

25 L.R.A., N.S., 1292; *Hood v. McGehee*, 237 U.S. 611, 35 S. Ct. 718, 59 L. Ed. 1144; cf. *Gasquet v. Fenner*, 247 U.S. 16, 38 S. Ct. 416, 62 L. Ed. 956. And in the case of statutes, the extra-state effect of which Congress has not prescribed, as it may under the constitutional provision, we think the conclusion is unavoidable that the full faith and credit clause does not require one state to substitute for its own statute, applicable to persons and events within it, the conflicting statute of another state, even though that statute is of controlling force in the courts of the state of its enactment with respect to the same persons and events."

Furthermore, the Arizona courts themselves have construed judgment under this law to be in the nature of declaratory judgments. *In re Cook's Estate*, Arizona 63 Ariz. 78, 159 P. 2d 797, 801.

A declaratory judgment simply declares the rights of the parties or expresses opinions of court on a question of law without ordering anything to be done, its distinctive characteristic being that the declaration stands by itself and no executory process follows as of course and no execution is sought from the opposing party. *Burgess v. Burgess*, 210 Ga. 380, 80 S.E. 2d 280.

The judgment in the instant case orders, adjudges and decrees that the defendant Z is the father of male child X, born of plaintiff Y in the City of Newark, State of New Jersey on December 8, 1954 and that X be entitled to bear the surname of Z. There is no executory provision whatsoever in the judgment.

We advise you that, under the circumstances, you have no power to change the records in your charge on the basis of the Arizona judgment.

Very truly yours,

GROVER C. RICHMAN, JR.
Attorney General

By: HAROLD KOLOVSKY
Assistant Attorney General

APRIL 17, 1956

HONORABLE CARL HOLDERMAN
Commissioner of Labor and Industry
1035 Parkway Avenue
Trenton, New Jersey

MEMORANDUM OPINION—P-16

Re: Removal of appointed members from the Rehabilitation Commission

DEAR COMMISSIONER HOLDERMAN:

We have your request for an opinion concerning the authority of the Rehabilitation Commission or the Governor to remove appointed members of the Commission whose record of consecutive absences from the regular meetings of the Commission seriously hampers its operations.

N.J.S.A. 34:16-25 provide that:

"The governor may at any time remove for inefficiency or neglect of

duty any member of the commission appointed by him, charges having been preferred and substantiated after public hearing."

The above provision clearly bestows upon the governor the right to remove commission members when they have been proven to be guilty of inefficiency or neglect of duty. It has been clearly established in this State that the Legislature can constitutionally clothe the appointing authority with the power of removal for neglect of duty. *McCran v. Gaul*, 95 N.J.L. 393 (Sup. Ct. 1920), Affirmed 96 N.J.L. 165 (E & A 1921); *Finnigan v. Miller*, 132 N.J.L. 192 (Sup. Ct. 1944); *Vanderbach v. Hudson County Board of Taxation*, 133 N.J.L. 126 (E & A 1945).

In our opinion unreasonably continued absence from meetings amounts to neglect of duty within the meaning of the statute. The provisions of Civil Service Rule 59 and 60 indicate that absence without leave is a sufficient cause for removal with respect to classified employees. Although those rules are not specifically applicable because the members of the Rehabilitation Commission are not classified employees, they furnish a persuasive analogy. Moreover, in *Vanderbach v. Hudson County Board of Taxation*, 135 N.J.L. 349 (E. & A. 1946) it was held that absence from regular duties without proper leave or permission was a valid cause for removal of a secretary of a county tax board.

You are advised, therefore, that if a hearing discloses that a member of the Rehabilitation Commission has absented himself from the meetings of the Commission continually and without justifiable reason, he may lawfully be removed from office by the Governor. No authority to remove members of the Commission appears to be vested in any other officer or body.

Very truly yours,

GROVER C. RICHMAN, JR.
Attorney General

By: GRACE J. FORD
Ass't. Deputy Attorney General

GJF:MH:JFC:mb

APRIL 26, 1956

HONORABLE DANIEL BERGSMA, M.D.
Commissioner, Health Department
State House
Trenton, New Jersey

MEMORANDUM OPINION—P-17

DEAR DR. BERGSMA:

You have asked for an opinion with respect to the propriety of granting public health laboratory technician licenses without examination to licensed health officers, who were performing laboratory duties in 1950, but who did not file applications for such licenses within one year from the effective date of L. 1950, c. 119 which amended N.J.S.A. 26:3-21. You have also stated that although necessary application forms were furnished to these officials at the proper time, they allege that they did not file them with the Department because a responsible Department employee advised that