

Opinion No. 103

University of Montana, Waiver of Fees — State Orphans' Home,
Waiver of Fees For Inmates at University Unit—State Industrial
School, Waiver of Fees For Inmates at University Unit—State
Vocational School For Girls, Waiver of Fees For
Inmates at University Unit.

Held: Under the provisions of Sections 10-110 and 10-111, Revised Codes of Montana, 1947, fees for attendance at the units of the University of Montana must be waived for inmates of the Montana State Orphans' Home, the State Industrial School, and the State Vocational School for Girls. Fees at any other institutions of higher learning need not be waived for such inmates.

April 13th, 1950.

Miss Mary M. Condon
State Superintendent of Public Instruction
State Capitol
Helena, Montana

Dear Miss Condon:

You have requested my opinion as to the fees that may be waived by institutions of higher learning, other than the University units, for inmates of the Montana State Orphans' Home, the State Industrial School, or the State Vocational School for Girls as provided in Section 10-110, Revised Codes of Montana, 1947.

Section 10-110, Revised Codes of Montana, 1947, reads as follows:

"Any inmate of the Montana State Orphans' Home, the State Industrial School, or the State Vocational School for girls, who, shall have completed the course of study of any of said institutions and shall have shown evidence of studious and industrious habits, shall be entitled upon the recommendation of the superintendent and local executive board of any of said institutions, to receive free education at the expense of the State for a period not to exceed four (4) years, at any unit of the University of Montana, and shall likewise be entitled to receive at the expense of the State the necessary high school or other training, if any be needed, to enable such student to enter any of the institutions of higher learning herein mentioned."

It is to be noted from the above statutes that the free education is limited to those students who attend any unit of the University of Montana. Section 10-111, Revised Codes of Montana, 1947, provides that the expense of the education shall not exceed \$400.00 per year and shall be paid by the institution, such as the Montana State Orphans' Home, from which the student is sent to the Unit of the University of Montana.

Section 75-401, Revised Codes of Montana, 1947, designates the units of the University of Montana as follows:

"The State University at Missoula, the College of Agriculture and Mechanic Arts at Bozeman, the School of Mines at Butte, the Normal College at Dillon, the Eastern Montana State Normal School at Billings and the Northern Agricultural and Manual

Training School at Fort Assinniboine, and such departments of said institutions as may hereafter be organized, shall constitute the University of Montana, under the name and style of University of Montana."

It is to be observed that any other institution, such as any junior college, does not come within the above provisions and, therefore, fees for attendance at such schools are not, by law, required to be waived.

It is therefore my opinion that under the provisions of Sections 10-110 and 10-111, Revised Codes of Montana, 1947, that fees for attendance at the units of the University of Montana must be waived for inmates of the Montana, State Orphans' Home, the State Industrial School, and the State Vocational School for Girls and that fees at any other institutions need not be waived for such inmates.

Very truly yours,
ARNOLD H. OLSEN,
Attorney General.