

Opinion No. [30-111]

July 10, 1930

BY: J. A. MILLER, Assistant Attorney General

TO: Dr. J. J. Zimmerman, President, University of New Mexico, Albuquerque, New Mexico.

UNIVERSITY OF NEW MEXICO

Re: Matriculation Fee In Extension Division.

OPINION

Reference is made to yours of the 8th inst. in which you request an opinion as to the propriety of deferring the matriculation fee of \$ 5.00, heretofore charged extension and correspondence students until such time as those students enrolled for work on the campus of the University.

You refer to Chapter 77, Laws of 1923, which is now section 130-1314, Codification of 1929. A reading of the statute reveals that the legislature has left to the Boards of Regents of the state institutions discretion with limitations in the matter of tuition to be charged, but that no discretion has been left in the matter of the matriculation fee. The language of the statute as to such fee appears to be mandatory and unambiguous.

"The boards of regents . . . **shall charge** a matriculation fee . . . for each and every student **upon enrolling** in their respective institutions. . . ."

There appearing to be no other statute or proviso aiding in the interpretation of this section we must construe the language as we find it giving to the words their usual and ordinary meaning.

We are of the opinion that this fee of \$ 5.00 should be charged each student and collected at the time of his enrollment whether for resident work or as a non-resident in an extension or correspondence course.