

In creating an elective municipal office with a fixed term, the Legislature may condition the incumbent's tenure on good behavior in office and clothe the local governing body with the power of removal upon the ascertainment of facts demonstrating a breach of the condition. See *Finnegan vs. Miller*, 132 N. J. L., page 192, at page 195 (New Jersey Supreme Court, 1944). We find no legislative pronouncement relating to the removal of an assessor where he is elected.

It is, therefore, our opinion that the governing body of a taxing district cannot remove an elected assessor where he fails to obey the constitution and laws of this State.

Very truly yours,

THEODORE D. PARSONS,  
*Attorney General.*

By: BENJAMIN M. TAUB,  
*Deputy Attorney General.*

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MARCH 3, 1952.

DANIEL BERGSMA, M.D., M.P.H.,  
*State Commissioner of Health,*  
State House,  
Trenton, New Jersey.

FORMAL OPINION—1952. No. 2.

DEAR DR. BERGSMA:

Your letter of January 24, 1952, requesting an opinion as to whether the Board of Beauty Culture Control may require the public vocational schools which operate courses in beauty culture under curricula established by the State or local Boards of Education to submit to it reports of the time spent by beauty culture students has been received. The answer is No.

Licensed schools of beauty culture are required by R. S. 45:4A-10 to keep, among other things, a daily record of the attendance of each student and the Board of Beauty Culture Control requires that the licensed schools of beauty culture submit to it, each week, a report as to the number of hours each of its students spent in school the preceding week. The number of hours required under R. S. 45:4A-10 to complete a course in a licensed school of beauty culture is 1,000 and the Board of Beauty Culture Control checks on this requirement by means of the above-mentioned weekly reports.

Revised Statutes 45:4A-35 provides:

"Nothing in this chapter shall limit in anyway the right of the State Board of Education or any local board of education to establish and operate courses in beauty culture, to employ teachers, to determine the standards for teaching and the qualifications of teachers, to determine courses of study, to determine the standards for the admission, progress, certification and graduation of students, to determine any and all standards and rules as to quarters, supplies, equipment and anything whatsoever pertaining to the

establishment, operation and maintenance of a course in beauty culture operated by a public school. Nothing in this chapter shall be interpreted to give any person or agency other than the State Board of Education and the local boards of education the right to prescribe any requirement of any kind whatsoever for courses of beauty culture in public schools or for teachers or pupils in such courses.

"Any person having graduated from a vocational course in beauty culture approved by the State Board of Education and given by a public vocational school of this State shall have all the rights and privileges granted under this chapter to graduates of beauty schools, duly registered by the department, but nevertheless shall be required to be examined and licensed by this department in accordance with the provisions of this chapter."

By the provisions of R. S. 45:4A-35 which authorizes the State and local Boards of Education to conduct courses in beauty culture as part of the vocational training of high school students, it is clear that except for the examination for license the Board of Beauty Culture Control is to have no jurisdiction over any student taking a beauty culture course in a public vocational school.

Under such clear language as is contained in R. S. 45:4A-35, it was the obvious intent of the Legislature that the public vocational school should not be required to submit time reports to the Board of Beauty Culture Control. Not until after the students have graduated and have applied for a license do the students come within the jurisdiction of the Board of Beauty Culture Control. The graduates of the public vocational schools have all the rights and privileges granted to graduates of any licensed school of beauty culture. The Board of Beauty Culture Control has no right to challenge their eligibility to take the examination.

Very truly yours,

THEODORE D. PARSONS,  
*Attorney General.*

By: HERMAN M. BELL, JR.,  
*Deputy Attorney General.*

HMB:rk

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APRIL 21, 1952.

HON. RANSFORD J. ABBOTT,  
*State Highway Commissioner,*  
Trenton, New Jersey.

FORMAL OPINION—1952. No. 3.

DEAR COMMISSIONER:

By your memorandum of April 17 you request to be advised whether Assembly Bill No. 10 (now Chap. 16, Laws of 1952) in any way prohibits the State Highway Commissioner from proceeding with the construction of any portion of the Garden State Parkway that may be authorized by the Governor within the limits of appropriations provided.

Section 20 of the bill authorizes the Authority to construct "The Garden State Parkway" on the same location as the present-designated State Highway Route 4 Parkway.