

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 [§ 39] § 34 OF THIS SUBTITLE. Service which under the Social Security Act may be included in an agreement only upon certification by the Governor in accordance with § 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 [§ 43(c)] § 38(C) of this subtitle.

(d) The term "employee" includes an officer or employee of the State of Maryland and an officer or employee of a political subdivision of the State, including those officers and employees of a political subdivision who are not eligible for membership in a retirement or pension system operated by a political subdivision, but not including the members of the State Police Retirement System.

(e) The term "State Agency" means the Department of Personnel — Division of Social Security.

(f) The term "Secretary of Health, Education and Welfare" includes any individual to whom the Secretary of Health, Education and Welfare has delegated any of his functions under the Social Security Act with respect to coverage under such act of employees of states and their political subdivisions, and with respect to any action taken prior to April 11, 1953, includes the Federal Security Administrator and any individual to whom such Administrator had delegated any such function.

(g) The term "political subdivision" includes an instrumentality of the State, of one or more of its political subdivisions, or of the State and one or more of its political subdivisions, but only if such instrumentality is a juristic entity which is legally separate and distinct from the State or subdivision and only if its employees are not by virtue of their relation to such juristic entity employees of the State or subdivision.

(h) The term "Social Security Act" means the act of Congress approved August 14, 1935, Chapter 531, 49 Statutes 620, officially cited as "The Social Security Act" (including regulations and requirements issued pursuant thereto), as such act has been and may from time to time be amended; and

(i) The term "Federal Insurance Contributions Act" means subchapter A of Chapter 9 of the federal Internal Revenue Code of 1939 and subchapters A and B of Chapter 21 of the federal Internal Revenue Code of 1954, as such codes have been and may from time to time be amended; and the term "employee tax" means the tax imposed by § 1400 of such Code of 1939 and § 3101 of such Code of 1954.

32.

(a) The State Agency is hereby authorized to enter on behalf of the State into an agreement with the Secretary of Health, Education and Welfare, consistent with the terms and provisions of this subtitle, for the purpose of extending the benefits of the federal old age and survivors insurance system to employees of the State of Maryland and of any political subdivision of the State with respect to services specified in such agreement which constitute "employment" as defined in [§ 36 of this article] § 31 OF