

The last item deals with a fee charged for an intelligence test. Apparently the college has made these intelligence tests a part of the routine through which a student must go in order to enter the college. It presumably is recognized as a strictly college function and, in my opinion, it must be concluded that the fee charged therefor is payable to the state treasury.

In conclusion, I desire to state that in my view the provisions of Section 24 are such as to require the payment of all compulsory fees exacted from students into the state treasury. The plain import of the statute is that all moneys received by a state college for its use shall be so paid, and the receipts from whatever activities are prescribed by the college must necessarily be received for the purpose of the college, for otherwise engaging in the particular activities would be an *ultra vires* act. I am aware, however, that this broad statement is at variance with the expressed conclusions of my predecessors and I am accordingly not inclined to disturb the present practices except as I have indicated above.

It may further be pointed out that the conclusions hereinabove stated are not such as to cripple in any way the financial operation of the institution. Under the appropriation act of the 88th General Assembly, there is made available to Kent State College definite sums of money together with "receipts from student fees." It follows that fees paid in during the current year are immediately available for the purposes of the college. The only inconvenience resulting is the necessity of such receipts being properly accounted for and distributed through state channels.

Respectfully,

GILBERT BETTMAN,
Attorney General.

2288.

APPROVAL, BONDS OF CITY OF PIQUA, MIAMI COUNTY, OHIO—
\$21,000.00.

COLUMBUS, OHIO, September 4, 1930.

Retirement Board, State Teachers Retirement System, Columbus, Ohio.

2289.

APPROVAL, BONDS OF PORTSMOUTH CITY SCHOOL DISTRICT, SCI-
OTO COUNTY, OHIO—\$5,000.00.

COLUMBUS, OHIO, September 4, 1930.

Retirement Board, State Teachers Retirement System, Columbus, Ohio.