

The board of commissioners shall have and exercise all the powers granted or to be granted to the boards and bodies supplanted by it, by laws enacted subsequent to the organization of said board, unless such power is expressly withheld.

To us it is clear that the adoption of commission form of government does not ipso facto abolish fire districts but does ipso facto abolish boards of fire commissioners, and that all the powers and duties devolved by law upon such boards pass to, vest in and are to be performed by the board of commissioners elected under the commission form of government law or by such subordinate boards as may be appointed pursuant to the warrant of R. S. 40:72-7. In short, the fire districts continue until such time as they are abolished, by purposeful action in accordance with applicable provisions of law, or by operation of law (see R. S. 40:151-1 *et seq.*).

Very truly yours,

THEODORE D. PARSONS,
Attorney General.

By: DOMINIC A. CAVICCHIA,
Deputy Attorney General.

NOVEMBER 29, 1950.

HON. FRED V. FERBER,
Director, Division of Purchase and Property,
Department of the Treasury,
State House,
Trenton, New Jersey.

FORMAL OPINION—1950. No. 81.

MY DEAR MR. FERBER:

I have your letter of the 15th inst. requesting my opinion whether under the \$25,000,000 for new institutional buildings you must take into consideration the fixture and loose equipment of the projects.

The answer is yes.

The matter is controlled by Chapter 3 of the Laws of 1949 authorizing the creation of a debt of the State in the sum of \$25,000,000 for said purposes. This act, as you know, being for the creation of a debt of the State, was required under the Constitution (Article VIII, Section II, paragraph 3) to be submitted to the people for their assent, which was done at the last general election and assented to. As you also know, the \$25,000,000 of bonds were recently issued and sold. This being so and the debt being outstanding the act creating the debt (Chapter 3 of the Laws of 1949) is irrevocable until the debt is paid and the moneys raised by authority of the 1949 Act must be applied only to the specific objects stated therein. We only have

to look at the language printed on the ballot submitted to the people to determine what they assented to. It reads as follows:

"Shall the act entitled 'An act authorizing the creation of a debt of the State of New Jersey by the issuance of bonds of the State in the sum of twenty-five million dollars (\$25,000,000.00) for State mental, charitable, hospital, relief, training, correctional, reformatory and penal institutional buildings, their construction, reconstruction, development, extension, improvement, equipment and facilities, for the health and welfare uses; providing the ways and means to pay the interest of said debt and also pay and discharge the principal thereof; and providing for the submission of this act to the people at a general election.' be approved?"

By Section 13 of the Act of 1949 the moneys raised from the sale of the bonds were to be expended in accordance with appropriations from the State Institutional Construction Fund in which the proceeds of the sale of bonds were placed, in accordance with appropriations made by the Legislature.

The Legislature in 1950 by Chapter 57 of the laws of that year allocated the money from said fund. The items vary. For instance, the first two items are for fireproofing; other items are for new buildings and additions to old buildings and for various other purposes. But by the title of the last named act where buildings were to be erected equipment and facilities were to be provided "for health and welfare purposes." The language just quoted "for health and welfare purposes" is practically the language used in the bond act submitted to the people.

From the foregoing, the conclusion is inevitable that where new buildings are constructed or additions made to existing buildings, equipment and facilities must be supplied out of the bond money, for it is inconceivable how the new buildings or additions to old buildings could be used for health and welfare of the patients and inmates without equipment and facilities.

Very truly yours,

THEODORE D. PARSONS,
Attorney General.

By: THEODORE BACKES,
Deputy Attorney General.

TB:rk

NOVEMBER 30, 1950.

DR. WALTER A. WILSON, *Secretary,*
State Board of Registration and Examination in Dentistry,
150 East State Street,
Trenton 8, New Jersey.

FORMAL OPINION—1950. No. 82.

DEAR DR. WILSON:

In reply to your inquiry relative to reimbursement of members of the Board of Registration and Examination in Dentistry for expenses incurred in performance of their duties, please be advised that the position of this office is as set forth herein.