

Analysis of C. 259, P.L. 1955, indicates that it is not "a law complete in itself" within the meaning of *Newark v. Grodecki* (supra). On the contrary, it is an amendment of only one section of a general pension statute (R.S. 18:13-24 et seq.), which had already been repealed in its entirety on the effective date of the amendatory legislation.

It is, therefore, our opinion that C. 259, P.L. 1955, cannot be given any effect.

Very truly yours,

GROVER C. RICHMAN, JR.
Attorney General

By: CHARLES S. JOELSON
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JULY 2, 1956

HON. ROBERT L. FINLEY
Deputy State Treasurer
State House
Trenton, New Jersey

FORMAL OPINION, 1956—No. 9

DEAR MR. FINLEY:

You have inquired whether such functions as have been exercised in the past under the Division of Purchase and Property with respect to purchases and construction for Rutgers University have, under Chapter 61 of the Laws of 1956, approved June 1, 1956, been expressly reserved as functions of the Board of Governors there created.

Section 18 of the new Act provides in part:

"The Board of Governors shall have general supervision over and be vested with the conduct of the University. It shall have the authority and responsibility to . . .

(4) Direct and control the expenditures of the Corporation and the University in accordance with the appropriation acts of the Legislature, and as to funds received from the Trustees and other sources, in accordance with the terms, of any applicable trusts, gifts, bequests, or other special provisions. All accounts of the University shall be subject to post-audit by the State; * * *

(6) (a) Purchase all lands, buildings, equipment, materials and supplies; and

(b) Employ architects to plan buildings; secure bids for the construction of buildings and for the equipment thereof; make contracts for the construction of buildings and for equipment; and supervise the construction of buildings;

(7) Manage and maintain, and provide for the payment of all charges on and expenses in respect of all properties utilized by the University; * * *

The following statutory sections set forth the principal requirements and duties of State instrumentalities and the Division of Purchase and Property with respect to purchases and construction: N.J.S.A. 52:34-6, *et seq.*; 52:18A-19; 52:25-1, *et seq.*; and 52:27B-53, *et seq.*

As the result of the application of these sections, purchasing and contracting for State agencies and instrumentalities is handled by the Division of Purchase and Property. In the absence of other expressions by the Legislature, these provisions would control in the case of Rutgers.

It is our opinion, however, that by the new Act, the Legislature has expressly reserved such functions to the Board of Governors. It will be noted that the language quoted above vests, in plain and unambiguous words, authority and *responsibility* in the Board of Governors for purchasing all lands, buildings, etc., and for engaging architects and making contracts for construction, for management and maintenance, and for providing for payment of all expenses. This language is, in our opinion, controlling.

"There is no safer or better settled canon of interpretation than when the language is clear and unambiguous it must be held to mean what it plainly expresses." *Sutherland Statutory Construction*, 3rd Ed., Vol. 2, p. 334, quoted with favor in *Asbury Park Press v. City of Asbury Park*, 19 N.J. 183, 196 (1955).

"Laws are presumed to be passed with deliberation and with full knowledge by the Legislature of the existing law upon the subject." *Eckert v. New Jersey State Highway Department*, 1 N.J. 474 (1949); *Mahr v. State*, 12 N.J. Super. 253, 261 (Ch. Div., 1951). (See discussion at pages 190 and 196, *et seq.* in the *Asbury Park* case, *supra.*)

The Legislature has in fact clarified any remaining doubt with respect to the interpretation of the Act in its section 21 by providing as follows:

"The Boards shall have and exercise the powers, rights and privileges that are incident to their respective responsibilities for the government, conduct and management of the Corporation, and the control of its properties and funds, and of the University, *and the powers granted to the Corporation or the Boards or reasonably implied may be exercised without recourse or reference to any department or agency of the State, except as otherwise expressly provided by this Act or other applicable statutes.*"
(Italics ours)

The Act also contains, in section 36(c), a repealer, effective September 1st, 1956, of all Acts and parts of Acts inconsistent with its provisions.

You are accordingly advised that under the new legislation on Rutgers, the functions exercised in the past by the Division of Purchase and Property with respect to purchases and construction for Rutgers, have now been expressly reserved as functions of the new Board of Governors. This opinion is, of course, subject to the filing by the Rutgers Trustees of a certificate of adoption pursuant to section 37 of the Act.

Very truly yours,

GROVER C. RICHMAN, JR.
Attorney General

By: DAVID LANDAU
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