

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 438 Session of 2023

INTRODUCED BY BARTOLOTTA, PHILLIPS-HILL, YAW, ROBINSON, COLLETT, KANE, SCHWANK, BREWSTER, COSTA, MILLER, MASTRIANO, DUSH AND AUMENT, MARCH 14, 2023

AS REPORTED FROM COMMITTEE ON VETERANS AFFAIRS AND EMERGENCY PREPAREDNESS, HOUSE OF REPRESENTATIVES, AS AMENDED, JUNE 12, 2024

AN ACT

1 Amending Title 51 (Military Affairs) of the Pennsylvania
2 Consolidated Statutes, in veteran-owned small businesses,
3 further providing for definitions; adding miscellaneous <--
4 provisions relating to PROVIDING FOR veteran-owned business <--
5 logotype and nonprofit membership association; and imposing a <--
6 penalty.

7 The General Assembly of the Commonwealth of Pennsylvania
8 hereby enacts as follows:

9 Section 1. The definition of "veteran" in section 9601 of <--
10 Title 51 of the Pennsylvania Consolidated Statutes is amended to
11 read:

12 § 9601. Definitions.

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

17 \* \* \*

18 "Veteran." [An individual who served in the United States]

1 ~~Armed Forces, including a reserve component or the National~~  
2 ~~Guard, and who was discharged or released from service under~~  
3 ~~conditions other than dishonorable.] Any of the following:~~

4 ~~(1) An individual who served on active duty in the~~  
5 ~~United States Armed Forces, including the Reserve and~~  
6 ~~National Guard, who was discharged or released from service~~  
7 ~~under honorable conditions.~~

8 ~~(2) A reservist or member of the National Guard who~~  
9 ~~completed an initial term of enlistment or qualifying period~~  
10 ~~of service.~~

11 ~~(3) A reservist or member of the National Guard who was~~  
12 ~~disabled in the line of duty during training.~~

13 \* \* \*

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

16 SECTION 1. CHAPTER 96 OF TITLE 51 OF THE PENNSYLVANIA <--  
17 CONSOLIDATED STATUTES IS AMENDED BY ADDING A SUBCHAPTER TO READ:

18 SUBCHAPTER D

19 MISCELLANEOUS PROVISIONS VETERAN-OWNED BUSINESS LOGOTYPE <--  
20 Sec.

21 9621. Definitions.

22 9622. Veteran-owned business logotype.

23 9623. Nonprofit membership association. <--

24 § 9621. Definitions.

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

28 "Nonprofit membership association." A nonprofit organization <--  
29 whose mission is to support veterans, reservists, National Guard  
30 members, their spouses and families.

1 "Veteran-owned business." A business owned or controlled by  
2 a veteran. A BUSINESS IS CONTROLLED OR OWNED BY A VETERAN IF AT <--  
3 LEAST 51% OF THE OWNERSHIP INTEREST IN THE BUSINESS IS HELD BY A  
4 VETERAN.

5 § 9622. Veteran-owned business logotype.

6 ~~(a) Logotype. Except as provided under section 9623~~ <--  
7 ~~(relating to nonprofit membership association), the department~~  
8 ~~shall develop and design an official Commonwealth logotype to be~~  
9 ~~used by a veteran owned business.~~

10 ~~(b) Application. Except as provided under section 9623, the~~  
11 ~~department shall develop an application, criteria and~~  
12 ~~affirmation upon which an eligible business may apply for a~~  
13 ~~license to use the logotype under this section.~~

14 ~~(c) Eligibility. A veteran owned business shall be eligible~~  
15 ~~to be issued a license to use the logotype if:~~

16 ~~(1) the business is registered with the Department of~~  
17 ~~State; and~~

18 ~~(2) at least 51% of the ownership interest in the~~  
19 ~~business is held by a veteran.~~

20 ~~(d) Verification of military service status. Except as~~  
21 ~~provided under section 9623, the following shall apply:~~

22 ~~(1) The department shall verify the military service~~  
23 ~~status of each business owner seeking status as a veteran~~  
24 ~~owned business without additional verification, by confirming~~  
25 ~~that the business:~~

26 ~~(i) Possesses a valid verification issued by the~~  
27 ~~Department of General Services as a Veteran Business~~  
28 ~~Enterprise, including a Veteran Owned Small Business~~  
29 ~~Enterprise or a Service Disabled Veteran Owned Small~~  
30 ~~Business Enterprise.~~

1 ~~(ii) Possesses a valid verification issued by the~~  
2 ~~United States Department of Veterans Affairs through~~  
3 ~~VETBIZ or its successor.~~

4 ~~(2) Nothing under this subsection shall prohibit the~~  
5 ~~department from working with another State agency or an~~  
6 ~~additional third party entity to establish veteran owned~~  
7 ~~business verification.~~

8 ~~(e) Notice. Within 10 days of the creation of a logotype~~  
9 ~~under this section and the establishment of the criteria~~  
10 ~~necessary to use and display the logotype and the applications~~  
11 ~~and instructions on how to complete and submit an application,~~  
12 ~~the department shall post on a publicly accessible Internet~~  
13 ~~website of the department, a notice that:~~

14 ~~(1) The logotype under this section is available to an~~  
15 ~~eligible business.~~

16 ~~(2) Includes the criteria necessary to receive a license~~  
17 ~~to use and display the logotype and allows for access to the~~  
18 ~~applications and instructions on how to complete and submit~~  
19 ~~the applications.~~

20 ~~(f) Issuance. Except as provided under section 9623, the~~  
21 ~~department shall issue a license to use and display the logotype~~  
22 ~~to an applicant deemed eligible under subsection (c).~~

23 ~~(A) LOGOTYPE.--~~

<--

24 ~~(1) NO LATER THAN 30 DAYS AFTER THE EFFECTIVE DATE OF~~  
25 ~~THIS PARAGRAPH, THE DEPARTMENT SHALL DEVELOP AND DESIGN AN~~  
26 ~~OFFICIAL VETERAN-OWNED BUSINESS LOGOTYPE TO BE USED BY A~~  
27 ~~VETERAN-OWNED BUSINESS.~~

28 ~~(2) THE LOGOTYPE SHALL NOT INCLUDE ANY LANGUAGE THAT MAY~~  
29 ~~BE CONSTRUED AS AN ENDORSEMENT BY THIS COMMONWEALTH AND SHALL~~  
30 ~~ONLY INDICATE THAT THE BUSINESS IS A VETERAN-OWNED BUSINESS.~~

1 (B) APPLICATION.--NO LATER THAN 30 DAYS AFTER THE EFFECTIVE  
2 DATE OF THIS SUBSECTION, THE DEPARTMENT SHALL DEVELOP AN  
3 APPLICATION FOR WHICH A VETERAN-OWNED BUSINESS MAY APPLY TO USE  
4 THE LOGOTYPE UNDER SUBSECTION (A). THE APPLICATION SHALL BE MADE  
5 AVAILABLE ON THE DEPARTMENT'S PUBLICLY ACCESSIBLE INTERNET  
6 WEBSITE.

7 (C) ELIGIBILITY.--THE DEPARTMENT SHALL DEVELOP GUIDELINES  
8 WITH THE CRITERIA TO ESTABLISH VETERAN-OWNED STATUS OF  
9 BUSINESSES APPLYING FOR THE LOGOTYPE. THE CRITERIA SHALL BE MADE  
10 AVAILABLE ON THE DEPARTMENT'S PUBLICLY ACCESSIBLE INTERNET  
11 WEBSITE.

12 (D) CONTRIBUTIONS.--THE DEPARTMENT MAY PROVIDE A SPACE ON  
13 THE APPLICATION WHERE AN APPLICANT MAY VOLUNTARILY MAKE A  
14 CONTRIBUTION OF ANY AMOUNT TO BE DEPOSITED INTO THE VETERANS'  
15 TRUST FUND.

16 (E) NOTICE.--WITHIN 30 DAYS OF THE CREATION OF A LOGOTYPE  
17 UNDER THIS SECTION, THE DEPARTMENT SHALL POST ON THE  
18 DEPARTMENT'S PUBLICLY ACCESSIBLE INTERNET WEBSITE, A NOTICE  
19 THAT:

20 (1) THE LOGOTYPE UNDER THIS SECTION IS AVAILABLE FOR USE  
21 BY AN APPROVED VETERAN-OWNED BUSINESS.

22 (2) INCLUDES INSTRUCTIONS ON HOW TO COMPLETE AND SUBMIT  
23 AN APPLICATION.

24 (F) ISSUANCE.--WITHIN 60 DAYS OF RECEIVING AN APPLICATION  
25 UNDER THIS SUBCHAPTER, THE DEPARTMENT SHALL NOTIFY THE APPLICANT  
26 WHETHER THE APPLICANT IS APPROVED TO USE AND DISPLAY THE  
27 LOGOTYPE.

28 (g) Penalty.--

29 (1) ~~An~~ IN ADDITION TO ANY OTHER PENALTY PRESCRIBED BY <--  
30 LAW, AN individual commits a misdemeanor of the third degree

1 if the individual fraudulently holds the individual out to be  
2 a veteran for the purpose of ~~obtaining a license or using a~~ <--  
3 logotype under this subchapter.

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

7 (h) Report.--By March 31 of each year, the department shall  
8 prepare an annual report on the number of veteran-owned  
9 businesses ~~issued a license~~ APPROVED to use the logotype and the <--  
10 annual applications and renewals of the license to use the <--  
11 logotype NUMBER OF APPLICATIONS RECEIVED. A copy of the report <--  
12 shall be sent to the Veterans Affairs and Emergency Preparedness  
13 Committee of the Senate and the Veterans Affairs and Emergency  
14 Preparedness Committee of the House of Representatives.

15 ~~§ 9623. Nonprofit membership association.~~ <--

16 The department may, except for section 9622(d) (relating to  
17 veteran owned business logotype), contract with a nonprofit  
18 membership association to perform the duties and  
19 responsibilities under section 9622.

20 SECTION 2. THE DEPARTMENT OF MILITARY AND VETERANS AFFAIRS <--  
21 MAY ISSUE GUIDELINES TO IMPLEMENT AND ADMINISTER THE ADDITION OF  
22 51 PA.C.S. CH. 96 SUBCH. D.

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