

must be complied with. This means that a mere majority vote of the members of a governing body in favor of the appropriation is not sufficient, and that such appropriation must be passed by at least two-thirds vote of all its members.

Yours very truly,

THEODORE D. PARSONS,
Attorney General.

By: THOMAS P. COOK,
Deputy Attorney General.

tpc:b

AUGUST 27, 1952.

DR. LESTER H. CLEE, *President,*
Civil Service Commission,
State House, Trenton, N. J.

FORMAL OPINION—1952. No. 24.

DEAR DOCTOR CLEE:

You have asked whether a State employee who has accepted a commission in the Regular Army Services should be considered on leave of absence without pension rights, or whether the acceptance of such commission is tantamount to a resignation from his civil position.

We feel that the answer to the above is "Yes," and that the acceptance of the commission was voluntary and was considered a waiver of all rights under the pension statute, and a waiver of the requirements of leave of absence.

Where, on the other hand, an individual goes into a component of the Reserve of the Army, the result would be otherwise, as being a leave of temporary expediency.

Yours very truly,

THEODORE D. PARSONS,
Attorney General.

By: JOHN W. GRIGGS,
Deputy Attorney General.

SEPTEMBER 8, 1952.

HON. J. LINDSAY DE VALLIERE,
Director, Division of Budget and Accounting,
Department of the Treasury,
State House,
Trenton, New Jersey.

FORMAL OPINION—1952. No. 25.

DEAR SIR:

You have requested our opinion as to whether funds in Account M 50 in the 1952 Appropriation Bill, which provides \$156,500 for the Rehabilitation Commission, may be used to defray general administration expenses of the commission. Account