

Acts of 1955, to clarify the eligibility of Public School Teachers and Teachers in Public Institutions of Higher Learning to the benefits of Social Security; to provide that protection afforded employees under the existing retirement system will not be impaired as a result of the proposed Social Security agreement.

SECTION 1. *Be it enacted by the General Assembly of Maryland,* That Sub-section 39 (b) of Article 73B of the Annotated Code of Maryland (1955 Supplement), title "Pensions", sub-title "Social Security Benefits", be and the same is hereby repealed; that Section 2 of Chapter 636 of the Acts of 1955 be and the same is hereby repealed; that Section 31 and Sub-sections 32 (b), 33 (a) (4) and 34 (a) (6) of said Article 73B be repealed and re-enacted, with amendments, to read as follows:

31. Declaration of Policy.

In order to extend to employees of the State of Maryland and the political sub-divisions of the State of Maryland and to the dependents and survivors of such employees, the basic protection accorded to others by the old age and survivors' insurance system embodied in the Social Security Act of the United States, it is hereby declared to be the policy of the legislature, subject to the limitations of this sub-title, that such steps be taken as to provide such protection to employees of the State of Maryland and the political sub-divisions of the State of Maryland on as broad a basis as is permitted under the Social Security Act. *It is also the policy of the legislature that the protection afforded employees in positions covered by a retirement system on the date an agreement under this sub-title is made applicable to service performed in such positions, or receiving periodic benefits under such retirement system at such time, will not be impaired as a result of making the agreement so applicable or as a result of legislative enactment in anticipation thereof.*

32 (b). Employment.—The term "employment" means any service performed by an employee of the State of Maryland [and] or any political sub-division of the State, *including teachers in the public schools and in public institutions of higher learning*, for such employer, except (1) service which in the absence of an agreement entered into under this sub-title would constitute "employment" as defined in the Social Security Act; or (2) service which under the Social Security Act may not be included in an agreement between the State and Secretary of Health, Education and Welfare entered into under this sub-title; or (3) any services of an emergency nature, any agricultural labor or service performed by a student which is excluded from employment by any provision of Section 210 (a) of the Social Security Act, other than Paragraph 8 of such section, services in any class or classes of positions filled by popular election, or services in any class or classes of positions the compensation for which is on a fee basis, if excepted from coverage in the plan submitted under Section 34. Service which under the Social Security Act may be included in an agreement only upon certification by the Governor in accordance with Section 218 (d) (3) of that Act shall be included in the term "employment" if and when the Governor issues, with respect to such service, a Certificate to the Secretary of Health, Education and Welfare pursuant to Section 38 (c) of this sub-title.