

Department of Agriculture  
Notice of Hearing on Proposed  
Administrative Regulations

Proposed

A public hearing will be conducted at 10:00 a.m. Wednesday, September 21, 2011, in the 4th floor training room of the Kansas Department of Agriculture, 109 S.W. 9th, Topeka, to consider the adoption of proposed regulations.

This 60-day notice of the public hearing shall constitute a public comment period for the purpose of receiving written public comments on the proposed rules and regulations. All interested parties may submit written comments prior to the hearing to the Secretary of Agriculture, 109 S.W. 9th, 4th Floor, Topeka, 66612, or by e-mail at [leslie.garner@kda.ks.gov](mailto:leslie.garner@kda.ks.gov). All interested parties will be given a reasonable opportunity to present their views orally on the adoption of the proposed regulations during the hearing. In order to give all parties an opportunity to present their views, it may be necessary to request that each participant limit any oral presentation to five minutes. These regulations are proposed for adoption on a permanent basis. A summary of the proposed regulations and their economic impact follows:

K.A.R. 4-27-1 – The proposed regulation increases license application fees authorized by K.S.A. 36-502, as amended by HB 2282.

Economic Impact Statement:

The anticipated economic impact on the agency is \$ 7,000 in increased application fees. When coupled with a projected increase in license fees of \$15,000 resultant of the amendment of K.S.A. 36-502 by HB 2282, the combined increase in revenues will allow the hiring of 1.00 FTE.

The proposed regulation is not known to affect other governmental agencies. The increased application fees would impact new lodging facilities applying for a license, as well as existing facilities that have a change of ownership or allow their licenses to expire. The anticipated financial impact to private businesses and individuals will be negligible.

K.A.R. 4-28-7 - The proposed regulation establishes license and application fees.

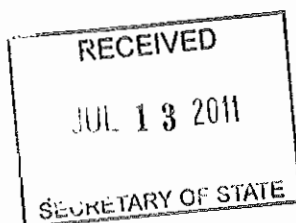
Economic Impact Statement:

The changes are expected to have a no economic impact on the Kansas department of agriculture, other governmental agencies, private businesses, and individuals.

Any individual with a disability may request accommodation in order to participate in the public hearing and may request the proposed regulations and impact statements in an accessible format. Requests for accommodation should be made at least five working days in advance of the hearing by contacting Leslie Garner at (785) 296-4623 or fax (785) 368-6668. Handicapped parking is located at the southwest corner of 9th and Kansas Ave., and the north entrance to the building is accessible to individuals with disabilities.

Copies of the regulations and their economic impact statements may be obtained by contacting the Department of Agriculture, Leslie Garner, 109 SW 9<sup>th</sup> St., 4<sup>th</sup> Floor, Topeka, KS 66612 or (785) 296-4623 or by accessing the department's Web site at <http://www.ksda.gov>. Comments may also be made through our website under the proposed regulation.

Dale A. Rodman  
Secretary of Agriculture

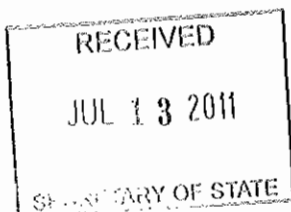


Proposed

**K.A.R. 4-27-1. Lodging establishment application fees.** The application fee for each lodging establishment doing business in Kansas shall be based on the number of rooms as follows: (a) 1 room through 9 ~~29~~ rooms: ~~\$30~~ \$100; and

(b) ~~10 rooms through 29 rooms: \$50~~; and

(c) 30 rooms or more: ~~\$100~~ \$200. (Authorized by K.S.A. ~~2008~~ 2010 Supp. 36-506; implementing K.S.A. ~~2008~~ 2010 Supp. 36-502, as amended by 2011 HB 2282, sec. 2; effective June 4, 2010; amended, T-\_\_\_\_\_, \_\_\_\_\_; amended P-\_\_\_\_\_.)



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**K.A.R. 4-28-7. Fees; food service establishment located in a retail food store.** (a) Each person operating or ~~wanting~~ intending to operate a food service establishment ~~located in a retail food store~~ shall submit an application on a form supplied by the department with the following fees:

(1) The application fee shall be \$200.

(2) Except as specified in paragraph (3) of this subsection, the license fee shall be \$200.

(3) The license fee shall be \$130 for the following types of food service establishments:

(A) Each senior satellite site that serves the elderly, with no on-site food preparation; and

(B) each school satellite site that serves children, with no on-site food preparation.

(b) Each license shall expire on December 31 in the year for which the license is issued.

(c) Each license shall require annual renewal by the licensee's submission of an application for renewal, on a form supplied by the department, and the license fee specified in paragraph (a)(2), (a)(3)(A), or (a)(3)(B), as applicable.

(d) License renewal applications received by the department after the following January 31 shall not be processed. For each such application, the applicant shall submit an application for license with the applicable license fee and the license application fee. (Authorized by K.S.A. 2003 2010 Supp. 36-503; implementing K.S.A. 2003 2010 Supp. 36-503 and L. 2004, Ch. 192, Sec. 2 K.S.A. 2010 Supp. 74-582; effective Feb. 18, 2005; amended, T-\_\_\_\_\_, \_\_\_\_\_; amended P-\_\_\_\_\_.)

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**DIVISION OF FOOD SAFETY AND LODGING  
KANSAS DEPARTMENT OF AGRICULTURE  
K.A.R. 4-27-1 (Permanent)  
Kansas Lodging Establishment License Application Fees**

**I. Summary of Proposed Regulations, Including Their Purpose.**

K.A.R. 4-27-1 - proposed regulation increases license application fees authorized by K.S.A. 36-502, as amended by HB 2282.

**II. Reason or Reasons the Proposed Regulation Is Required, Including Whether or Not the Regulation Is Mandated by Federal Law.**

The proposed regulation implements K.S.A. 36-502, as amended by HB 2282, which takes effect July 01, 2011. The proposed regulation is not mandated by federal law.

**III. Anticipated Economic Impact upon the Kansas Department of Agriculture.**

The anticipated economic impact on the agency is \$ 7,000 in increased application fees. When coupled with a projected increase in license fees of \$15,000 resultant of the amendment of K.S.A. 36-502 by HB 2282, the combined increase in revenues will allow the hiring of 1.00 FTE.

**IV. Anticipated Financial Impact upon other Governmental Agencies and upon Private Businesses or Individuals.**

The proposed regulation is not known to affect other governmental agencies and no financial impact thereon is anticipated. The increased application fees would impact new lodging facilities applying for a license, as well as existing facilities that have a change of ownership or allow their licenses to expire. The anticipated financial impact to private businesses and individuals will be negligible.

**V. Anticipated Economic Impact, Functions or Responsibilities on Cities, Counties or School Districts.**

The proposed regulation is not known to affect Cities, Counties, or School Districts, and no economic impact or impact on said entities' functions or responsibilities is anticipated.

**VI. Less Costly or Intrusive Methods That Were Considered, but Rejected, and the Reason for Rejection.**

This is the least costly and least intrusive method considered.



**DIVISION OF FOOD SAFETY AND LODGING  
KANSAS DEPARTMENT OF AGRICULTURE  
K.A.R. 4-28-7 (Permanent)  
Kansas Food Service Establishment License and Application Fees**

**I. Summary of Proposed Regulations, Including Their Purpose.**

K.A.R. 4-28-7 - The proposed regulation establishes license and application fees.

**II. Reason or Reasons the Proposed Regulation Is Required, Including Whether or Not the Regulation Is Mandated by Federal Law.**

The proposed regulation establishes license and application fees previously found in K.A.R. 28-36-30, which was inadvertently revoked June 04, 2010. Said revocation went undiscovered until recently, at which time the agency took steps to adopt the proposed regulation. The proposed regulation is not mandated by federal law.

**III. Anticipated Economic Impact upon the Kansas Department of Agriculture.**

Because agency operations have continued unchanged, no economic impact is anticipated.

**IV. Anticipated Financial Impact upon other Governmental Agencies and upon Private Businesses or Individuals.**

The proposed regulation is not known to affect other governmental agencies and no financial impact thereon is anticipated. Because the proposed regulation establishes the same fee structure as existed previously and agency operations have continued unchanged, no financial impact on private businesses or individuals is anticipated.

**V. Anticipated Economic Impact, Functions or Responsibilities on Cities, Counties or School Districts.**

The proposed regulation is not known to affect Cities or Counties, and no economic impact or impact on said entities' functions or responsibilities is anticipated. While the proposed regulation does affect School Districts, no additional economic impact or additional impact on said entities' functions or responsibilities is anticipated.

**VI. Less Costly or Intrusive Methods That Were Considered, but Rejected, and the Reason for Rejection.**

This is the least costly and least intrusive method considered.

