

the State Police and the food that is served is, in fact, served as it has been for many years, in one of the old buildings at Wilburtha, and all buildings are serviced by a janitor and helpers.

Now, as to the State armories which, of course, are State buildings, by R. S. 38:2-17 the Quartermaster General (c) was charged with and had the direction of "The construction, alteration, maintenance and repair of armories, buildings and utilities used or intended to be used by the militia." These powers were transferred to and now vested in the new Department of Defense by section 2 of chapter 82 of the Laws of 1948.

The conclusion which I have reached is that the new highway building at Fernwood is under the jurisdiction of the Director of Purchase and Property. My reasons are as follows: The act of 1949 first above set forth provides that the new building shall be "for the housing and accommodation of the various divisions of the State Highway departments operating in the City of Trenton." As is well known the operation of that department for years has been carried on in the State House Annex and if the Legislature had directed that the new building be erected on land owned by the State directly west of the State House Annex, could any doubt arise as to who had jurisdiction of the new structure? I think not. Furthermore, an examination of the provisions of the State House Commission act likewise referred to hereinabove indicates clearly that with respect to other buildings for housing the working force of a department or division of the government, the jurisdiction likewise is in the Director of Purchase and Property. This is clearly demonstrated when we look at the provisions of R. S. 52:20-20 which authorize the State House Commission to appoint a custodian of the State House and a Superintendent of the State office building and State House Annex and authorizes the assignment to these officials of such other buildings as may be acquired for State use.

As I view the situation, the Legislature never contemplated that all buildings owned by the State should be under the sole jurisdiction of the Director of Purchase and Property but that with respect to buildings owned by the State and used for office purposes, the clear intention was that such buildings should be under the jurisdiction of that official.

Very truly yours,

THEODORE D. PARSONS,
Attorney General,

JULY 10, 1950.

THE HONORABLE SANFORD BATES, *Commissioner,*
Department of Institutions and Agencies,
State Office Building,
Trenton, New Jersey.

FORMAL OPINION—1950. No. 45.

MY DEAR COMMISSIONER BATES:

You desire to be advised concerning the effect of the provisions of Chapter 315, P. L. 1950, approved July 6, 1950.

This statute removes the present requirement in New Jersey that a prisoner committed to the State Prison shall serve commutation time previously granted him

for good behavior on a prior sentence or sentences. It also removes the present prohibition in our law against granting commutation time for good behavior to prisoners serving third and subsequent sentences, irrespective of whether the prior sentences were imposed in the State of New Jersey or in some other jurisdiction.

It is suggested that you advise the Principal Keeper of the State Prison to examine the records of the prisoners who come within the purview of this statute and to make such adjustments as may appear necessary in each individual case, both as to removal from their present sentences of commutation time earned and allowed on prior sentences and, secondly, as to granting commutation time for good behavior to prisoners serving third and subsequent sentences.

The granting of commutation time for good behavior is still controlled, as heretofore, by the provisions of R. S. 30:4-140 within the discretion of the Board of Managers of the Prison. Likewise, the Board of Managers may still declare a forfeiture of time previously remitted either in whole or in part, as to them shall seem just, in case of flagrant misconduct by a prisoner.

Very truly yours,

THEODORE D. PARSONS,
Attorney General,

By: EUGENE T. URBANIAK,
Deputy Attorney General.

ETU:HH

JULY 13, 1950.

DR. WILLIAM S. CARPENTER, *President,*
Department of Civil Service,
State House,
Trenton, New Jersey.

FORMAL OPINION—1950. No. 46.

DEAR SIR:

I have your memorandum of the 6th instant calling my attention to Chapter 289 of the Laws of 1949 which provides that any water commission, established pursuant to R. S. 40:62-108 to 40:62-150, by two or more municipalities in counties of the second class now having a population between three hundred thousand and three hundred and twenty-five thousand shall, upon written application regulating the same, signed by a majority of the employees of said water commission employed by it on the effective date of Chapter 289 (May 28, 1949), certify to the Civil Service Commission the names of all employees, including the Secretary-Treasurer. The act further provides that when the names of the employees, including the Secretary-Treasurer have been certified, the Civil Service Commission shall classify, without examination, the employees so certified into the classified service and the employees shall thereafter be subject to all the provisions of Title 11, Civil Service Law, with respect to tenure, classification and compensation.

The act applies only to the County of Passaic, as it is the only county falling within the population prescribed by the act of 1949. (See Legislative Manual of 1950, p. 261).