

## THE GENERAL ASSEMBLY OF PENNSYLVANIA

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**HOUSE BILL****No. 303** Session of  
2011

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

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AS AMENDED ON SECOND CONSIDERATION, HOUSE OF REPRESENTATIVES,  
FEBRUARY 14, 2011

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## 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 NOTHING IN THIS SUBSECTION SHALL INVALIDATE ANY AUTHORITY TO  
18 LICENSE AND INSPECT A RESTAURANT CONFERRED BY CONSENT UPON THE  
19 DEPARTMENT OF AGRICULTURE BY A LICENSOR AND IN EFFECT UPON THE  
20 EFFECTIVE DATE OF THIS SUBSECTION.

21 Section 3. Section 6 of the act is amended 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 3 Pa.C.S. § 5702 (relating to definitions).

28 Section 4. This act shall take effect immediately.