
THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 455 Session of
2021

INTRODUCED BY BARTOLOTTA, J. WARD, STREET, LANGERHOLC, COLLETT,
GORDNER, PHILLIPS-HILL, SCAVELLO, YAW, REGAN, SCHWANK,
MASTRIANO, ROBINSON AND MUTH, MARCH 19, 2021

REFERRED TO VETERANS AFFAIRS AND EMERGENCY PREPAREDNESS,
MARCH 19, 2021

AN ACT

1 Amending Title 51 (Military Affairs) of the Pennsylvania
2 Consolidated Statutes, in veteran-owned small businesses,
3 providing for miscellaneous provisions; imposing a penalty;
4 and making an editorial change.

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

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

9 CHAPTER 96

10 [VETERAN-OWNED SMALL] SERVICEMEMBER-OWNED BUSINESSES

11 Section 2. Chapter 96 of Title 51 is amended by adding a
12 subchapter to read:

13 SUBCHAPTER D

14 MISCELLANEOUS PROVISIONS

15 Sec.

16 9621. Definitions.

17 9622. Veteran-owned, reservist-owned or National Guard-owned
18 business logotype.

1 9623. Nonprofit membership association.

2 § 9621. Definitions.

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

6 "Nonprofit membership association." A nonprofit organization
7 whose mission is to support veterans, reservists, national guard
8 members, their spouses and families

9 § 9622. Veteran-owned, reservist-owned or National Guard-owned
10 business logotype.

11 (a) Logotype.--Except as provided under section 9623(1)
12 (relating to nonprofit membership association), the Adjutant
13 General shall develop and design an official Commonwealth
14 logotype to be used by a veteran-owned, reservist-owned or
15 National Guard-owned business, which shall include the
16 Commonwealth Coat of Arms and the words "Pennsylvania veteran-
17 owned business," "Pennsylvania reservist-owned business" or
18 "Pennsylvania National Guard-owned business."

19 (b) Application.--Except as provided under section 9623(2),
20 the Adjutant General shall develop an application, criteria and
21 affirmation upon which an eligible business may apply for the
22 issuance and use of a logotype under this section.

23 (c) Eligibility.--Except as provided under section 9623(3),
24 the following shall apply:

25 (1) The Adjutant General shall verify the military
26 service status of a business owner seeking status as a
27 veteran-owned business, reservist-owned business or National
28 Guard-owned business. Nothing under this paragraph shall
29 prohibit the Adjutant General from working with another State
30 agency to process verification.

1 (2) A business that is verified by the Department of
2 General Services under 62 Pa.C.S. Ch. 22 (relating to diverse
3 and disadvantaged businesses) shall be approved and issued a
4 logotype under this section without additional verification.

5 (d) Notice.--Within 10 days of the creation of a logotype
6 under this section and the establishment of the criteria
7 necessary to receive, use and display a logotype and the
8 applications and instructions on how to complete and submit an
9 application, the Adjutant General shall post on a publicly
10 accessible Internet website of the department, a notice that:

11 (1) A logotype under this section is available to an
12 eligible business.

13 (2) Includes the criteria necessary to receive, use and
14 display a logotype and allows for access to the applications
15 and instructions on how to complete and submit the
16 applications.

17 (e) Issuance.--Except as provided under section 9623(4), the
18 Adjutant General shall issue a logotype to an applicant deemed
19 eligible under subsection (c).

20 (f) Duties.--If, within 90 days of the effective date of
21 this section, the Adjutant General has not performed a duty
22 under subsection (a), (b), (c) or (e), the Adjutant General
23 shall, within 120 days of the effective date of this section
24 approve a nonprofit membership association to perform all of the
25 duties as provided under section 9623.

26 (g) Fee.--

27 (1) An initial fee of \$250 is established for the
28 issuance of a logotype.

29 (2) A renewal fee of \$100 is established. Renewal fees
30 shall be paid every five years.

1 (3) Fees collected under this subsection shall be used
2 as follows:

3 (i) Fifty percent of the fee shall be transferred to
4 the Veterans' Trust Fund.

5 (ii) Fifty percent of the fee shall be used for
6 administrative costs.

7 (4) If a nonprofit membership association is chosen
8 under subsection (f) or section 9623, the nonprofit
9 membership association shall:

10 (i) collect the fee under this subsection;

11 (ii) transfer 50% of the fee quarterly to the
12 Adjutant General for disposition under paragraph (3)(i);

13 (iii) retain 50% of the fee for administrative
14 costs; and

15 (iv) annually submit an audit to the Auditor General
16 of the fees collected, transferred and retained under
17 this paragraph.

18 (5) The Adjutant General shall adjust the fee amounts
19 under this subsection every three years to reflect any upward
20 changes in the Consumer Price Index for All Urban Consumers
21 for the Philadelphia-Camden-Wilmington, PA-NJ-DE-MD area in
22 the preceding 12 months and shall transmit the adjusted fee
23 amount to the Legislative Reference Bureau for publication as
24 a notice in the Pennsylvania Bulletin. The fee shall be
25 adjusted by multiplying the annual fee amount by any
26 percentage increase to the Consumer Price Index for All Urban
27 Consumers for the Philadelphia-Camden-Wilmington, PA-NJ-DE-MD
28 area, rounded to the nearest \$10. The resultant product shall
29 be added to the fee amount, and the sum shall become the new
30 annual fee amount under this subsection.

1 (h) Penalty.--

2 (1) An individual commits a misdemeanor of the third
3 degree if the individual fraudulently holds the individual
4 out to be a veteran, reservist or National Guard member for
5 the purpose of obtaining or using a logotype under this
6 subchapter.

7 (2) Notwithstanding any other provision of law, the full
8 amount of each fine collected for a violation of paragraph
9 (1) shall be deposited into the Veterans' Trust Fund.

10 (i) Report.--By March 31st of each year, the Adjutant
11 General shall prepare an annual report on the number of veteran-
12 owned businesses, reservist-owned businesses and National Guard-
13 owned businesses issued the logotype, the annual applications
14 and revocations of the logotype and the administration fees
15 collected during the preceding year. A copy of the report shall
16 be sent to the Veterans Affairs and Emergency Preparedness
17 Committee of the Senate and the Veterans Affairs and Emergency
18 Preparedness Committee of the House of Representatives.

19 § 9623. Nonprofit membership association.

20 Except as provided under section 9622(f) (relating to
21 veteran-owned, reservist-owned or National Guard-owned business
22 logotype), the Adjutant General may approve a nonprofit
23 membership association to do all of the following:

24 (1) Develop and design the logotype under section
25 9622(a). The Adjutant General shall oversee the development
26 and design of any logotype developed and designed under this
27 paragraph.

28 (2) Develop an application, criteria and affirmation
29 under section 9622(b). The Adjutant General shall oversee the
30 development of an application, criteria and affirmation under

1 this paragraph.

2 (3) Verify the military service status of business
3 owners seeking status as a veteran-owned business, reservist-
4 owned business or National Guard-owned business. Nothing
5 under this paragraph shall prohibit the nonprofit membership
6 association from working with State agencies to process
7 verification. Businesses that are verified by the Department
8 of General Services under 62 Pa.C.S. Ch. 22 (relating to
9 diverse and disadvantaged businesses) shall be approved and
10 issued a logotype under this section without additional
11 verification.

12 (4) Issue a logotype to an applicant deemed eligible
13 under section 9622(e).

14 Section 3. This act shall take effect in 60 days.