

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1600 Session of 2015

INTRODUCED BY MACKENZIE, ACOSTA, BARRAR, BIZZARRO, CORBIN, D. COSTA, DRISCOLL, FEE, GROVE, A. HARRIS, JOZWIAK, KINSEY, KNOWLES, MALONEY, McNEILL, MILLARD, MURT, NEILSON, READSHAW, ROZZI, SCHLOSSBERG, SCHWEYER, THOMAS, WARD, WARNER, WHITE, COHEN, GILLEN, ROTHMAN, BRADFORD, KORTZ, MICCARELLI AND NELSON, SEPTEMBER 29, 2015

AS AMENDED ON THIRD CONSIDERATION, HOUSE OF REPRESENTATIVES, APRIL 12, 2016

AN ACT

1 Amending Title 51 (Military Affairs) of the Pennsylvania
2 Consolidated Statutes, in veteran-owned small businesses,
3 further providing for definitions and for regulations and
4 providing for business fee exemption.

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

7 Section 1. Chapter 96 of Title 51 of the Pennsylvania
8 Consolidated Statutes is amended by adding a subchapter heading
9 to read:

SUBCHAPTER A

PRELIMINARY PROVISIONS

12 Section 2. Section 9601 of Title 51 is amended to read:

13 § 9601. Definitions.

14 Subject to section 9602 (relating to regulations), the
15 following words and phrases when used in this chapter shall have
16 the meanings given to them in this section unless the context

1 clearly indicates otherwise:

2 "Commonwealth agency." As defined in 62 Pa.C.S. § 103
3 (relating to definitions).

4 "Executive agency." As defined in 62 Pa.C.S. § 103 (relating
5 to definitions).

6 "Purchasing agency." As defined in 62 Pa.C.S. § 103
7 (relating to definitions).

8 "Service-disabled." Being in possession of:

9 (1) a disability rating letter issued by the United
10 States Department of Veterans Affairs; or

11 (2) a disability determination from the United States
12 Department of Defense.

13 "Service-disabled veteran-owned small business." A small
14 business owned and controlled by:

15 (1) a service-disabled veteran or veterans; or

16 (2) if approved by the Department of General Services, a
17 surviving spouse or permanent caregiver of a service-disabled
18 veteran.

19 "Small business." As defined in 62 Pa.C.S. § 2102 (relating
20 to definitions).

21 "State-affiliated entity." As defined in 62 Pa.C.S. § 103
22 (relating to definitions).

23 "Veteran." [An individual who served on active duty in the
24 United States Armed Forces, including any of the following:

25 (1) A reservist or member of the National Guard who was
26 discharged or released from the service under honorable
27 conditions.

28 (2) A reservist or member of the National Guard who
29 completed an initial term of enlistment or qualifying period
30 of service.

1 receive any action authorized by this [chapter] subchapter.

2 (d) Notice.--Notice of the antifraud provisions and an
3 e-mail address and telephone number to report violations of the
4 antifraud provisions to the Department of General Services shall
5 be included, if feasible, in any application to be certified or
6 to be included in any source list authorized by this [chapter]
7 subchapter. The Department of General Services shall include in
8 its annual reports to the General Assembly information about the
9 number of businesses penalized for violating antifraud
10 provisions.

11 Section 5. Chapter 96 of Title 51 is amended by adding a
12 subchapter to read:

13 SUBCHAPTER C

14 BUSINESS FEE EXEMPTION

15 Sec.

16 9610. Definitions.

17 9611. Exemption.

18 § 9610. Definitions.

19 As used in this subchapter, the following words and phrases
20 shall have the meanings given to them in this section unless the
21 context clearly indicates otherwise:

22 "Business fee." A fee required to be paid to the
23 Commonwealth or an instrumentality of the Commonwealth for
24 starting or opening a business within this Commonwealth. The
25 term does not include a fee for maintaining licensure or other
26 requirement for continuing to operate a business.

27 "RESERVIST." A MEMBER OF A UNITED STATES ARMED FORCES
28 RESERVE COMPONENT OR NATIONAL GUARD.

29 "RESERVIST-OWNED SMALL BUSINESS." A BUSINESS OWNED AND
30 CONTROLLED BY A MEMBER OF A UNITED STATES ARMED FORCES RESERVE

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1 COMPONENT OR NATIONAL GUARD.

2 § 9611. Exemption.

3 (a) Payment.--A veteran-owned OR RESERVIST-OWNED small <--
4 business shall be exempt from the payment of a business fee.

5 (b) Proof.--A veteran OR RESERVIST must provide the <--
6 department with proof of the veteran's OR RESERVIST'S status <--
7 using any of the following:

8 (1) A copy of a Federal DD-214 form.

9 (2) A copy of a Federal NGB-22 form.

10 (3) A valid Federal Veterans' Administration card.

11 (4) A VALID DEPARTMENT OF DEFENSE-ISSUED MILITARY <--
12 IDENTIFICATION CARD.

13 (c) Status.--The Department of State, in consultation with
14 other Commonwealth agencies, may determine an applicant's status
15 as a veteran OR RESERVIST in accordance with this section. <--

16 (d) Offenses.--

17 (1) A person who fraudulently obtains a business fee
18 exemption commits a misdemeanor of the third degree.

19 (2) A person assigning, transferring or attempting to
20 assign or transfer a business fee exemption or using or
21 attempting to use a business fee exemption contrary to this
22 section commits a misdemeanor of the third degree.

23 (e) Reporting.--The Department of State shall annually
24 determine the total number of business fee exemptions issued
25 under this section.

26 Section 6. The amendment of 51 Pa.C.S. §§ 9601 and 9602
27 shall not affect nor impair the status of any of the following
28 under 51 Pa.C.S. Ch. 96 or 74 Pa.C.S.:

29 (1) A veteran-owned small business.

30 (2) A service-disabled veteran-owned small business.

1 Section 7. This act shall take effect in 60 days.