

An examination of the authorities discloses that there are no decisions dealing with this precise point in New Jersey. N.J.S. 39:4-50 being a quasi criminal statute, strict construction must be applied. The omission by the Legislature of any mention of a fine for a subsequent offender, coupled with the severity of the penalty, leads me to the conclusion that a fine may not be imposed in addition to the mandatory sentence for a subsequent offender under this statute.

Very truly yours,

DAVID D. FURMAN
Attorney General

FEBRUARY 28, 1961

MRS. EDWARD L. KATZENBACH
State Board of Education
175 West State Street
Trenton, New Jersey

MEMORANDUM OPINION—P-4

DEAR MRS. KATZENBACH :

You have requested my opinion as to whether the Board of Governors of Rutgers, The State University, may fix the salary of the President of the Corporation and of the University without the approval of the State Board of Education. My conclusion is in the negative.

The provisions of Rutgers, The State University Act of 1956, L. 1956, c. 61, are controlling. The Board of Governors is vested with the appointment power over the President of the Corporation and of the University, with the advice and consent of the Board of Trustees (L. 1956, c. 61, sec. 27). The Board of Governors, in addition, is vested with the power to fix and determine the salaries of all corporate, official, educational and civil administrative personnel, subject to the approval of the State Board of Education (L. 1956, c. 61, sec. 18(8)).

The President of the Corporation and of the University is one of those designated whose salary is fixed and determined by the Board of Governors with the approval of the State Board of Education. Section 18 is limited by section 27, only as to the appointive power over the President. Confirmation by the Board of Trustees is required for this office but is not required for other corporate, official, educational and civil administrative personnel. Section 27 makes no provision for the fixing and determining of the salary of the President of the Corporation and of the University. The general provision of section 18 subjecting all salary schedules to the approval of the State Board of Education, therefore, applies to the salary fixed and determined for the President of the Corporation and of the University and necessitates approval by the State Board of Education.

Very truly yours,

DAVID D. FURMAN
Attorney General