

By: Representative Robinson (84th)

To: Appropriations

## HOUSE BILL NO. 935

1 AN ACT TO AMEND SECTION 25-11-103, MISSISSIPPI CODE OF 1972,  
2 TO PROVIDE THAT PUBLIC SCHOOL BUS DRIVERS SHALL BE ELIGIBLE TO  
3 BECOME OR REMAIN MEMBERS OF THE PUBLIC EMPLOYEES' RETIREMENT  
4 SYSTEM REGARDLESS OF THE WEEKLY OR MONTHLY NUMBER OF HOURS WORKED;  
5 TO AMEND SECTION 25-11-105, MISSISSIPPI CODE OF 1972, IN  
6 CONFORMITY TO THE PRECEDING PROVISION; AND FOR RELATED PURPOSES.

7 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

8 SECTION 1. Section 25-11-103, Mississippi Code of 1972, is  
9 amended as follows:

10 25-11-103. The following words and phrases as used in  
11 Articles 1 and 3, unless a different meaning is plainly required  
12 by the context, shall have the following meanings:

13 (a) "Accumulated contributions" shall mean the sum of  
14 all the amounts deducted from the compensation of a member and  
15 credited to his individual account in the annuity savings account,  
16 together with regular interest thereon as provided in Section  
17 25-11-123.

18 (b) "Actuarial cost" shall mean the amount of funds  
19 presently required to provide future benefits as determined by the  
20 board based on applicable tables and formulas provided by the  
21 actuary.

22 (c) "Actuarial equivalent" shall mean a benefit of  
23 equal value to the accumulated contributions, annuity or benefit,  
24 as the case may be, when computed upon the basis of such mortality  
25 tables as shall be adopted by the board of trustees, and regular  
26 interest.

27 (d) "Actuarial tables" shall mean such tables of  
28 mortality and rates of interest as shall be adopted by the board

29 in accordance with the recommendation of the actuary.

30 (e) "Agency" shall mean any governmental body employing  
31 persons in the state service.

32 (f) "Average compensation" shall mean the average of  
33 the four (4) highest years of earned compensation reported for an  
34 employee in a fiscal or calendar year period, or combination  
35 thereof which do not overlap, or the last forty-eight (48)  
36 consecutive months of earned compensation reported for an  
37 employee. The four (4) years need not be successive or joined  
38 years of service. In no case shall the average compensation so  
39 determined be in excess of One Hundred Twenty-five Thousand  
40 Dollars (\$125,000.00). In computing the average compensation, any  
41 amount paid in a lump sum for personal leave shall be included in  
42 the calculation to the extent that such amount does not exceed an  
43 amount which is equal to thirty (30) days of earned compensation  
44 and to the extent that it does not cause the employees' earned  
45 compensation to exceed the maximum reportable amount specified in  
46 Section 25-11-103(k); provided, however, that such thirty-day  
47 limitation shall not prevent the inclusion in the calculation of  
48 leave earned under federal regulations prior to July 1, 1976, and  
49 frozen as of that date as referred to in Section 25-3-99. Only  
50 the amount of lump sum pay for personal leave due and paid upon  
51 the death of a member attributable for up to one hundred fifty  
52 (150) days shall be used in the deceased member's average  
53 compensation calculation in determining the beneficiary's  
54 benefits. In computing the average compensation, no amounts shall  
55 be used which are in excess of the amount on which contributions  
56 were required and paid. If any member who is or has been granted  
57 any increase in annual salary or compensation of more than eight  
58 percent (8%) retires within twenty-four (24) months from the date  
59 that such increase becomes effective, then the board shall exclude  
60 that part of the increase in salary or compensation that exceeds  
61 eight percent (8%) in calculating that member's average

62 compensation for retirement purposes. The board may enforce this  
63 provision by rule or regulation. However, increases in  
64 compensation in excess of eight percent (8%) per year granted  
65 within twenty-four (24) months of the date of retirement may be  
66 included in such calculation of average compensation if  
67 satisfactory proof is presented to the board showing that the  
68 increase in compensation was the result of an actual change in the  
69 position held or services rendered, or that such compensation  
70 increase was authorized by the State Personnel Board or was  
71 increased as a result of statutory enactment, and the employer  
72 furnishes an affidavit stating that such increase granted within  
73 the last twenty-four (24) months was not contingent on a promise  
74 or agreement of the employee to retire. Nothing in Section  
75 25-3-31 shall affect the calculation of the average compensation  
76 of any member for the purposes of this article. The average  
77 compensation of any member who retires before July 1, 1992, shall  
78 not exceed the annual salary of the Governor.

79 (g) "Beneficiary" shall mean any person entitled to  
80 receive a retirement allowance, an annuity or other benefit as  
81 provided by Articles 1 and 3. In the event of the death prior to  
82 retirement of any member whose spouse and/or children are not  
83 entitled to a retirement allowance, the lawful spouse of a member  
84 at the time of the death of such member shall be the beneficiary  
85 of such member unless the member has designated another  
86 beneficiary subsequent to the date of marriage in writing, and  
87 filed such writing in the office of the executive director of the  
88 board of trustees. No designation or change of beneficiary shall  
89 be made in any other manner.

90 (h) "Board" shall mean the board of trustees provided  
91 in Section 25-11-15 to administer the retirement system herein  
92 created.

93 (i) "Creditable service" shall mean "prior service,"  
94 "retroactive service" and all lawfully credited unused leave not

95 exceeding the accrual rates and limitations provided in Section  
96 25-3-91 et seq., as of the date of withdrawal from service plus  
97 "membership service" for which credit is allowable as provided in  
98 Section 25-11-109. Except to limit creditable service reported to  
99 the system for the purpose of computing an employee's retirement  
100 allowance or annuity or benefits provided in this article, nothing  
101 in this paragraph shall limit or otherwise restrict the power of  
102 the governing authority of a municipality or other political  
103 subdivision of the state to adopt such vacation and sick leave  
104 policies as it deems necessary.

105 (j) "Child" means either a natural child of the member,  
106 a child that has been made a child of the member by applicable  
107 court action before the death of the member, or a child under the  
108 permanent care of the member at the time of the latter's death,  
109 which permanent care status shall be determined by evidence  
110 satisfactory to the board.

111 (k) "Earned compensation" shall mean the full amount  
112 earned by an employee for a given pay period including any  
113 maintenance furnished up to a maximum of One Hundred Twenty-five  
114 Thousand Dollars (\$125,000.00) per year, and proportionately for  
115 less than one (1) year of service. The value of such maintenance  
116 when not paid in money shall be fixed by the employing state  
117 agency, and, in case of doubt, by the board of trustees as defined  
118 in Section 25-11-15. In any case, earned compensation shall be  
119 limited to the regular periodic compensation paid, exclusive of  
120 litigation fees, bond fees, and other similar extraordinary  
121 non-recurring payments. In the case of fee officials, the net  
122 earnings from their office after deduction of expenses shall  
123 apply, except that in no case shall earned compensation be less  
124 than the total direct payments made by the state or governmental  
125 subdivisions to the official, and employer and employee  
126 contributions shall be paid thereon. In the case of members of  
127 the state Legislature, all remuneration or amounts paid, except

128 mileage allowance, shall apply. The amount by which an eligible  
129 employee's salary is reduced pursuant to a salary reduction  
130 agreement authorized under Section 25-17-5 shall be included as  
131 earned compensation under this paragraph, provided this inclusion  
132 does not conflict with federal law, including federal regulations  
133 and federal administrative interpretations thereunder, pertaining  
134 to the Federal Insurance Contributions Act or to Internal Revenue  
135 Code Section 125 cafeteria plans. Compensation in addition to an  
136 employee's base salary that is paid to the employee pursuant to  
137 the vacation and sick leave policies of a municipality or other  
138 political subdivision of the state that employs him which exceeds  
139 the maximums authorized by Section 25-3-91 et seq. shall be  
140 excluded from the calculation of earned compensation under this  
141 article. The maximum salary applicable for retirement purposes  
142 before July 1, 1992, shall be the salary of the Governor. Nothing  
143 in Section 25-3-31 shall affect the determination of the earned  
144 compensation of any member for the purposes of this article.

145 (l) "Employee" means any person legally occupying a  
146 position in the state service, and shall include the employees of  
147 the retirement system created hereunder.

148 (m) "Employer" shall mean the State of Mississippi or  
149 any of its departments, agencies or subdivisions from which any  
150 employee receives his compensation.

151 (n) "Executive director" shall mean the secretary to  
152 the board of trustees, as provided in Section 25-11-15(9), and the  
153 administrator of the Public Employees' Retirement System and all  
154 systems under the management of the board of trustees. Wherever  
155 the term "Executive Secretary of the Public Employees' Retirement  
156 System" or "executive secretary" appears in this article or in any  
157 other provision of law, it shall be construed to mean the  
158 Executive Director of the Public Employees' Retirement System.

159 (o) "Fiscal year" shall mean the period beginning on  
160 July 1 of any year and ending on June 30 of the next succeeding

161 year.

162 (p) "Medical board" shall mean the board of physicians  
163 or any governmental or non-governmental disability determination  
164 service designated by the board of trustees that is qualified to  
165 make disability determinations as provided for in Section  
166 25-11-119.

167 (q) "Member" shall mean any person included in the  
168 membership of the system as provided in Section 25-11-105.

169 (r) "Membership service" shall mean service as an  
170 employee rendered while a member of the retirement system.

171 (s) "Position" means any office or any employment in  
172 the state service, or two (2) or more of them, the duties of which  
173 call for services to be rendered by one (1) person, including  
174 positions jointly employed by federal and state agencies  
175 administering federal and state funds.

176 (t) "Prior service" shall mean service rendered before  
177 February 1, 1953, for which credit is allowable under Sections  
178 25-11-105 and 25-11-109, and which shall allow prior service for  
179 any person who is now or becomes a member of the Public Employees'  
180 Retirement System and who does contribute to the system for a  
181 minimum period of four (4) years.

182 (u) "Regular interest" shall mean interest compounded  
183 annually at such a rate as shall be determined by the board in  
184 accordance with Section 25-11-121.

185 (v) "Retirement allowance" shall mean an annuity for  
186 life as provided in this article, payable each year in twelve (12)  
187 equal monthly installments beginning as of the date fixed by the  
188 board. The retirement allowance shall be calculated in accordance  
189 with Section 25-11-111. Provided, any spouse who received a  
190 spouse retirement benefit in accordance with Section 25-11-111(d)  
191 prior to March 31, 1971, and said benefits were terminated because  
192 of eligibility for a Social Security benefit, may again receive  
193 his spouse retirement benefit from and after making application

194 with the board of trustees to reinstate such spouse retirement  
195 benefit.

196 (w) "Retroactive service" shall mean service rendered  
197 after February 1, 1953, for which credit is allowable under  
198 Section 25-11-105(b) and Section 25-11-105(k).

199 (x) "System" shall mean the Public Employees'  
200 Retirement System of Mississippi established and described in  
201 Section 25-11-101.

202 (y) "State" shall mean the State of Mississippi or any  
203 political subdivision thereof or instrumentality thereof.

204 (z) "State service" shall mean all offices and  
205 positions of trust or employment in the employ of the state, or  
206 any political subdivision or instrumentality thereof, which elect  
207 to participate as provided by Section 25-11-105 (f), including the  
208 position of elected or fee officials of the counties and their  
209 deputies and employees performing public services or any  
210 department, independent agency, board or commission thereof, and  
211 shall also include all offices and positions of trust or  
212 employment in the employ of joint state and federal agencies  
213 administering state and federal funds and service rendered by  
214 employees of the public schools. Effective July 1, 1973, all  
215 nonprofessional public school employees, such as bus drivers,  
216 janitors, maids, maintenance workers and cafeteria employees,  
217 shall have the option to become members in accordance with Section  
218 25-11-105(b), and shall be eligible to receive credit for services  
219 prior to July 1, 1973, provided the contributions and interest are  
220 paid by the employee in accordance with that section; provided  
221 further, that the county or municipal separate school district may  
222 pay the employer contribution and pro rate share of interest of  
223 the retroactive service from available funds. From and after July  
224 1, 1998, retroactive service credit shall be purchased at the  
225 actuarial cost in accordance with Section 25-11-105(b). Public  
226 school bus drivers shall be eligible to become or remain members

227 of the retirement system regardless of the number of hours per  
228 week or per month for which they receive compensation.

229 (aa) "Withdrawal from service" shall mean complete  
230 severance of employment in the state service of any member by  
231 resignation, dismissal or discharge.

232 (bb) The masculine pronoun, wherever used, shall  
233 include the feminine pronoun.

234 SECTION 2. Section 25-11-105, Mississippi Code of 1972, is  
235 amended as follows:

236 25-11-105. **I. THOSE WHO ARE ELIGIBLE FOR MEMBERSHIP**

237 The membership of this retirement system shall be composed as  
238 follows:

239 (a) All persons who shall become employees in the state  
240 service after January 31, 1953, and whose wages are subject to  
241 payroll taxes and are lawfully reported on IRS Form W-2, except  
242 those specifically excluded, or as to whom election is provided in  
243 Articles 1 and 3, shall become members of the retirement system as  
244 a condition of their employment.

245 (b) All persons who shall become employees in the state  
246 service after January 31, 1953, except those specifically excluded  
247 or as to whom election is provided in Articles 1 and 3, unless  
248 they shall file with the board prior to the lapse of sixty (60)  
249 days of employment or sixty (60) days after the effective date of  
250 the cited articles, whichever is later, on a form prescribed by  
251 the board, a notice of election not to be covered by the  
252 membership of the retirement system and a duly executed waiver of  
253 all present and prospective benefits which would otherwise inure  
254 to them on account of their participation in the system, shall  
255 become members of the retirement system; provided, however, that  
256 no credit for prior service will be granted to members until they  
257 have contributed to Article 3 of the retirement system for a  
258 minimum period of at least four (4) years. Such members shall  
259 receive credit for services performed prior to January 1, 1953, in



260 employment now covered by Article 3, but no credit shall be  
261 granted for retroactive services between January 1, 1953, and the  
262 date of their entry into the retirement system unless the employee  
263 pays into the retirement system both the employer's and the  
264 employee's contributions on wages paid him during the period from  
265 January 31, 1953, to the date of his becoming a contributing  
266 member, together with interest at the rate determined by the board  
267 of trustees. Members reentering after withdrawal from service  
268 shall qualify for prior service under the provisions of Section  
269 25-11-117. From and after July 1, 1998, upon eligibility as noted  
270 above, the member may receive credit for such retroactive service  
271 provided:

272                   (1) The member shall furnish proof satisfactory to  
273 the board of trustees of certification of such service from the  
274 covered employer where the services were performed; and

275                   (2) The member shall pay to the retirement system  
276 on the date he or she is eligible for such credit or at any time  
277 thereafter prior to the date of retirement the actuarial cost for  
278 each year of such creditable service. The provisions of this  
279 subparagraph (2) shall be subject to the limitations of Section  
280 415 of the Internal Revenue Code and regulations promulgated  
281 thereunder.

282           Nothing contained in this paragraph (b) shall be construed to  
283 limit the authority of the board to allow the correction of  
284 reporting errors or omissions based on the payment of the employee  
285 and employer contributions plus applicable interest.

286                   (c) All persons who shall become employees in the state  
287 service after January 31, 1953, and who are eligible for  
288 membership in any other retirement system shall become members of  
289 this retirement system as a condition of their employment unless  
290 they elect at the time of their employment to become a member of  
291 such other system.

292                   (d) All persons who are employees in the state service

293 on January 31, 1953, and who are members of any nonfunded  
294 retirement system operated by the State of Mississippi, or any of  
295 its departments or agencies, shall become members of this system  
296 with prior service credit unless, before February 1, 1953, they  
297 shall file a written notice with the board of trustees that they  
298 do not elect to become members.

299 (e) All persons who are employees in the state service  
300 on January 31, 1953, and who under existing laws are members of  
301 any fund operated for the retirement of employees by the State of  
302 Mississippi, or any of its departments or agencies, shall not be  
303 entitled to membership in this retirement system unless, before  
304 February 1, 1953, any such person shall indicate by a notice filed  
305 with the board, on a form prescribed by the board, his individual  
306 election and choice to participate in this system, but no such  
307 person shall receive prior service credit unless he becomes a  
308 member on or before February 1, 1953.

309 (f) Each political subdivision of the state and each  
310 instrumentality of the state or a political subdivision, or both,  
311 is hereby authorized to submit, for approval by the board of  
312 trustees, a plan for extending the benefits of this article to  
313 employees of any such political subdivision or instrumentality.  
314 Each such plan or any amendment to the plan for extending benefits  
315 thereof shall be approved by the board of trustees if it finds  
316 that such plan, or such plan as amended, is in conformity with  
317 such requirements as are provided in Articles 1 and 3; however,  
318 upon approval of such plan or any such plan heretofore approved by  
319 the board of trustees, the approved plan shall not be subject to  
320 cancellation or termination by the political subdivision or  
321 instrumentality. No such plan shall be approved unless:

322 (1) It provides that all services which constitute  
323 employment as defined in Section 25-11-5 and are performed in the  
324 employ of the political subdivision or instrumentality, by any  
325 employees thereof, shall be covered by the plan; with the

326 exception of municipal employees who are already covered by  
327 existing retirement plans; provided, however, those employees in  
328 this class may elect to come under the provisions of this article;

329           (2) It specifies the source or sources from which  
330 the funds necessary to make the payments required by subsection  
331 (d) of Section 25-11-123 and of subsections (f)(5)b and c of this  
332 section are expected to be derived and contains reasonable  
333 assurance that such sources will be adequate for such purpose;

334           (3) It provides for such methods of administration  
335 of the plan by the political subdivision or instrumentality as are  
336 found by the board of trustees to be necessary for the proper and  
337 efficient administration thereof;

338           (4) It provides that the political subdivision or  
339 instrumentality will make such reports, in such form and  
340 containing such information, as the board of trustees may from  
341 time to time require;

342           (5) It authorizes the board of trustees to  
343 terminate the plan in its entirety in the discretion of the board  
344 if it finds that there has been a failure to comply substantially  
345 with any provision contained in such plan, such termination to  
346 take effect at the expiration of such notice and on such  
347 conditions as may be provided by regulations of the board and as  
348 may be consistent with applicable federal law.

349           A. The board of trustees shall not finally  
350 refuse to approve a plan submitted under subsection (f), and shall  
351 not terminate an approved plan without reasonable notice and  
352 opportunity for hearing to each political subdivision or  
353 instrumentality affected thereby. The board's decision in any  
354 such case shall be final, conclusive and binding unless an appeal  
355 be taken by the political subdivision or instrumentality aggrieved  
356 thereby to the Circuit Court of Hinds County, Mississippi, in  
357 accordance with the provisions of law with respect to civil causes  
358 by certiorari.

359                   B. Each political subdivision or  
360 instrumentality as to which a plan has been approved under this  
361 section shall pay into the contribution fund, with respect to  
362 wages (as defined in Section 25-11-5), at such time or times as  
363 the board of trustees may by regulation prescribe, contributions  
364 in the amounts and at the rates specified in the applicable  
365 agreement entered into by the board.

366                   C. Every political subdivision or  
367 instrumentality required to make payments under subsection (f)(5)b  
368 hereof is authorized, in consideration of the employees' retention  
369 in or entry upon employment after enactment of Articles 1 and 3,  
370 to impose upon its employees, as to services which are covered by  
371 an approved plan, a contribution with respect to wages (as defined  
372 in Section 25-11-5) not exceeding the amount provided in Section  
373 25-11-123(d) if such services constituted employment within the  
374 meaning of Articles 1 and 3, and to deduct the amount of such  
375 contribution from the wages as and when paid. Contributions so  
376 collected shall be paid into the contribution fund as partial  
377 discharge of the liability of such political subdivisions or  
378 instrumentality under subsection (f)(5)b hereof. Failure to  
379 deduct such contribution shall not relieve the employee or  
380 employer of liability thereof.

381                   D. Any state agency, school, political  
382 subdivision, instrumentality or any employer that is required to  
383 submit contribution payments or wage reports under any section of  
384 this chapter shall be assessed interest on delinquent payments or  
385 wage reports as determined by the board of trustees in accordance  
386 with rules and regulations adopted by the board and such assessed  
387 interest may be recovered by action in a court of competent  
388 jurisdiction against such reporting agency liable therefor or may,  
389 upon due certification of delinquency and at the request of the  
390 board of trustees, be deducted from any other monies payable to  
391 such reporting agency by any department or agency of the state.

392                   E. Each political subdivision of the state  
393 and each instrumentality of the state or a political subdivision  
394 or subdivisions which submits a plan for approval of the board, as  
395 provided in this section, shall reimburse the board for coverage  
396 into the expense account, its pro rate share of the total expense  
397 of administering Articles 1 and 3 as provided by regulations of  
398 said board.

399                   (g) The board may, in its discretion, deny the right of  
400 membership in this system to any class of employees whose  
401 compensation is only partly paid by the state or who are occupying  
402 positions on a part-time or intermittent basis. The board may, in  
403 its discretion, make optional with employees in any such classes  
404 their individual entrance into this system. However, the board  
405 may not deny the right of membership in the system to public  
406 school bus drivers.

407                   (h) An employee whose membership in this system is  
408 contingent on his own election, and who elects not to become a  
409 member, may thereafter apply for and be admitted to membership;  
410 but no such employee shall receive prior service credit unless he  
411 becomes a member prior to July 1, 1953, except as provided in  
412 subsection (b).

413                   (i) In the event any member of this system should  
414 change his employment to any agency of the state having an  
415 actuarially funded retirement system, the board of trustees may  
416 authorize the transfer of the member's creditable service and of  
417 the present value of the member's employer's accumulation account  
418 and of the present value of the member's accumulated membership  
419 contributions to such other system, provided the employee agrees  
420 to the transfer of his accumulated membership contributions and  
421 provided such other system is authorized to receive and agrees to  
422 make such transfer.

423                   In the event any member of any other actuarially funded  
424 system maintained by an agency of the state changes his employment

425 to an agency covered by this system, the board of trustees may  
426 authorize the receipt of the transfer of the member's creditable  
427 service and of the present value of the member's employer's  
428 accumulation account and of the present value of the member's  
429 accumulated membership contributions from such other system,  
430 provided the employee agrees to the transfer of his accumulated  
431 membership contributions to this system and provided the other  
432 system is authorized and agrees to make such transfer.

433 (j) Wherever herein state employment is referred to, it  
434 shall include joint employment by state and federal agencies of  
435 all kinds.

436 (k) Employees of a political subdivision or  
437 instrumentality who were employed by such political subdivision or  
438 instrumentality prior to an agreement between such entity and the  
439 Public Employees' Retirement System to extend the benefits of this  
440 article to its employees, and which agreement provides for the  
441 establishment of retroactive service credit, and who have been  
442 members of the retirement system and have remained contributors to  
443 the retirement system for four (4) years, may receive credit for  
444 such retroactive service with such political subdivision or  
445 instrumentality, provided the employee and/or employer, as  
446 provided under the terms of the modification of the joinder  
447 agreement in allowing such coverage, pay into the retirement  
448 system the employer's and employee's contributions on wages paid  
449 the member during such previous employment, together with interest  
450 or actuarial cost as determined by the board covering the period  
451 from the date the service was rendered until the payment for the  
452 credit for such service was made. Such wages shall be verified by  
453 the Social Security Administration or employer payroll records.  
454 Effective July 1, 1998, upon eligibility as noted above, a member  
455 may receive credit for such retroactive service with such  
456 political subdivision or instrumentality provided;

457 (1) The member shall furnish proof satisfactory to

458 the board of trustees of certification of such services from the  
459 political subdivision or instrumentality where the services were  
460 rendered or verification by the Social Security Administration;  
461 and

462           (2) The member shall pay to the retirement system  
463 on the date he or she is eligible for such credit or at any time  
464 thereafter prior to the date of retirement the actuarial cost for  
465 each year of such creditable service. The provisions of this  
466 subparagraph (2) shall be subject to the limitations of Section  
467 415 of the Internal Revenue Code and regulations promulgated  
468 thereunder.

469           Nothing contained in this paragraph (k) shall be construed to  
470 limit the authority of the board to allow the correction of  
471 reporting errors or omissions based on the payment of employee and  
472 employer contributions plus applicable interest. Payment for such  
473 time shall be made in increments of not less than one-quarter  
474 (1/4) year of creditable service beginning with the most recent  
475 service. Upon the payment of all or part of such required  
476 contributions, plus interest or the actuarial cost as provided  
477 above, the member shall receive credit for the period of  
478 creditable service for which full payment has been made to the  
479 retirement system.

480           (1) Through June 30, 1998, any state service eligible  
481 for retroactive service credit, no part of which has ever been  
482 reported, and requiring the payment of employee and employer  
483 contributions plus interest, or, from and after July 1, 1998, any  
484 state service eligible for retroactive service credit, no part of  
485 which has ever been reported to the retirement system, and  
486 requiring the payment of the actuarial cost for such creditable  
487 service, may, at the member's option, be purchased in quarterly  
488 increments as provided above at such time as its purchase is  
489 otherwise allowed.

490           (m) All rights to purchase retroactive service credit

491 or repay a refund as provided in Section 25-11-101 et seq. shall  
492 terminate upon retirement.

493 **II. THOSE WHO ARE NOT ELIGIBLE FOR MEMBERSHIP**

494 The following classes of employees and officers shall not  
495 become members of this retirement system, any other provisions of  
496 Articles 1 and 3 to the contrary notwithstanding:

497 (a) Patient or inmate help in state charitable, penal  
498 or correctional institutions;

499 (b) Students of any state educational institution  
500 employed by any agency of the state for temporary, part-time or  
501 intermittent work;

502 (c) Participants of Comprehensive Employment and  
503 Training Act of 1973 (CETA) being Public Law 93-203, who enroll on  
504 or after July 1, 1979.

505 **III. TERMINATION OF MEMBERSHIP**

506 Membership in this system shall cease by a member withdrawing  
507 his accumulated contributions, or by a member withdrawing from  
508 active service with a retirement allowance, or by a member's  
509 death.

510 SECTION 3. This act shall take effect and be in force from  
511 and after July 1, 1999.