

May 20, 1949.

HON. SPENCER MILLER, JR.,
State Highway Commissioner,
State Highway Department,
 Trenton, New Jersey.

Attention: COMMANDER CHARLES M. NOBLE,
State Highway Engineer.

FORMAL OPINION—1949. No. 54.

DEAR SIR:

On May 17th you advised me that the Division of Planning and Development (formerly Board of Commerce and Navigation) has no funds to pay for dredging the channels under the new Manasquan and Island Heights bridges. The question for determination is whether or not the State Highway Department may make a loan of funds to said Division for this work.

There is no statute authorizing one State department to lend funds to another State department and it will therefore be necessary to seek legislation by which highway moneys may be transferred to said division for the above purposes.

Very truly yours,

THEODORE D. PARSONS,
Attorney General,

By: SACKETT M. DICKINSON,
Assistant Deputy Attorney General.

May 23, 1949.

DANIEL BERGSMA, M.D., M.P.H.,
State Commissioner of Health,
 State House,
 Trenton, N. J.

DEAR DOCTOR BERGSMA:

Your letter of transmittal under date of March 22, 1949, requesting an opinion relative to the issuance of licenses by the Board of Beauty Culture Control is hereby acknowledged and memorandum opinion rendered as follows:

STATEMENT OF FACTS.

It appears from your inquiry that while the active conflict of World War II was going on, a person entitled to be licensed under your law actually entered the active military service of the United States.

QUESTION PRESENTED.

The question to be answered is whether such person is entitled to be licensed upon her discharge from service.

ANSWER.

The answer is yes.

REASONS.

An affirmative answer is made by virtue of the provisions of R. S. 45:4A-23.1, which provides as follows:

"Any person to whom a license shall have been duly issued, may at any time within two years of the expiration date of such license make application for and obtain a license of like kind without re-examination; any such person making such application after two years from the expiration date of previous license, shall be required to make application therefor and submit to examination, as if such applicant had never been the holder of any license issued by this board; provided, however, that where any person had or shall have the privilege of making application for and obtaining a license without examination under this section at the time of his entrance into the military or naval forces of the United States during the present war, he may make such application for a license without examination at any time within a period of two years after his honorable discharge from such military or naval forces."

As to your second question, same seems to be in the nature of an academic inquiry needing no legal disposition at the present time for no actual case is presented thereby.

This opinion shall have no continuing effect as a precedent but is rendered in respect to a specific inquiry.

Respectfully,

THEODORE D. PARSONS,
Attorney General,

By: JOHN WARHOL, JR.,
Deputy Attorney General.

JW:B