

MARCH 31, 1959

HONORABLE CARL HOLDERMAN
Department of Labor and Industry
20 West Front Street
Trenton, New Jersey

FORMAL OPINION 1959—No. 4

DEAR COMMISSIONER HOLDERMAN:

You have requested an opinion relating to your authority on behalf of the State of New Jersey to enter into an agreement with the Federal Government whereby the State, as an agent of the Federal Government, can disburse Federal funds to provide temporary unemployment benefits to certain eligible claimants in accordance with the terms of the Temporary Unemployment Compensation Act of 1958, P.L. 85-441; 72 Stat. 171.

This act, as originally adopted on June 4, 1958, provided a method whereby individuals who had exhausted their regular unemployment benefits under State and Federal programs could obtain further payments according to certain conditions, one of which was that payments could not be made under the program after April 1, 1959. Pursuant to the Federal Act, States were authorized to enter into agreements to act as agents for the Federal Government in order to make payments. The State of New Jersey, pursuant to P.L. 1958, c. 72, authorized you to enter into such an agreement with the Federal Secretary of Labor, acting for the Federal Government to carry out the program. This was done on June 24, 1958.

With the advent of April 1, 1959 Congress has passed and today, March 31, 1959, the President of the United States has signed into law H.R. 5640 which amends the Federal 1958 act to provide an extension of time to July 1, 1959, during which such temporary payments may be made, provided, for the purposes of examination here, that claimants have filed claims prior to April 1, 1959.

In light of the amendment to the Federal act and the expiration of the original agreement executed June 24, 1958 with the Secretary of Labor, you have asked whether you have authority, without further New Jersey legislative sanction, to enter into an additional agreement to permit New Jersey to continue to act as disbursing agent and to provide funds to persons eligible for temporary unemployment benefits.

It is our opinion that you can enter into such an agreement without any further legislative authority. P.L. 1958, c. 72, giving you original permission was prospective in nature and contained no cut-off date limiting the time during which any agreement that was made could be operative. That act was permissive in nature and merely referred to action taken under the Temporary Unemployment Compensation Act of 1958. That act has been amended only insofar as it relates to the time during which benefits may be paid to eligible persons. The substance dealing with the power of the Secretary of Labor to enter into agreements with States is not disturbed. It is clear that the amendment became incorporated in and part of the 1958 act: *General Investment Co. v. American Hide and Leather Co.*, 97 N.J. Eq. 214 (Ch. 1925), *modified on other grounds and aff'd*, 98 N.J. Eq. 326 (E. & A. 1925). Clear legislative intent evinced in congressional reports dictates this result. The New Jersey enabling legislation shows nothing to the contrary either expressly or impliedly.

Therefore, you may execute such an agreement on behalf of the State of New Jersey in accordance with the terms of the Temporary Unemployment Act of 1958, as amended, and, subject to the execution of the agreement with the Secretary of Labor, continue to disburse funds to eligible claimants until July 1, 1959.

Very truly yours,

DAVID D. FURMAN
Attorney General

By: DAVID M. SATZ, JR.
Deputy Attorney General in Charge

APRIL 6, 1959

HONORABLE NED J. PARSEKIAN
Acting Director of Motor Vehicles
State House
Trenton, New Jersey

FORMAL OPINION 1959—No. 5

DEAR DIRECTOR:

We have been asked specifically whether a mechanic may drive an empty bus without having the license required by R.S. 39:3-10.1 from garage to repair point, from garage to storage point and back, or on test runs, and generally, whether a mechanic driving an empty bus under any conditions must have the special license.

The pertinent portions of R.S. 39:3-10.1 provide as follows:

"No person shall drive any motor vehicle or trackless trolley with a capacity of more than six passengers and used for the transportation of passengers for hire, * * * unless specially licensed to do so by the director."

Statutes should be interpreted in accordance with the object sought to be achieved in relation to the evils and mischief sought to be remedied. *State v. Meinken*, 10 N.J. 348 (1952); *Lane v. Holderman*, 23 N.J. 304 (1956); *Leonard v. Werger*, 21 N.J. 539 (1956); and as an aid to interpretation, the courts will look at the history of a statute and its historical background. *Deaney v. Linen Thread Co.*, 19 N.J. 578 (1955).

The first general motor vehicle licensing statute was passed in this State in 1921. P.L. 1921, c. 208. No provision was made therein for the special licensing of bus drivers. In 1936 this act was amended to read as follows:

"On and after January 1, 1937 no person under the age of 21 shall hereafter drive any motor vehicle * * * with a capacity of more than 6 passengers * * * unless specially licensed to do so * * *." P.L. 1936, c. 240.

The statement appended to Senate Bill #172 which resulted in the adoption of the above amendment provided:

"The purpose of this law is to make safer the requirements for drivers applying to operate busses carrying more than six passengers on the highways of this State.