

It is our opinion that such an interpretation is not correct. The emphasis must be placed upon the term "any" as used in the section. In that regard, counties or municipalities may make contributions to any squad in any municipality in the county. This term clearly indicates the intention of the Legislature with respect to authorizing the discretionary payments by municipal or county authorities to rescue squads serving in part of or throughout the whole county. Had the Legislature intended otherwise, the term "respectively" could and should have been used.

The result conforms to the legislative policy of supporting squads rendering beneficent services in the county. Soundness dictates that county authorities be permitted to contribute to locally organized squads if, in the discretion of the county, it is found that the squad renders services beyond particular municipal borders. The same is true with municipalities which rely on the services of either a county-oriented squad or squad in another municipality. A liberal policy of authorizing contributions of this type encourages associations to organize and render services throughout the county and, in turn, lessens the burden of government in both the county and municipalities.

Such an interpretation finds support in practice. In 1958, county boards provided by appropriations contributions of \$28,250, ranging from \$1,250 to \$9,600 to municipally organized rescue squads. Thus, payments of this type have been consistently recognized as a legitimate expense by the Division of Local Government.

Very truly yours,

DAVID D. FURMAN
Attorney General

DAVID M. SATZ, JR.
Deputy Attorney General

MARCH 30, 1960

HONORABLE JOHN A. KERVICK
State Treasurer
State House
Trenton, New Jersey

MEMORANDUM OPINION—P-5

DEAR MR. KERVICK:

You have requested our opinion as to the proper interpretation of N.J.S.A. 43:15A-12 with regard to the cost formula to be applied in the purchase of service credit covering the period of time that an employee has been on loan to the Federal Government. This section reads as follows:

"Any State employee who was a member of the former 'State Employees' Retirement System' and whose services were or have been made available by this State to the Federal Government may, *if and when he or she has returned or shall return to service with this State*, or if he or she has retired or been retired under the said system, contribute to the annuity savings fund provided for in section 25 of this act, such sum or sums, either in 1 payment or in installments, as determined by the board of trustees

to be sufficient to cover the amount which would have been contributed by such individual had he or she remained a member of said system, together with such interest thereon as shall be determined to be just by the board of trustees; any board, body or commission of this State which has, had, or shall have, moneys contributed by the Federal Government for that purpose shall pay into such system such amount or amounts as would have been contributed by it on account of said services had not such services been made available to the Federal Government, together with such interest as shall be determined to be just by the board of trustees. The board of trustees is hereby authorized and required to receive said contributions, both for annuity and pension purposes, it being the intention hereby to restore, if and where possible, all retirement rights of such members lapsed or lost while rendering services to the Federal Government in, and during the emergency of World War II." (Emphasis added.)

Thus it can be seen that N.J.S.A. 43:15A-12 *supra* provides for the purchase of service credit which could not be purchased otherwise, by certain employees, based on a specific cost formula. However, this formula would apply to an employee who qualifies by making application and payment promptly upon his return to state service.

N.J.S.A. 43:15A-12 requires that a state employee who desires to obtain pension credit in the Public Employees' Retirement System for service rendered to the Federal Government must do so "* * * when he or she has returned or shall return to service with this State." This language clearly contemplates the purchase of such credit at the time an employee returns or within a reasonable period thereafter. If an employee has not applied or does not apply for the purchase of this credit within a reasonable time after his return, he cannot qualify for any of the benefits of this act. It necessarily follows that only an employee who has been on loan to the Federal Government, and who applies within a reasonable time after his return to state service for the purchase of pension credit for the time of his federal service, would be entitled to purchase this credit at a cost based on the formula set forth in N.J.S.A. 43:15A-12.

Very truly yours,

DAVID D. FURMAN
Attorney General

By: JUNE STRELECKI
Deputy Attorney General

APRIL 7, 1960

MR. THOMAS O. AMELIA
State Records Committee
State House Annex
Trenton, New Jersey

MEMORANDUM OPINION—P-6

DEAR MR. AMELIA:

You have requested our opinion whether or not the New Jersey Turnpike Authority is subject to the provisions of the "Destruction of Public Records Law," R.S. 47:3-15 et seq. as revised by L. 1953, c. 410.