nation of persons for public and party office differ. cf. *McCaskey* v. *Kirchoff*, 56 N.J. Super. 178 (App. Div. 1959).

Bearing in mind the safeguard provided by the Legislature in requiring 2,500 signatures to place the Sunday Closing Law on the ballot in each county, as contrasted with much less stringent requirements, as hereinbefore outlined, for the nomination by petition of persons to county-wide public and party offices where verification is necessary (100 signatures) it would be difficult, in absence of express or even general provisions to the contrary to impose the additional requirement of verification of each signature. See *McCaskey* v. *Kirchoff, supra,* at p. 182. The integrity of the election process would not be defeated. The proper official charged with the duty of insuring against falsification of signatures would not be afforded some of the additional means of affixing responsibility upon persons who verify signatures as is the case in the nominating procedure. But, the actual signatures may be examined as in other cases.

Therefore, petitions with 2,500 signatures without any verification may be accepted in order to place L. 1959, c. 119 on the general election ballot in the various counties this coming November.

Very truly yours,

DAVID D. FURMAN
Attorney General

By: FRANK A. VERGA
Deputy Attorney General

AUGUST 13, 1959

BUREAU OF TENEMENT HOUSE SUPERVISION
1100 Raymond Boulevard
Newark, New Jersey

FORMAL OPINION 1959—No. 16

GENTLEMEN:

We have been asked to define the scope of L. 1959, c. 12. This statute amends the definition of a tenement house in R.S. 55:1-24. The statutory definition delimits those premises which are subject to the jurisdiction of the Bureau of Tenement House Supervision. L. 1959, c. 12 narrows the prior definition to exclude detached dwelling houses constructed or converted before September 1, 1959 of not more than three stories and having central heating which are equipped for occupancy by three families living independently where the space provided for at least one of the families is not equipped with full cooking facilities. If any of these conditions is not met in a particular case, the building remains subject to the jurisdiction of the Bureau of Tenement House Supervision.

You have informed us that in attempting to apply the new statute two questions arise as to the meaning of terminology. The first is as to the meaning of the term "central heating," whether it means a system of heating a group of buildings from one plant or whether it means heating an entire building by the use of a single furnace or heating plant located within that building. The second question concerns the term

"less than full cooking facilities," and how much cooking and kitchen equipment an apartment may have and still not come under the jurisdiction of the Bureau of Tenement House Supervision.

In connection with central heating we note that Webster's International Dictionary, 2 Ed., Unabridged, gives the following definition:

> "central heating (British)—a system of heating of the parts of the building from one heating plant. (United States)—a system of heating of a group of buildings from one heating plant."

The Enclyclopedia Britannica, Vol. II, gives the following definition:

> "Central heating—In Great Britain and in Europe generally the term central heating usually refers to the heating of a building by means of one heating unit instead of fireplaces or stoves in every room. As understood in North America, however, it means the supplying of heat to a number of separate buildings from a central plant."

We have also communicated with technical people in the heating industry and employed by insurers. The consensus of opinion of such persons is that the term "central heating" is understood to be the use of a furnace or one heating plant to heat the entire building. We hold, therefore, that central heating is the heating of the entire building by one furnace or one heating plant.

With regard to the meaning of the term "less than full cooking facilities," the legislative purpose in taking from the jurisdiction of the Bureau of Tenement House Supervision three-family houses where one apartment does not have full cooking facilities was undoubtedly to overrule Formal Opinion 1957—No. 14, of the Attorney General. This opinion held that the use of a one-burner cooking apparatus constituted "cooking upon the premises" within the meaning of R.S. 55:1-24 as it then read, thereby subjecting three-family houses where one apartment used only a one-burner cooking apparatus to the jurisdiction of the Bureau of Tenement House Supervision. The 1957 opinion had been requested as a result of a question arising from Formal Opinion 1953—No. 50.

The Attorney General had ruled that where several individuals or families had kitchen privileges, the buildings were not subject to the jurisdiction of the Bureau of Tenement House Supervision "unless each unit has kitchen facilities * * *." This language has been interpreted by some persons affected thereby to exempt from board jurisdiction rooms or apartments using a one-burner cooking apparatus. L. 1959, c. 12 was enacted in order to assist persons who had so interpreted the 1953 opinion and had constructed or converted facilities on the assumption that they would remain outside board jurisdiction. In the light of this history, it is our opinion that the term "less than full cooking facilities" as used in L. 1959, c. 12, should be given a meaning approximately equivalent to the common understanding of what constitutes something less than a complete kitchen. We are also aware of the importance of adopting a workable administrative standard. For all of these reasons, it is our opinion that if an apartment has a cooking facility with three burners, it should be considered to have full cooking facilities. If one of three apartments in a three-family dwelling otherwise within the definition of a tenement house has a cooking facility with less

than three burners, it is our opinion that such an apparatus is something less than a full cooking facility.

Very truly yours,

DAVID D. FURMAN
Attorney General

By: FRANK A. VERGA
Deputy Attorney General

AUGUST 20, 1959

HONORABLE FREDERICK M. RAUBINGER
Commissioner of Education
175 West State Street
Trenton, New Jersey

FORMAL OPINION 1959—No. 17

DEAR COMMISSIONER:

You have requested our advice as to whether our Formal Opinion of 1958—No. 15 applies to employees of boards of education who enter or have entered the military service.

The answer is yes. The Statute under consideration in the aforesaid opinion is N.J.S.A. 38:23-4, which provides for a leave of absence during a period of active military service for "every person holding office, position or employment, other than for a fixed term or period, under the government of this State or of any county, municipality, school district or other political subdivision of this State." The employees of a "school district" are employees of a board of education. *Falcone* v. *Board of Education of Newark*, 17 N.J. Misc. 75, 78 (Co. Ct. 1939). Since such employees are expressly covered by the statute in question, the reasoning and conclusions of Formal Opinion 1958—No. 15, which construed the statute as it pertained to employees of the State Highway Department, are equally applicable to employees of a board of education of this State.

Very truly yours,

DAVID D. FURMAN
Attorney General

By: THOMAS P. COOK
Deputy Attorney General