

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.

R. S. 45:1-3 reads in part as follows:

"Each member of the boards mentioned in Section 45:1-2 of this title shall be entitled to his actual traveling and other expenses incurred in the performance of his duties, which sum shall be paid from the license fees and other sources of income of such boards."

Executive Order No. 24, approved by the Governor July 1, 1950, superseded all previous travel regulations, and particularly those of May 1, 1939. The said Order applies to State officials and employees not governed by statute and it was obviously not the intention of the Governor to attempt to repeal the statute by the Executive Order.

Accordingly, it is felt that the Board of Registration and Examination in Dentistry should be guided by the provisions of R. S. 45:1-3 and that each board member should be entitled to actual expenses incurred in the performance of his duties.

Very truly yours,

THEODORE D. PARSONS,
Attorney General.

By: HENRY F. SCHENK,
Deputy Attorney General.

DECEMBER 6, 1950.

MR. GEORGE M. BORDEN, *Secretary,*
State Employees' Retirement System,
1 West State Street.
Trenton 7, New Jersey.

FORMAL OPINION—1950. No. 83.

DEAR SIR:

I have your letter of the 28th ult. stating that a member of your Retirement System desires to reduce her rate of contribution for annuity purposes to a lower rate which she previously paid. As stated in a copy of a letter from the member to you, which you sent me, her present take home pay, by reason of the larger contribution, is not sufficient to meet her requirements.

As the payment for annuity purposes only in no way affects the contributions required to be made by the State, I see no reason why her request should not be granted, although I realize that she elected to make the larger contribution.

The member further desires at the present time to make a voluntary contribution for annuity purposes of \$1500. The question is can this request be granted. This of course depends upon a fact which must be determined by your Board of Trustees in accordance with R. S. 43:14-17, as it appears in your compilation, the pertinent part of which reads:

". . . or he may deposit therein by a single payment, or by extra salary deductions, as determined by the board of trustees, an amount computed to be sufficient, together with his prospective retirement allowance otherwise provided, to provide