

HOUSE BILL No. 2282

By Committee on Agriculture and Natural Resources Budget

2-11

1 AN ACT concerning lodging inspections; relating to lodging inspection
2 fees; amending K.S.A. 2010 Supp. 36-502, 36-518 and 74-591 and
3 repealing the existing sections; also repealing K.S.A. 2010 Supp. 36-
4 512.

5
6 *Be it enacted by the Legislature of the State of Kansas:*

7 **New Section 1. There is hereby created the lodging fee fund. The**
8 **secretary shall remit all license fees received by the secretary under**
9 **the provisions of K.S.A. 36-502, and amendments thereto, and all**
10 **license renewal fees for lodging establishments under K.S.A. 36-505,**
11 **and amendments thereto, to the state treasurer in accordance with the**
12 **provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt**
13 **of each such remittance, the state treasurer shall deposit the entire**
14 **amount in the state treasury to the credit of the lodging fee fund. All**
15 **expenditures from the lodging fee fund shall be made in accordance**
16 **with appropriation acts upon warrants of the director of accounts and**
17 **reports issued pursuant to vouchers approved by the secretary of**
18 **agriculture or by a person designated by the secretary. This section**
19 **shall be a part of and supplemental to the food service and lodging act.**

20 ~~Section 1.~~ **Sec. 2.** K.S.A. 2010 Supp. 36-502 is hereby amended to
21 read as follows: 36-502. (a) It shall be unlawful for any person to engage
22 in the business of conducting a lodging establishment unless such person
23 shall have in effect a valid license therefor issued by the secretary of
24 agriculture. Applications for such licenses shall be made on forms
25 prescribed by the secretary, and each such application shall be
26 accompanied by the appropriate license fee required by subsection (c) of
27 this section. Prior to the issuance of any such license, the secretary shall
28 inspect or cause to be inspected the lodging establishment designated in
29 the application, to determine that it complies with the standards for
30 lodging establishments promulgated pursuant to this act. If such lodging
31 establishment is found to be in compliance, the secretary shall issue the
32 license. If the application for license is denied, the secretary shall give
33 written notice thereof to the applicant, stating also that the applicant is
34 entitled to a hearing thereon if a written request therefor is filed with the

1 secretary within 20 days of the date such notice is sent. Such hearing shall
2 be held in accordance with the provisions of the Kansas administrative
3 procedure act.

4 (b) Each license shall designate whether the licensed lodging unit is a
5 hotel, rooming house or boarding house. Any person obtaining a license to
6 engage in the business of conducting a rooming house or boarding house
7 shall not have the right to use the name "hotel" in connection with such
8 business. Every license issued hereunder shall be displayed conspicuously
9 in the lodging establishment for which it is issued, and no such license
10 shall be transferable to any other person or location. Whenever any such
11 license is lost, destroyed or mutilated, a duplicate license shall be issued to
12 any otherwise qualified licensee upon application therefor and the payment
13 of a fee in the amount of ~~\$3~~ \$5.

14 (c) The fee for a license to conduct a lodging establishment in this
15 state for all or any part of any calendar year shall be \$30, except that the
16 fee for any lodging establishment containing 10 sleeping rooms shall be
17 ~~\$35~~ \$40 and for every additional 10 rooms therein, an additional fee of ~~\$5~~
18 \$10 shall be charged. ~~The license fee shall not exceed \$300.~~ All lodging
19 establishments which are ~~new~~, newly constructed, *newly converted to use*
20 *as a lodging facility* **establishment** or have a change of ownership shall
21 pay an application fee which may be adjusted in accordance with the type
22 of establishment or based on other criteria as determined by the secretary,
23 but in no event shall any application fee exceed ~~\$100~~ \$200 in addition to
24 the license fee.

25 (d) Any person who, on the effective date of this act, has a valid
26 license to operate a hotel or rooming house shall be a licensee under the
27 provisions of this act, and any such license is hereby deemed to be a
28 license to operate a lodging establishment issued under the provisions of
29 this act.

30 Sec. ~~2-3~~. K.S.A. 2010 Supp. 36-518 is hereby amended to read as
31 follows: 36-518. (a) The secretary shall inspect or cause to be inspected
32 every lodging establishment in this state. *Any lodging establishment in this*
33 *state shall be inspected upon receipt of a complaint indicating that a*
34 *lodging establishment does not comply with the applicable standards*
35 *promulgated in the rules and regulations of the secretary.* ~~For such~~
36 ~~inspections~~ The secretary or the secretary's lawful agent shall have the
37 right of entry and access thereto, at any reasonable time.

38 (b) Whenever, upon inspection, it is determined that any lodging
39 establishment does not comply with the applicable standards promulgated
40 in the rules and regulations of the secretary, the secretary shall give written
41 notice to the owner, proprietor or agent in charge of such establishment of
42 the changes or alterations necessary to comply with such standards.

43 (1) The notice shall order the establishment to comply with the

1 applicable standards within a period of time specified in the notice, which
 2 shall be not less than 10 days, except that a shorter period of time may be
 3 provided in the notice whenever the secretary believes it essential to
 4 protect the public health and safety.

5 (2) The notice also shall state that the license for such establishment
 6 shall be subject to suspension or revocation for failure to comply with the
 7 applicable standards within the time specified.

8 (3) The licensee of any establishment given a notice pursuant to this
 9 section may apply to the secretary for an extension of the time specified in
 10 the notice. The secretary shall review such application and may grant or
 11 deny such application or modify the provisions of the notice with respect
 12 to the time for compliance with any of the particulars stated in the notice.

13 (c) Upon reinspection of any lodging establishment given a notice
 14 pursuant to this section, if it is determined that such establishment does not
 15 comply with the applicable standards promulgated in the rules and
 16 regulations of the secretary, the secretary may suspend or revoke the
 17 license issued for such establishment. If the secretary suspends or revokes
 18 the license, the secretary shall send written notice to the licensee that the
 19 license for such establishment will be suspended or revoked, effective 20
 20 days after the date such notice is sent, unless within such time the licensee
 21 files with the secretary a written request for a hearing on the proposed
 22 suspension or revocation. All hearings pursuant to this section shall be
 23 conducted in accordance with the provisions of the Kansas administrative
 24 procedure act.

25 (d) The secretary is authorized to receive lodging inspection reports
 26 from qualified individuals, private entities or public entities to determine
 27 compliance with lodging standards promulgated pursuant to the food
 28 service and lodging act, and amendments thereto. The secretary is
 29 authorized to promulgate such rules and regulations as are necessary to
 30 receive such inspection reports. Such rules and regulations shall be
 31 promulgated on or before July 1, 2010.

32 (e) This section shall be a part of and supplemental to the food
 33 service and lodging act.

34 **Sec. 3-4.** K.S.A. 2010 Supp. 74-591 is hereby amended to read as
 35 follows: 74-591. ~~(a) The balances of all funds or accounts thereof~~
 36 ~~appropriated or reappropriated for the department of health and~~
 37 ~~environment relating to the powers, duties and functions transferred by this~~
 38 ~~act are hereby transferred within the state treasury to the Kansas~~
 39 ~~department of agriculture and shall be used only for the purpose for which~~
 40 ~~the appropriation was originally made. On and after October 1, 2004, all~~
 41 ~~such balances shall be deposited in the food safety fee fund and may be~~
 42 ~~used to carry out the responsibilities and duties of the division of food~~
 43 ~~safety of the Kansas department of agriculture, as established by this act.~~

1 ~~(b)~~(a) There is hereby created the food safety fee fund. The Kansas
2 department of agriculture shall remit all moneys received by or for it from
3 fees; ~~and charges or penalties~~ *from the powers, duties and functions*
4 *transferred to and imposed upon the department of agriculture and*
5 *secretary of agriculture pursuant to K.S.A. 74-581 and 74-5,104, and*
6 *amendments thereto, except moneys deposited to the credit of the lodging*
7 *fee fund in the state treasury to the state treasurer in accordance with the*
8 *provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of*
9 *each such remittance, the state treasurer shall deposit the entire amount in*
10 *the state treasury to the credit of the food safety fee fund. All expenditures*
11 *from the food safety fee fund shall be made in accordance with*
12 *appropriation acts upon warrants of the director of accounts and reports*
13 *issued pursuant to vouchers approved by the secretary of agriculture or by*
14 *a person or persons designated by the secretary.*

15 (b) *On July 1, 2011, the director of accounts and reports shall*
16 *transfer all moneys in the food service inspection reimbursement fund and*
17 *the food inspection fee fund to the food safety fee fund. On July 1, 2011, all*
18 *liabilities of the food service inspection reimbursement fund and the food*
19 *inspection fee fund are hereby imposed on the food safety fee fund. The*
20 *food inspection fee fund and the food service inspection reimbursement*
21 *fund are hereby abolished. Upon the abolition of those funds, any*
22 *reference to those funds of any designation thereof, in any statute, contract*
23 *or other document shall mean the food safety fee fund.*

24 Sec. 4.5. K.S.A. 2010 Supp. 36-502, 36-512, 36-518 and 74-591 are
25 hereby repealed.

26 Sec. 5.6. This act shall take effect and be in force from and after its
27 publication in the statute book.

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