

Opinion No. 44-4454

February 10, 1944

BY: EDWARD P. CHASE, Attorney General

TO: Mr. Carroll C. Thomas, State Supervisor, Department of Vocational Education Rehabilitation Service, Santa Fe, New Mexico

I have your letter of January 25, 1944, wherein you request an opinion concerning whether or not Section 55-517 of the N.M. 1941 Compilation includes tuition fees. Section 55-517 provides:

"Upon the request of the state board for vocational education, all state institutions of higher learning shall accept for training as special students all approved rehabilitation trainees, and all **matriculation fees**, student activity fees, laboratory fees and registration fees for such students are hereby remitted, provided that such students shall conform to the rules and regulations of the institutions. (Laws 1931, ch. 54, sec. 9, P. 104.)"

I call your attention to Section 55-2802 of the N.M. 1941 Compilation, which amended Laws of 1939, Chapter 98, Section 1, and is, therefore, a later act than Section 55-517. Section 55-2802 provides in part that the various state institutions shall charge a matriculation fee of not less than \$ 5.00 for each and every student upon enrolling in their respective institutions, and further provides that each board of regents of such institutions shall furthermore charge as tuition a fee of not less than \$ 20.00 a year for each and every student whose residence is in New Mexico, and not less than \$ 50.00 a year for each and every student whose residence is outside New Mexico.

It is further noted that Chapter 127 of the Laws of 1943, which is the General Appropriation Act, includes a clause in connection with the various state institutions, which provision has also been included by the last several General Appropriation Acts, to the effect that the appropriation to the various institutions is made contingent upon charging non-resident students not less than \$ 150.00 per year. Your specific question is whether or not registration fees include tuition.

If Section 55-517 should be construed as including tuition, it would be superseded by the later enactment in Section 55-2802, and under such a construction, no registration fees could be remitted, since it is a well recognized rule of construction to construe various acts of the Legislature to be not in conflict, we must hold that Section 55-517 does not pertain to tuition charges.

Although you do not request an opinion concerning matriculation fees, your question has made it evident that a question concerning remission of matriculation fees is involved. Therefore, I feel it necessary, since called upon to construe Section 55-517, to hold that since the later enactment of our Legislature makes it mandatory for the various

state institutions to charge a matriculation fee of not less than \$ 5.00 for each and every student upon enrolling, that Section 55-517 is superseded so far as matriculation fees are concerned. Therefore, it is my opinion that upon request of the State Board of Vocational Education, that the state institutions may only remit student activity fees, laboratory fees, and any registration fee that is charged by such institution separately from tuition.

Hoping that the above fully answers your inquiry, I am.

By HARRY L. BIGBEE,

Asst. Attorney General