

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 303 Session of 2011

INTRODUCED BY BROOKS, MAHER, BOYD, CLYMER, FREEMAN, GEIST,
 HARHART, HORNAMAN, KAUFFMAN, KORTZ, MILLARD, MILLER, MOUL,
 PICKETT, SONNEY, STERN, SWANGER, VULAKOVICH, FLECK, EVERETT
 AND REICHLLEY, JANUARY 27, 2011

REFERRED TO COMMITTEE ON AGRICULTURE AND RURAL AFFAIRS, JANUARY
 27, 2011

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:

20 AN ACT

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

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

16 (b) If the Department of General Services is able to secure
17 a suitable tenant under subsection (a), the tenant shall comply
18 with the provisions of 3 Pa.C.S. Ch. 57 Subch. A (relating to
19 retail food facility safety). A lease agreement between the
20 Department of General Services and a tenant shall include the
21 name of the licensor with jurisdiction under 3 Pa.C.S. Ch. 57
22 Subch. A.

23 (c) A licensee of the Department of Labor and Industry under
24 Subarticle (b) or (c) of Article XXII of the act of April 9,
25 1929 (P.L.177, No.175), known as "The Administrative Code of
26 1929," shall comply with 3 Pa.C.S. Ch. 57 Subch. A. The
27 Department of Labor and Industry shall specify to the licensee
28 the name of the licensor with jurisdiction under 3 Pa.C.S. Ch.
29 57 Subch. A.

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

1 Section 3. (a) The Department of [Health] Agriculture shall
2 have the power and it shall be its duty to inspect from time to
3 time, following the regulatory standards established by the
4 department under 3 Pa.C.S. Ch. 57 Subch. A (relating to retail
5 food facility safety), any and all restaurants operated under
6 the provisions of [this act] section 1(a), and to report to the
7 Governor periodically on the sanitary and health conditions
8 prevailing in said restaurant or restaurants.

9 (b) If the Department of General Services, the Department of
10 Labor and Industry or the Department of Agriculture determines
11 that a tenant or a licensor is not in compliance with 3 Pa.C.S.
12 Ch. 57 Subch. A, the Department of Agriculture shall have the
13 authority to execute a memorandum of understanding with the
14 licensor to license and inspect the restaurant. Any fees
15 collected by the licensor shall be transferred to the Department
16 of Agriculture on a prorated basis for the license period.

17 Section 3. Section 6 of the act is amended to read:

18 Section 6. "Restaurant," as used in this act, shall mean
19 grill, cafeteria and soda fountain, to include all the incidents
20 of such businesses as they are generally conducted in this
21 Commonwealth.

22 "Licensor," as used in this act, shall have the same meaning
23 as defined in 3 Pa.C.S. § 5702 (relating to definitions).

24 Section 4. This act shall take effect immediately.