[No. 150]

(HB 5468)

AN ACT to amend 1980 PA 300, entitled "An act to provide a retirement system for the public school employees of this state; to create certain funds for this retirement system; to provide for the creation of a retirement board within the department of management and budget; to prescribe the powers and duties of the retirement board; to prescribe the powers and duties of certain state departments, agencies, officials, and employees; to prescribe penalties and provide remedies; and to repeal acts and parts of acts," by amending section 5 (MCL 38.1305), as amended by 1998 PA 123.

The People of the State of Michigan enact:

38.1305 Definitions; M, N. [M.S.A. 15.893(115)]

- Sec. 5. (1) "Member" means a public school employee, except that member does not include any of the following:
- (a) A person enrolled in a neighborhood youth corps program operated with funds from the federal office of economic opportunity or a person enrolled in a comparable youth training program designed to prevent high school dropouts and rehabilitate high school dropouts operated by an intermediate school district.
- (b) A person enrolled in a transitional public employment program and employed by a reporting unit.
- (c) A person employed by a reporting unit while enrolled as a full-time student in that same reporting unit.
- (d) A person who elects to participate in the optional retirement program under the optional retirement act of 1967, 1967 PA 156, MCL 38.381 to 38.388.
 - (e) A retirant of this retirement system.
- (f) A person, not regularly employed by a reporting unit, who is employed by a reporting unit through a summer youth employment program established pursuant to the Michigan youth corps act, 1983 PA 69, MCL 409.221 to 409.229.
- (g) A person, not regularly employed by a reporting unit, who is employed by a reporting unit to administer a program described in subdivision (f), (h), (j), or (k).
- (h) After September 30, 1983, a person, not regularly employed by a reporting unit, who is employed by a reporting unit through participation in a program established pursuant to the job training partnership act, Public Law 97-300, 96 Stat. 1322 or beginning July 1, 2000, the workforce investment act of 1998, Public Law 105-220, 112 Stat. 936.
- (i) A person, not regularly employed by a reporting unit, who is employed by a reporting unit through participation in a program established pursuant to the Michigan opportunity and skills training program administered by the family independence agency and the department of career development.
- (j) A person, not regularly employed by a reporting unit, who is employed by a reporting unit through participation in a program established pursuant to the Michigan community service corps program, first established under sections 25 to 35 of 1983 PA 259.
- (k) A person, not regularly employed by a reporting unit, who is employed by a reporting unit through participation in a program established pursuant to the older American community service employment program under the older American community

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service employment act, title V of the older Americans act of 1965, Public Law 89-73, 42 U.S.C. 3056 to 3056i.

- (*I*) A person, not regularly employed by a reporting unit, who is employed by a reporting unit in a temporary, intermittent, or irregular seasonal or athletic position and who is under the age of 19 years.
- (m) A person, not regularly employed by a reporting unit, who is employed by a reporting unit only in a temporary position to assist in the conduct of a school election.
 - (2) "Membership service" means service performed after June 30, 1945.
- (3) "Noncontributory plan" means the plan which began between July 1, 1974 and July 1, 1977, in which the reporting unit elected to discontinue withholding contributions from employees' compensation.
- (4) "Noncontributory service" means credited service rendered under the noncontributory plan.
- (5) "Nonteacher" means a person employed by a reporting unit who is not a teacher as defined in section 8(4).

This act is ordered to take immediate effect.

Approved June 7, 2000.

Filed with Secretary of State June 8, 2000.