

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL
No. 1042 Session of
1985

INTRODUCED BY MORRIS, SIRIANNI, COLE AND WASS, APRIL 24, 1985

AS AMENDED ON THIRD CONSIDERATION, IN SENATE, JUNE 27, 1985

AN ACT

1 ~~Creating and empowering the Agricultural Product Development~~ <—
2 ~~Council; and making an appropriation.~~
3 AMENDING THE ACT OF DECEMBER 5, 1936 (2ND SP.SESS., 1937 <—
4 P.L.2897, NO.1), ENTITLED "AN ACT ESTABLISHING A SYSTEM OF
5 UNEMPLOYMENT COMPENSATION TO BE ADMINISTERED BY THE
6 DEPARTMENT OF LABOR AND INDUSTRY AND ITS EXISTING AND NEWLY
7 CREATED AGENCIES WITH PERSONNEL (WITH CERTAIN EXCEPTIONS)
8 SELECTED ON A CIVIL SERVICE BASIS; REQUIRING EMPLOYERS TO
9 KEEP RECORDS AND MAKE REPORTS, AND CERTAIN EMPLOYERS TO PAY
10 CONTRIBUTIONS BASED ON PAYROLLS TO PROVIDE MONEYS FOR THE
11 PAYMENT OF COMPENSATION TO CERTAIN UNEMPLOYED PERSONS;
12 PROVIDING PROCEDURE AND ADMINISTRATIVE DETAILS FOR THE
13 DETERMINATION, PAYMENT AND COLLECTION OF SUCH CONTRIBUTIONS
14 AND THE PAYMENT OF SUCH COMPENSATION; PROVIDING FOR
15 COOPERATION WITH THE FEDERAL GOVERNMENT AND ITS AGENCIES;
16 CREATING CERTAIN SPECIAL FUNDS IN THE CUSTODY OF THE STATE
17 TREASURER; AND PRESCRIBING PENALTIES," PROVIDING FOR BENEFITS
18 FOR CERTAIN SEASONAL WORKERS; PROVIDING A REDUCTION IN THE <—
19 UNEMPLOYMENT COMPENSATION INTEREST FUND TAX; FURTHER
20 PROVIDING FOR THE STATE UNEMPLOYMENT COMPENSATION ADVISORY
21 COUNCIL; AND MAKING REPEALS.

22 The General Assembly of the Commonwealth of Pennsylvania

23 hereby enacts as follows:

24 ~~Section 1. Short title.~~ <—

25 ~~This act shall be known and may be cited as the Agricultural~~
26 ~~Product Development Council Act.~~

~~Section 2. Legislative intent.~~

~~It is the intent and expectation of the General Assembly, through this act, to increase the impact of agriculture by establishing a council which represents government, agriculture and public consumers. The council will be empowered to receive public and private funds for the express purpose of enhancing Pennsylvania agriculture and its products by expanding existing agribusiness, by promoting food products which are grown or processed in Pennsylvania and by promoting the image of Pennsylvania as an agricultural State.~~

~~Section 3. Definitions.~~

~~The following words and phrases when used in this act shall have the meanings given to them in this section unless the context clearly indicates otherwise:~~

~~"Agribusiness." A business directly related to farming or to the manufacture, sale or distribution of farm products or equipment.~~

~~"Council." The Agricultural Product Development Council.~~

~~"Department." The Department of Agriculture of the Commonwealth.~~

~~"Lobbying." Attempting to influence the introduction or passage of legislation by a legislative body of government.~~

~~"Secretary." The Secretary of Agriculture of the Commonwealth.~~

~~Section 4. Creation.~~

~~There is hereby created within the department a council which shall be known as the Agricultural Product Development Council.~~

~~Section 5. Membership and meetings.~~

~~(a) General membership. The council shall consist of 15 members.~~

~~(b) Designated members; chairman. Five members shall be the secretary, who shall also serve as chairman; the chairman and minority chairman of the Agriculture and Rural Affairs Committee in the House of Representatives; and the chairman and minority chairman of the Agriculture and Rural Affairs Committee in the Senate.~~

~~(c) Appointed members. The remaining ten members shall be appointed by the secretary, seven of the members to be selected from a list of persons suggested by Statewide farm organizations, commodity groups and food processors. The members shall be appointed for nonconsecutive three year terms, four of the initial ten members to serve for one year, three to serve for two years and three to serve for three years.~~

~~(d) Meetings. The council shall meet at least quarterly. Additional meetings may be called by the chairman at his discretion or at the written request of a majority of the members of the council.~~

~~(e) Quorum. A quorum of eight members of the council must be present for voting.~~

~~Section 6. Powers, duties and restrictions.~~

~~(a) Powers and duties. The council is hereby empowered and it shall have the duty to:~~

~~(1) Form subcommittees to develop programs to promote Pennsylvania agriculture.~~

~~(2) Authorize expenditures of moneys to conduct research and promotional activities.~~

~~(3) Receive funds from Federal, State and private sources, to deposit the funds which are received in an interest bearing revenue account and to authorize expenditures from this fund for agricultural research and~~

~~promotion to benefit Pennsylvania agriculture.~~

~~(4) Make and enter contracts, if the department has been a party to the negotiation of the specific contract and if the secretary, acting in his capacity as secretary and not as chairman, approves the specific contract.~~

~~(5) Conduct marketing research and develop programs to promote Pennsylvania agriculture.~~

~~(b) Restrictions. The council is expressly prohibited from lobbying.~~

~~Section 7. Appropriation.~~

~~The sum of \$100,000 is hereby appropriated to the Agricultural Product Development Council to carry out the purposes of this act.~~

~~Section 8. Expiration.~~

~~This act shall expire December 31, 1990.~~

~~Section 9. Effective date.~~

~~This act shall take effect immediately.~~

SECTION 1. SECTION 201(A) OF THE ACT OF DECEMBER 5, 1936
(2ND SP.SESS., 1937 P.L.2897, NO.1), KNOWN AS THE UNEMPLOYMENT
COMPENSATION LAW, AMENDED JULY 21, 1983 (P.L.68, NO.30), IS
AMENDED TO READ:

SECTION 201. GENERAL POWERS AND DUTIES OF DEPARTMENT.--(A)
IT SHALL BE THE DUTY OF THE DEPARTMENT TO ADMINISTER AND ENFORCE
THIS ACT THROUGH SUCH EMPLOYMENT SERVICE AND PUBLIC EMPLOYMENT
OFFICES AS HAVE BEEN OR MAY BE CONSTITUTED IN ACCORDANCE WITH
THE PROVISIONS OF THIS ACT AND EXISTING LAWS. IT SHALL HAVE
POWER AND AUTHORITY TO ADOPT, AMEND, AND RESCIND SUCH RULES AND
REGULATIONS, REQUIRE SUCH REPORTS FROM EMPLOYERS, EMPLOYEES, THE
BOARD AND FROM ANY OTHER PERSON DEEMED BY THE DEPARTMENT TO BE
AFFECTED BY THIS ACT, MAKE SUCH INVESTIGATIONS, AND TAKE SUCH

1 OTHER ACTION AS IT DEEMS NECESSARY OR SUITABLE. SUCH RULES AND
2 REGULATIONS SHALL NOT BE INCONSISTENT WITH THE PROVISIONS OF
3 THIS ACT. THE DEPARTMENT SHALL SUBMIT TO THE GOVERNOR AND THE
4 GENERAL ASSEMBLY A BIENNIAL REPORT COVERING THE ADMINISTRATION
5 AND OPERATION OF THIS ACT AND SHALL MAKE SUCH RECOMMENDATIONS
6 FOR AMENDMENTS TO THIS ACT AS IT DEEMS PROPER. [THE DEPARTMENT
7 SHALL ALSO PREPARE AND PRESENT TO THE GOVERNOR AND THE GENERAL
8 ASSEMBLY, ON OR BEFORE THE THIRTY-FIRST DAY OF DECEMBER OF EACH
9 YEAR, AN ACTUARIAL EVALUATION OF THE FINANCIAL OPERATIONS OF THE
10 UNEMPLOYMENT COMPENSATION PROGRAM, TOGETHER WITH ITS FINDINGS
11 AND RECOMMENDATIONS FOR DEVELOPING AND IMPROVING SOLVENCY OF THE
12 FUND AND ADJUSTING AND REGULATING INCOME AND DISBURSEMENTS IN
13 THE FIELDS OF CONTRIBUTIONS AND BENEFITS. SUCH REPORT SHALL
14 INCLUDE THE PRESENTATION OF THE CURRENT ECONOMIC TRENDS,
15 STATISTICS AND ANALYSES ON WHICH THE EVALUATION IS BASED.
16 THIS EVALUATION SHALL INCLUDE ALL OF THE FOLLOWING:

- 17 (1) STATISTICS RELATING TO POPULATION, LABOR FORCE AND
18 COVERED LABOR FORCE.
- 19 (2) CLAIMS DATA.
- 20 (3) PAYMENT DATA.
- 21 (4) MINIMUM, MAXIMUM, AVERAGE WEEKLY BENEFIT AMOUNT AND
22 MINIMUM EARNINGS REQUIREMENT.
- 23 (5) FEDERAL-STATE EXTENDED BENEFITS PROGRAM.
- 24 (6) NUMBER OF NONMONETARY DETERMINATIONS FOR UNEMPLOYMENT
25 BENEFITS.
- 26 (7) EXPERIENCE OF REIMBURSABLE AND CONTRIBUTORY EMPLOYERS.
- 27 (8) TAX RATES BY INDUSTRY, TAXABLE PAYROLL, TOTAL PAYROLL
28 AND NUMBER OF EMPLOYERS.
- 29 (9) DISBURSEMENTS FROM THE UNEMPLOYMENT FUND.
- 30 (10) INCOME OF THE UNEMPLOYMENT FUND.

(11) DIFFERENCE BETWEEN INCOME AND DISBURSEMENTS OF THE
UNEMPLOYMENT FUND.

(12) STATUS OF THE UNEMPLOYMENT FUND.

(13) EXPERIENCE RATING FACTORS OF INSURED EMPLOYERS.

(14) NET RESERVE OR DEFICIT OF ACTIVE EMPLOYER ACCOUNTS.

(15) RESERVE RATIO CONTRIBUTIONS RECEIVED.

(16) BENEFIT RATIO CONTRIBUTIONS RECEIVED.]

IN THE DISCHARGE OF THE DUTIES IMPOSED BY THIS ACT, THE
SECRETARY AND ANY AGENT DULY AUTHORIZED IN WRITING BY HIM SHALL
HAVE THE POWER TO ADMINISTER OATHS AND AFFIRMATIONS, TAKE
DEPOSITIONS, AND CERTIFY TO OFFICIAL ACTS. THE DEPARTMENT SHALL
HAVE THE POWER TO ISSUE SUBPOENAS TO COMPEL THE ATTENDANCE OF
WITNESSES AND THE PRODUCTION OF BOOKS, PAPERS, CORRESPONDENCE,
MEMORANDA AND OTHER RECORDS DEEMED NECESSARY IN THE
ADMINISTRATION OF THIS ACT.

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SECTION 2. SECTION 204 OF THE ACT IS REPEALED.

SECTION 3. THE ACT IS AMENDED BY ADDING A SECTION TO READ:

SECTION 204.1. STATE UNEMPLOYMENT COMPENSATION ADVISORY
COUNCIL.--(A) THERE IS HEREBY CREATED THE STATE UNEMPLOYMENT
COMPENSATION ADVISORY COUNCIL TO BE COMPOSED OF NINETEEN MEMBERS
WHICH SHALL CONSIST OF:

(1) THE SECRETARY OF LABOR AND INDUSTRY OR HIS DESIGNEE.

(2) THE CHAIRMAN AND MINORITY CHAIRMAN OF THE SENATE
COMMITTEE ON LABOR AND INDUSTRY OR THEIR DESIGNEES.

(3) THE CHAIRMAN AND MINORITY CHAIRMAN OF THE HOUSE
COMMITTEE ON LABOR RELATIONS OR THEIR DESIGNEES.

(4) FOURTEEN INDIVIDUALS APPOINTED BY THE GOVERNOR WHICH
SHALL INCLUDE:

(I) FOUR EMPLOYE REPRESENTATIVES WHO SHALL BE APPOINTED FROM

1 A LIST SUPPLIED BY THE PENNSYLVANIA AFL-CIO.

2 (II) FOUR EMPLOYER REPRESENTATIVES WHO SHALL BE APPOINTED
3 FROM A LIST SUPPLIED BY THE PENNSYLVANIA CHAMBER OF COMMERCE.

4 (III) SIX INDIVIDUALS, OF WHOM NO MORE THAN THREE SHALL
5 REPRESENT EMPLOYERS AND NO MORE THAN THREE SHALL REPRESENT LABOR
6 ORGANIZATIONS.

7 (B) MEMBERS SHALL BE APPOINTED FOR TWO-YEAR TERMS COMMENCING
8 ON FEBRUARY 1 OF EACH ODD-NUMBERED YEAR. INITIAL APPOINTMENTS
9 SHALL BE MADE WITHIN SIXTY DAYS OF FINAL ENACTMENT OF THIS ACT
10 AND SHALL EXPIRE ON JANUARY 30, 1987.

11 (C) MEMBERS OF THE COUNCIL SHALL RECEIVE NO COMPENSATION BUT
12 SHALL BE ENTITLED TO RECEIVE AN ALLOWANCE FOR EXPENSES INCURRED
13 IN THE PERFORMANCE OF THEIR DUTIES.

14 (D) THE SECRETARY OF LABOR AND INDUSTRY SHALL BE THE
15 CHAIRMAN OF THE COUNCIL. THE COUNCIL SHALL MEET AT LEAST FOUR
16 TIMES EACH YEAR.

17 (E) THE COUNCIL MAY, UPON A MAJORITY VOTE, APPOINT AN
18 EXECUTIVE DIRECTOR AND ONE CLERICAL ASSISTANT, AND ESTABLISH
19 THEIR COMPENSATION, TO AID THE COUNCIL IN THE PERFORMANCE OF ITS
20 FUNCTIONS. THE COMPENSATION OF SUCH EMPLOYEES AND THE AMOUNT
21 ALLOWED THEM FOR TRAVELING AND OTHER INCIDENTAL EXPENSES SHALL
22 BE DEEMED PART OF THE EXPENSES INCURRED IN CONNECTION WITH THE
23 ADMINISTRATION OF THIS ACT.

24 (F) THE COUNCIL SHALL CONSIDER AND ADVISE THE DEPARTMENT
25 UPON ALL MATTERS RELATED TO THE ADMINISTRATION OF THIS ACT,
26 INCLUDING THE FORMULATION OF POLICIES ASSURING IMPARTIALITY AND
27 FREEDOM FROM POLITICAL INFLUENCE IN ITS ADMINISTRATION, AND
28 MAKING STUDIES RELATING TO UNEMPLOYMENT AND UNEMPLOYMENT
29 COMPENSATION PAYMENTS. SUCH COUNCIL MAY RECOMMEND TO THE
30 GOVERNOR AND THE GENERAL ASSEMBLY UPON ITS OWN INITIATIVE SUCH

1 CHANGES IN THE PROVISIONS OF THIS ACT, AND IN THE ADMINISTRATION
2 THEREOF AS IT DEEMS NECESSARY AND SHALL MAKE PERIODIC REPORTS TO
3 THE GOVERNOR AND THE GENERAL ASSEMBLY REGARDING THE FINDINGS OF
4 ITS STUDIES AND THE PERFORMANCE OF ITS DUTIES AND FUNCTIONS. THE
5 COUNCIL SHALL HAVE FULL ACCESS TO INFORMATION RELATING TO THE
6 PURPOSE OF THIS ACT, PROVIDED THE DEPARTMENT SHALL NOT BE
7 REQUIRED TO PROVIDE ANY INFORMATION WHICH WOULD SPECIFICALLY
8 IDENTIFY ANY EMPLOYER, EMPLOYEE OR CLAIMANT.

9 (G) THE GOVERNOR SHALL HAVE THE POWER TO CREATE SUCH LOCAL
10 ADVISORY COUNCILS AS THE STATE ADVISORY COUNCIL MAY DEEM
11 NECESSARY FOR THE EFFICIENT PERFORMANCE OF ITS FUNCTIONS. SUCH
12 LOCAL ADVISORY COUNCILS SHALL BE COMPOSED OF AN EQUAL NUMBER OF
13 MEMBERS REPRESENTING EMPLOYERS, EMPLOYEES AND THE PUBLIC AND
14 SHALL BE APPOINTED BY THE GOVERNOR.

15 (H) THE MEMBERS OF LOCAL ADVISORY COUNCILS SHALL SERVE
16 WITHOUT COMPENSATION BUT SHALL BE ENTITLED TO BE REIMBURSED OUT
17 OF THE ADMINISTRATION FUND FOR ALL NECESSARY EXPENSES INCURRED
18 IN THE DISCHARGE OF THEIR DUTIES.

19 (I) THE STATE ADVISORY COUNCIL UPON REQUEST SHALL BE GIVEN
20 COPIES OF ANY REPORT MADE BY THE DEPARTMENT TO THE UNITED STATES
21 DEPARTMENT OF LABOR AND SHALL HAVE ACCESS TO ANY OTHER
22 INFORMATION REQUESTED BY THE COUNCIL, INCLUDING, BUT NOT LIMITED
23 TO:

24 (1) STATISTICS RELATING TO POPULATION, LABOR FORCE AND
25 COVERED LABOR FORCE.

26 (2) CLAIMS DATA.

27 (3) PAYMENT DATA.

28 (4) MINIMUM, MAXIMUM, AVERAGE WEEKLY BENEFIT AMOUNT AND
29 MINIMUM EARNINGS REQUIREMENT.

30 (5) FEDERAL-STATE EXTENDED BENEFITS PROGRAM.

1 (6) NUMBER OF NONMONETARY DETERMINATIONS FOR UNEMPLOYMENT
2 BENEFITS.

3 (7) EXPERIENCE OF REIMBURSABLE AND CONTRIBUTORY EMPLOYERS.

4 (8) TAX RATES BY INDUSTRY, TAXABLE PAYROLL, TOTAL PAYROLL
5 AND NUMBER OF EMPLOYERS.

6 (9) DISBURSEMENTS FROM THE UNEMPLOYMENT COMPENSATION FUND.

7 (10) INCOME OF THE UNEMPLOYMENT COMPENSATION FUND.

8 (11) DIFFERENCE BETWEEN INCOME AND DISBURSEMENTS OF THE
9 UNEMPLOYMENT COMPENSATION FUND.

10 (12) STATUS OF THE UNEMPLOYMENT COMPENSATION FUND.

11 (13) EXPERIENCE RATING FACTORS OF INSURED EMPLOYERS.

12 (14) NET RESERVE OR DEFICIT OF ACTIVE EMPLOYER ACCOUNTS.

13 (15) RESERVE RATIO CONTRIBUTIONS RECEIVED.

14 (16) BENEFIT RATIO CONTRIBUTIONS RECEIVED.

15 AT THE DISCRETION OF THE COUNCIL, THIS INFORMATION SHALL BE
16 PROVIDED ON COMPUTER TAPE IF THE INFORMATION IS ON COMPUTER
17 TAPE. THE DEPARTMENT SHALL NOT BE REQUIRED TO PROVIDE ANY
18 INFORMATION WHICH WOULD SPECIFICALLY IDENTIFY ANY EMPLOYER,
19 EMPLOYEE OR CLAIMANT.

20 (J) THE COUNCIL SHALL HAVE THE AUTHORITY TO AUTHORIZE THE
21 PREPARATION OF AN ANNUAL FINANCIAL ANALYSIS OF THE UNEMPLOYMENT
22 COMPENSATION FUND AND MAY CONTRACT WITH AN INDEPENDENT ACTUARIAL
23 FIRM OF CERTIFIED ACTUARIES AND SUCH OTHER CONSULTANTS AS MAY BE
24 NECESSARY TO PERFORM SUCH THOROUGH ANNUAL FINANCIAL ANALYSIS.
25 THE DEPARTMENT SHALL SUPPLY THE ACTUARIES WITH ALL INFORMATION
26 REQUIRED TO PERFORM THIS ANALYSIS AS THE ACTUARIES MAY REQUIRE,
27 PROVIDED THE DEPARTMENT SHALL NOT BE REQUIRED TO PROVIDE ANY
28 INFORMATION WHICH WOULD SPECIFICALLY IDENTIFY ANY EMPLOYER,
29 EMPLOYEE OR CLAIMANT. THIS ANALYSIS, IF AUTHORIZED, SHALL BE
30 COMPLETED BY SEPTEMBER 1 OF EACH YEAR FOR THE PREVIOUS CALENDAR

1 YEAR. THE ANALYSIS REPORT SHALL BE GIVEN TO THE GOVERNOR, THE
2 SECRETARY, THE STATE ADVISORY COUNCIL AND THE GENERAL ASSEMBLY
3 AND SHALL BE MADE AVAILABLE TO THE PUBLIC. THE ANALYSIS SHALL
4 INCLUDE, BUT NOT BE LIMITED TO, THE FOLLOWING:

5 (1) THE SOLVENCY OF THE FUND.

6 (2) THE EFFECT UPON THE FUND OF:

7 (I) CHANGES IN STATE AND FEDERAL LAW;

8 (II) STATE AND FEDERAL COURT DECISIONS; OR

9 (III) THE STATE AND NATIONAL ECONOMIC SITUATION.

10 (3) A THREE-YEAR PROJECTION OF THE CONDITION OF THE FUND.

11 (K) THE DEPARTMENT SHALL ALSO PREPARE AND PRESENT TO THE
12 GOVERNOR AND THE GENERAL ASSEMBLY, ON OR BEFORE THE FIRST DAY OF
13 MARCH OF EACH YEAR, AN EVALUATION OF THE FINANCIAL OPERATIONS OF
14 THE UNEMPLOYMENT COMPENSATION PROGRAM, TOGETHER WITH ITS
15 FINDINGS AND RECOMMENDATIONS FOR DEVELOPING AND IMPROVING
16 SOLVENCY OF THE FUND AND ADJUSTING AND REGULATING INCOME AND
17 DISBURSEMENTS IN THE FIELDS OF CONTRIBUTIONS AND BENEFITS. SUCH
18 REPORT SHALL INCLUDE THE PRESENTATION OF THE CURRENT ECONOMIC
19 TRENDS, STATISTICS AND ANALYSES ON WHICH THE EVALUATION IS
20 BASED. THIS EVALUATION SHALL INCLUDE ALL OF THE FOLLOWING:

21 (1) STATISTICS RELATING TO POPULATION, LABOR FORCE AND
22 COVERED LABOR FORCE.

23 (2) CLAIMS DATA.

24 (3) PAYMENT DATA.

25 (4) MINIMUM, MAXIMUM, AVERAGE WEEKLY BENEFIT AMOUNT AND
26 MINIMUM EARNINGS REQUIREMENT.

27 (5) FEDERAL-STATE EXTENDED BENEFITS PROGRAM.

28 (6) NUMBER OF NONMONETARY DETERMINATIONS FOR UNEMPLOYMENT
29 BENEFITS.

30 (7) EXPERIENCE OF REIMBURSABLE AND CONTRIBUTORY EMPLOYERS.

1 (8) TAX RATES BY INDUSTRY, TAXABLE PAYROLL, TOTAL PAYROLL
2 AND NUMBER OF EMPLOYERS.

3 (9) DISBURSEMENTS FROM THE UNEMPLOYMENT FUND.

4 (10) INCOME OF THE UNEMPLOYMENT FUND.

5 (11) DIFFERENCE BETWEEN INCOME AND DISBURSEMENTS OF THE
6 UNEMPLOYMENT FUND.

7 (12) STATUS OF THE UNEMPLOYMENT FUND.

8 (13) EXPERIENCE RATING FACTORS OF INSURED EMPLOYERS.

9 (14) NET RESERVE OR DEFICIT OF ACTIVE EMPLOYER ACCOUNTS.

10 (15) RESERVE RATIO CONTRIBUTIONS RECEIVED.

11 (16) BENEFIT RATIO CONTRIBUTIONS RECEIVED.

12 SECTION 4. SECTION 211 OF THE ACT IS REPEALED.

13 SECTION 5. SECTION 301.6 OF THE ACT, ADDED JULY 21, 1983
14 (P.L.68, NO.30), IS AMENDED TO READ:

15 SECTION 301.6. ADDITIONAL CONTRIBUTION FOR INTEREST.--(A)
16 NOTWITHSTANDING ANY OTHER PROVISION OF THIS ACT, ALL EMPLOYERS
17 REQUIRED TO PAY CONTRIBUTIONS UNDER SECTION 301 OR 301.1 OTHER
18 THAN THOSE EMPLOYERS COVERED BY PARAGRAPHS (3) AND (4) OF
19 SUBSECTION (A) OF SECTION 301 SHALL HAVE THEIR RATE OF
20 CONTRIBUTION INCREASED BY THE RATE OF THE INTEREST FACTOR IN
21 EFFECT FOR THE APPLICABLE CALENDAR YEAR.

22 (B) ALL TAXES COLLECTED UNDER THIS SECTION SHALL BE
23 CONSIDERED TO BE SEPARATE AND APART FROM ANY CONTRIBUTIONS
24 REQUIRED TO BE DEPOSITED IN THE UNEMPLOYMENT COMPENSATION FUND.
25 ALL TAXES COLLECTED UNDER THIS SECTION SHALL BE DEPOSITED IN THE
26 INTEREST FUND ESTABLISHED BY SECTION 601.2 OF THIS ACT. SUCH
27 TAXES WILL NOT BE CREDITED TO THE EMPLOYER'S RESERVE ACCOUNT.

28 (C) THE INTEREST FACTOR CALCULATED ON WAGES WITH REGARD TO
29 THE LIMITATIONS SPECIFIED IN SECTION 4(X)(1) SHALL BE EQUAL TO
30 TWENTY-FIVE HUNDREDTHS OF ONE PER CENTUM (0.25%) FOR CALENDAR

1 YEAR 1984, FIVE-TENTHS OF ONE PER CENTUM (0.5%) FOR CALENDAR
2 YEAR 1985, AND [ONE PER CENTUM (1.0%)] THREE-TENTHS OF ONE PER
3 CENTUM (0.3%) FOR CALENDAR YEAR 1986. THEREAFTER THE INTEREST
4 FACTOR SHALL BE A VARIABLE RATE NOT TO EXCEED ONE PER CENTUM
5 (1.0%) TO BE DETERMINED ANNUALLY BY THE DEPARTMENT AT A RATE
6 NECESSARY TO PAY THE INTEREST ON OUTSTANDING INTEREST-BEARING
7 ADVANCES UNDER TITLE XII OF THE SOCIAL SECURITY ACT FOR THE
8 FOLLOWING CALENDAR YEAR. [NO INTEREST FACTOR SHALL BE REQUIRED
9 FOR ANY YEAR FOLLOWING THE YEAR IN WHICH THE AMOUNT OF SUCH
10 INTEREST-BEARING ADVANCES IS REDUCED TO ZERO.] NO INTEREST
11 FACTOR SHALL BE REQUIRED FOR THE YEAR FOLLOWING ANY YEAR IN
12 WHICH THE AMOUNT OF SUCH INTEREST-BEARING ADVANCES HAS BEEN
13 REDUCED TO ZERO, PROVIDED THAT AN INTEREST TAX SHALL BE REQUIRED
14 AND SHALL BE REIMPOSED BY THE DEPARTMENT FOR THE CALENDAR YEAR
15 FOLLOWING ANY YEAR IN WHICH AN INTEREST-BEARING ADVANCE REMAINS
16 OUTSTANDING ON OCTOBER 1 AND THERE ARE NOT SUFFICIENT FUNDS IN
17 THE INTEREST FUND TO PAY THE INTEREST DUE IN THAT YEAR.

18 SECTION 4 6. THE ACT OF ~~DECEMBER 5, 1936~~ (2ND SP. SESS., 1937 <—
19 P.L. 2897, NO. 1), KNOWN AS THE UNEMPLOYMENT COMPENSATION LAW, IS
20 AMENDED BY ADDING A SECTION TO READ:

21 SECTION 402.5. ELIGIBILITY OF SEASONAL WORKERS IN FRUIT AND <—
22 VEGETABLE FOOD PROCESSING.--(A) NOTWITHSTANDING ANY OTHER
23 PROVISION OF THIS ACT WITH RESPECT TO SERVICE PERFORMED IN A
24 SEASONAL OPERATION OR SEASONAL INDUSTRY "SEASONAL OPERATION" OR <—
25 "SEASONAL INDUSTRY," AS DEFINED IN THIS SECTION, BENEFITS SHALL
26 NOT BE PAID TO A SEASONAL WORKER, BASED ON SUCH SERVICES, FOR
27 ANY WEEK OF UNEMPLOYMENT OCCURRING OUTSIDE OF THE NORMAL
28 SEASONAL PERIOD OF OPERATION, PROVIDED THERE IS A CONTRACT OR
29 REASONABLE ASSURANCE THAT SUCH SEASONAL WORKER WILL PERFORM
30 SERVICES IN THAT SEASONAL INDUSTRY IN HIS NEXT NORMAL SEASONAL

1 PERIOD. HOWEVER, IF UPON PRESENTING HIMSELF FOR WORK IN HIS NEXT
2 NORMAL SEASONAL PERIOD, THE INDIVIDUAL IS NOT OFFERED AN
3 OPPORTUNITY TO PERFORM SUCH SERVICES, HIS CLAIMS FOR
4 UNEMPLOYMENT COMPENSATION SHALL BE ACCEPTED RETROACTIVELY TO THE
5 TIME THE INDIVIDUAL'S BENEFITS (BASED ON SEASONAL AND NON-
6 SEASONAL WAGES) WOULD HAVE COMMENCED BUT FOR THIS SUBSECTION.

7 (B) UPON WRITTEN APPLICATION FILED WITH THE DEPARTMENT BY AN
8 EMPLOYER ENGAGED IN A "SEASONAL INDUSTRY," AS DEFINED IN <—
9 PARAGRAPHS (1) AND (3) OF SUBSECTION (H) OF THIS SECTION, THE <—
10 SECRETARY SHALL DETERMINE, AND MAY THEREAFTER REDETERMINE, IN
11 ACCORDANCE WITH THE RULES AND REGULATIONS OF THE DEPARTMENT, THE
12 NORMAL SEASONAL PERIOD DURING WHICH WORKERS ARE ORDINARILY
13 EMPLOYED FOR THE PURPOSE OF CARRYING ON SEASONAL OPERATIONS IN
14 THE SEASONAL INDUSTRY IN WHICH SUCH EMPLOYER IS ENGAGED. AN
15 APPLICATION FOR SUCH DETERMINATION SHALL BE MADE ON FORMS
16 PRESCRIBED BY THE DEPARTMENT. SUCH APPLICATION MUST BE MADE AT
17 LEAST TWENTY (20) DAYS PRIOR TO THE ESTIMATED BEGINNING DATE OF
18 THE NORMAL SEASONAL PERIOD FOR WHICH THE DETERMINATION IS
19 REQUESTED. SIMULTANEOUSLY WITH THE FILING OF THE APPLICATION,
20 THE EMPLOYER SHALL CONSPICUOUSLY DISPLAY ON THE EMPLOYER'S
21 PREMISES IN A SUFFICIENT NUMBER OF PLACES A COPY OF THE
22 APPLICATION.

23 (C) AN EMPLOYER DETERMINED, IN ACCORDANCE WITH THE
24 PROVISIONS OF DEFINITIONS IN PROVISIONS OF THIS SECTION, TO BE A <—
25 SEASONAL INDUSTRY OR A SEASONAL OPERATION "SEASONAL OPERATION" <—
26 OR "SEASONAL INDUSTRY" AS DEFINED IN THIS SECTION, SHALL BE <—
27 REQUIRED TO CONSPICUOUSLY DISPLAY NOTICES OF THE SEASONAL
28 DETERMINATION ON ITS PREMISES IN A SUFFICIENT NUMBER OF PLACES
29 AS WILL FAIRLY ADVISE ITS EMPLOYEES OF THE ESTIMATED BEGINNING
30 AND ESTIMATED ENDING DATES OF ITS NORMAL SEASONAL PERIOD. SUCH

1 NOTICES SHALL BE PROVIDED BY THE DEPARTMENT.

2 (D) ANY SUCCESSOR OF A SEASONAL EMPLOYER SHALL BE DEEMED TO
3 BE A SEASONAL INDUSTRY OR A SEASONAL OPERATION UNLESS SUCH
4 SUCCESSOR SHALL, WITHIN ONE HUNDRED TWENTY (120) DAYS AFTER THE
5 ACQUISITION, REQUEST CANCELLATION OF SUCH DETERMINATION.

6 (E) ANY DETERMINATION ISSUED UNDER THE PROVISIONS OF THIS
7 SECTION SHALL BE SUBJECT TO REVIEW IN THE SAME MANNER AND TO THE
8 SAME EXTENT AS ALL OTHER DETERMINATIONS ISSUED UNDER THIS ACT.

9 (F) BENEFITS PAYABLE TO ANY OTHERWISE ELIGIBLE INDIVIDUAL
10 WHO IS DETERMINED TO BE A SEASONAL WORKER, AS DEFINED IN <—
11 PARAGRAPH (5) OF SUBSECTION (H) OF THIS SECTION, SHALL BE
12 CALCULATED IN ACCORDANCE WITH THE PROVISIONS OF THIS SECTION FOR
13 ANY BENEFIT YEAR WHICH IS ESTABLISHED ON OR AFTER THE BEGINNING
14 DATE OF A DETERMINATION OF A SEASONAL INDUSTRY OR A SEASONAL
15 OPERATION BY WHICH SUCH INDIVIDUAL WAS EMPLOYED DURING THE BASE
16 YEAR APPLICABLE TO SUCH BENEFIT YEAR, AS IF SUCH DETERMINATION
17 HAD BEEN EFFECTIVE IN SUCH BASE PERIOD.

18 (G) IN NO CASE SHALL A SEASONAL WORKER BE ELIGIBLE TO
19 RECEIVE A TOTAL AMOUNT OF COMPENSATION IN A BENEFIT YEAR IN
20 EXCESS OF THE MAXIMUM COMPENSATION PAYABLE FOR SUCH BENEFIT
21 YEAR, AS PROVIDED IN SECTION 404 OF THIS ACT.

22 (H) FOR THE PURPOSES OF THIS SECTION, THE FOLLOWING
23 DEFINITIONS SHALL APPLY:

24 (1) ~~"FOOD PROCESSING OPERATION"~~ "FRUIT OR VEGETABLE FOOD <—
25 PROCESSING OPERATIONS" OPERATION" MEANS THOSE SERVICES PERFORMED <—
26 IN CONNECTION WITH COMMERCIAL CANNING OR COMMERCIAL FREEZING OF <—
27 FRUITS AND VEGETABLES.

28 (2) "NORMAL SEASONAL PERIOD" MEANS THE NORMAL SEASONAL
29 PERIOD, AS DETERMINED IN ACCORDANCE WITH SUBSECTION (B) OF THIS
30 SECTION, DURING WHICH WORKERS ARE ORDINARILY EMPLOYED FOR THE

1 PURPOSE OF CARRYING ON SEASONAL OPERATIONS IN EACH SEASONAL
2 INDUSTRY, AS DEFINED IN THIS SECTION. <—

3 (3) "SEASONAL INDUSTRY" MEANS AN INDUSTRY, ESTABLISHMENT OR
4 PROCESS WITHIN AN INDUSTRY WHICH, BECAUSE OF CLIMATIC CONDITIONS
5 MAKING IT IMPRACTICAL OR IMPOSSIBLE TO DO OTHERWISE, CUSTOMARILY
6 CARRIES ON FRUIT OR VEGETABLE FOOD PROCESSING OPERATIONS, OR
7 BOTH, ONLY DURING A REGULARLY RECURRING PERIOD OF ONE HUNDRED
8 EIGHTY (180) DAYS OF WORK OR LESS IN A CALENDAR YEAR.

9 (4) "SEASONAL OPERATION" MEANS AN OPERATION IN WHICH IT IS
10 CUSTOMARY FOR AN EMPLOYER ENGAGED IN A SEASONAL INDUSTRY AS
11 DEFINED IN PARAGRAPHS (1) AND (3) OF SUBSECTION (H) OF THIS <—
12 SECTION, TO OPERATE ALL OR A PORTION OF ITS BUSINESS DURING A
13 REGULARLY RECURRING PERIOD OF ONE HUNDRED EIGHTY (180) DAYS OF
14 WORK OR LESS FOR A NORMAL SEASONAL PERIOD DURING A CALENDAR
15 YEAR. AN EMPLOYER MAY BE DETERMINED TO BE ENGAGED IN A SEASONAL
16 INDUSTRY AS DEFINED IN THIS SECTION, WITH RESPECT TO A PORTION
17 OF ITS BUSINESS, ONLY IF THAT PORTION, UNDER THE USUAL AND
18 CUSTOMARY PRACTICE IN THE INDUSTRY, IS IDENTIFIABLE AS A
19 FUNCTIONALLY DISTINCT OPERATION.

20 (5) "SEASONAL WORKER" MEANS A WORKER WHO PERFORMS SERVICES <—
21 FOR A SEASONAL OPERATION AS DEFINED IN PARAGRAPH (4) OF <—
22 SUBSECTION (H) OF THIS SECTION, COMMERCIAL CANNING OR COMMERCIAL <—
23 FREEZING SERVICES FOR A FRUIT OR VEGETABLE FOOD PROCESSING
24 OPERATION FOR LESS THAN ONE HUNDRED EIGHTY (180) DAYS OF WORK.

25 ~~SECTION 2. THIS ACT SHALL APPLY TO BENEFIT YEARS BEGINNING~~ <—
26 ~~ON AND AFTER JUNE 30, 1985.~~

27 ~~SECTION 3. THIS ACT SHALL TAKE EFFECT IMMEDIATELY.~~

28 SECTION 7. INITIAL APPOINTMENTS TO THE STATE UNEMPLOYMENT <—
29 COMPENSATION ADVISORY COUNCIL SHALL BE MADE WITHIN 60 DAYS OF
30 THE EFFECTIVE DATE OF THIS ACT. THE INITIAL MEETING OF THE

1 COUNCIL SHALL BE CALLED BY THE SECRETARY OF LABOR AND INDUSTRY
2 AND SHALL OCCUR WITHIN 90 DAYS OF THE EFFECTIVE DATE OF THIS
3 ACT.

4 SECTION 8. SECTION 402.5 OF THE ACT SHALL APPLY TO BENEFIT
5 YEARS COMMENCING ON AND AFTER JUNE 30, 1985.

6 SECTION 9. (A) SECTIONS 1, 2, 3, 4 AND 7 OF THIS ACT SHALL
7 TAKE EFFECT IMMEDIATELY.

8 (B) THE REMAINDER OF THIS ACT SHALL TAKE EFFECT IN 60 DAYS.