

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2274 Session of 2010

INTRODUCED BY BROOKS, MAHER, BOBACK, BEAR, BEYER, BOYD, DAY, DENLINGER, ELLIS, GEIST, GINGRICH, HARHART, HELM, HORNAMAN, KNOWLES, KORTZ, METZGAR, MILLARD, MILLER, MOUL, MURT, O'NEILL, PICKETT, RAPP, READSHAW, ROSS, SAYLOR, SONNEY, STERN, SWANGER, TRUE, VULAKOVICH AND WATSON, MARCH 5, 2010

REFERRED TO COMMITTEE ON AGRICULTURE AND RURAL AFFAIRS, MARCH 5, 2010

AN ACT

1 Amending the act of May 21, 1943 (P.L.595, No.259), entitled, as  
2 amended, "An act authorizing the Department of Property and  
3 Supplies to establish, operate and maintain restaurants, as  
4 herein defined, creating a revolving fund for this purpose,  
5 to be known as The State Restaurant Fund; and providing  
6 additional duties for the State Treasurer and the Department  
7 of Health in connection therewith," further providing for  
8 inspection authority and for definitions; and making  
9 editorial changes.

10 The General Assembly of the Commonwealth of Pennsylvania  
11 hereby enacts as follows:

12 Section 1. The title and section 1 of the act of May 21,  
13 1943 (P.L.595, No.259), entitled "An act authorizing the  
14 Department of Property and Supplies to establish, operate and  
15 maintain restaurants, as herein defined, creating a revolving  
16 fund for this purpose, to be known as The State Restaurant Fund;  
17 and providing additional duties for the State Treasurer and the  
18 Department of Health in connection therewith," amended July 13,  
19 1967 (P.L.174, No.49), are amended to read:

AN ACT

Authorizing the Department of [Property and Supplies] General Services to establish, operate and maintain restaurants, as herein defined, creating a revolving fund for this purpose, to be known as The State Restaurant Fund; and providing additional duties for the State Treasurer and the Department of [Health] Agriculture in connection therewith.

Section 1. (a) The Department of [Property and Supplies] General Services shall have the power and it shall be its duty, whenever it shall be unable to secure a suitable tenant or tenants for the operation of a restaurant or restaurants in the State Capitol and other State office buildings, to establish, operate and maintain, with the approval of the Governor, such restaurant or restaurants as may be necessary for the proper accommodation of State administrative, legislative and judicial personnel and capitol visitors.

(b) When the Department of General Services is able to secure a suitable tenant or tenants under subsection (a), the tenant or tenants shall comply with the provisions of the act of May 23, 1945 (P.L.926, No.369), referred to as the Public Eating and Drinking Place Law. A lease agreement between the Department of General Services and a tenant or tenants shall include the name of the licensor with jurisdiction under the Public Eating and Drinking Place Law.

(c) A licensee of the Department of Labor and Industry under Subarticle (b) or (c) of Article XXII of the act of April 9, 1929 (P.L.177, No.175), known as The Administrative Code of 1929, shall comply with the provisions of the Public Eating and Drinking Place Law. The Department of Labor and Industry shall specify to the licensee the name of the licensor with

1 jurisdiction under the Public Eating and Drinking Place Law.

2 Section 2. Section 3 of the act is amended to read:

3 Section 3. (a) The Department of [Health] Agriculture shall  
4 have the power and it shall be its duty to inspect from time to  
5 time, following the regulatory standards established by the  
6 department under the act of May 23, 1945 (P.L.926, No.369),  
7 referred to as the Public Eating and Drinking Place Law, any and  
8 all restaurants operated under the provisions of [this act]  
9 section 1(a), and to report to the Governor periodically on the  
10 sanitary and health conditions prevailing in said restaurant or  
11 restaurants.

12 (b) If the Department of General Services or the Department  
13 of Agriculture determines that a tenant or a licensor is not in  
14 compliance with the Public Eating and Drinking Place Law, the  
15 Department of Agriculture shall have the authority to execute a  
16 memorandum of understanding with the licensor to license and  
17 inspect the restaurant. Any fees collected by the licensor shall  
18 be transferred to the Department of Agriculture on a prorated  
19 basis for the license period.

20 Section 3. Section 6 of the act is amended by adding a  
21 paragraph to read:

22 Section 6. "Restaurant," as used in this act, shall mean  
23 grill, cafeteria and soda fountain, to include all the incidents  
24 of such businesses as they are generally conducted in this  
25 Commonwealth.

26 "Licensor," as used in this act, shall have the same meaning  
27 as defined in section 1 of the act of May 23, 1945 (P.L.926,  
28 No.369), referred to as the Public Eating and Drinking Place  
29 Law.

30 Section 4. This act shall take effect immediately.