

132.2 **ARTICLE 5**
132.3 **NUTRITION**

49.9 **ARTICLE 4**
49.10 **NUTRITION**

132.4 Section 1. Minnesota Statutes 2012, section 124D.111, subdivision 3, is amended to
132.5 read:

132.6 Subd. 3. **School food service fund.** (a) The expenses described in this subdivision
132.7 must be recorded as provided in this subdivision.

132.8 (b) In each district, the expenses for a school food service program for pupils must
132.9 be attributed to a school food service fund. Under a food service program, the school
132.10 food service may prepare or serve milk, meals, or snacks in connection with school or
132.11 community service activities.

132.12 (c) Revenues and expenditures for food service activities must be recorded in the
132.13 food service fund. The costs of processing applications, accounting for meals, preparing
132.14 and serving food, providing kitchen custodial services, and other expenses involving the
132.15 preparing of meals or the kitchen section of the lunchroom may be charged to the food
132.16 service fund or to the general fund of the district. The costs of lunchroom supervision,
132.17 lunchroom custodial services, lunchroom utilities, and other administrative costs of the
132.18 food service program must be charged to the general fund.

132.19 That portion of superintendent and fiscal manager costs that can be documented as
132.20 attributable to the food service program may be charged to the food service fund provided
132.21 that the school district does not employ or contract with a food service director or other
132.22 individual who manages the food service program, or food service management company.
132.23 If the cost of the superintendent or fiscal manager is charged to the food service fund,
132.24 the charge must be at a wage rate not to exceed the statewide average for food service
132.25 directors as determined by the department.

132.26 (d) Capital expenditures for the purchase of food service equipment must be made
132.27 from the general fund and not the food service fund, unless the ~~unreserved~~ restricted
132.28 balance in the food service fund at the end of the last fiscal year is greater than the cost of
132.29 the equipment to be purchased.

132.30 (e) If the condition set out in paragraph (d) applies, the equipment may be purchased
132.31 from the food service fund.

132.32 (f) If a deficit in the food service fund exists at the end of a fiscal year, and the deficit
132.33 is not eliminated by revenues from food service operations in the next fiscal year, then the
132.34 deficit must be eliminated by a permanent fund transfer from the general fund at the end of
132.35 that second fiscal year. However, if a district contracts with a food service management
133.1 company during the period in which the deficit has accrued, the deficit must be eliminated
133.2 by a payment from the food service management company.

49.11 Section 1. Minnesota Statutes 2012, section 124D.111, subdivision 3, is amended to
49.12 read:

49.13 Subd. 3. **School food service fund.** (a) The expenses described in this subdivision
49.14 must be recorded as provided in this subdivision.

49.15 (b) In each district, the expenses for a school food service program for pupils must
49.16 be attributed to a school food service fund. Under a food service program, the school
49.17 food service may prepare or serve milk, meals, or snacks in connection with school or
49.18 community service activities.

49.19 (c) Revenues and expenditures for food service activities must be recorded in the
49.20 food service fund. The costs of processing applications, accounting for meals, preparing
49.21 and serving food, providing kitchen custodial services, and other expenses involving the
49.22 preparing of meals or the kitchen section of the lunchroom may be charged to the food
49.23 service fund or to the general fund of the district. The costs of lunchroom supervision,
49.24 lunchroom custodial services, lunchroom utilities, and other administrative costs of the
49.25 food service program must be charged to the general fund.

49.26 That portion of superintendent and fiscal manager costs that can be documented as
49.27 attributable to the food service program may be charged to the food service fund provided
49.28 that the school district does not employ or contract with a food service director or other
49.29 individual who manages the food service program, or food service management company.
49.30 If the cost of the superintendent or fiscal manager is charged to the food service fund,
49.31 the charge must be at a wage rate not to exceed the statewide average for food service
49.32 directors as determined by the department.

50.1 (d) Capital expenditures for the purchase of food service equipment must be made
50.2 from the general fund and not the food service fund, unless the ~~unreserved~~ restricted
50.3 balance in the food service fund at the end of the last fiscal year is greater than the cost of
50.4 the equipment to be purchased.

50.5 (e) If the condition set out in paragraph (d) applies, the equipment may be purchased
50.6 from the food service fund.

50.7 (f) If a deficit in the food service fund exists at the end of a fiscal year, and the deficit
50.8 is not eliminated by revenues from food service operations in the next fiscal year, then the
50.9 deficit must be eliminated by a permanent fund transfer from the general fund at the end of
50.10 that second fiscal year. However, if a district contracts with a food service management
50.11 company during the period in which the deficit has accrued, the deficit must be eliminated
50.12 by a payment from the food service management company.

133.3 (g) Notwithstanding paragraph (f), a district may incur a deficit in the food service
 133.4 fund for up to three years without making the permanent transfer if the district submits
 133.5 to the commissioner by January 1 of the second fiscal year a plan for eliminating that
 133.6 deficit at the end of the third fiscal year.

133.7 (h) If a surplus in the food service fund exists at the end of a fiscal year for three
 133.8 successive years, a district may recode for that fiscal year the costs of lunchroom
 133.9 supervision, lunchroom custodial services, lunchroom utilities, and other administrative
 133.10 costs of the food service program charged to the general fund according to paragraph (c)
 133.11 and charge those costs to the food service fund in a total amount not to exceed the amount
 133.12 of surplus in the food service fund.

133.13 Sec. 2. **[124D.1191] DONATIONS TO FOOD SHELF PROGRAMS.**

133.14 Schools and community organizations participating in any federal child nutrition
 133.15 meal program may donate food to food shelf programs, provided that the food shelf:

133.16 (1) is a nonprofit corporation or is affiliated with a nonprofit corporation, as defined
 133.17 in section 501(c)(3) of the Internal Revenue Code of 1986;

133.18 (2) distributes food without charge to needy individuals;

133.19 (3) does not limit food distributions to individuals of a particular religious affiliation,
 133.20 race, or other criteria unrelated to need; and

133.21 (4) has a stable address and directly serves individuals.

50.13 (g) Notwithstanding paragraph (f), a district may incur a deficit in the food service
 50.14 fund for up to three years without making the permanent transfer if the district submits
 50.15 to the commissioner by January 1 of the second fiscal year a plan for eliminating that
 50.16 deficit at the end of the third fiscal year.

50.17 (h) If a surplus in the food service fund exists at the end of a fiscal year for three
 50.18 successive years, a district may recode for that fiscal year the costs of lunchroom
 50.19 supervision, lunchroom custodial services, lunchroom utilities, and other administrative
 50.20 costs of the food service program charged to the general fund according to paragraph (c)
 50.21 and charge those costs to the food service fund in a total amount not to exceed the amount
 50.22 of surplus in the food service fund.

50.23 Sec. 2. **[124D.1191] DONATIONS TO FOOD SHELF PROGRAMS.**

50.24 Schools and community organizations participating in any federal child nutrition
 50.25 meal program may donate unused food to food shelf programs, provided that the food shelf:

50.26 (1) is a nonprofit corporation or is affiliated with a nonprofit corporation, as defined
 50.27 in section 501(c)(3) of the Internal Revenue Code of 1986;

50.28 (2) distributes food without charge to needy individuals;

50.29 (3) does not limit food distributions to individuals of a particular religious affiliation,
 50.30 race, or other criteria unrelated to need; and

50.31 (4) has a stable address and directly serves individuals.