

**Certificate or Diploma, Fee for Registration of. Fee, for
Registration of Certificate, Etc. Registration Fee, for Cer-
tificate, Etc.**

Unless there is express statutory provision therefor, teachers cannot be required to pay certificate or diploma registration fees.

Under the provisions of Secs. 202 and 905, Chap. 76, Laws of 1913, provision is made for registration of temporary state certificates, and special certificate and fees fixed therefor, and no registration fee is required for any other certificate.

September 11, 1913.

Hon. H. A. Davee,

State Superintendent of Public Instruction,
Helena, Montana.

Dear Sir:

I am in receipt of your letter of the 5th instant, as follows:

"The general school law, Sec. 202, Subdiv. 14, provides in regard to the issuance of temporary state certificates by this office

'That such teacher shall pay for such registration the sum of one (\$1.00) dollar into the institute fund of such county.'

"Also in Sec. 905, Subdiv. 1, paragraph 'e':

"'A special certificate * * * may be granted by the state superintendent of public instruction * * * on the payment of one (\$1.00) dollar into the county institute fund.'

"No fee is required to be paid to this office for either of these certificates. Now in Sec. 109, Subdiv. 3, it is required

'That state and life certificates and diplomas before they shall be valid in any county must be registered in the office of the county superintendent.'

"A fee is paid to this office before such state certificate and life diplomas are issued. The question has now arisen whether, in the absence of any specific statement to that effect in the law a county superintendent should collect a fee of one dollar for the registration of these state and life certificates?"

In reply thereto will say that, in my opinion, teachers cannot

be required to pay certificate or diploma registration fees in any case unless there is express statutory provision therefor. Since such provision is made in the case of temporary state certificates issued under the provisions of Sec. 202, Chap. 76, Session Laws of the Thirteenth Legislative Assembly, and in the case of special certificates issued under the provisions of Sec. 905 (Idem.), the enumeration of these certificates for this purpose excludes the right to demand or receive fees for all other certificates and diplomas held by teachers in this state, and the holders of such are entitled to have the same registered in the office of the county superintendent of the county in which such teachers are employed without the payment of any fees therefor.

Yours very truly,

D. M. KELLY,
Attorney General.