

OPINION NO. 66-099**Syllabus:**

Section 1533.101, Revised Code, provides that a person who has been issued a hunting and trapping license or a deer permit and if such license or deer permit has been lost, destroyed, or stolen, a duplicate may be issued upon application in affidavit form and payment of a fee of twenty-five cents and twenty-five cents to the clerk. In such circumstances the Clerk of Courts is not authorized to charge the additional fee as provided in Section 2303.20 (N), Revised Code, for taking an affidavit.

**To: Fred E. Morr, Director, Ohio Department of Natural Resources,
Columbus, Ohio**
By: William B. Saxbe, Attorney General, June 2, 1966

I have your request, which in substance asks if a Clerk of the Court of Common Pleas may charge a fee of twenty-five cents for the issuance of a duplicate license as provided under Section 1533.101, Revised Code, and in addition charge fifty cents for the affidavit on the license application, under authority of Section 2303.20, sub-section (N) Revised Code.

The parts of Section 1533.101, Revised Code, relating to this problem read as follows:

"* * *Such person shall file with the clerk of the court of common pleas an application in affidavit form and pay a fee of twenty-five cents and twenty-five cents to the clerk, who shall issue a temporary license or permit* * *

"The clerk shall administer the oath to the applicant and shall send such application to the division of wildlife.* * *"

The pertinent parts of Section 2303.20, Revised Code, read as follows:

"The clerk of the court of common pleas shall charge the following fees and no more: * * *(N) Fifty cents for taking each affidavit, including certificate and seal;* * *(T) one dollar for issuing any license except such licenses issued pursuant to sections 1533.11, 1533.13, 1533.101 and 1533.32 of the Revised Code;* * *"

To reconcile any uncertainty as to which statutory fees the clerk of courts may charge, the legislative intent of Section 1533.101, Revised Code, must be ascertained.

In finding legislative intent, Judge Zimmerman stated in his opinion in the case, The State ex rel., Pratt v. Weygandt, Chief Justice, 164 Ohio St., 463, 466, as follows:

"In Ohio and elsewhere the generally accepted rule is that statutes relating to the same matter or subject, although passed at different times and making no reference to each other, are in pari materia and should be read together to ascertain and effectuate if possible the legislative intent."

Other statutes relating to the issuance of licenses and permits for the taking of wildlife are Sections 1533.10, 1533.11, 1533.13 and 1533.32, Revised Code.

A reading of Sections 1533.10, 1533.11, 1533.13 and 1533.32, Revised Code, with reference to license fees, shows as follows: Resident hunting license, two dollars; non-resident hunting license, twenty dollars; deer permit, five dollars; resident fishing license, two dollars; non-resident fishing license, five dollars. In addition to the above fees, twenty-five cents in each instance, is allowed the issuing agent for both the taking of the affidavit and issuance of the license.

Thus in comparing the fees which are charged for the original issuance of a license and a duplicate license, it is clear that the legislature intended the duplicate license to be issued at a nominal sum to a person who has lost the original, had it destroyed, or stolen.

A further comparison shows, that the fee of twenty-five cents is allowed the issuing agent pursuant to each statute, including Section 1533.101, Revised Code, for the same services performed, namely, the taking of the affidavit and issuing the license.

The legislature's intent to exclude the provisions of Section 1533.101, Revised Code, from the provisions of Section 2303.20, Revised Code, is apparent in sub-section (T) of Section 2303.20, Revised Code, where it excludes Section 1533.101, Revised Code, from the normal one dollar license issuing fee.

I am therefore of the opinion that Section 1533.101, Revised Code, provides that a person who has been issued a hunting and trapping license or a deer permit and if such license or deer permit has been lost, destroyed, or stolen, a duplicate may be issued upon application in affidavit form and payment of a fee of twenty-five cents and twenty-five cents to the clerk. In such circumstances the Clerk of Courts is not authorized to charge the additional fee as provided in Section 2303.20 (N), Revised Code, for taking an affidavit.