

## Opinion No. 41-3832

July 11, 1941

**BY:** EDWARD P. CHASE, Attorney General,

**TO:** Mr. Tom Popejoy Comptroller University of New Mexico Albuquerque, New Mexico

{\*75} Because of absence from the office, I have been unable to give attention to your recent letter requesting a written opinion with respect to the questions outlined in your letter of May 2, and which we discussed orally here in the office.

1. You first inquire whether the \$ 150.00 mentioned in Section 2 of Chapter 212 of the Laws of 1941, under the item "University of New Mexico," includes student activities fees and other fees mentioned in your letter. This amount includes matriculation and tuition fee, but whether other fees are to be included in this total amount, I cannot say without further information as the purpose of those fees. My opinion is that the \$ 150.00 is the charge for education in the school, and any other fees that are not in payment of the education given by the school, but are in the nature of extra-curricular accommodations to the student, should not be included. With this general statement I think your board is in a position to use its discretion in determining which of those fees should be included in the total charge of \$ 150.00, and which should be additional thereto.

2. The Legislature made no exception with respect to non-resident students already located in the University, and consequently unless they are within the status of residents this fee applies to them regardless of the fact that they have attended the University heretofore and expected to finish their education here.

3. The word "parents" would not include relatives. Unless the circumstances are such that in a legal sense they would stand in the place of parents, relatives cannot be considered as such even though the student is living with such relatives, the circumstances mentioned in the letter would not, in and of themselves, constitute them parents as that word is used in the statute.

4. The \$ 15.00 is a minimum fee, in the same manner that the \$ 150.00 is a minimum fee, and under the authority given the board by another statute, mentioned in my Opinion No. 3777 (copy of which I sent you), the University may continue to charge \$ 20.00 for summer session work, but it may not charge less than \$ 15.00.

For your information, I enclose copy of Opinion No. 3815 written by Mr. Houk, Assistant Attorney General.

By A. M. FERNANDEZ,

Asst. Atty. General