

SOCIAL SECURITY COVERAGE OF CERTAIN NONPROFESSIONAL  
SCHOOL DISTRICT EMPLOYEES; AND POLICEMEN AND FIRE-  
MEN IN OKLAHOMA AND VERMONT

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APRIL 10, 1959.—Ordered to be printed

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Mr. BYRD of Virginia, from the Committee on Finance, submitted the following

## R E P O R T

[To accompany H.R. 213]

The Committee on Finance, to whom was referred the bill (H.R. 213) to provide that certain State agreements under section 218 of the Social Security Act may be modified to secure coverage for non-professional school district employees without regard to the existing limitations upon the time within which such a modification may be made, having considered the same, report favorably thereon with amendments and recommend that the bill as amended do pass.

### PURPOSE

The purpose of H.R. 213 is to provide an additional period of time within which certain State agreements under section 218 of the Social Security Act may be modified to secure coverage for nonprofessional school district employees.

### GENERAL STATEMENT

The House-passed bill would reinstate, until January 1, 1962, a provision of the Social Security Amendments of 1956 under which eight specified States and the Territory of Hawaii could provide old-age, survivors, and disability insurance coverage for certain non-professional school district employees without a referendum and as a group separate from the professional employees who are in positions under the same retirement system. The provision, which was enacted into law on August 1, 1956, and which expired on July 1, 1957, made an exception to the general requirement that an extension of old-age, survivors, and disability insurance coverage to a retirement system group must be applicable to all employees in positions under

the retirement system, and the provision was intended to facilitate old-age, survivors, and disability insurance coverage for nonprofessional school district employees included under staff retirement systems. The provision, however, was in effect for less than a year and the Committee on Finance has been advised that at least some of the States named in the provision did not secure the desired coverage before the provision expired. The Committee on Finance is of the opinion that because of the relative shortness of the period during which the provision was in effect, and because the objectives of the legislation were not accomplished during that period, it is desirable that a temporary reinstatement of this provision be made in order to give the specified States additional time in which to obtain coverage under the provision. It is recognized that some of the specified States may need State enabling legislation in order to obtain coverage under the provision, and that the legislative bodies of almost all of these States meet only in odd-numbered years. The committee bill would, therefore, reinstate the provisions until January 1, 1962.

#### COMMITTEE AMENDMENT

The Committee on Finance has added to the bill an amendment which would make applicable to the States of Oklahoma and Vermont the provision in present law which permits 12 specified States to extend old-age and survivors insurance coverage (under their agreements with the Secretary of Health, Education, and Welfare) to services performed by employees of any such State (or of any political subdivision thereof) in any policeman's or fireman's position covered by a State or local retirement system. The 12 States in which policemen and firemen covered by a State and local retirement system are now permitted to come under the old-age and survivors insurance program are: Alabama, Florida, Georgia, Maryland, New York, North Carolina, Oregon, South Carolina, South Dakota, Tennessee, Washington, and Hawaii. Existing law provides adequate assurance that old-age and survivors insurance coverage will be extended only to groups of policemen or firemen who want such coverage. Under the present referendum provisions of the Social Security Act, members of a State or local government retirement system group have a voice in any decision to cover them under old-age and survivors insurance. In addition existing law contains a declaration that it is the policy of the Congress that the protection afforded members of a State or local government retirement system not be impaired as a result of the extension of old-age and survivors insurance coverage to members of the system.

## CHANGES IN EXISTING LAW

In compliance with subsection 4 of rule XXIX of the Standing Rules of the Senate, changes in existing law made by the bill are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italics, existing law in which no change is proposed is shown in roman):

## SECTION 104(f) OF THE SOCIAL SECURITY AMENDMENTS OF 1956

## CERTAIN NONPROFESSIONAL SCHOOL DISTRICT EMPLOYEES

(f) Notwithstanding the provisions of subsection (d) of section 218 of the Social Security Act, any agreement under such section entered into prior to the date of enactment of this Act by the State of Florida, Nevada, New Mexico, Minnesota, Oklahoma, Pennsylvania, Texas, Washington, or the Territory of Hawaii shall if the State or Territory concerned so requests, be modified [prior to July 1, 1957,] *prior to January 1, 1962*, so as to apply to services performed by employees of the respective public school districts of such State or Territory who, on the date such agreement is made applicable to such services, are not in positions the incumbents of which are required by State or Territorial law or regulation to have valid State or Territorial teachers' or administrators' certificates in order to receive pay for their services. The provisions of this subsection shall not apply to services of any such employees to which any such agreement applies without regard to this subsection.

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## SECTION 218(P) OF THE SOCIAL SECURITY ACT

## POLICEMEN AND FIREMEN IN CERTAIN STATES

(p) Any agreement with the State of Alabama, Florida, Georgia, Maryland, New York, North Carolina, *Oklahoma*, Oregon, South Carolina, South Dakota, Tennessee, *Vermont*, Washington, or Territory of Hawaii entered into pursuant to this section prior to the date of enactment of this subsection may, notwithstanding the provisions of subsection (d)(5)(A) and the references thereto in subsections (d)(1) and (d)(3), be modified pursuant to subsection (c)(4) to apply to service performed by employees of such State or any political subdivision thereof in any policeman's or fireman's position covered by a retirement system in effect on or after the date of the enactment of this subsection, but only upon compliance with the requirements of subsection (d)(3). For the purposes of the preceding sentence, a retirement system which covers positions of policemen or firemen, or both, and other positions shall, if the State concerned so desires, be deemed to be a separate retirement system with respect to the positions of such policemen or firemen, or both, as the case may be.

