

JUNE 8, 1951.

DR. E. C. NUROCK, *Secretary,*
New Jersey State Board of Optometrists,
162 West State Street,
Trenton, New Jersey.

FORMAL OPINION—1951. No. 22.

DEAR DOCTOR NUROCK:

Receipt is acknowledged of your letter relative to the terms of office of members of the New Jersey Board of Optometrists. Specifically, you request an opinion as to whether the term of Dr. Arthur R. Neale, Jr., who was last appointed a member of the Board in February of 1949, will expire on July 1, 1951, or in February of 1952.

It is my opinion that the term of Dr. Arthur R. Neale, Jr., as a member of the New Jersey Board of Optometrists, will expire on July 1, 1951.

The statute (R. S. 45:12-2) provides that upon the expiration of the term of office of a member, his successor shall be appointed by the Governor, subject to the provisions of R. S. 45:1-2 (not here relevant), "for a term of three years from July first of the year of appointment." A careful reading of this section leads to the conclusion that the Legislature, in employing the phrase "for a term of three years from July first of the year of appointment," meant for a term of three years from July first of the year in which the appointment should be made, in regular course, under the scheme of continuity of terms obviously intended by P. L. 1914, c. 222 (the source law) and preserved by force of the language R. S. 45:12-2.

At the time of his appointment in 1949, Dr. Neale was in office as a hold-over under the provision of R. S. 45:12-2 prescribing that "each member shall hold his office until his successor has qualified." However, the term for which he was appointed in 1949 (to succeed himself) had begun to run on July 1, 1948. Accordingly, Dr. Neale's current term will expire on July 1, 1951.

Yours very truly,

THEODORE D. PARSONS,
Attorney General.

By: HENRY SCHENK,
Deputy Attorney General