

the Division of Navigation were transferred to the Department of Conservation and Economic Development to be exercised and performed through the Division of Planning and Development, P. L. 1948, Chapter 448, Section 7, N.J.S.A. 13:1B-7. The Director of the Division of Planning and Development is vested with the power of supervising and administering the work of the Division, P L. 1948, Chapter 448, Section 8, N.J.S.A. 13:1B-8.

The answers to questions 4 and 5 in Formal Opinion 1949 No. 41 are without support in the statutes and are inconsistent with our Formal Opinion 1955 No. 45. To that extent you should regard Formal Opinion 1949 No. 41 as overruled.

To answer your specific inquiries, the advice of the Planning and Development Council may, but need not be sought, on such matters as the location of waterfront and jetty improvements and contracts to be awarded for such work. It is clear that the Council does not have the power to approve or disapprove of such undertakings.

Yours very truly,

GROVER C. RICHMAN, JR.  
*Attorney General*

By: JOHN F. CRANE  
*Deputy Attorney General*

---

MARCH 23, 1956

HON. ROBERT L. FINLEY  
*Deputy State Treasurer*  
State House  
Trenton, New Jersey

FORMAL OPINION, 1956—No. 7

DEAR MR. FINLEY:

You have requested our opinion as to whether the retirement allowances payable by the Public Employees' Retirement System must be reduced by the amount of Social Security benefits based on public employment in the cases of veteran employees as well as non-veteran employees.

N.J.S.A. 43:15A-59 provides as follows:

"Upon attainment of age 65 by a retired member or upon retirement by a member after the attainment of age 65, the board of trustees shall reduce such member's retirement allowance by the amount of the old age insurance benefit under Title II of the Social Security Act payable to him. Membership in the retirement system shall presume the member's acceptance of and consent to such reduction. . ."

The above-quoted section requires generally that Social Security benefits shall be offset from retirement allowances paid by the Public Employees' Retirement System. It makes no differentiation as to veteran employees. In fact, the basic reason for enacting C 84, P.L. 1954, (N.J.S.A. 43:15A-1 et seq.) was to provide for integration of Social Security with the state's own retirement system. In return for the amounts saved by the retirement system through Social Security offsets, the legislation made

provision for additional benefits including an insurance program without additional cost to members. This life insurance program is available to veterans and non-veterans alike as long as they are covered by Social Security (N.J.S.A. 43:15A-64).

In view of the foregoing, it is our opinion that retirement allowances payable by the Public Employees' Retirement system must be reduced by the amount of Social Security benefits pursuant to N.J.S.A. 43:15A-59 in the cases of veteran employees as well as non-veteran employees.

Very truly yours,

GROVER C. RICHMAN, JR.  
*Attorney General*

By: CHARLES S. JOELSON  
*Deputy Attorney General*

MARCH 23, 1956

MR. JOHN J. ALLEN, *Secretary*  
*Teachers' Pension and Annuity Fund*  
State House Annex  
Trenton, New Jersey

FORMAL OPINION, 1956—No. 8

DEAR MR. ALLEN:

You have asked our opinion as to the effect of C. 259, P.L. 1955, which by its terms became effective "immediately". After original passage by the legislature, it was vetoed by the Governor on August 8, 1955, and passed over the Governor's veto on January 5, 1956. Thus, January 5, 1956 is the effective date of the act. By its title, C. 259, P.L. 1955, is designated as "An Act to amend 'An act relating to the Teachers' Pension and Annuity Fund, and supplementing chapter 13 of Title 18 of the Revised Statutes,' approved August 11, 1953 (P.L. 1953, c. 360)." Chapter 259, P.L. 1955, amends c. 360, P.L. 1953 (N.J.S.A. 18:13-70.3) by increasing minimum retirement allowances to be paid to members of the Teachers' Pension and Annuity Fund.

However, C. 37, P.L. 1955, which was approved on June 1, 1955, and which by its terms became effective on January 1, 1956 as a result of a referendum of members of the Teachers' Pension and Annuity Fund as provided by law, expressly repealed "sections 24 to 110, inclusive of chapter 13 of Title 18 of the Revised Statutes of New Jersey with all amendments and supplements thereto," and provided a new pension system for teachers. It, therefore, appears that C. 259, P.L. 1955, attempted to amend a statute which had already been repealed on the effective date of C. 259, P.L. 1955. Thus, we must determine the effect of a statute which purports to amend a repealed statute.

In *Newark v. Grodecki*, 21 N.J. Misc. 241, (Essex County Court of Common Pleas), Judge Hartshorne states as follows (p. 245):

"... even where a statute has been repealed our courts have held it may be amended, provided the new enactment is a law complete in itself. *Abrams v. Smith*, 98 N.J.L. 319. And such is the weight of authority. . ."