

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1, 1956 as a result of a referendum of members of the Teachers' Pension and Annuity Fund as provided by law, expressly repealed "sections 24 to 110, inclusive of chapter 13 of Title 18 of the Revised Statutes of New Jersey with all amendments and supplements thereto," and provided a new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 It, therefore, appears that C. 259, P.L. 1955, attempted to amend a statute which had already been repealed on the effective date of C. 259, P.L. 1955. Thus, we must determine the effect of a statute which purports to amend a repealed statute.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 even where a statute has been repealed our courts have held it may be amended, provided the new enactment is a law complete in itself.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. . ."

Analysis of C. 259, P.L. 1955, indicates that it is not "a law complete in itself" within the meaning of *Newark v. Grodecki* (supra). On the contrary, it is an amendment of only one section of a general pension statute (R.S. 18:13-24 et seq.), which had already been repealed in its entirety on the effective date of the amendatory legislation.

It is, therefore, our opinion that C. 259, P.L. 1955, cannot be given any effect.

Very truly yours,

GROVER C. RICHMAN, JR.
Attorney General

By: CHARLES S. JOELSON
Deputy Attorney General

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JULY 2, 1956

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

FORMAL OPINION, 1956—No. 9

DEAR MR. FINLEY:

You have inquired whether such functions as have been exercised in the past under the Division of Purchase and Property with respect to purchases and construction for Rutgers University have, under Chapter 61 of the Laws of 1956, approved June 1, 1956, been expressly reserved as functions of the Board of Governors there created.

Section 18 of the new Act provides in part:

"The Board of Governors shall have general supervision over and be vested with the conduct of the University. It shall have the authority and responsibility to . . .

(4) Direct and control the expenditures of the Corporation and the University in accordance with the appropriation acts of the Legislature, and as to funds received from the Trustees and other sources, in accordance with the terms, of any applicable trusts, gifts, bequests, or other special provisions. All accounts of the University shall be subject to post-audit by the State; * * *

(6) (a) Purchase all lands, buildings, equipment, materials and supplies; and

(b) Employ architects to plan buildings; secure bids for the construction of buildings and for the equipment thereof; make contracts for the construction of buildings and for equipment; and supervise the construction of buildings;

(7) Manage and maintain, and provide for the payment of all charges on and expenses in respect of all properties utilized by the University; * * *"