

Opinion No. 21-2909

April 11, 1921

BY: A. M. EDWARDS, Assistant Attorney General

TO: Dr. F. H. H. Roberts, President, New Mexico Normal University, Las Vegas, New Mexico.

Expenditure of Funds for Transportation Students Attending Normal University.

OPINION

{*45} In the absence of Mr. Bowman I shall attempt to answer your letter of April 5th.

The provisions of Section 5 of Chapter 27 of the Laws of 1919 limit the expenditure for transportation charges of students to four cents a mile regardless of whether the travel is by automobile or by train. If the train fare is less, the actual fare should be charged. If the automobile fare is more, four cents per mile is the limit which can be allowed.

I believe that under Section 5 it would be proper to pay those who come in automobiles for the full distance at a rate not to exceed four cents per mile.

The custom of refunding transportation charges from places off the railroad on a basis of four cents a mile to the nearest railroad point and then the rest of the way at railroad rates is legal and proper. This custom can still be followed where it will save money.

It would hardly seem that an age limit or a restriction limiting payment to students enrolled in high school or college classes would be proper under Section 3. That section provides that the benefits of the Chapter shall be available to students who are bona fide residents of New Mexico and have attended continuously for not less than eight weeks, having previously filed with the President of the Institution a declaration of their intentions to teach in the schools of New Mexico. This provision of law is plain and no other restrictions could be added by the Institution.

Trusting that these answers to your questions will be satisfactory, I am,