

MODIFICATION NO. 48

TO RHODE ISLAND STATE SOCIAL SECURITY AGREEMENT

Whereas, the Secretary of Health, Education, and Welfare and the State of Rhode Island acting through its representative designated to administer its responsibilities, entered into an agreement on December 20, 1951 for the purpose of extending coverage under the provisions of the Social Security Act, as amended, to the employees of the State and the political subdivisions of the State; and

Whereas, the Portsmouth Water and Fire District, Portsmouth, Rhode Island, a political subdivision of the State, filed wage reports and tax returns under the Federal Insurance Contributions Act beginning with the calendar quarter ending with September 30, 1956 in the belief that such action would result in extending coverage under the provisions of the Social Security Act, as amended; and

Whereas, in furtherance of this belief the said political subdivision continued to file wage reports and make tax payments under the Federal Insurance Contributions Act for each succeeding calendar quarter after the quarter ending with September 30, 1956; and

Whereas, the filing of such wage reports and tax returns under the Federal Insurance Contributions Act was erroneous; and

Whereas, the political subdivision has established that services of its employees are covered under the provision of section 218 of the Social Security Act, as amended; and

Whereas, the political subdivision has followed the incorrect procedure in effectuating such coverage; and

Whereas, the State of Rhode Island and The Secretary of Health, Education, and Welfare desire to correct the above error in said agreement;

Now, Therefore, the Secretary of Health, Education, and Welfare and the State of Rhode Island acting through its representative designated to administer its responsibilities under the above agreement, hereby agree to and by this modification do add the above-named political subdivision to said agreement, with coverage effective as of July 1, 1956 the beginning of the period for which wage reports were first erroneously filed under the Federal Insurance Contributions Act.

Approved for the State of Rhode Island this 26th day of December, 1963.

Raymond H. Lawless  
General Treasurer

Approved this 31st day of December, 1963

LEB 10 8 11 AM '63  
Secretary of Health, Education, and Welfare

By: [Signature]  
Acting Social Security  
Bureau of Old-Age and Survivors  
Insurance  
*Regional Represent*

"It is further agreed that modification is executed subject to ratification by an appropriate official of the Social Security Administration."

Ratified this 14<sup>th</sup> day of Feb., 1964.

Secretary of Health, Education and Welfare.

By: Thomas G. Parrott  
Thomas G. Parrott, Director  
Division of Claims Policy  
Social Security Administration

#4

RAYMOND H. HAWKSLEY  
GENERAL TREASURER



*Check - all -  
file with  
Orig. of Mod. 48*

WILLIAM T. HUNT  
DEPUTY GENERAL TREASURER

State of Rhode Island and Providence Plantations  
TREASURY DEPARTMENT  
OFFICE OF THE GENERAL TREASURER  
PROVIDENCE

March 9, 1964

Mr. J. L. Fay, Assistant Director  
Dept. of Health, Education & Welfare  
Social Security Administration  
Baltimore 35, Maryland

*09-0150054*

Dear Mr. Fay:

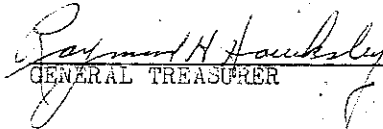
The preaddressed OAR-S3's for the Portsmouth Water  
and Fire District have been completed to read as follows:

Treasurer  
Portsmouth Water and Fire District  
P. O. Box 274  
Portsmouth, Rhode Island 02871

I did not transmit the OAR-S3's for the quarter end-  
ing 12/31/63 as the report has already been made through  
Internal Revenue under their previous Employer Identif-  
ication number.

Thank you for your cooperation on this modification.

Sincerely yours,

  
GENERAL TREASURER

Department of  
Health, Education, and Welfare  
Region I  
Boston 16, Massachusetts

GC:RA:I

DATE: December 31, 1963

TO: SSA Regional Representative

FROM: Office of the General Counsel  
Boston Regional Office

SUBJECT: State and Local Coverage - Rhode Island Modification No. 48

COMMENTS: Cleared for approval.

The proposed modification appears to satisfy the requirements of sections 366 and 491.5 of the Handbook. Moreover, it follows the form set forth in Exhibit 15 of section 375 of the Handbook.

With respect to the status of the Portsmouth Water and Fire District, the Attorney General of Rhode Island in an opinion dated October 1, 1963, held that this District is a distinct entity of the State under Rhode Island law which should meet the definition of the term "political subdivision" in section 218(b)(2) of the Social Security Act. As indicated herein, we concur in the conclusion reached by the Attorney General in his opinion. The Portsmouth Water and Fire District had its origin in Bill No. H-840A of the Rhode Island Acts and Resolves of 1952, entitled, "An Act to Incorporate the Island Park and Common Fence Point Fire District and to Furnish a Supply of Water within the Town of Portsmouth." That this District is a separate juristic entity is demonstrated by the following powers granted it by this bill: "Said district may have a common seal, sue and be sued, and enjoy the other powers generally incident to a corporation" (section 1B). The District may fix the rates for use of water within the District (section 5). The administrative board of said District shall have and enjoy all the authority and power conferred upon the town council of any town, by the provisions of Chapter 637 of the general laws, entitled "Of municipal water supply" (section 7). The District may acquire by agreement, purchase or condemnation such land and rights of way as may be necessary for the purposes of said District (section 8). All pipes, conduits, aqueducts, machinery, implements, equipment, appliances and all other property of the District are exempt from all taxes for state, town, or

(cont'd on page 2)

*Samuel C. Fish*  
Samuel C. Fish  
Acting Regional Attorney

district purposes (section 9). The District can lay and collect taxes to carry out its functions (section 10). The District is authorized and empowered to issue bonds under its corporate name and seal (section 11). In 1956, Bill No. H-840A of the Rhode Island Acts and Resolves of 1952 was amended by H-1157 (approved May 2, 1956) giving the District its present name, Portsmouth Water and Fire District. No essential changes in the powers of the District were prescribed. Accordingly, we believe that the Portsmouth Water and Fire District is a separate juristic entity of the State of Rhode Island which may be the subject of a modification.

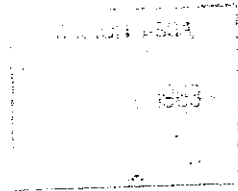
RAYMOND H. HAWKSLEY  
GENERAL TREASURER

WILLIAM T. HUNT  
DEPUTY GENERAL TREASURER



STATE 2067  
DEC 31 12 11 PM '63  
State of Rhode Island and Providence Plantations  
BOSTON, MASS. TREASURY DEPARTMENT  
OFFICE OF THE GENERAL TREASURER  
PROVIDENCE

December 30, 1963



Mr. John R. Campbell, Jr.  
Social Security Regional Representative  
120 Boylston Street  
Boston, Massachusetts 02116

Dear Mr. Campbell:

I have sent to you under separate cover Modification # 48 which will enable the Portsmouth Water & Fire District to come under the State-Federal Agreement.

Pursuant to this modification is the basis of how and why this entity was reporting through Internal Revenue Channels. Through contact, it appears that all parties concerned were acting in good faith. Thus, the Portsmouth Water and Fire District in 1956 applied to Internal Revenue for an employers identification number for F.I.C.A. reporting and was granted same as a non-profit making organization-treated as an independent private employer.

Relying upon the issuance of this identifying number this District continued to report quarterly with the feeling that they were in full compliance of the law.

The following statement in compliance with Section 491.5 of the Act is hereby submitted.

"It is hereby agreed that the reports and payments made pursuant to the provisions of the Federal Insurance Contributions Act with respect to wages paid to employees of Portsmouth Water & Fire District for the period 7/1/56 to 9/30/63, in which the services of such employees are covered under the agreement between the State of Rhode Island and the Department of Health, Education, and Welfare pursuant to Section 218 of the Social Security Act will be considered as having been paid pursuant to the agreement. It is understood,

4 DECEMBER 31 1963

per State letter dated 12/21/64  
A. J. Sullivan 4/9/64

RAYMOND H. HAWKSLEY  
GENERAL TREASURER



WILLIAM T. HUNT  
DEPUTY GENERAL TREASURER

State of Rhode Island and Providence Plantations  
TREASURY DEPARTMENT  
OFFICE OF THE GENERAL TREASURER  
PROVIDENCE

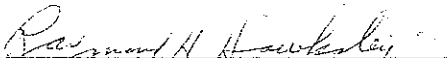
Mr. John R. Campbell, Jr.

12/30/63

however, that the State is not relieved of its liabilities with respect to the preparation of any supplemental wage reports and payment of contributions for such periods in the event such wage reports or contributions are necessary to conform old-age, survivors, and disability coverage of services of the employees involved in the prior periods to the terms of this agreement, or, in the event any refund should be made of amounts paid as Federal Insurance Contributions Act taxes when the same amount is payable under this agreement.

"If any refund is made of the amounts paid as taxes under the Federal Insurance Contributions Act with respect to wages paid for services which are covered under this agreement, the State will repay such amounts upon receipt of notice from the Social Security Administration. Interest will be charged with respect to any payment not paid within the time prescribed by Regulations No. 4, Section 404.1255."

Sincerely yours,

  
General Treasurer

RAYMOND H. HAWKSLEY  
GENERAL TREASURER



WILLIAM T. HUNT  
DEPUTY GENERAL TREASURER

State of Rhode Island and Providence Plantations  
TREASURY DEPARTMENT  
OFFICE OF THE GENERAL TREASURER  
PROVIDENCE

February 3, 1963

Mr. John R. Campbell, Jr.  
Social Security Regional Representative  
120 Boylston Street  
Boston, Massachusetts 02116

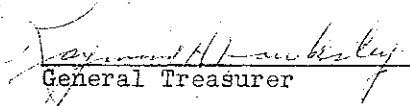
Dear Mr. Campbell:

The following information should complete the requirements related to Section 491.5 of the Act as it pertains to extending Coverage to the Portsmouth Water and Fire District.

Through phone contact today, I find that this Unit has been reporting under Identification number, 05-0278547 N. Also, (a) No request for refunds has been made nor will be made other than ordinary refunds allowable under our State Federal Agreement. (b) All employees have been covered, all positions have been covered and will continue to be except for Fee Base employees. (c) No employees were reported who will not also be reported under State Federal Coverage. (d) See above.

Thank you for your cooperation on this matter.

Sincerely yours,

  
General Treasurer

REGION I-SSA

FEB 7 1964



SSA

OFFICE MEMORANDUM \* UNITED STATES GOVERNMENT

To : Mr. Thomas C. Parrott  
Director

From : Edward N. Watman, Chief  
Coverage Branch

Date: February 13, 1964

Refer to: 14:CP:C

Subject: Modification No. 48, Rhode Island

Enclosed is the above identified modification and supporting documents for necessary action.

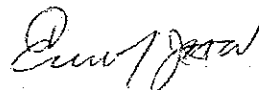
<u>1</u>	218(b)(5) Coverage Groups	<u>10</u>	No. of Employees
<u>          </u>	218(d)(4) Coverage Groups	<u>          </u>	No. of Employees
<u>          </u>	Other (See Remarks)	<u>          </u>	No. of Employees
<u>1</u>	Total No. of Coverage Groups	<u>10</u>	Total No. of Employees Covered

Remarks:

Cleared by the Regional Attorney.

This modification extends coverage to the Portsmouth Water and Fire District on an error basis. This entity had erroneously filed returns with the district director of internal revenue.

This modification has been executed by the acting regional representative and has been forwarded to this office for ratification.



Edward N. Watman

2-14-64

Enclosure(s) 5

DCP 05860363