

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 778 Session of
2001

INTRODUCED BY YUDICHAK, COSTA, MANN, SOLOBAY, McCALL, GEORGE,
DeWEESE, M. COHEN, BELARDI, ORIE, RUFFING, COY, B. SMITH,
LAUGHLIN, COLAFELLA, FRANKEL, WOJNAROSKI, ROBERTS, TIGUE,
CALTAGIRONE, CORRIGAN, PRESTON, FREEMAN, HENNESSEY, TRELLO,
BUTKOVITZ, HORSEY, STABACK, HASAY, SAINATO, MICHLOVIC,
PETRARCA, SHANER, GRUCELA, MELIO, PISTELLA, LUCYK,
WASHINGTON, HARHAI, ROONEY, BROWNE, CURRY AND THOMAS,
FEBRUARY 14, 2001

REFERRED TO COMMITTEE ON LABOR RELATIONS, FEBRUARY 14, 2001

AN ACT

1 Amending the act of December 5, 1936 (2nd Sp.Sess., 1937
2 P.L.2897, No.1), entitled "An act establishing a system of
3 unemployment compensation to be administered by the
4 Department of Labor and Industry and its existing and newly
5 created agencies with personnel (with certain exceptions)
6 selected on a civil service basis; requiring employers to
7 keep records and make reports, and certain employers to pay
8 contributions based on payrolls to provide moneys for the
9 payment of compensation to certain unemployed persons;
10 providing procedure and administrative details for the
11 determination, payment and collection of such contributions
12 and the payment of such compensation; providing for
13 cooperation with the Federal Government and its agencies;
14 creating certain special funds in the custody of the State
15 Treasurer; and prescribing penalties," further providing for
16 administration; and abrogating a regulation.

17 The General Assembly of the Commonwealth of Pennsylvania
18 hereby enacts as follows:

19 Section 1. Section 201 of the act of December 5, 1936 (2nd
20 Sp.Sess., 1937 P.L.2897, No.1), known as the Unemployment
21 Compensation Law, amended May 17, 1957 (P.L.153, No.72) and July
22 1, 1985 (P.L.96, No.30), is amended to read:

1 Section 201. General Powers and Duties of Department.--(a)
2 It shall be the duty of the department to administer and enforce
3 this act through such employment service and public employment
4 offices as have been or may be constituted in accordance with
5 the provisions of this act and existing laws. It shall have
6 power and authority to adopt, amend, and rescind such rules and
7 regulations, require such reports from employers, employes, the
8 board and from any other person deemed by the department to be
9 affected by this act, make such investigations, and take such
10 other action as it deems necessary or suitable. Such rules and
11 regulations shall not be inconsistent with the provisions of
12 this act. No regulation shall require or permit the department
13 to offset, in calculating unemployment compensation, Social
14 Security retirement pensions, railroad retirement pensions, or
15 other Federal pensions, which are based upon an individual's
16 previous work or self-employment, or both. The department shall
17 submit to the Governor and the General Assembly a biennial
18 report covering the administration and operation of this act and
19 shall make such recommendations for amendments to this act as it
20 deems proper. In the discharge of the duties imposed by this
21 act, the Secretary and any agent duly authorized in writing by
22 him shall have the power to administer oaths and affirmations,
23 take depositions, and certify to official acts. The department
24 shall have the power to issue subpoenas to compel the attendance
25 of witnesses and the production of books, papers,
26 correspondence, memoranda and other records deemed necessary in
27 the administration of this act.

28 (b) The department and the Department of Property and
29 Supplies are hereby authorized to acquire land and buildings or
30 to use land in or in the immediate vicinity of the City of

1 Harrisburg, now owned by the Commonwealth, deemed necessary by
2 the Secretary of Labor and Industry, with the approval of the
3 Governor, and in the case of the use of land now owned by the
4 Commonwealth, the approval of the board or other agency of the
5 Commonwealth having jurisdiction over the same, for the
6 administration of this act.

7 As all property acquired under the provisions of this
8 subsection shall be used exclusively for the performance of
9 essential governmental functions, no taxes shall be required to
10 be paid or assessments made upon any such property from the time
11 that the Commonwealth actually takes title to such property in
12 the event of outright purchase, or from the time that the
13 Commonwealth takes possession of such property under a lease-
14 purchase agreement as provided herein.

15 Section 2. The provisions of 34 Pa.Code § 65.102(d) are
16 abrogated.

17 Section 3. This act shall apply retroactively to individuals
18 who are receiving unemployment compensation on the effective
19 date of this act.

20 Section 4. This act shall take effect in 60 days.