

67-11-3 General powers of state agency and interstate instrumentalities.

- (1) The state agency, with the approval of the governor, is hereby authorized to enter on behalf of the state into an agreement with the federal security administrator, consistent with the terms and provisions of this chapter, for the purpose of extending the benefits of the federal old-age and survivors insurance system to employees of the state or any political subdivision thereof with respect to services specified in such agreement which constitute "employment" as defined in Section 67-11-2. Such agreement may contain such provisions relating to coverage, benefits, contributions, effective date, modification and termination of the agreement, administration, and other appropriate provisions as the state agency and federal security administrator shall agree upon. However, except as may be otherwise required or permitted by or under the Social Security Act as to the services to be covered, such agreement shall provide in effect that:
 - (a) Benefits will be provided for employees whose services are covered by the agreement (and their dependents and survivors) on the same basis as though such services constituted employment within the meaning of Title II of the Social Security Act.
 - (b) The state will pay to the secretary of the treasury of the United States, at such time or times as may be prescribed under the Social Security Act, contributions with respect to wages, as defined in Section 67-11-2, equal to the sum of the taxes which would be imposed by Sections 1400 and 1410 of the Federal Insurance Contributions Act if the services covered by the agreement constituted employment within the meaning of that act.
 - (c) The agreement shall be effective with respect to services in employment covered by the agreement performed after a date specified therein but in no event may it be effective with respect to any such services performed prior to January 1, 1951, and in no case prior to an employment period with reference to which said insurance coverage can be obtained under the provisions of the Social Security Act.
 - (d) All services which constitute employment as defined in Section 67-11-2 and are performed in the employ of the state by employees of the state, shall be covered by the agreement.
 - (e) All services which constitute employment as defined in Section 67-11-2, are performed in the employ of a political subdivision of the state, and are covered by a plan which is in conformity with the terms of the agreement and has been approved by the state agency under Section 67-11-5, shall be covered by the agreement.
- (2) Any instrumentality jointly created by this state and any other state or states is hereby authorized, upon the granting of like authority by such other state or states:
 - (a) to enter into an agreement with the federal security administrator whereby the benefits of the federal old-age and survivors insurance system shall be extended to employees of such instrumentality;
 - (b) to require its employees to pay, and for that purpose to deduct from their wages, contributions equal to the amounts which they would be required to pay under Subsection 67-11-4(1) if they were covered by an agreement made pursuant to Subsection (1); and
 - (c) to make payments to the secretary of the treasury in accordance with such agreement, including payments from its own funds, and otherwise to comply with such agreements.
- (3) An agreement shall, to the extent practicable, be consistent with the terms and provisions of Subsections (1) and (2) and other provisions of this chapter.

Amended by Chapter 306, 2007 General Session