

In view of the broad scope of coverage provided by the above cited provisions and the expression of policy by the Legislature providing such social security coverage on as broad a basis as possible (N.J.S.A. 43:22-1), you are advised that members of the staff of the Youth Study Commission are entitled to social security coverage. You should contact the social security section of the Division of Pensions for assistance in completing the ministerial acts necessary to institute coverage.

Very truly yours,

HAROLD KOLOVSKY
Acting Attorney General

By: DAVID LANDAU
Deputy Attorney General

JANUARY 29, 1958

HONORABLE ABRAM M. VERMEULEN, *Director*
Division of Budget and Accounting
State House
Trenton, New Jersey

MEMORANDUM OPINION—P-7

DEAR MR. VERMEULEN:

You have asked for our opinion relating to the annual appropriation by the State to the Teachers' Pension and Annuity Fund. The specific problem which you raise is whether the Legislature should include the amount estimated by actuarial determination as the State's obligation during the fiscal year 1958-59 in the next appropriations bill.

We advise you that the appropriation of this amount in the next appropriations bill for payment to the Teachers' Pension and Annuity Fund on or after July 1, 1958 is mandatory in strict compliance with the express terms of N.J.S.A. 18:13-112.35. That statute provides as follows:

"Upon the basis of each actuarial determination and appraisal provided for in this act, the board of trustees shall prepare and submit to the Governor in each year an itemized estimate of the amounts necessary to be appropriated by the State to provide for payment in full during the ensuing fiscal year of the obligations of the State accruing during that year. The Legislature shall make an appropriation sufficient to provide for such obligations of the State. The amounts so appropriated shall be paid into the contingent reserve fund."

N.J.S.A. 18:13-112.35, which was enacted as part of the Teachers' Pension and Annuity Fund-Social Security Integration Act (L. 1955, c. 37; N.J.S.A. 18:13-112.3 et seq.), revised the method of appropriation by the State to the purposes of the Teachers' Pension and Annuity Fund. As you point out, the source of State payment to the Teachers' Pension and Annuity Fund was formerly dedicated railroad taxes under R.S. 18:10-30 and 31, but these receipts are no longer available to defray the State's commitment. As a result, the ascertainment of the total appropriation necessary by the State in each fiscal year is arrived at through an actuarial determination

in the preceding fiscal year. That is the plain import of N.J.S.A. 18:13-112.35. The Governor's Budget and the Appropriations Act should include the amounts to be appropriated by the State to provide for the payment in full of the obligations of the State to the Fund which the actuary estimates will accrue during the ensuing fiscal year. Specifically, we advise you our opinion that the Governor's Budget and the Appropriations Act for the fiscal year 1958-59 should include an appropriation of the amount payable by the State under the Teachers' Pension and Annuity Fund-Social Security Integration Act during the fiscal year commencing July 1, 1958.

Yours very truly,

HAROLD KOLOVSKY
Acting Attorney General

By: DAVID D. FURMAN
Deputy Attorney General

JANUARY 30, 1958

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

MEMORANDUM OPINION—P-8

DEAR COMMISSIONER HOLDERMAN:

You have requested an opinion involving the interrelation between the Mine Safety Act (L. 1954, c. 197; N.J.S.A. 34:6-98.1 et seq.) and a local ordinance designed to regulate the use of explosives for blasting purposes. You state that there appear to be conflicts between the ordinance and the act, and indicate a desire to know whether a quarry operator in such case would be required to comply with the State statute or the conflicting provision of the municipal regulation.

In your letter you refer to section 10 of the Mine Safety Act which provides as follows (N.J.S.A. 34:6-98.10):

"No municipality or other governmental subdivision shall have the power to make any ordinance, by-law or resolution providing for safety to workers in the mining industry or providing for protection of property that does not comply with the standards herein established by this act, and the rules and regulations promulgated by the commissioner hereunder. Nothing in this act shall, however, limit the right of any municipality or other governmental subdivision to make inspections of mining operations."

With respect to standards for the use of explosives in quarries, we are specifically referred by the Mine Safety Act to the 1941 explosives law (L. 1941, c. 27; N.J.S.A. 21: 1A-1 et seq.) Section 8 of the Mine Safety Act (N.J.S.A. 34:6-98.8) states:

"a. When explosives are used in a mine or quarry, the manner of storing, keeping, handling, moving, charging and firing, or in any manner using such explosives, shall be in accordance with the requirements of chapter 27 of the