

SEPTEMBER 26, 1951.

HON. PERCY A. MILLER, JR.,
Commissioner of Labor,
State House,
Trenton, New Jersey.

FORMAL OPINION—1951. No. 28.

DEAR COMMISSIONER:

Your letter of July 31, 1951, requesting an opinion as to the construction of the laws of 1940, chapter 153, section 17 relating to minors working as apprentices in construction projects received. The specific question presented is whether a minor under 18 years of age may be permitted to work as an apprentice in construction work of any kind.

It is my opinion that the clear intent of Public Laws of 1940, chapter 153, section 17 (as amended) is that no minor under 18 years of age shall be employed, permitted or suffered to work as an apprentice in or about or in connection with construction work of any kind.

A careful examination of the laws of 1940, chapter 153, section 17 (N. J. S. A. 34:2-21.17) discloses that it provides, among other things, that:

"No minor under eighteen years of age shall be employed, permitted or suffered to work in, about or in connection with the following:

* * *

construction work of any kind; * * *"

An apprentice is defined in Black's Law Dictionary (3rd Edition), p. 129, as "a person, usually a minor, bound in due form of law to a master to learn from him his art, trade or business and to serve him during the time of his apprenticeship." See also *Lyon vs. Whitmore*, 3 N. J. L. 413 (2 Penn. 845); *Heget vs. Christ Hospital*, 26 N. J. Misc. 189. An apprentice, however, is not necessarily a minor. The term "apprentice" includes all persons irrespective of age who by contract place themselves in a position to learn a trade and undertake to do so in good faith; so that a man over 21 may become an apprentice. *City of St. Louis vs. Bender*, 154 S. W. 88, 89. But the question presented relates to a minor under 18 years of age, and the statute must be further examined to determine whether it contains an exception from the general provision that no minor under 18 years of age shall be employed or permitted to work as an apprentice in construction work. Elsewhere in the same section (Sec. 17), after it provides that minors under the age of 18 years may not be permitted to operate or help in the operation of power-driven woodwork machinery, an exception is made for apprentices to operate same under conditions of bona fide apprenticeship under competent instruction and supervision. The same section, likewise provides that minors under 18 years of age may not be permitted to work in connection with grinding, abrasive, polishing or buffing machines, but makes an exception for the grinding of their own tools by apprentices operating under conditions of bona fide apprenticeship.

Manifestly, it was the intention of the Legislature to make provision for apprentices under 18 years of age to be employed only in specific instances. No exception, however, has been made for apprentices under 18 years of age to be employed

in construction work of any kind. It must be concluded that the intent was not to permit their employment as such.

Very truly yours,

THEODORE D. PARSONS,
Attorney General.

By : LOUIS S. COHEN,
Deputy Attorney General.

LSC:rk

OCTOBER 1, 1951.

HON. J. LINDSAY DEVALLIERE, *Director,*
Division of Budget and Accounting,
State House,
Trenton, New Jersey.

FORMAL OPINION—1951. No. 29.

DEAR DIRECTOR:

Receipt is acknowledged of your letter of September thirteenth, in which you present to us for opinion the question whether contracts made by the Department of Conservation and Economic Development, "in connection with the appropriation of \$50,000.00 for the State Advertising Council," are subject to the provisions of law requiring State agencies to advertise for bids when the payment of State funds in excess of one thousand dollars is involved. We take it that you refer to the \$50,000.00 item in the current appropriation act labelled "Promotional Expenses (New Jersey Council)" and, as well, to the provisions of R. S. 52:34-1.

It is our opinion, and we advise you, that the provisions of R. S. 52:34-1 do not apply to expenditures from the appropriation labelled "Promotional Expenses (New Jersey Council)"; and that the Department of Conservation and Economic Development may enter into any contract or contracts in effectuation of the purpose of the appropriation, without advertising for bids.

The provisions of R. S. 52:34-1 are as follows:

No contract or agreement for the construction of any building, for the making of any alterations, extensions or repairs thereto, for the doing of any work or labor, or for the furnishing of any goods, chattels, supplies or materials of any kind, the cost or contract price whereof is to be paid with State funds and shall exceed the sum of one thousand dollars, shall be awarded, made or entered into by the board of managers or board of trustees of any State institution, or by any State department or commission, or by any person acting for or on behalf of the State, without first having publicly advertised for bids for the same, according to the specifications