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employment agreement which by its terms may not extend beyond one year. Thus, any proposed stock options for officers, directors or trustees must be issued or granted during the term of the annual employment agreement even though they may be exercised at a later date.

In conclusion, for the foregoing reasons, you are advised that domestic life insurance companies may grant stock options to officers, directors, and trustees under the general provisions of Title 14 provided such options comply with applicable limitations set forth in R.S. 17:34-4 as indicated herein.

Very truly yours,
ARTHUR J. SILLS
Attorney General

By: AVROM J. GOLD
Deputy Attorney General

January 23, 1964

MR. CHARLES F. SULLIVAN, *Director*
Division of Purchase and Property
Department of the Treasury
State House
Trenton, New Jersey

MEMORANDUM OPINION – NO. 1

Dear Mr. Sullivan:

You have requested our opinion as to the nature and scope of your authority to make agreements for the leasing of space in state buildings to private corporations for the installation of vending machines which dispense various commodities. For the reasons set forth below, it is our opinion that complete control of vending machine contracts, areas of installation, types of machines installed, and the revenue to be derived therefrom is vested in the Department of the Treasury to be exercised through the Division of Purchase and Property and its director. This applies to all buildings owned by the State, except where a statute may otherwise specifically provide.

In 1931 the Legislature gave certain powers to the State House Commission regarding control of State buildings and the leasing of office space. By P.L. 1931, c. 184 (now N.J.S.A. 52:20-7) it was provided:

“The commission shall have custody of the state house, the property contained therein and the adjacent public grounds and all buildings owned by the state, including the state barracks, which are used by the departments, agencies and officials of the state in connection with the conduct of the state’s business, and shall lease from time to time such office space as may be required for the conduct of the state’s business at such terms and under such conditions as it may deem appropriate.”

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Thereafter the Legislature transferred these powers of the State House Commission to the Director of the Division of Purchase and Property (hereinafter sometimes referred to as the "Director"). P.L. 1944, c. 112 (now, N.J.S.A. 52:27B-64), which provides:

"The powers and duties vested in the State House Commission by sections 52:20-7, 52:20-13, 52:20-14, 52:20-20 and 52:20-25 of the Revised States are hereby transferred to the Division of Purchase and Property and to the director thereof.

"The director, with the commissioner's [State Treasurer's] approval, shall to every practicable extent arrange, and from time to time rearrange, the office space assigned to the various departments and other agencies of the State Government in a manner to provide for the most efficient conduct of the business of such departments and agencies."

By P.L. 1948, c. 92 (N.J.S.A. 52:18A-16) the Division of Purchase and Property of the existing State Department of Taxation was transferred to and constituted the Division of Purchase and Property in the Department of the Treasury, retaining all its former functions, powers and duties. The functions, powers and duties of the director thereof were also continued by P.L. 1948, c. 92 (N.J.S.A. 52:18A-18) but were transferred to the Division of Purchase and Property in the Department of the Treasury.

It may further be noted that by P.L. 1949, c. 132 (N.J.S.A. 52:18A-19.1) the Director of the Division of Purchase and Property in the Department of the Treasury was authorized and empowered to lease in the name of the State any lands owned by the State, not needed or used for State purposes, to any municipality of the State or parking authority for public parking purposes. This expresses the legislative intent to give authority to the Director to control the use of surplus lands, just as it has expressly given him the power to dispose of surplus personal property which is "in the custody and control of any State department, institution, commission, board, body or other agency of the State ***." N.J.S.A. 52:27B-67.

The foregoing laws clearly make manifest the intention of the Legislature, unless otherwise expressly provided, to vest control of all State owned buildings in the Division of Purchase and Property, Department of the Treasury, to be exercised by the Director thereof. They further show the area of operation of the Director, including the right to lease lands owned by the state which are not needed for state use. Although the statutes do not expressly authorize the Director to lease portions of state buildings for vending machine purposes, it is a power that may be impliedly found in the office of the Director. It may be considered a necessary incident to the leasing and allocation of office space for the efficient conduct of the State's business. Moreover, no statute gives this power to any other state office or body; it is the Director who is given the custody and control of "all buildings owned by the state ***." N.J.S.A. 52:20-7.

With respect to the disposition of revenues derived for vending machine leases, New Jersey Constitution, Art. VIII, Sec. III, par. 3 is pertinent. This provides:

"No donation of land or appropriation of money shall be made by the State or any county or municipal corporation to or for the use of any society, association or corporation whatever."

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Therefore, it would be a violation of the Constitution to allow revenues realized from the lease or rental of surplus State owned property to be diverted to any private use. *Cf. In re Voorhees*, 123 N.J. Eq. 142 (Prerog. Ct. 1938), aff'd 121 N.J.L. 594 (Sup. Ct. 1939), aff'd 124 N.J.L. 35 (E. & A. 1940); *Wilentz v. Hendrikson*, 133 N.J. Eq. 447 (Chan. 1943), aff'd 135 N.J. Eq. 244 (E. & A. 1944). N.J.S.A. 52:18A-8 requires that all state revenues collected by any official, agency or department must be paid into the general treasury for deposit to the credit of the State of New Jersey. The statute authorizing the Director of the Division of Purchase and Property to sell surplus personal property also expressly requires the Director to "pay the proceeds arising from such disposition into the general fund of the State." N.J.S.A. 52:27B-67. Since the placement of vending machines involves the use of State property, no other group or individual may receive the revenue therefrom and no gift of such revenues may be made by the State for private purposes. Of course it may benefit state personnel to afford them the convenience of access to such vending machines.

Accordingly, it is our opinion that, unless otherwise expressly authorized by statute, the authority and responsibility for leasing space in state buildings for vending machine purposes is vested solely in the Director of the Division of Purchase and Property, and all revenues derived therefrom must be paid into the general treasury pursuant to N.J.S.A. 52:18A-8.

Very truly yours,
ARTHUR J. SILLS
Attorney General

By: ROBERT L. SOLAN
Deputy Attorney General

February 6, 1964

MR. ALVIN E. GERSHEN, *President*
Board of Professional Planners
1100 Raymond Boulevard
Newark 2, New Jersey

MEMORANDUM OPINION — NO. 2

Dear Mr. Gershen:

You have asked whether a licensed professional engineer, land surveyor, or registered architect of New Jersey who applies for a license as a professional planner must comply with all of the formal requirements of the law regarding the practice of professional planning, including the submission of references and educational qualifications and taking an examination.

For the reasons hereinafter stated, it is our opinion that duly licensed professional engineer, land surveyor or registered architect need not meet the formal statutory requirements and qualifications imposed upon other applicants for a license as a professional planner.