

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.

The key section of the law is section 3 thereof which reads as follows:

"No person shall destroy, sell or otherwise dispose of any public record, archives or printed public documents which are under his control or in his care or custody, whether or not they are in current use, without first having advised the Bureau of Archives and History in the Department of Education of their nature, and obtained the written consent of that bureau; which consent may be given by said bureau only if the same is in conformance with regulations governing the granting thereof which shall be made and promulgated by the State Records Committee established by section six of this act."

The scope of the quoted section and hence of the succeeding sections of the Law, which merely amplify it, is determined by the definition of "public records" contained in section 2. The latter section defines "public records" to include records received by "any * * * authority of the State or of any political subdivision thereof * * * in connection with the transaction of public business * * *." (Emphasis added.)

When used together with other words denoting state agencies or instrumentalities, the word "authority" refers to a semi-public corporation such as the New Jersey Turnpike Authority (N.J.S.A. 27:23-3) created by the State to act as an instrumentality thereof to carry out a public purpose.

While the New Jersey Turnpike Authority is an independent entity for some purposes, *N.J. Turnpike Authority v. Parsons*, 3 N.J. 235 (1949), nevertheless it is a public authority for the purposes of the Public Records Law.

Very truly yours,

DAVID D. FURMAN
Attorney General

By: MURRY BROCHIN
Deputy Attorney General

APRIL 18, 1960

HONORABLE JOHN A. KERVICK
State Treasurer
State House
Trenton 25, New Jersey

MEMORANDUM OPINION—P-7

DEAR MR. KERVICK:

You have requested our advice concerning an application for accidental death benefits filed with the Board of Trustees of the Police and Firemen's Retirement System. N.J.S.A. 43:16A-1 et seq. An accidental death pension has been previously granted the widow of a member but was revoked in accordance with N.J.S.A. 43:16A-10(2)(b) upon the widow's remarriage. Now a surviving child of the deceased member seeks continued pension benefits, presumably in accordance with a later clause of that same section which reads:

"If there be such children and no widow, or if the widow dies, the pension which the widow would have received had she survived shall be paid to those children who have not reached eighteen years of age * * *."