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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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SENATE BILL

No. 1329 Session of  
2022

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INTRODUCED BY PITTMAN, MARTIN, MENSCH, LAUGHLIN, ROBINSON AND  
STEFANO, SEPTEMBER 13, 2022

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REFERRED TO STATE GOVERNMENT, SEPTEMBER 13, 2022

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AN ACT

1 Amending Title 62 (Procurement) of the Pennsylvania Consolidated  
2 Statutes, in small and disadvantaged businesses, further  
3 providing for policy, for definitions and for regulations.

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

6 Section 1. Section 2101 of Title 62 of the Pennsylvania  
7 Consolidated Statutes is amended to read:

8 § 2101. Policy.

9 The policy of this Commonwealth is to assist Pennsylvania's  
10 small and disadvantaged businesses in learning how to do  
11 business with Commonwealth agencies. The department shall  
12 implement this policy in accordance with regulations promulgated  
13 by the department.

14 Section 2. The definition of "small business" in section  
15 2102 of Title 62 is amended to read:

16 § 2102. Definitions.

17 Subject to section 2103 (relating to regulations), the  
18 following words and phrases when used in this chapter shall have

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

3 \* \* \*

4 "Small business." A business [in the United States] based in  
5 this Commonwealth which is independently owned, is not dominant  
6 in its field of operation [and employs 100 or fewer employees.],  
7 employs 500 or fewer employees and has a three-year average of  
8 annual gross revenues of \$38,500,000 or less.

9 Section 3. Section 2103 of Title 62 is amended to read:

10 § 2103. Regulations.

11 (a) Authorization.--The department shall establish policy  
12 for executive and those independent agencies for which the  
13 department acts as purchasing agency and may promulgate  
14 regulations establishing detailed definitions of the words and  
15 phrases defined in section 2102 (relating to definitions) using,  
16 in addition to the criteria set forth in section 2102, other  
17 criteria as it deems appropriate, [including] excluding the  
18 number of employees and the dollar volume of business. State-  
19 affiliated entities shall implement the policy for their  
20 procurement programs.

21 (b) Construction.--

22 (1) A business chartered or organized outside of the  
23 United States or in a state or territory other than this  
24 Commonwealth shall not be considered a small business or  
25 disadvantaged business for the purposes of this chapter.

26 (2) A policy established by the department for executive  
27 agencies or those independent agencies for which the  
28 department acts as purchasing agency or a regulation  
29 promulgated by the department establishing detailed  
30 definitions of the words and phrases defined in section 2102

1 (relating to definitions) shall not enable a business  
2 described in paragraph (1) to take part in or benefit from  
3 any program, initiative or effort intended for small  
4 businesses or disadvantaged businesses of this Commonwealth.

5 Section 4. This act shall take effect in 60 days.