

**Opinion No. 42-4021**

February 17, 1942

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

**TO:** Mr. Thomas M. McClure, Secretary New Mexico Board of Registration for Professional Engineers and Land Surveyors Santa Fe, New Mexico

{\*160} In your letter dated February 16, 1942, you inquire whether the State Board of Registration for Professional Engineers and Land Surveyors may waive the payment of the annual renewal fees by those professional engineers and land surveyors who are serving in the Nation's armed forces.

Under Chapter 45, Laws of 1935, Section 9, the Board is given the power to make all by-laws and rules not inconsistent with the Constitution and laws of this state which may be reasonably necessary for the proper performance of its duties. Under Section 17 of the same law, the Board may fix the amount of the renewal fee for registration at not to exceed \$ 5.00.

In view of the fact that members who have been registered in the past and who are now serving with the armed forces of the United States will be unable to practice their profession in this state, I believe the Board has the {\*161} authority under the above mentioned sections to consider such members as being inactive and to waive the payment by them of the fee for renewal of their registration during such time as they may be serving in the armed forces of the United States.

I suggest, however, that this matter be taken care of by means of a by-law or rule and regulation as authorized under Section 9, Chapter 45, Laws of 1935.