

State Examiner's Fund, Fees to Be Paid Into. Fees, to Be Paid Into State Examiner's Fund, When. Incorporated Cities and Towns, Books and Accounts of. School Districts, Books and Accounts of. Examination, by State Examiner. Banks and Loan Companies, Fees to Be Paid by.

Examination by the state examiner is not a condition precedent to the payment by counties, cities, towns, school districts of the first and second class, banks and loan companies, of the fees provided by law to be paid by them into the state examiner's fund.

March 16th, 1914.

Hon. William Keating,
State Auditor,
Helena, Montana.

Dear Sir:

I am in receipt of your communication under date of the 6th instant, asking whether in my opinion Sec. 215, Chap. 87, Session Laws of the Thirteenth Legislative Assembly, imposing upon counties, cities, towns, school districts of the first and second class, banks and loan companies the duty of paying certain specified sums into the state examiner's fund, intends that these sums shall be paid irrespective of whether examination is made during the year or not. I have examined the act in question, and find nothing therein which would indicate that the payment of the fee is dependent upon an examination being made. The law requires that such examination be made at least once a year, and the presumption is that the officers charged with this duty will perform it.

You are, therefore, advised that the fees provided for by these laws are not conditioned upon an examination, but are payable in any event.

Yours very truly,
D. M. KELLY,
Attorney General.