

MAY 12, 1953.

HON. CHARLES R. ERDMAN, JR., *Commissioner*,
Dept. of Conservation and Economic Development,
520 E. State Street,
Trenton, New Jersey.

FORMAL OPINION—1953. No. 21.

DEAR COMMISSIONER:

You have requested our opinion as to whether sections 114 and 116 of chapter 448, P. L. 1948, constitute sufficient authority for the acceptance by your department of funds from the Stony Brook-Millstone Watersheds Association or its members, and from the Federal Government, for the construction of a stream gaging station to be established on Stony Brook in Princeton Township.

It appears from information furnished by you that such a gaging station is a prerequisite to the planning of water conservation and flood control measures in the watershed; that the U. S. Geological Survey has indicated its willingness to construct the station and to pay one-half of the cost, provided the State will sponsor the project and will provide for paying the other half of the cost; and that the aforesaid Watersheds Association has proposed to contribute the funds with which to pay that half of the cost for which the State is responsible.

In my opinion, your department is authorized, under the above cited provisions of the law, to accept these gifts from the Federal Government and from the Watersheds Association, respectively.

Section 114 above cited specifically authorizes the department to accept for and in the name of the State, subject to the approval of the Governor and of yourself as Commissioner, "bequests and donations of money or other personal property to be used for the maintenance and use of any service or activity of the department * * * if such * * * bequests or donations are unconditional or are subject to such conditions as the commissioner finds are reasonable and not inconsistent with the use of such property for such service or activity * * *."

Section 116 likewise authorizes the department, subject to the approval of the Governor and the Commissioner, to "apply for and accept grants from the Federal Government or any agency thereof" and to "comply with the terms, conditions and limitations thereof, for any of the purposes of the department * * *."

The foregoing provisions are plainly broad enough to cover your acceptance of the proposed gifts and grants as above outlined.

Yours very truly,

THEODORE D. PARSONS,
Attorney General,

By: THOMAS P. COOK,
Deputy Attorney General.