

OCTOBER 5, 1953.

WILLIAM J. DEARDEN, *Director,*
Division of Motor Vehicles,
State Office Building,
Trenton, New Jersey.

FORMAL OPINION—1953. No. 38.

DEAR MR. DEARDEN :

You have made a request to be advised whether vehicles owned by either State, county or city authorities are to be considered government-owned vehicles and registered without fee in accordance with the provisions of 39:3-27.

The word "authorities" is taken as used in Title 39 and the answer to your question is "no."

R. S. 39:3-27, as amended by the Public Laws of 1951, chapter 217, and the Public Laws of 1952, chapter 226, provides in part:

"No fee shall be charged for the registration of motor vehicles not used for pleasure or hire, owned by the United States, the State of New Jersey, a municipality, county, Passaic Valley Sewerage Commissioners, North Jersey District Water Supply Commission, duly authorized volunteer fire department, hospital, humane society, an anti-cruelty society in this State, New Jersey wing of the Civil Air Patrol incorporated by the Act of July 1, 1946 (Public Law 476-79th Congress), or the American Red Cross. * * *"

This law specifically designates that ownership of the vehicle must be in the organization or government to receive free plates. R. S. 55:14A-4 specifically states "* * * Such authority shall constitute an agency and instrumentality of the municipality or county creating it."

In view of the facts furnished this department indicating that these vehicles are titled in the name of the Housing Authority and not in the name of the governmental branch, they should not receive no free plates.

Very truly yours,
THEODORE D. PARSONS,
Attorney General,

By: JOHN J. KITCHEN,
Deputy Attorney General.

I conclude that while a conveyance or irrevocable lease of riparian lands by the State must be for more than a nominal consideration, the sum demanded for a grant restricted to public use for a park or street need not be as great as for an unrestricted grant, because the value of the former is plainly less than the value of the latter.

Very truly yours,

Deputy Attorney General.
Attorney General,

By: THOMAS P. COOK,
Deputy Attorney General.

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OCTOBER 26, 1953.

DR. LESTER H. CLEE, *President,*
Civil Service Commission,
State House,
Trenton, New Jersey.

FORMAL OPINION—1953. No. 40.

MY DEAR DR. CLEE:

As we understand it, you raise the question whether R. S. 11:27-11.1 allows holders of the Congressional Medal of Honor, Distinguished Service Cross, or Navy Cross to one appointment or one promotion, or whether this statute entitles the holder thereof to both an appointment and any number of subsequent promotions.

It is our conclusion that the holder of such an award is entitled to but one appointment, or in lieu thereof, one promotion.

R. S. 11:27-11.1 provides as follows:

"* * * The head or person in charge of any department or subdivision of this State and the various counties and municipalities thereof, to whom such soldier, sailor, marine or nurse as above provided shall apply for employment or promotion, shall within his discretion employ or promote such person, as in his judgment shall deem proper and necessary for the good of his department. Upon said promotion, appointment or employment, the said person shall then become subject to and under the direct supervision, rules and regulations governing such employment by the Civil Service Commission."

It would appear to us that the statute clearly gives to the head of the department the right to employ or promote such holder as in the judgment of the appointing authority shall be proper for the good of his department. This statement is clearly a limitation upon both the department head and the recipient and allows to the latter either the appointment or promotion as a reward for his distinguished service.