

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1653 Session of 2015

INTRODUCED BY OBERLANDER, SNYDER, YOUNGBLOOD, READSHAW, KINSEY, DRISCOLL, BISHOP, BIZZARRO, CORBIN, THOMAS, McNEILL, MILLARD, PICKETT, O'BRIEN, NEILSON, BARRAR, KLUNK, MURT, ORTITAY, WATSON, DAVIS, HARHART, DEAN, MAHONEY, NEUMAN, NESBIT, P. DALEY, DIAMOND, COHEN, CALTAGIRONE, FARINA, WARD, KIM, D. COSTA, PHILLIPS-HILL, JAMES, HARHAI, ROZZI, KORTZ, SCHLOSSBERG, GAINNEY, ACOSTA, BULLOCK AND MICCARELLI, OCTOBER 21, 2015

AS AMENDED ON SECOND CONSIDERATION, HOUSE OF REPRESENTATIVES, DECEMBER 13, 2015

AN ACT

1 Amending Title 62 (Procurement) of the Pennsylvania Consolidated
2 Statutes, providing for ~~recognized entities~~ DIVERSE AND <--
3 DISADVANTAGED BUSINESSES.

4 The General Assembly of the Commonwealth of Pennsylvania
5 hereby enacts as follows:

6 Section 1. Title 62 of the Pennsylvania Consolidated
7 Statutes is amended by adding a chapter to read:

8 CHAPTER 22

9 ~~RECOGNIZED ENTITIES~~ DIVERSE AND DISADVANTAGED BUSINESSES <--

10 Sec.

11 2201. Definitions.

12 2202. Woman-owned business, minority-owned business or veteran-
13 owned business.

14 § 2201. Definitions.

15 The following words and phrases when used in this chapter

1 shall have the meanings given to them in this section unless the  
2 context clearly indicates otherwise:

3 "DIVERSE AND DISADVANTAGED BUSINESSES." A WOMAN-OWNED <--  
4 BUSINESS, A MINORITY-OWNED BUSINESS OR A VETERAN-OWNED BUSINESS.

5 "Minority-owned business." A for-profit business which is at  
6 least 51% owned and controlled by one or more individuals who  
7 are African Americans, Hispanic Americans, Native Americans,  
8 Asian Americans, Alaskans or Pacific Islanders. The term  
9 includes a corporation in which at least 51% of the stock is  
10 owned by one or more individuals who are African Americans,  
11 Hispanic Americans, Native Americans, Asian Americans, Alaskans  
12 or Pacific Islanders.

13 ~~"Recognized entity." A business that is formally recognized~~ <--  
14 ~~by the department as being one or more of the following:~~

15 ~~(1) A minority owned business.~~

16 ~~(2) A woman owned business.~~

17 ~~(3) A veteran owned business.~~

18 "Veteran." Shall have the meaning given in 51 Pa.C.S. § 9601  
19 (relating to definitions).

20 ~~"Veteran-owned business." Shall have the meaning given to~~ <--

21 ~~"veteran owned small business" in 51 Pa.C.S. § 9601. A FOR-~~ <--

22 PROFIT BUSINESS THAT IS AT LEAST 51% OWNED AND CONTROLLED BY ONE  
23 OR MORE VETERANS. THE TERM INCLUDES A CORPORATION IN WHICH AT  
24 LEAST 51% OF THE STOCK IS OWNED BY ONE OR MORE VETERANS.

25 "Woman-owned business." A for-profit business which is at  
26 least 51% owned and controlled by one or more women. The term  
27 includes a corporation in which at least 51% of the stock is  
28 owned by one or more women.

29 § 2202. Woman-owned business, minority-owned business or  
30 veteran-owned business.

1 ~~(a) Formal recognition DEPARTMENT VERIFICATION.--The~~ <--

2 following shall apply:

3 ~~(1) The department shall establish a process by which a~~ <--

4 ~~business in this Commonwealth may become formally recognized~~

5 ~~by the department as one or more of the following:~~

6 ~~(i) A woman owned business.~~

7 ~~(ii) A minority owned business.~~

8 ~~(iii) A veteran owned business, as provided for~~

9 ~~under 51 Pa.C.S. Ch. 96 (relating to veteran owned small~~

10 ~~businesses). TO VERIFY A DIVERSE OR DISADVANTAGED~~ <--

11 ~~BUSINESS AS PENNSYLVANIA HOME STATE-CERTIFIED FOR THE~~

12 ~~PURPOSE OF OTHER STATE OR NATIONAL DISADVANTAGED BUSINESS~~

13 ~~PROGRAMS.~~

14 ~~(2) The department shall formally recognize VERIFY a~~ <--

15 ~~business that has been formally recognized CERTIFIED as a~~ <--

16 ~~woman owned business, minority owned business or veteran~~ <--

17 ~~owned DIVERSE OR DISADVANTAGED business by a third-party~~ <--

18 ~~organization, including, but not limited to, the following:~~ <--

19 ~~(i) The National Minority Supplier Development~~

20 ~~Council.~~

21 ~~(ii) The United States Department of Transportation,~~

22 ~~Office of Small and Disadvantaged Business Utilization's~~

23 ~~Unified Certification Program.~~

24 ~~(iii) The Pennsylvania Unified Certification~~

25 ~~Program.~~

26 ~~(iv) The United States Small Business~~

27 ~~Administration's 8(a) Business Development Program.~~

28 ~~(v) The United States Department of Veterans~~

29 ~~Affairs, Office of Small and Disadvantaged Business~~

30 ~~Utilization's Vets First Verification Program.~~

1           ~~(vi) The Woman's Business Enterprise National~~  
2           ~~Council.~~ RECOGNIZED BY THE DEPARTMENT.           <--  
3           (b) ~~Notice.--A recognized entity~~ BUSINESS VERIFIED UNDER           <--  
4           SUBSECTION (A) (2) may request the department to provide notice  
5           of the ~~entity's recognized status~~ BUSINESS STATUS UNDER THIS           <--  
6           CHAPTER.  
7           (c) ~~Lists.--The department shall compile, maintain and make~~  
8           available source lists of businesses ~~formally recognized~~           <--  
9           VERIFIED by the department as a ~~woman owned business, minority~~           <--  
10           ~~owned business or veteran owned business, as provided for under~~  
11           ~~51 Pa.C.S. Ch. 96,~~ DIVERSE OR DISADVANTAGED BUSINESS for the           <--  
12           purpose of encouraging procurement from those businesses.  
13           (d) ~~Regulations.--The department may promulgate regulations~~  
14           to administer this section.  
15           Section 2. This act shall take effect in ~~60~~ 120 days.           <--