

Originally, by the provisions of the Revised Statutes 52:20-7 this power was exercised by the State House Commission. The statute in part provided:

"The commission shall have custody of the State House, the property contained therein and the adjacent public grounds and all buildings owned by the State, including the State Barracks, which are used by the departments, agencies and officials of the State in connection with the conduct of the State's business \* \* \*."

In 1944 by the statute first cited, the powers of the State House Commission as set forth in Revised Statutes 52:20-7 were transferred to the Division of Purchase and Property and the Director thereof. The Division of Purchase and Property and its Director are the agencies to whom application must be made and permission obtained for the use of the Assembly Chamber, the Highway Board Room and other State office buildings.

Very truly yours,

THEODORE D. PARSONS,  
*Attorney General.*

By: JOSEPH LANIGAN,  
*Deputy Attorney General.*

JL:rk

FEBRUARY 28, 1950.

DR. PAUL T. STAFFORD,  
*Chief Examiner and Secretary,*  
*Department of Civil Service,*  
State House, Trenton, N. J.

FORMAL OPINION—1950. No. 20.

DEAR SIR:

I have your letter of the 15th instant stating that originally there were two criminal judicial district courts in Passaic County and that by Chapter 201 of the Laws of 1941 the act establishing the Second Criminal Judicial Court of the county was repealed. I find that this is so; that all of the County of Passaic was established to be the First Criminal Judicial Court of the County of Passaic.

It also appears from your communication that under date of March 15, 1945, you received an opinion from this department to the effect that a county employee could not be transferred to the State service. You now have a situation where the Clerk of the Second Judicial District Court, the establishment of which was repealed as hereinbefore stated, was transferred to county service in the office of the sheriff of the county.

I also understand that the county to whose service the Clerk of the court was transferred has adopted the provisions of the civil service law. The question is whether such transfer legally can be made. In my opinion, it cannot. The Civil Service Act of 1908 as to State employees took effect in that year; not so as to counties and municipalities which were permitted to adopt the act by referendum.

The judge of a criminal district court is appointed by the Governor by and with the consent of the Senate. The sheriff of a county, while a constitutional officer, is a county officer.

The civil service law is divided into the State service and into service of counties, municipalities and school districts, the latter class (school districts) having been permitted by act of the Legislature enacted subsequent to the original act of 1908 to adopt the provisions of the civil service law.

The conclusion that I have reached is that there cannot be a lawful transfer from a State position to a county position even where the county has adopted the provisions of the civil service law, for I find no warrant at all for such a transfer. That both the judge and clerk of a criminal judicial district court are State officers cannot be doubted. See *Pierson vs. O'Connor*, 54 N. J. L. 36.

The enclosures which Mrs. Murphy loaned me are herewith returned.

Very truly yours,

THEODORE D. PARSONS,  
*Attorney General.*

By: THEODORE BACKES,  
*Deputy Attorney General.*

Encs.  
TB:B

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MARCH 3, 1950.

MR. GEORGE M. BORDEN, *Secretary,*  
*State Employees' Retirement System,*  
1 West State Street,  
Trenton 7, New Jersey.

FORMAL OPINION—1950. No. 21.

DEAR MR. BORDEN:

I have your letter of the 1st instant stating that a member of your system who was a State employee in the Social Security Employment Service and whose services were loaned to the Federal Government pursuant to law, desires to have established credit for the period of time spent in Federal service as authorized by Chapter 320 of the Laws of 1947.

You desire to be advised whether the purchase of the proposed credit is in order. In my opinion, it is. I understand that the former employee in the Social Security Service desires to transfer her credits from your system to the Teachers' Pension and Annuity Fund. This is, as you know, authorized by law, and I am of opinion that under Chapter 320 of the Laws of 1947, the service credits therein provided for must be established in your system in order that when the transfer is made from your system to the Teachers' Pension and Annuity Fund the member may transfer all credits to which she is entitled in your fund including, of course, the credit which is accorded to her under the act of 1947.

Very truly yours,

THEODORE D. PARSONS,  
*Attorney General.*

By: THEODORE BACKES,  
*Deputy Attorney General.*

TB:B