

SENATE BILL No. 236

By By Committee on Ways and Means

3-15

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 inspection fee
8 fund. The secretary shall remit all license fees under the provisions of
9 K.S.A. 2010 Supp. 36-502, and amendments thereto, and all license
10 renewal fees for lodging establishments under the provisions of K.S.A. 36-
11 505, and provisions of K.S.A. 75-4215, and amendments thereto. Upon
12 receipt of each such remittance, the state treasurer shall deposit the entire
13 amount in the state treasury to the credit of the lodging inspection fee
14 fund. All expenditures from the lodging inspection fund shall be made in
15 accordance with appropriation acts upon warrants of the director of
16 accounts and reports issued pursuant to vouchers approved by the
17 secretary of agriculture or by a person designated by the secretary. This
18 section shall be part of and supplemental to the food service and lodging
19 act.

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

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

11 (c) The fee for a license to conduct a lodging establishment in this
12 state for all or any part of any calendar year shall be ~~\$30~~ \$80, except that
13 the fee for any lodging establishment containing 10 sleeping rooms shall
14 be ~~\$35~~ \$100 and for every additional 10 rooms therein, an additional fee of
15 ~~\$5~~ \$20 shall be charged. All lodging establishments which are new, newly
16 constructed or have a change of ownership shall pay an application fee
17 which may be adjusted in accordance with the type of establishment or
18 based on other criteria as determined by the secretary, but in no event shall
19 any application fee exceed ~~\$100~~ \$200 in addition to the license fee.

20 (d) Any person who, on the effective date of this act, has a valid
21 license to operate a hotel or rooming house shall be a licensee under the
22 provisions of this act, and any such license is hereby deemed to be a
23 license to operate a lodging establishment issued under the provisions of
24 this act.

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

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

38 (1) The notice shall order the establishment to comply with the
39 applicable standards within a period of time specified in the notice, which
40 shall be not less than 10 days, except that a shorter period of time may be
41 provided in the notice whenever the secretary believes it essential to
42 protect the public health and safety.

43 (2) The notice also shall state that the license for such establishment

1 shall be subject to suspension or revocation for failure to comply with the
2 applicable standards within the time specified.

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

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

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

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

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

39 (b) (a) There is hereby created the food safety fee fund. The Kansas
40 department of agriculture shall remit all moneys received by or for it from
41 fees, charges or penalties to the state treasurer in accordance with the
42 provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of
43 each such remittance, the state treasurer shall deposit the entire amount in

1 the state treasury to the credit of the food safety fee fund. All expenditures
2 from the food safety fee fund shall be made in accordance with
3 appropriation acts upon warrants of the director of accounts and reports
4 issued pursuant to vouchers approved by the secretary of agriculture or by
5 a person or persons designated by the secretary.

6 *(b) On July 1, 2011, the director of accounts and reports shall*
7 *transfer all moneys in the food service inspection reimbursement fund and*
8 *the food inspection fee fund to the food safety fee fund. On July 1, 2011,*
9 *all liabilities of the food service inspection reimbursement fund and the*
10 *food inspection fee fund are hereby imposed on the food safety fee fund.*
11 *The food inspection fee fund and the food service inspection*
12 *reimbursement fund are hereby abolished. Upon the abolition of those*
13 *funds, any reference to those funds or any designation thereof, in any*
14 *statute, contract or other document shall mean the food safety fee fund.*

15 Sec. 5. K.S.A. 2010 Supp. 36-502, 36-512, 36-518 and 74-591 are
16 hereby repealed.

17 Sec. 6. This act shall take effect and be in force from and after its
18 publication in the statute book.