DISPENSERS, PSYCHOLOGISTS, VETERINARIANS, MORTICIANS, BARBERS, COSMETOLOGISTS, MASSAGE THERAPISTS, SANITARIANS, PUBLIC ACCOUNTANTS, REALTY REGULATION, ARCHITECTS, LANDSCAPE ARCHITECTS, PROFESSIONAL ENGINEERS AND LAND SURVEYORS, PLUMBERS, AND THE STATE ELECTRICAL BOARD, STATE BANKING BOARD, AND THE COMMISSION FOR HUMAN RIGHTS; AMENDING SECTIONS 2-15-1102, 2-15-1706, 2-15-2202, 23-3-102, 32-1-201, 37-3-206, 37-4-203, 37-4-204, 37-5-202, 37-6-201, 37-7-202, 37-8-203, 37-9-201, 37-10-203, 37-11-203, 37-12-202, 37-14-201, 37-15-203, 37-16-203, 37-17-201, 37-18-203, 37-19-201, 37-30-202, 37-31-202, 37-33-202, 37-40-202, 37-50-202, 37-51-205, 37-65-202, 37-66-201, 37-67-203, 37-68-202, AND 37-69-203, MCA."

WHEREAS, during its sunset reviews of licensing and regulatory boards the Legislative Audit Committee noted that compensation and travel expenses for the boards vary considerably from board to board; and

WHEREAS, the various boards have very similar duties and responsibilities.

THEREFORE, it is the intent of this act to provide for the payment of uniform compensation and travel expenses for members of state licensing and regulatory boards.

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

NEW SECTION. Section 1. Board members' compensation and expenses. Unless otherwise provided by law, each member of a board allocated to the department is entitled to receive \$30 \$40 \$25 per day compensation and travel expenses, as provided for in 2-18-501 through 2-18-503, for each day spent on official board business. Board members who conduct official board business in their city of residence are entitled to receive a midday meal allowance, as provided for in 2-18-501, for each day in which 6 or more hours are spent on official board business. Ex officio board members may not receive compensation but shall receive travel expenses.

Section 2. Section 2-15-1102, MCA, is amended to read: "2-15-1102. Board of county printing -- composition --

1 allocation -- compensation. (1) There is a board of county
2 printing.

3 (2) The board consists of five members appointed by
4 the governor for terms of 2 years.

5 (3) The members are:

6 (a) two members of the printing industry;

7 (b) two county commissioners;

8 (c) one member of the general public.

9 (4) The board is allocated to the department for
10 administrative purposes only as prescribed in 2-15-121.

11 (5) The members of the board shall be compensated and
12 reimbursed in the same manner and amount as are members of
13 advisory councils in 2-15-122 provided for in [section 1]
14 for boards allocated to the department of professional and
15 occupational licensing."

16 Section 3. Section 2-15-1706, MCA, is amended to read:

17 "2-15-1706. Commission for human rights -- allocation
18 -- quasi-judicial. (1) There is a commission for human
19 rights.

20 (2) The commission consists of five members appointed
21 by the governor.

22 (3) The commission is designated as a quasi-judicial
23 board for the purposes of 2-15-124 but its members shall be
24 compensated and receive travel expenses as provided for in
25 [section 1].

1 (4) The commission is allocated to the department of
2 labor and industry for administrative purposes only as
3 provided in 2-15-121, except that the commission may hire
4 its own personnel, may seek and receive private and federal
5 funds in its own name, and may determine all matters of
6 policy concerning the use of its budget. Subsection (2)(d)
7 of 2-15-121 shall not apply for purposes of this section."

8 Section 4. Section 2-15-2202, MCA, is amended to read:
9 "2-15-2202. Board of veterans' affairs. (1) There is a
10 board of veterans' affairs.

11 (2) The board consists of five members appointed by
12 the governor. Not more than one member shall be appointed
13 from a single county. However, a change of residence within
14 the state after appointment does not alter a member's
15 status. All members shall be residents of this state and
16 shall have been honorably discharged from service in the
17 military forces of the United States in any of its wars. A
18 vacancy occurring on the board shall be filled by the
19 governor, subject to the conditions of this subsection.

20 (3) Each member shall receive compensation and travel
21 expenses as provided for in [section 1].

22 ~~(3)~~(4) Each member shall serve for a term of 5 years.

23 ~~(4)~~(5) The board is allocated to the department for
24 administrative purposes only as prescribed in 2-15-121.
25 However, the board may hire its own personnel, and

1 2-15-121(2)(d) does not apply."

2 Section 5. Section 23-3-102, MCA, is amended to read:

3 "23-3-102. Board of athletics. The members of the
4 board of athletics shall ~~serve without compensation but~~
5 ~~shall be allowed~~ receive compensation and travel expenses
6 as provided for in ~~2-18-501 through 2-18-503, as amended,~~
7 [section 1], to be paid by the state treasurer on warrant
8 properly drawn, out of the proceeds of the tax collected
9 under this chapter. Before April 1 of each year the board
10 shall elect one of its number chairman, shall adopt a seal
11 for the board, and may adopt rules for the administration of
12 its office. Two of the members of the board constitute a
13 quorum to do business, and the concurrence of at least two
14 members is necessary to render a choice or decision by the
15 board."

16 Section 6. Section 32-1-201, MCA, is amended to read:

17 "32-1-201. State banking board -- secretary --
18 meetings -- per diem. (1) The state banking board, created
19 in 2-15-1803, shall elect a secretary from its members to
20 serve at the pleasure of the board.

21 (2) In performing its functions, the board shall have
22 use of the offices, equipment, and personnel of the
23 department as it requires.

24 (3) The board shall hold regular meetings each quarter
25 at a fixed date and time at the office of the department.

1 Special meetings may be called by the chairman at any time
2 upon 3 days' notice to the members.

3 (4) A quorum for all meetings shall be a majority of
4 the board members, and a majority of the quorum present at
5 any meeting may take action.

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

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

10 (7) The board members, ~~except the chairman,~~ shall be
11 ~~paid \$25 a day or any part thereof devoted to the~~
12 ~~performance of their duties~~ receive compensation and travel
13 expenses, in the same manner and amount as provided for in
14 ~~2-18-501 through 2-18-503, as amended, incurred in the~~
15 ~~performance of their duties~~ [section 1] for boards allocated
16 to the department of professional and occupational
17 licensing. The costs and expenses of the board shall be
18 legitimate charges of the department."

19 Section 7. Section 37-3-206, MCA, is amended to read:

20 "37-3-206. Compensation and expenses of members. Each
21 member of the board of medical examiners shall receive \$25
22 per-day compensation ~~while traveling to and from board~~
23 ~~meetings and while attending board meetings and for each~~
24 ~~full-day away from home while conducting board business,~~
25 plus and travel expenses as provided for in 2-18-501 through

1 ~~2-18-503, while in the active and necessary discharge of his~~
2 ~~duties [Section 1]."~~

3 Section 8. Section 37-4-203, MCA, is amended to read:
4 "37-4-203. Compensation and expenses of board members
5 --disbursement of excess funds. (1) Out of the funds derived
6 from fees collected under this chapter, each member of the
7 board shall ~~be reimbursed as follows:~~

8 ~~(a) \$25 per day for each day in actual attendance at a~~
9 ~~meeting of the board;~~

10 ~~(b) expenses and travel authorized under 2-18-501~~
11 ~~through 2-18-503 receive compensation and travel expenses as~~
12 ~~provided for in [section 1].~~

13 (2) Money collected in excess of expenses and salaries
14 provided for shall be held by the department as a special
15 fund for meeting the expenses of the board, the proper
16 administration of this chapter, and educational purposes
17 considered wise by the board. The department, on the written
18 request of the board, shall set aside in a separate account
19 in the earmarked revenue fund the emergency moneys provided
20 under 37-4-307. This account may be expended only when the
21 board determines that an emergency exists requiring an
22 expenditure therefrom."

23 Section 9. Section 37-4-204, MCA, is amended to read:
24 "37-4-204. Affiliation with national association
25 authorized -- delegate -- expenses allowed. The board may

1 affiliate with the national association as an active member,
2 pay regular annual dues to the association, and send a
3 delegate to the meetings of the association. ~~The delegate~~
4 ~~shall be reimbursed as follows:~~

5 ~~(1) \$15 per day for each day traveling to and from a~~
6 ~~meeting and while in actual attendance at a meeting;~~

7 ~~(2) expenses and travel authorized under 2-18-501 and~~
8 ~~2-18-503; and~~

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

12 Section 10. Section 37-5-202, MCA, is amended to read:

13 "37-5-202. Compensation of members -- deposit of fees.
14 (1) Each of the members of the board may is entitled to
15 receive as compensation a sum not to exceed \$20 for each day
16 actually engaged in the duties of his office, together with
17 and travel expenses, as provided for in 2-18-501 through
18 2-18-503, connected with attending the meetings of the board
19 [section 1].

20 (2) The fees collected by the department under this
21 chapter shall be deposited in the earmarked revenue fund for
22 the use of the board, subject to 37-1-101(6)."

23 Section 11. Section 37-6-201, MCA, is amended to read:

24 "37-6-201. Compensation of board members -- expenses.
25 Each member of the board shall receive ~~for his services \$5~~

1 per-diem compensation and travel expenses as provided for in
2 ~~2-18-501 through 2-18-503~~ [section 1]. Other contingent
3 expenses necessarily incurred shall be paid by the state
4 department in the same manner as other expenses of the state
5 board of podiatry examiners."

6 Section 12. Section 37-7-202, MCA, is amended to read:
7 "37-7-202. Salaries and expenses of board members.
8 Each member of the board shall receive \$25--a--day--as
9 compensation for the performance of his services as a--board
10 member and shall--be--compensated--in--addition--thereto--for
11 travel expenses, as provided for in ~~2-18-501~~---through
12 ~~2-18-503~~, in attending meetings [section 1]."

13 Section 13. Section 37-8-203, MCA, is amended to read:
14 "37-8-203. Compensation of members -- expenses. Each
15 member of the board shall be---paid---mitagee receive
16 compensation and travel expenses as provided in ~~2-18-501~~
17 ~~through 2-18-503 and, in addition, \$25 per day for each--day~~
18 ~~actually--engaged--in--the--discharge--of--duties--under--this~~
19 ~~chapter, including the time spent in actual attendance at--a~~
20 ~~meeting--of--the--board--and--in--direct--travel--to--and--from~~
21 ~~meetings and a reasonable number of days for the preparation~~
22 ~~and administration of examinations~~ [section 1]."

23 Section 14. Section 37-9-201, MCA, is amended to read:
24 "37-9-201. Organization and compensation of board. (1)
25 The board shall elect from its membership a chairman,

1 vice-chairman, and secretary-treasurer and shall adopt rules
2 to govern its proceedings.

3 (2) ~~As--compensation--for--his--services,--each--member~~
4 ~~shall--receive--\$25--a--day,--in--addition--to--expenses,--for--each~~
5 ~~day--of--actual--service--in--the--performance--of--his--duties,--all~~
6 ~~members--shall--be--allowed~~ Each board member shall receive
7 compensation and travel expenses as provided for in ~~2-18-501~~
8 ~~through 2-18-503 and living expenses as may be approved by~~
9 ~~the board~~ [section 1]."

10 Section 15. Section 37-10-203, MCA, is amended to
11 read:

12 "37-10-203. Compensation of members -- expenses --
13 deposit of moneys. (1) Each member of the board may is
14 entitled to receive as compensation ~~the--sum--of--\$25~~ and
15 travel expenses as provided for in ~~2-18-501 through 2-18-503~~
16 ~~for each day actually engaged in the duties of his office~~
17 [section 1].

18 (2) Money collected by the department shall be
19 deposited in the earmarked revenue fund for the use of the
20 board, subject to 37-1-101(6)."

21 Section 16. Section 37-11-203, MCA, is amended to
22 read:

23 "37-11-203. Travel expense -- deposit of fees. (1)
24 Each board member shall ~~be--reimbursed--for~~ receive
25 compensation and travel expenses as provided for in ~~2-18-501~~

1 through 2-18-503 for each day actually engaged in the duties
2 of his office [section 1].

3 (2) All fees collected by the department shall be
4 deposited in the earmarked revenue account for the use of
5 the board, subject to 37-1-101(6). The department shall keep
6 an accurate account of funds received and expenditures made
7 from the account.

8 (3) The board of medical examiners shall transfer
9 funds in the earmarked revenue account collected after
10 January 1, 1979, which were derived from the examination and
11 licensure or relicensure of physical therapists in this
12 state to the earmarked account designated as the "physical
13 therapist account".

14 Section 17. Section 37-12-202, MCA, is amended to
15 read:

16 "37-12-202. Compensation of members -- expenses. The
17 members of the board shall receive \$25 for each day during
18 which they are actually engaged in the discharge of their
19 duties -- plus -- mileage and reimbursement for compensation and
20 travel expenses as provided for in 2-18-501 through 2-18-503
21 [section 1]."

22 Section 18. Section 37-14-201, MCA, is amended to
23 read:

24 "37-14-201. Compensation of board members -- meetings
25 -- quorum. (1) Board -- members -- may -- be -- compensated -- as

1 determined -- by -- the -- board -- but -- not -- to -- exceed -- \$25 -- a -- day -- for
2 official business. Board members shall be -- reimbursed -- for
3 their receive compensation and travel expenses, as provided
4 for in 2-18-501 through 2-18-503, as amended, incurred while
5 on official business of the board [section 1].

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

8 (3) Four members of the board constitute a quorum for
9 the purpose of transacting business."

10 Section 19. Section 37-15-203, MCA, is amended to
11 read:

12 "37-15-203. Compensation and expenses. Each board
13 member shall receive compensation and travel expenses and
14 mileage -- incidental -- to -- board -- meetings -- and -- business, as
15 provided for in 2-18-501 through 2-18-503, as amended,
16 compensation -- may -- be -- paid -- each -- board -- member -- not -- otherwise
17 compensated in the amount of -- \$25 -- per -- day -- when -- attending
18 board meetings [section 1]."

19 Section 20. Section 37-16-203, MCA, is amended to
20 read:

21 "37-16-203. Compensation of members -- expenses. Each
22 member of the board shall receive \$20 a day compensation
23 when actually engaged in the discharge of his official duty
24 and in addition shall be reimbursed for travel expenses
25 expenses as provided for in 2-18-501 through 2-18-503, in

1 ~~attending--a-meeting-of-the-board-in-the-state [section 1]."~~

2 Section 21. Section 37-17-201, MCA, is amended to
3 read:

4 "37-17-201. Meetings -- expenses of members --
5 attorney general as board attorney -- seal. (1) The board
6 shall hold a regular annual meeting in which it shall select
7 from its members a chairman and a secretary. Other regular
8 meetings shall be held at such times as the rules of the
9 board provide. Special meetings may be held at times
10 considered necessary or advisable by the chairman and the
11 majority of its members or on the request of the governor.
12 Reasonable notice of meetings shall be given in the manner
13 prescribed by the board. The quorum of the board consists of
14 the majority of its members. The department shall keep a
15 record of the board's proceedings.

16 (2) Each board member shall receive compensation and
17 travel expenses, as provided for in ~~2-18-501--through~~
18 ~~2-18-503,--as-amended,--incidental-to-board-meetings [section~~
19 ~~1].~~

20 (3) The attorney general shall act as attorney for the
21 board. He or his representative may sit as an ex officio
22 member of the board in an advisory capacity only.

23 (4) The board shall adopt an official seal."

24 Section 22. Section 37-18-203, MCA, is amended to
25 read:

1 "37-18-203. Compensation and expenses of members --
2 department records of board proceedings and licensees. (1)
3 Each member of the board is entitled to receive compensation
4 and travel expenses as provided for in ~~2-18-501--through~~
5 ~~2-18-503,--in-addition,--each-member-of-the-board-may--receive~~
6 ~~compensation--of--\$25--per--day--for--attending-board-meetings~~
7 ~~[section 1].~~

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

13 Section 23. Section 37-19-201, MCA, is amended to
14 read:

15 "37-19-201. Organization -- compensation and expenses
16 of members. The board shall elect a chairman,
17 secretary-treasurer, and other necessary officers. Board
18 members may-serve-for-a are entitled to receive compensation
19 of \$25-per-day-for-attending-board--meetings and shall--be
20 reimbursed--for travel expenses, as provided for in ~~2-18-501~~
21 ~~through-2-18-503,--connected-with-attending--meetings--or--in~~
22 ~~the-discharge-of-other-board-duties [section 1]."~~

23 Section 24. Section 37-30-202, MCA, is amended to
24 read:

25 "37-30-202. Compensation of members -- expenses. Each

1 member of the board shall receive a compensation of \$25 per
 2 day while attending board meetings plus and travel expenses
 3 as provided for in 2-18-501 through 2-18-503, incurred in
 4 attending meetings of the board [section 1]."

5 Section 25. Section 37-31-202, MCA, is amended to
 6 read:

7 "37-31-202. Compensation of members -- expenses. Each
 8 member of the board may is entitled to receive as
 9 compensation for his services the sum of \$25 per day for
 10 each day in actual attendance at any meeting of the board
 11 in addition, each member shall be reimbursed for and travel
 12 expenses as provided for in 2-18-501 through 2-18-503,
 13 necessarily incurred in the performance of official duties
 14 [section 1]."

15 Section 26. Section 37-33-202, MCA, is amended to
 16 read:

17 "37-33-202. Compensation of members -- expenses. (1)
 18 The members of the board shall receive a compensation of \$25
 19 for each day during which they are actually engaged in the
 20 discharge of their duties and shall be allowed travel
 21 expenses as provided for in 2-18-501 through 2-18-503
 22 [section 1]."

23 (2) Compensation, mileage, and other expenses
 24 necessarily connected with the board shall be paid only out
 25 of the earmarked revenue fund."

1 Section 27. Section 37-40-202, MCA, is amended to
 2 read:

3 "37-40-202. Compensation -- expenses. Members of the
 4 board shall receive compensation of \$25 a day plus and
 5 travel expenses, as provided for in 2-18-501 through
 6 2-18-503, as amended, while engaged in business of the board
 7 [section 1]."

8 Section 28. Section 37-50-202, MCA, is amended to
 9 read:

10 "37-50-202. Compensation of members -- expenses. Each
 11 member of the board while actually engaged in the duties of
 12 his office is entitled to
 13 (1) a mileage allowance as provided in 2-18-503;
 14 (2) expenses as provided in 2-18-501 and 2-18-502; and
 15 (3) a salary equal to one-fourth the daily rate of a
 16 grade 8, step 1, classified state employee for every 6
 17 hours or fraction thereof spent away from home on board
 18 business is entitled to receive compensation and travel
 19 expenses as provided for in [section 1]."

20 Section 29. Section 37-51-205, MCA, is amended to
 21 read:

22 "37-51-205. Compensation of members -- expenses. Each
 23 member of the board shall receive as compensation for each
 24 day actually spent on his official duties the sum of \$25 and
 25 travel expenses, as provided for in 2-18-501 through

1 ~~2-18-503,--connected--with--the--performance--of--duties--for--the~~
2 ~~board [section 1]."~~

3 Section 30. Section 37-65-202, MCA, is amended to
4 read:

5 "37-65-202. Compensation of board members -- expenses.
6 Each member of the board is ~~allowed the sum of \$25 per day~~
7 ~~plus mileage entitled to receive compensation~~ and travel
8 expenses as provided for in ~~2-18-501 through 2-18-503, while~~
9 ~~in the discharge of his actual duties [section 1]."~~

10 Section 31. Section 37-66-201, MCA, is amended to
11 read:

12 "37-66-201. Organization -- compensation. (1) At its
13 first meeting of every calendar year, the board shall elect
14 from among its public representative members a chairman, who
15 may appoint a secretary. The secretary may or may not be a
16 member of the board.

17 (2) ~~in carrying out the provisions of this chapter,~~
18 ~~the only reimbursement~~ The members of the board may are
19 entitled to receive ~~is for~~ compensation and travel expenses,
20 as allowed provided in ~~2-18-501 through 2-18-503, as~~
21 ~~amended, incurred in the performance of board duties~~
22 [section 1]."

23 Section 32. Section 37-67-203, MCA, is amended to
24 read:

25 "37-67-203. Compensation of board members -- expenses.

1 Each member of the board shall receive ~~per diem when~~
2 ~~actually attending to the work of the board or any of its~~
3 ~~committees and for the time spent in necessary travel.~~ Such
4 ~~per diem shall be fixed by the board in its sound~~
5 ~~discretion, but it shall not exceed \$25 per day, in addition~~
6 ~~thereto, each member shall be reimbursed for~~ compensation
7 and travel expenses, as provided for in ~~2-18-501 through~~
8 ~~2-18-503, involved in carrying out the provisions of this~~
9 ~~chapter [section 1]."~~

10 Section 33. Section 37-68-202, MCA, is amended to
11 read:

12 "37-68-202. Compensation and expenses of board
13 members. Each member of the board shall receive ~~\$25 per day~~
14 ~~for each day served in the discharge of his duties, together~~
15 ~~with~~ compensation and travel expenses, as provided for in
16 ~~2-18-501 through 2-18-503, as amended, incurred in the~~
17 ~~performance of his duties [section 1]."~~

18 Section 34. Section 37-69-203, MCA, is amended to
19 read:

20 "37-69-203. Compensation of board members -- expenses.
21 A member of the board is entitled to compensation of ~~\$20 for~~
22 ~~each day while actually engaged in the work of the board and~~
23 ~~reimbursement for~~ travel expenses as provided for in
24 ~~2-18-501 through 2-18-503 [section 1]."~~

25 Section 35. Codification instruction. Section 1 is

SB 0463/03

- 1 intended to be codified as an integral part of Title 37,
- 2 chapter 1, part 1.

-End-

STATE ADMINISTRATION

MARCH 17, 1981

HOUSE AMENDMENTS TO SB 463

1. Title, line 17.

Following: "BOARD,"

Insert: "STATE"

Following: "BANKING"

Insert: "BOARD"

2. Page 2, line 15.

Following: "\$30"

Strike: "\$40"

Insert: "\$25"