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State of Minnesota  
HOUSE OF REPRESENTATIVES

EIGHTY-SIXTH  
SESSION

HOUSE FILE No. **3347**

March 4, 2010

Authored by Urdahl and Hosch

The bill was read for the first time and referred to the Committee on Health Care and Human Services Policy and Oversight

March 15, 2010

Committee Recommendation and Adoption of Report:

To Pass as Amended and re-referred to the Committee on Finance

1.1 A bill for an act  
1.2 relating to health; defining school concession stands under food and beverage  
1.3 service establishments; amending Minnesota Statutes 2008, section 157.15, by  
1.4 adding a subdivision; Minnesota Statutes 2009 Supplement, section 157.16,  
1.5 subdivision 3.

1.6 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.7 Section 1. Minnesota Statutes 2008, section 157.15, is amended by adding a  
1.8 subdivision to read:

1.9 Subd. 14a. School concession stand. "School concession stand" means a food  
1.10 and beverage service establishment located in a school, on school grounds, or within a  
1.11 school-owned athletic complex, that is operated in conjunction with school-sponsored  
1.12 events.

1.13 Sec. 2. Minnesota Statutes 2009 Supplement, section 157.16, subdivision 3, is  
1.14 amended to read:

1.15 Subd. 3. **Establishment fees; definitions.** (a) The following fees are required  
1.16 for food and beverage service establishments, youth camps, hotels, motels, lodging  
1.17 establishments, public pools, and resorts licensed under this chapter. Food and beverage  
1.18 service establishments must pay the highest applicable fee under paragraph (d), clause  
1.19 (1), (2), (3), or (4), and establishments serving alcohol must pay the highest applicable  
1.20 fee under paragraph (d), clause (6) or (7). The license fee for new operators previously  
1.21 licensed under this chapter for the same calendar year is one-half of the appropriate annual  
1.22 license fee, plus any penalty that may be required. The license fee for operators opening  
1.23 on or after October 1 is one-half of the appropriate annual license fee, plus any penalty  
1.24 that may be required.

2.1 (b) All food and beverage service establishments, except special event food stands,  
2.2 and all hotels, motels, lodging establishments, public pools, and resorts shall pay an  
2.3 annual base fee of \$150.

2.4 (c) A special event food stand shall pay a flat fee of \$50 annually. "Special event  
2.5 food stand" means a fee category where food is prepared or served in conjunction with  
2.6 celebrations, county fairs, or special events from a special event food stand as defined  
2.7 in section 157.15.

2.8 (d) In addition to the base fee in paragraph (b), each food and beverage service  
2.9 establishment, other than a special event food stand and a school concession stand, and  
2.10 each hotel, motel, lodging establishment, public pool, and resort shall pay an additional  
2.11 annual fee for each fee category, additional food service, or required additional inspection  
2.12 specified in this paragraph:

2.13 (1) Limited food menu selection, \$60. "Limited food menu selection" means a fee  
2.14 category that provides one or more of the following:

2.15 (i) prepackaged food that receives heat treatment and is served in the package;

2.16 (ii) frozen pizza that is heated and served;

2.17 (iii) a continental breakfast such as rolls, coffee, juice, milk, and cold cereal;

2.18 (iv) soft drinks, coffee, or nonalcoholic beverages; or

2.19 (v) cleaning for eating, drinking, or cooking utensils, when the only food served  
2.20 is prepared off site.

2.21 (2) Small establishment, including boarding establishments, \$120. "Small  
2.22 establishment" means a fee category that has no salad bar and meets one or more of  
2.23 the following:

2.24 (i) possesses food service equipment that consists of no more than a deep fat fryer, a  
2.25 grill, two hot holding containers, and one or more microwave ovens;

2.26 (ii) serves dipped ice cream or soft serve frozen desserts;

2.27 (iii) serves breakfast in an owner-occupied bed and breakfast establishment;

2.28 (iv) is a boarding establishment; or

2.29 (v) meets the equipment criteria in clause (3), item (i) or (ii), and has a maximum  
2.30 patron seating capacity of not more than 50.

2.31 (3) Medium establishment, \$310. "Medium establishment" means a fee category  
2.32 that meets one or more of the following:

2.33 (i) possesses food service equipment that includes a range, oven, steam table, salad  
2.34 bar, or salad preparation area;

2.35 (ii) possesses food service equipment that includes more than one deep fat fryer,  
2.36 one grill, or two hot holding containers; or

3.1 (iii) is an establishment where food is prepared at one location and served at one or  
3.2 more separate locations.

3.3 Establishments meeting criteria in clause (2), item (v), are not included in this fee  
3.4 category.

3.5 (4) Large establishment, \$540. "Large establishment" means either:

3.6 (i) a fee category that (A) meets the criteria in clause (3), items (i) or (ii), for a  
3.7 medium establishment, (B) seats more than 175 people, and (C) offers the full menu  
3.8 selection an average of five or more days a week during the weeks of operation; or

3.9 (ii) a fee category that (A) meets the criteria in clause (3), item (iii), for a medium  
3.10 establishment, and (B) prepares and serves 500 or more meals per day.

3.11 (5) Other food and beverage service, including food carts, mobile food units,  
3.12 seasonal temporary food stands, and seasonal permanent food stands, \$60.

3.13 (6) Beer or wine table service, \$60. "Beer or wine table service" means a fee  
3.14 category where the only alcoholic beverage service is beer or wine, served to customers  
3.15 seated at tables.

3.16 (7) Alcoholic beverage service, other than beer or wine table service, \$165.

3.17 "Alcohol beverage service, other than beer or wine table service" means a fee  
3.18 category where alcoholic mixed drinks are served or where beer or wine are served from  
3.19 a bar.

3.20 (8) Lodging per sleeping accommodation unit, \$10, including hotels, motels,  
3.21 lodging establishments, and resorts, up to a maximum of \$1,000. "Lodging per sleeping  
3.22 accommodation unit" means a fee category including the number of guest rooms, cottages,  
3.23 or other rental units of a hotel, motel, lodging establishment, or resort; or the number of  
3.24 beds in a dormitory.

3.25 (9) First public pool, \$325; each additional public pool, \$175. "Public pool" means a  
3.26 fee category that has the meaning given in section 144.1222, subdivision 4.

3.27 (10) First spa, \$175; each additional spa, \$100. "Spa pool" means a fee category that  
3.28 has the meaning given in Minnesota Rules, part 4717.0250, subpart 9.

3.29 (11) Private sewer or water, \$60. "Individual private water" means a fee category  
3.30 with a water supply other than a community public water supply as defined in Minnesota  
3.31 Rules, chapter 4720. "Individual private sewer" means a fee category with an individual  
3.32 sewage treatment system which uses subsurface treatment and disposal.

3.33 (12) Additional food service, \$150. "Additional food service" means a location at  
3.34 a food service establishment, other than the primary food preparation and service area,  
3.35 used to prepare or serve food to the public. "Additional food service" does not apply to  
3.36 school concession stands.

4.1 (13) Additional inspection fee, \$360. "Additional inspection fee" means a fee to  
 4.2 conduct the second inspection each year for elementary and secondary education facility  
 4.3 school lunch programs when required by the Richard B. Russell National School Lunch  
 4.4 Act.

4.5 (e) A fee for review of construction plans must accompany the initial license  
 4.6 application for restaurants, hotels, motels, lodging establishments, resorts, seasonal food  
 4.7 stands, and mobile food units. The fee for this construction plan review is as follows:

4.8	<b>Service Area</b>	<b>Type</b>	<b>Fee</b>
4.9	Food	limited food menu	\$275
4.10		small establishment	\$400
4.11		medium establishment	\$450
4.12		large food establishment	\$500
4.13		additional food service	\$150
4.14	Transient food service	food cart	\$250
4.15		seasonal permanent food stand	\$250
4.16		seasonal temporary food stand	\$250
4.17		mobile food unit	\$350
4.18	Alcohol	beer or wine table service	\$150
4.19		alcohol service from bar	\$250
4.20	Lodging	less than 25 rooms	\$375
4.21		25 to less than 100 rooms	\$400
4.22		100 rooms or more	\$500
4.23		less than five cabins	\$350
4.24		five to less than ten cabins	\$400
4.25		ten cabins or more	\$450

4.26 (f) When existing food and beverage service establishments, hotels, motels, lodging  
 4.27 establishments, resorts, seasonal food stands, and mobile food units are extensively  
 4.28 remodeled, a fee must be submitted with the remodeling plans. The fee for this  
 4.29 construction plan review is as follows:

4.30	<b>Service Area</b>	<b>Type</b>	<b>Fee</b>
4.31	Food	limited food menu	\$250
4.32		small establishment	\$300
4.33		medium establishment	\$350
4.34		large food establishment	\$400
4.35		additional food service	\$150
4.36	Transient food service	food cart	\$250
4.37		seasonal permanent food stand	\$250
4.38		seasonal temporary food stand	\$250
4.39		mobile food unit	\$250
4.40	Alcohol	beer or wine table service	\$150
4.41		alcohol service from bar	\$250

5.1	Lodging	less than 25 rooms	\$250
5.2		25 to less than 100 rooms	\$300
5.3		100 rooms or more	\$450
5.4		less than five cabins	\$250
5.5		five to less than ten cabins	\$350
5.6		ten cabins or more	\$400

5.7 (g) Special event food stands are not required to submit construction or remodeling  
 5.8 plans for review.

5.9 (h) Youth camps shall pay an annual single fee for food and lodging as follows:

5.10 (1) camps with up to 99 campers, \$325;

5.11 (2) camps with 100 to 199 campers, \$550; and

5.12 (3) camps with 200 or more campers, \$750.