
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1760 Session of
2017

INTRODUCED BY THOMAS, SEPTEMBER 5, 2017

REFERRED TO COMMITTEE ON COMMERCE, SEPTEMBER 5, 2017

AN ACT

1 Amending Title 12 (Commerce and Trade) of the Pennsylvania
2 Consolidated Statutes, providing for diverse business
3 participation in Redevelopment Assistance Capital Program.

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

6 Section 1. Title 12 of the Pennsylvania Consolidated
7 Statutes is amended by adding a chapter to read:

8 CHAPTER 42

9 DIVERSE BUSINESS PARTICIPATION IN REDEVELOPMENT ASSISTANCE

10 CAPITAL PROGRAM

11 Sec.

12 4201. Scope of chapter.

13 4202. Definitions.

14 4203. Diverse business participation.

15 § 4201. Scope of chapter.

16 This chapter relates to the Redevelopment Assistance Capital
17 Program.

18 § 4202. Definitions.

19 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 "Authority." The Pennsylvania Minority Business Development
4 Authority established under the act of July 22, 1974 (P.L.598,
5 No.206), known as the Pennsylvania Minority Business Development
6 Authority Act.

7 "Disadvantaged business." A business that is owned or
8 controlled by a majority of persons, not limited to members of
9 minority groups, who are subject to racial or ethnic prejudice
10 or cultural bias.

11 "Diverse business." A disadvantaged business, minority-owned
12 or women-owned business or service-disabled veteran-owned or
13 veteran-owned small business that has been certified by a third-
14 party certifying organization.

15 "Minority-owned business." A business owned and controlled
16 by a majority of individuals who are African Americans, Hispanic
17 Americans, Native Americans, Asian Americans, Alaskans or
18 Pacific Islanders.

19 "Redevelopment Assistance Capital Program." A Commonwealth
20 grant program administered by the Office of the Budget for the
21 acquisition and construction of regional economic, cultural,
22 civic, recreational and historical improvement projects.

23 "Service-disabled veteran-owned small business." As defined
24 in 51 Pa.C.S. § 9601 (relating to definitions).

25 "Third-party certifying organization." An organization that
26 certifies a small business, minority-owned business, women-owned
27 business or veteran-owned small business as a diverse business.

28 The term includes:

29 (1) The National Minority Supplier Development Council.

30 (2) The Women's Business Development Enterprise National

1 Council.

2 (3) The Small Business Administration.

3 (4) The Department of Veterans Affairs.

4 (5) The Pennsylvania Unified Certification Program.

5 "Veteran-owned small business." As defined in 51 Pa.C.S. §
6 9601 (relating to definitions).

7 "Women-owned business." A business owned and controlled by a
8 majority of individuals who are women.

9 § 4203. Diverse business participation.

10 (a) Duties.--In administering grants under the Redevelopment
11 Assistance Capital Program, the Office of the Budget shall:

12 (1) Seek the maximum participation by diverse
13 businesses, including ensuring that the commitment to
14 participation by diverse businesses is clearly understood and
15 appropriately implemented and enforced.

16 (2) Designate a responsible official to supervise the
17 program's objectives relating to diverse businesses.

18 (3) Revoke agreements under the program if the grantees
19 fail to comply with this section or the policies of the
20 Commonwealth relating to diverse businesses.

21 (4) Ensure that agreements entered into with grantees
22 under the program include provisions prohibiting
23 discrimination in accordance with the laws of this
24 Commonwealth.

25 (b) Additional duties.--The Office of the Budget, with the
26 assistance of a diverse business enterprise supportive services
27 center, shall have the following duties:

28 (1) Conduct the necessary and appropriate outreach,
29 including using the database available on the publicly
30 accessible Internet website of the Department of General

1 Services and the Federal Government's system of award
2 management database, for purposes of identifying diverse
3 businesses who qualify for the program.

4 (2) By October 1, 2018, and each October 1 thereafter,
5 submit a report to the authority summarizing the
6 participation level of diverse businesses under the program.
7 The report shall include the following:

8 (i) The percentage of participation by diverse
9 businesses in the program.

10 (ii) The total value of all agreements executed
11 under the program which include participation by diverse
12 businesses in the prior year.

13 (iii) The number of grantees penalized for violating
14 this section.

15 (c) Review.--The authority shall review the report under
16 subsection (b) (2) to assess the effectiveness of administering
17 this section and make any recommendations for changes deemed
18 necessary to maximize the participation of diverse businesses in
19 the program to the Office of the Budget.

20 (d) Construction.--Nothing in this section shall be
21 construed to supersede, nullify or otherwise affect 51 Pa.C.S. §
22 9603 (relating to participation goal). In the case of an
23 inconsistency between this section and 51 Pa.C.S. Ch. 96
24 (relating to veteran-owned small businesses), the provisions of
25 51 Pa.C.S. Ch. 96 shall prevail.

26 Section 2. This act shall take effect in 60 days.