or combination of vehicles, or to induce the trasportation of poles, pilings, girders and other structural units which cannot be carried on 50 foot vehicles with their front supported by a conventional truck or semitrailer and the rear supported by a small special vehicle consisting almost entirely of an axle or set of axles to which the load is temporarily affixed and with the load supporting itself between these two points of support and beyond the rear axle or set of axles. We have been advised by the Chief Engineer of the Highway Department that these alternatives present in some respects a greater hazard to other users of the highways than does the operation of overlength vehicles where the overlength results from the vehicle itself.

For these reasons it is our opinion that a vehicle or combination of vehicles may have an overall length of not more than 70 feet measured from the part of the vehicle or load most extended in one direction to the part of the vehicle or load most extended in the opposite direction under any one or more of the following circumstances:

(1) where it is actually engaged in transporting poles, pilings, structural units or other articles incapable of dismemberment which cannot be safely carried on a vehicle or combination of vehicles meeting the 50 feet limit; or

(2) where it is engaged in activity ancillary to such transportation, such as being operated unloaded to a point at which it is to be loaded with one or more of the enumerated categories of materials, being operated unloaded from the point at which it was unloaded to its origin or to the point of loading for another load, and otherwise where the operation is directly incidental to the mode of operation described in paragraph 1 of this sentence.

To cite a specific example, it might be lawful for a truck-trailer combination measuring 65 feet in length to transport a bridge beam resting on the trailer with the most rearward point of the beam 56 feet from the front bumper of the truck and 9 feet forward of the most rearward part of the trailer. It would be lawful for such a combination to return empty after being unloaded.

Very truly yours,

DAVID D. FURMAN
Attorney General

AUGUST 16, 1961

HONORABLE KATHARINE E. WHITE
Acting State Treasurer
State House
Trenton, New Jersey

MEMORANDUM OPINION—P-19

DEAR MRS. WHITE:

You have sought our advice as to the scope of P.L. 1959, c. 101 in determining what constitutes the annuity portion of a member's retirement allowance. Specifically, you ask what statutory pension systems, if any, are excepted from the application of Chapter 3 of Title 43 by reason of the 1959 amendment (P.L. 1959, c. 101), which provides in pertinent part:

"As used in this chapter, the term 'pension,' when applied to a retirement allowance, shall include only that portion of the retirement allowance which is derived from appropriations made by the employer or by the State."

The question arises because only certain of the various statutory retirement systems distinguish between "pension," "annuity," and "retirement allowance." Under the Public Employees' Retirement System, Teachers' Pension and Annuity Fund, and the Police and Firemen's Retirement System, such a distinction is expressly made. *See* N.J.S.A. 43:15A-6(b), (g) and (k); N.J.S.A. 43:16A-1(11), (12) and (13); and N.J.S.A. 18:13-112.4(b), (h) and (n).

On the contrary, in the statutes establishing the Consolidated Police and Firemen's Pension Fund (R.S. 43:16-1 to 16-21), the Prison Officers' Pension Fund (R.S. 43:7-7 to 7-27), and the State Police Retirement and Benevolent Fund (R.S. 53:5-1 to 5-7) there is no distinction made between "retirement allowance," "pension," and "annuity." Indeed, where reference is made to "pension" it is used in a broad, generic sense rather than in the technical sense of the first three statutes above-mentioned. For example, in R.S. 43:16-17(8), "pension" is defined as meaning "the amount payable to a member or his beneficiary under the provisions of this act." Furthermore, we are informed that with reference to the administration of the latter three systems there has never been a distinction made between that portion of the member's allowance which is derived from his own contributions ("annuity") and that portion which is derived from employer contributions ("pension").

In sum, prior to the advent of the modern annuity-type retirement systems, all payments to retired employees were generally denominated "pensions." The terms "retirement allowance" and "annuity" have been utilized only in the more modern pension systems. By the very wording of the 1959 amendment "the term 'pension'" is only involved "when applied to a retirement allowance."

Thus, the effect of Chapter 101 of P.L. 1959 is limited to those retirement systems—namely, the Public Employees' Retirement System, Teachers' Pension and Annuity Fund, and the Police and Firemen's Retirement System—where the terms "retirement allowance," "pension," and "annuity" are differentiated by statutory definition.

Very truly yours,

DAVID D. FURMAN
Attorney General

By: ROBERT S. MILLER
Deputy Attorney General

AUGUST 16, 1961

HONORABLE ROSCOE P. KANDLE, M.D.
State Commissioner of Health
129 East Hanover Street
Trenton, New Jersey

MEMORANDUM OPINION—P-20

DEAR DOCTOR KANDLE:

You have requested our opinion as to the proper interpretation to be given to R.S. 58:11-18.13 and R.S. 58:11-18.19, insofar as they apply to the renewal of li-