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**NEWSPAPER ARTICLES:** No

RWH/CL

P.L. 2019, CHAPTER 184, *approved July 19, 2019*  
Senate, No. 3899 (*First Reprint*)

1 AN ACT concerning the reenrollment of certain retired members of  
2 the Teachers' Pension and Annuity Fund and amending  
3 N.J.S.18A:66-53.2.  
4

5 **BE IT ENACTED** by the Senate and General Assembly of the State  
6 of New Jersey:  
7

8 1. N.J.S.18A:66-53.2 is amended to read as follows:

9 18A:66-53.2. a. Except as provided in subsection b. of this  
10 section, if a former member of the retirement system who has been  
11 granted a retirement allowance for any cause other than disability,  
12 becomes employed again in a position which makes him eligible to  
13 be a member of the retirement system, his retirement allowance and  
14 the right to any death benefit as a result of his former membership,  
15 shall be canceled until he again retires.

16 Such person shall be reenrolled in the retirement system and  
17 shall contribute thereto at a rate based on his age at the time of  
18 reenrollment. Such person shall be treated as an active member for  
19 determining disability or death benefits while in service and no  
20 benefits pursuant to an optional selection with respect to his former  
21 membership shall be paid if his death shall occur during the period  
22 of such reenrollment.

23 Upon subsequent retirement of such member, his former  
24 retirement allowance shall be reinstated together with any optional  
25 selection, based on his former membership. In addition, he shall  
26 receive an additional retirement allowance based on his subsequent  
27 service as a member computed in accordance with applicable  
28 provisions of this article; provided, however, that his total  
29 retirement allowance upon such subsequent retirement shall not be a  
30 greater proportion of his final compensation than the proportion to  
31 which he would have been entitled had he remained in service  
32 during the period of his prior retirement. Any death benefit to  
33 which such member shall be eligible shall be based on his latest  
34 retirement, but shall not be less than the death benefit that was  
35 applicable to his former retirement.

36 b. The cancellation, reenrollment, and additional retirement  
37 allowance provisions of subsection a. of this section shall not apply  
38 to a former member of the retirement system who is a certificated  
39 superintendent or a certificated administrator and who, after having  
40 been granted a retirement allowance, becomes employed by the  
41 State Department of Education in a position of critical need as  
42 determined by the State Commissioner of Education, or becomes

**EXPLANATION** – Matter enclosed in bold-faced brackets **[thus]** in the above bill is  
not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

<sup>1</sup>Assembly floor amendments adopted June 20, 2019.

1 employed by a board of education as a certificated superintendent  
2 or a certificated administrator on a contractual basis for a term of  
3 not more than one year; except that the cancellation, reenrollment,  
4 and additional retirement allowance provisions shall apply if the  
5 former member becomes employed within 120 days of retirement  
6 with the employer from which the member retired. Nothing herein  
7 shall preclude a former member so reemployed with a board of  
8 education from renewing a contract for one additional year~~[,]~~;  
9 provided that the total period of employment with any individual  
10 board of education does not exceed a two-year period, unless so  
11 approved by the Commissioner of Education as being in the best  
12 interests of the school district<sup>1</sup>; and provided that no such renewal  
13 shall provide the former member an election regarding whether or  
14 not to be reenrolled<sup>1</sup>.

15 c. A former member of the retirement system who has been  
16 granted a retirement allowance, for any cause other than disability,  
17 may become employed again with the former employer in a position  
18 as a coach of an athletics activity if: (1) the employment  
19 commences after the retirement allowance becomes due and  
20 payable; (2) the former member had attained the service retirement  
21 age, applicable to that member, as of the date of retirement; and (3)  
22 the compensation for the employment is less than \$15,000 per year.  
23 This subsection shall be effective if the qualified status of the  
24 retirement system under federal law can be maintained upon its  
25 application, and such modifications to the system as may be  
26 available shall be made to allow for its application. As used in this  
27 section, "former employer" means the employer with which the  
28 former member held employment immediately prior to retirement.  
29 (cf: P.L.2016, c.76, s.1)

30  
31 2. This act shall take effect immediately.

32  
33  
34 \_\_\_\_\_  
35  
36 Allows TPAF retiree to be employed, without TPAF  
37 reenrollment, by school district as certificated superintendent or  
38 administrator for more than two years when in best interests of  
39 school district.

# SENATE, No. 3899

## STATE OF NEW JERSEY 218th LEGISLATURE

INTRODUCED JUNE 6, 2019

**Sponsored by:**

**Senator M. TERESA RUIZ**

**District 29 (Essex)**

**Assemblyman JOHN J. BURZICHELLI**

**District 3 (Cumberland, Gloucester and Salem)**

**Co-Sponsored by:**

**Assemblyman Rooney**

**SYNOPSIS**

Allows TPAF retiree to be employed, without TPAF reenrollment, by school district as certificated superintendent or administrator for more than two years when in best interests of school district.

**CURRENT VERSION OF TEXT**

As introduced.



**(Sponsorship Updated As Of: 6/21/2019)**

S3899 RUIZ

2

1 AN ACT concerning the reenrollment of certain retired members of  
2 the Teachers' Pension and Annuity Fund and amending  
3 N.J.S.18A:66-53.2.

4

5 **BE IT ENACTED** by the Senate and General Assembly of the State  
6 of New Jersey:

7

8 1. N.J.S.18A:66-53.2 is amended to read as follows:

9 18A:66-53.2. a. Except as provided in subsection b. of this  
10 section, if a former member of the retirement system who has been  
11 granted a retirement allowance for any cause other than disability,  
12 becomes employed again in a position which makes him eligible to  
13 be a member of the retirement system, his retirement allowance and  
14 the right to any death benefit as a result of his former membership,  
15 shall be canceled until he again retires.

16 Such person shall be reenrolled in the retirement system and  
17 shall contribute thereto at a rate based on his age at the time of  
18 reenrollment. Such person shall be treated as an active member for  
19 determining disability or death benefits while in service and no  
20 benefits pursuant to an optional selection with respect to his former  
21 membership shall be paid if his death shall occur during the period  
22 of such reenrollment.

23 Upon subsequent retirement of such member, his former  
24 retirement allowance shall be reinstated together with any optional  
25 selection, based on his former membership. In addition, he shall  
26 receive an additional retirement allowance based on his subsequent  
27 service as a member computed in accordance with applicable  
28 provisions of this article; provided, however, that his total  
29 retirement allowance upon such subsequent retirement shall not be a  
30 greater proportion of his final compensation than the proportion to  
31 which he would have been entitled had he remained in service  
32 during the period of his prior retirement. Any death benefit to  
33 which such member shall be eligible shall be based on his latest  
34 retirement, but shall not be less than the death benefit that was  
35 applicable to his former retirement.

36 b. The cancellation, reenrollment, and additional retirement  
37 allowance provisions of subsection a. of this section shall not apply  
38 to a former member of the retirement system who is a certificated  
39 superintendent or a certificated administrator and who, after having  
40 been granted a retirement allowance, becomes employed by the  
41 State Department of Education in a position of critical need as  
42 determined by the State Commissioner of Education, or becomes  
43 employed by a board of education as a certificated superintendent  
44 or a certificated administrator on a contractual basis for a term of

**EXPLANATION – Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted in the law.**

**Matter underlined thus is new matter.**

1 not more than one year; except that the cancellation, reenrollment,  
2 and additional retirement allowance provisions shall apply if the  
3 former member becomes employed within 120 days of retirement  
4 with the employer from which the member retired. Nothing herein  
5 shall preclude a former member so reemployed with a board of  
6 education from renewing a contract for one additional year~~].~~;  
7 provided that the total period of employment with any individual  
8 board of education does not exceed a two-year period, unless so  
9 approved by the Commissioner of Education as being in the best  
10 interests of the school district.

11 c. A former member of the retirement system who has been  
12 granted a retirement allowance, for any cause other than disability,  
13 may become employed again with the former employer in a position  
14 as a coach of an athletics activity if: (1) the employment  
15 commences after the retirement allowance becomes due and  
16 payable; (2) the former member had attained the service retirement  
17 age, applicable to that member, as of the date of retirement; and (3)  
18 the compensation for the employment is less than \$15,000 per year.  
19 This subsection shall be effective if the qualified status of the  
20 retirement system under federal law can be maintained upon its  
21 application, and such modifications to the system as may be  
22 available shall be made to allow for its application. As used in this  
23 section, "former employer" means the employer with which the  
24 former member held employment immediately prior to retirement.  
25 (cf: P.L.2016, c.76, s.1)

26

27 2. This act shall take effect immediately.

28

29

30

#### STATEMENT

31

32 This bill modifies an exception to the reenrollment requirement  
33 for certain retired members of the Teachers' Pension and Annuity  
34 Fund (TPAF). It allows a TPAF retiree to be employed, without  
35 reenrollment in TPAF, by a board of education as a certificated  
36 superintendent or a certificated administrator on a contractual basis  
37 for a period that exceeds two years when the Commissioner of  
38 Education determines that it is in the best interests of the school  
39 district.

40 Under current law, if a TPAF retiree, receiving a retirement  
41 allowance for any cause other than disability, subsequently becomes  
42 employed again in a position which makes the retiree eligible to be  
43 a member of TPAF, the retiree is required to reenroll in the  
44 retirement system and the payment of the retirement allowance  
45 ceases. That reenrollment requirement, however, does not apply to  
46 a retiree (1) who is a certificated superintendent or a certificated  
47 administrator who, after having been granted a retirement  
48 allowance, becomes employed by the State Department of

**S3899 RUIZ**

1 Education in a position of critical need, or (2) who becomes  
2 employed by a board of education as a certificated superintendent  
3 or administrator on a contractual basis for no longer than one year  
4 and after 120 days of retirement if the contract is with the former  
5 employer. A reemployed retiree may renew a board of education  
6 contract for one additional year, provided that the total period of  
7 employment with any individual board of education does not exceed  
8 a two-year period. This bill would permit employment beyond that  
9 two-year period if approved by the Commissioner of Education as  
10 being in the best interests of the school district.



STATEMENT TO  
**SENATE, No. 3899**

with Assembly Floor Amendments  
(Proposed by Assemblyman BURZICHELLI)

ADOPTED: JUNE 20, 2019

This floor amendment clarifies that a contract for renewal between a board of education and a former member may not give the former member an election regarding whether or not to be reenrolled. These amendments also make this bill identical to Assembly No. 5375 (1R).

# ASSEMBLY, No. 5375

## STATE OF NEW JERSEY 218th LEGISLATURE

INTRODUCED MAY 16, 2019

**Sponsored by:**

**Assemblyman JOHN J. BURZICHELLI**  
**District 3 (Cumberland, Gloucester and Salem)**

**Co-Sponsored by:**

**Assemblyman Rooney**

**SYNOPSIS**

Allows TPAF retiree to be employed, without TPAF reenrollment, by school district as certificated superintendent or administrator for more than two years when in best interests of school district.

**CURRENT VERSION OF TEXT**

As introduced.



**(Sponsorship Updated As Of: 5/24/2019)**

A5375 BURZICHELLI

2

1 AN ACT concerning the reenrollment of certain retired members of  
2 the Teachers' Pension and Annuity Fund and amending  
3 N.J.S.18A:66-53.2.

4

5 **BE IT ENACTED** by the Senate and General Assembly of the State  
6 of New Jersey:

7

8 1. N.J.S.18A:66-53.2 is amended to read as follows:

9 18A:66-53.2. a. Except as provided in subsection b. of this  
10 section, if a former member of the retirement system who has been  
11 granted a retirement allowance for any cause other than disability,  
12 becomes employed again in a position which makes him eligible to  
13 be a member of the retirement system, his retirement allowance and  
14 the right to any death benefit as a result of his former membership,  
15 shall be canceled until he again retires.

16 Such person shall be reenrolled in the retirement system and  
17 shall contribute thereto at a rate based on his age at the time of  
18 reenrollment. Such person shall be treated as an active member for  
19 determining disability or death benefits while in service and no  
20 benefits pursuant to an optional selection with respect to his former  
21 membership shall be paid if his death shall occur during the period  
22 of such reenrollment.

23 Upon subsequent retirement of such member, his former  
24 retirement allowance shall be reinstated together with any optional  
25 selection, based on his former membership. In addition, he shall  
26 receive an additional retirement allowance based on his subsequent  
27 service as a member computed in accordance with applicable  
28 provisions of this article; provided, however, that his total  
29 retirement allowance upon such subsequent retirement shall not be a  
30 greater proportion of his final compensation than the proportion to  
31 which he would have been entitled had he remained in service  
32 during the period of his prior retirement. Any death benefit to  
33 which such member shall be eligible shall be based on his latest  
34 retirement, but shall not be less than the death benefit that was  
35 applicable to his former retirement.

36 b. The cancellation, reenrollment, and additional retirement  
37 allowance provisions of subsection a. of this section shall not apply  
38 to a former member of the retirement system who is a certificated  
39 superintendent or a certificated administrator and who, after having  
40 been granted a retirement allowance, becomes employed by the  
41 State Department of Education in a position of critical need as  
42 determined by the State Commissioner of Education, or becomes  
43 employed by a board of education as a certificated superintendent  
44 or a certificated administrator on a contractual basis for a term of  
45 not more than one year; except that the cancellation, reenrollment,

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1 and additional retirement allowance provisions shall apply if the  
2 former member becomes employed within 120 days of retirement  
3 with the employer from which the member retired. Nothing herein  
4 shall preclude a former member so reemployed with a board of  
5 education from renewing a contract for one additional year~~].~~;  
6 provided that the total period of employment with any individual  
7 board of education does not exceed a two-year period, unless so  
8 approved by the Commissioner of Education as being in the best  
9 interests of the school district.

10 c. A former member of the retirement system who has been  
11 granted a retirement allowance, for any cause other than disability,  
12 may become employed again with the former employer in a position  
13 as a coach of an athletics activity if: (1) the employment  
14 commences after the retirement allowance becomes due and  
15 payable; (2) the former member had attained the service retirement  
16 age, applicable to that member, as of the date of retirement; and (3)  
17 the compensation for the employment is less than \$15,000 per year.  
18 This subsection shall be effective if the qualified status of the  
19 retirement system under federal law can be maintained upon its  
20 application, and such modifications to the system as may be  
21 available shall be made to allow for its application. As used in this  
22 section, "former employer" means the employer with which the  
23 former member held employment immediately prior to retirement.  
24 (cf: P.L.2016, c.76, s.1)

25

26 2. This act shall take effect immediately.

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#### STATEMENT

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31 This bill modifies an exception to the reenrollment requirement  
32 for certain retired members of the Teachers' Pension and Annuity  
33 Fund (TPAF). It allows a TPAF retiree to be employed, without  
34 reenrollment in TPAF, by a board of education as a certificated  
35 superintendent or a certificated administrator on a contractual basis  
36 for a period that exceeds two years when the Commissioner of  
37 Education determines that it is in the best interests of the school  
38 district.

39 Under current law, if a TPAF retiree, receiving a retirement  
40 allowance for any cause other than disability, subsequently becomes  
41 employed again in a position which makes the retiree eligible to be  
42 a member of TPAF, the retiree is required to reenroll in the  
43 retirement system and the payment of the retirement allowance  
44 ceases. That reenrollment requirement, however, does not apply to  
45 a retiree (1) who is a certificated superintendent or a certificated  
46 administrator who, after having been granted a retirement  
47 allowance, becomes employed by the State Department of  
48 Education in a position of critical need, or (2) who becomes

**A5375 BURZICHELLI**

4

1 employed by a board of education as a certificated superintendent  
2 or administrator on a contractual basis for no longer than one year  
3 and after 120 days of retirement if the contract is with the former  
4 employer. A reemployed retiree may renew a board of education  
5 contract for one additional year, provided that the total period of  
6 employment with any individual board of education does not exceed  
7 a two-year period. This bill would permit employment beyond that  
8 two-year period if approved by the Commissioner of Education as  
9 being in the best interests of the school district.

ASSEMBLY STATE AND LOCAL GOVERNMENT  
COMMITTEE

STATEMENT TO

**ASSEMBLY, No. 5375**

**STATE OF NEW JERSEY**

DATED: JUNE 10, 2019

The Assembly State and Local Government Committee reports favorably Assembly Bill No. 5375.

This bill modifies an exception to the reenrollment requirement for certain retired members of the Teachers' Pension and Annuity Fund (TPAF). It allows a TPAF retiree to be employed, without reenrollment in TPAF, by a board of education as a certificated superintendent or a certificated administrator on a contractual basis for a period that exceeds two years when the Commissioner of Education determines that it is in the best interests of the school district.

Under current law, if a TPAF retiree, receiving a retirement allowance for any cause other than disability, subsequently becomes employed again in a position which makes the retiree eligible to be a member of TPAF, the retiree is required to reenroll in the retirement system and the payment of the retirement allowance ceases. That reenrollment requirement, however, does not apply to a retiree (1) who is a certificated superintendent or a certificated administrator who, after having been granted a retirement allowance, becomes employed by the State Department of Education in a position of critical need, or (2) who becomes employed by a board of education as a certificated superintendent or administrator on a contractual basis for no longer than one year and after 120 days of retirement if the contract is with the former employer. A reemployed retiree may renew a board of education contract for one additional year, provided that the total period of employment with any individual board of education does not exceed a two-year period. This bill would permit employment beyond that two-year period if approved by the Commissioner of Education as being in the best interests of the school district.

# ASSEMBLY APPROPRIATIONS COMMITTEE

## STATEMENT TO

### ASSEMBLY, No. 5375

with committee amendments

# STATE OF NEW JERSEY

DATED: JUNE 13, 2019

The Assembly Appropriations Committee reports favorably Assembly Bill No. 5375, with committee amendments.

As amended, this bill modifies an exception to the reenrollment requirement for certain retired members of the Teachers' Pension and Annuity Fund (TPAF). It allows a TPAF retiree to be employed, without reenrollment in TPAF, by a board of education as a certificated superintendent or a certificated administrator on a contractual basis for a period that exceeds two years when the Commissioner of Education determines that it is in the best interests of the school district. The bill, as amended, clarifies that the member may not be given an election as to whether or not the member may be reenrolled even under those circumstances.

Under current law, if a TPAF retiree, receiving a retirement allowance for any cause other than disability, subsequently becomes employed again in a position which makes the retiree eligible to be a member of TPAF, the retiree is required to reenroll in the retirement system and the payment of the retirement allowance ceases. That reenrollment requirement, however, does not apply to a retiree (1) who is a certificated superintendent or a certificated administrator who, after having been granted a retirement allowance, becomes employed by the State Department of Education in a position of critical need, or (2) who becomes employed by a board of education as a certificated superintendent or administrator on a contractual basis for no longer than one year and after 120 days of retirement if the contract is with the former employer. A reemployed retiree may renew a board of education contract for one additional year, provided that the total period of employment with any individual board of education does not exceed a two-year period. This bill would permit employment beyond that two-year period if approved by the Commissioner of Education as being in the best interests of the school district.

#### COMMITTEE AMENDMENTS:

The committee amended the bill to clarify that a contract for renewal between a board of education and a former member may not give the former member an election regarding whether or not to be reenrolled.

#### FISCAL IMPACT:

This bill is not certified as requiring a fiscal note.

# Governor Murphy Takes Action on Legislation

07/19/2019

**TRENTON** – Today, Governor Phil Murphy signed the following bills and resolutions into law:

**AJR26 (Downey, Houghtaling, Quijano, Mosquera, Vainieri Huttle, Benson, Jasey, McKnight/Pou, Codey)** - Designates September of each year as "Youth Suicide Prevention Awareness Month" in New Jersey.

**AJR87 (Murphy, Mosquera, Pinkin/Singleton, Addiego)** - Designates January 11 of each year as "Alice Paul Day" in New Jersey.

**A769 (Caputo, Giblin, Vainieri Huttle/A.R. Bucco, Ruiz)** - Requires school districts to incorporate age-appropriate sexual abuse and assault awareness and prevention education in grades preschool through 12 as part of New Jersey Student Learning Standards in Comprehensive Health and Physical Education.

**A1048 (Houghtaling, Downey, Mukherji, Holley/Turner, Stack)** - Requires property tax bills to contain eligibility information on State tax relief programs.

**A1190 (Jones, Giblin, Mukherji/Beach, Cruz-Perez)** - Concerns appointment of person to control funeral and disposition of human remains.

**A1369 (Kennedy, DeAngelo, Vainieri Huttle, Benson, Quijano/Greenstein, Addiego)** - Allows for cancellation of certain service contracts without paying early termination fee if customer becomes deceased prior to end of service contract.

**A1428 (McKnight, Chaparro, Chiaravalloti, Vainieri Huttle/Ruiz, Cunningham)** - Requires Department of Education to develop guidelines for school districts concerning child trafficking awareness and prevention.

**A3766 (Armato, Houghtaling, Murphy, Jones/Corrado)** - Requires public officer or employee to forfeit pension upon conviction for corruption of public resources, sexual contact, lewdness, or sexual assault when offense involves or touches upon public office or employment.

**A5162 (Speight, Reynolds-Jackson/Beach)** - Permits county board of chosen freeholders to increase membership of county board of elections.

**A5456 (Armato, Kennedy, Speight/Greenstein, Bateman)** - Authorizes NJ Infrastructure Bank to expend certain sums to make loans for environmental infrastructure projects for FY2020.

**A5457 (Danielsen, Swain, Milam/Codey)** - Appropriates funds to DEP for environmental infrastructure projects for FY2020.

**A5462 (Milam, Speight, Murphy/Smith)** - Modifies powers and duties of New Jersey Infrastructure Bank.

**S692 (Ruiz, Sarlo/Jasey, Caputo, Holley)** - Prohibits the DOE from regulating maximum salary amount school district may pay its superintendent of schools and codifies standards for contract review.

**S756 (Diegnan, Turner/Calabrese, Sumter, Pinkin)** - Updates notice of elections requirements to include information for voter to obtain polling place locations.

**S858 (Turner, Diegnan/Jasey, Caputo)** - Requires teachers of health and physical education in grades kindergarten through six in public schools to possess appropriate endorsement to instructional certificate.

**S954 (Vitale, Singleton, Madden/Conaway, Moriarty, Sumter, McKnight, Mukherji, Downey)** - Enters New Jersey in enhanced multistate Nurse Licensure Compact.

**S1373 (Andrzejczak/Land, Milam)** - Expands option of governmental home health care agency to partner with non-governmental providers to deliver health care services.

**S1707 (Oroho, Bateman, Andrzejczak/Space, Wirths)** - Exempts governmental entities acquiring lands for open space located in a deed-authorized common interest community from paying community fees if, at time of acquisition, community has never been formed or has been dissolved or discontinued.

**S1761 (Weinberg, Singleton/Pintor Marin, Lampitt, Pinkin, Munoz, McKeon)** - Expands the Address Confidentiality Program to include victims of sexual assault and stalking; and reproductive health service patients and providers.



**S1799 (A.R. Bucco/A.M. Bucco, Murphy, Caputo)** - Increases membership of fire safety commission in DCA.

**S2472 (Singleton, Murphy/Conaway, Timberlake)** - Requires certain real estate licensees to complete courses of study concerning fair housing and housing discrimination.

**S2489 (Cruz-Perez, Turner/Mosquera, Jones, Holley, McKnight, Downey)** - Requires board of education to post information about child abuse hotline in each school.

**S2575 (Diegnan, Greenstein/Karabinchak, Reynolds-Jackson)** - Establishes task force to examine and make recommendations regarding implementation of "Anti-Bullying Bill of Rights Act."

**S2944 (Ruiz, Cunningham/Pintor Marin, McKnight, Chiaravalloti)** - Permits certain council members to appoint up to four fulltime equivalent aides; allows these aide positions to be divided into part-time positions.

**S2994 (Ruiz/Freiman, McKeon, Schaer) – Concerns refunds following terminations or cancellations of guaranteed asset protection waivers.**

**S3043 (Madden, Oroho/Mosquera, Pintor Marin)** - Clarifies that family day care providers or other persons who are subjects of criminal history record back checks have access to disqualifying information.

**S3452 (Ruiz, Pou/Lopez, Holley, Schaer)** - Requires certain consumer reporting agencies to make consumer reports available to consumers in Spanish and certain other languages.

**S3899 (Ruiz/Burzichelli)** - Allows TPAF retiree to be employed, without TPAF reenrollment, by school district as certificated superintendent or administrator for more than two years when in best interests of school district.