

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1377 Session of 2013

INTRODUCED BY BROOKS, BOBACK, V. BROWN, CLYMER, COHEN, D. COSTA, DeLUCA, GINGRICH, GROVE, C. HARRIS, HESS, KAUFFMAN, KORTZ, MAHER, MARSHALL, MATZIE, MILLARD, MOUL, MURT, O'NEILL, PICKETT, READSHAW AND SONNEY, MAY 13, 2013

AS REPORTED FROM COMMITTEE ON AGRICULTURE AND RURAL AFFAIRS, HOUSE OF REPRESENTATIVES, AS AMENDED, JUNE 4, 2013

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

1 Authorizing the Department of [Property and Supplies]
2 General Services to establish, operate and maintain
3 restaurants, as herein defined, creating a revolving fund for
4 this purpose, to be known as The State Restaurant Fund; and
5 providing additional duties for the State Treasurer and the
6 Department of [Health] 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~~ IF APPLICABLE, A licensee of the Department of Labor <--
24 and Industry under Subarticle (b) or (c) of Article XXII of the
25 act of April 9, 1929 (P.L.177, No.175), known as "The
26 Administrative Code of 1929," shall comply with 3 Pa.C.S. Ch. 57
27 Subch. A. The Department of Labor and Industry shall specify to
28 the licensee the name of the licensor with jurisdiction under 3
29 Pa.C.S. Ch. 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. THAT: <--

17 (1) A TENANT IS NOT LICENSED AS REQUIRED UNDER 3 PA.C.S. §
18 5703(A) (RELATING TO LICENSE REQUIRED), THE LICENSOR SHALL BE
19 NOTIFIED AND SHALL TAKE APPROPRIATE COMPLIANCE OR ENFORCEMENT
20 ACTION UNDER 3 PA.C.S. CH. 57 SUBCH. A (RELATING TO RETAIL FOOD
21 FACILITY SAFETY).

22 (2) A LICENSOR IS NOT IN COMPLIANCE WITH 3 PA.C.S. §
23 5703(E), THE DEPARTMENT OF AGRICULTURE SHALL EXERCISE THE
24 AUTHORITY GRANTED UNDER 3 PA.C.S. § 5707(C) (RELATING TO POWERS
25 OF DEPARTMENT).

26 Nothing in this subsection shall invalidate any authority to
27 license and inspect a restaurant conferred by consent upon the
28 Department of Agriculture by a licensor and in effect upon the
29 effective date of this subsection.

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

1 Section 6. "Restaurant," as used in this act, shall mean
2 grill, cafeteria and soda fountain, to include all the incidents
3 of such businesses as they are generally conducted in this
4 Commonwealth.

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

7 Section 4. This act shall take effect immediately.