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**COLLEGES & UNIVERSITIES: Junior and community colleges –  
Children of veterans enrolled in  
VETERANS: Educational opportunities for children of**

Junior and community colleges are state tax supported educational institutions within the provisions of Act 245, P.A. 1935, as last amended by Act 371, P.A. 1965. Children of deceased or disabled soldiers, sailors, marines and nurses who are qualified under the act and are admitted to junior or community colleges in Michigan shall not be required to pay tuition or fees.

No. 4549

September 14, 1966.

Mr. Frank A. Schmidt, Jr.  
Acting Executive Secretary  
Michigan Veterans Trust Fund  
300 East Michigan Avenue  
Lansing, Michigan

You have requested my opinion on the following question:

Are the junior and community colleges in the state of Michigan "state tax supported" within the meaning of Act 245, P.A. 1935, as last amended by Act 371, P.A. 1965?

Act 245, P.A. 1935, as last amended by Act 371, P.A. 1965, being M.S.A. 1965 Cum. Supp. § 4.1331 et seq., provides for educational opportunities for children of certain soldiers, sailors, marines and nurses. Act 245, supra, consists of two sections and both sections were amended by Act 371, P.A. 1965. Prior to such amendment in 1965, Section 1 of Act 245, P.A. 1935, supra, read:

"Any child not under 16 and not over 22 years of age who has been a resident of the state of Michigan for 12 months, of any soldier, sailor, marine or nurse who was killed in action or died from other cause during any war in which the United States has been, is, or may hereafter be a participant, while serving in the army, navy, marine corps or any unit of the military or naval establishments of the United States, or has since died or is totally disabled shall be admitted to and may attend any state educational or training institution of a secondary or college grade. Any such child who shall be admitted to said institutions shall not be required to pay any matriculation fee, athletic fee, or tuition during the time in which he is a student at said state institution."

Section 1 was amended by Act 371, P.A. 1965, to provide:

"Any person not under 16 and not over 22 years of age who has been a resident of the state of Michigan for 12 months, who is a child of a member of the armed forces of the United States who was killed in action or died from other cause during any war or war condition in which the United States has been, is, or may hereafter be a participant, or who as a result of wartime service has since died or is totally disabled, shall be admitted to and may attend any *state*

*tax supported educational or training institution of a secondary or college grade.* Such persons admitted to *tax supported institutions* shall not be required to pay any matriculation fee, athletic fee, tuition or any other fee which takes the place of tuition charges during the time in which he is a student at said state institution." (Emphasis supplied)

Boards of education of certain class school districts are authorized by Section 791 of Act 269, P.A. 1955, being C.L.S. 1961 § 340.791; M.S.A. 1959 Rev. Vol. § 15.3791, to provide for the establishing and offering in the school district collegiate courses of study which shall not embrace more than 2 years of collegiate work, except in school districts of the first class. Such collegiate courses are to be offered within the community college department of the district school system.

Act 188, P.A. 1955, as amended, being C.L.S. 1961 § 390.871 et seq.; M.S.A. 1959 Rev. Vol. and 1965 Cum. Supp. § 15.615(11) et seq., provides for community college districts. Section 2 of the act defines a community college as used in the act to mean an educational institution providing primarily for all persons above the twelfth grade level collegiate work but not including the granting of baccalaureate or higher degrees. Act 331, P.A. 1966, recodifies the laws relating to community colleges and repeals Act 188, Public Acts of 1955, supra. The scope of collegiate work provided by a community college is set forth in Section 105(1) of Act 331, P.A. 1966, and is identical with Section 2 of Act 188, P.A. 1955. Act 331, P.A. 1966, will become effective on October 1, 1966.

Act 245, P.A. 1937, as last amended by Act 371, P.A. 1965, supra, makes educational opportunities available to children of certain soldiers, sailors, marines and nurses, and provides that such children who are admitted to state tax supported educational institutions shall not be required to pay any tuition, matriculation fee, athletic fee, or any other fee which takes the place of tuition charges during the time such child is a student at said state institution.

The same legislature that enacted Act 371, P.A. 1965, also passed three appropriation acts making state tax moneys available for the support of junior and community colleges.

Act 16, P.A. 1965, provided for supplemental appropriations for certain state agencies and special purposes, and in Section 2 of the act, \$780,000 was appropriated to public school districts and community college districts for junior and community colleges to be distributed on the basis of enrollments in junior and community college credit courses.

Act 117, P.A. 1965, appropriated state moneys for various state institutions, departments, commissions, boards and certain other purposes relating to education for the fiscal year, and in Section 1 of the act the legislature appropriated \$11,550,000 for junior and community colleges to be distributed on the basis of full time equated enrollments in accordance with rules and regulations adopted by the state board of education and subject to certain conditions of the act.

Finally, the same legislature enacted Act 126, P.A. 1965, to appropriate the sum of \$4,000,000 to the state board of education for con-

struction, alteration, refurbishing and remodeling of junior and community colleges, or present operating districts hereinafter organized as provided in the act.

Where two or more acts are passed at the same session of the legislature, it is assumed the legislature in framing and passing the acts had full knowledge of the provisions of each. *Reichert v. Peoples State Bank for Savings*, 265 Mich. 668 (1934).

It must follow that when the legislature enacted Act 371, P.A. 1965, to amend Act 245, P.A. 1935, it had full knowledge of the provisions of Acts 16, 117 and 126 of the Public Acts of 1965, which appropriated state tax moneys for the support of junior and community colleges. Had the legislature intended to exempt junior or community colleges from the purview of Act 245, P.A. 1935, as so amended by Act 371, P.A. 1965, it would have made an appropriate exception.

Therefore, it is the opinion of the Attorney General that the children of certain soldiers, sailors, marines and nurses, pursuant to Act 245, P.A. 1935, as last amended by Act 371, P.A. 1965, may, if otherwise qualified and eligible under the act, attend junior or community colleges and such persons admitted to such state tax supported educational institutions shall not be required to pay any tuition, matriculation fee, athletic fee, or any other fee which takes the place of tuition charges during the time in which they are students at said state institutions.

FRANK J. KELLEY,  
*Attorney General.*