

Dear Dr. Melby:

You have requested of this office an opinion relative to what fees should be charged to a person eligible to the benefits of Chapter 194, Laws of 1943.

You state that a student registering at Montana State College for the first time ordinarily pays the following yearly amounts:

Matriculation fee.....	\$ 5.00
Registration fee	45.00
Deposit for breakage.....	10.00
Building fee	15.00
Student Activities	15.75
Year Book	3.25
Student Union Building	
Maintenance charge	3.50
Health charge	9.00

Total - - - \$106.50

Chapter 194, Laws of 1943, provides:

"All honorably discharged persons who serve with the United States forces in any of its wars and who were bona fide residents of the State of Montana at the time of their entry into said United States forces shall have free fees and tuition in any and all units of the university of Montana, including the law and medical departments, and for extra studies in any of the units of the university of Montana."

You state that the \$10.00 deposit is for loss or breakage of laboratory equipment, and if no charges are turned in during the year, the full amount is refunded to the student at the end of the school year. On the other hand, if the deposit is insufficient to cover the charges the student must pay the additional amount. I am led to believe from your correspondence that this fee is only charged to students that take laboratory courses. Under those circumstances, I would say that this fee would not come within the purview of the above mentioned chapter. See in this respect City of New Orleans vs. Board of Adm. of Tulane, 49 So. 171.

The building fee of \$15.00 is used to pay interest and principal on bonds issued for the construction of the student union building and is irrevocably pledged to this use prior to the passage of the above mentioned chapter; therefore, this charge cannot be waived by the legislature. Section 11 of Article III, Constitution of Montana.

Opinion No. 155.

**University of Montana—State College
—Fees to be Paid by Honorably Discharged Servicemen.**

Held: Under Chapter 194, Laws of 1943, student who is honorably discharged veteran released from paying matriculation and registration fee only.

December 8, 1943.

Dr. E. O. Melby, Chancellor
Montana State University
Missoula, Montana

The health charge of \$9.00 is strictly for the health benefit of the student body, being used to provide medical and hospital care for all regular students for the year in which it is charged. This would not be a proper charge to the school and therefore is an extra service for which the student must pay, and would not come within the provisions of the said chapter. See in this respect 56 C. J. 820. It may be that the federal government will make provisions to pay this charge, and the optional charges for the strictly student activities for the veterans attending.

You further state that the student activity fee of \$15.75, the student union building maintenance fee of \$3.50 and the year book fee of \$3.25 are optional with the student. Under those circumstances none of those fees would come within the provisions of said chapter.

In view of the facts stated in your correspondence, I am of the opinion that the only fees which come within the provisions of Chapter 194, Laws of 1943, and which will not have to be paid by persons covered by said chapter, are the matriculation fee of \$5.00 and the registration fee of \$45.00.

Sincerely yours,
R. V. BOTTOMLY
Attorney General