

As Amended by Senate Committee

Session of 2010

SENATE BILL No. 570

By Committee on Ways and Means

3-10

10 AN ACT concerning lodging inspections; relating to lodging inspection
11 fees; amending K.S.A. 2009 Supp. 36-502, 36-518 and 74-591 and re-
12 pealing the existing sections; also repealing K.S.A. 2009 Supp. 36-512.
13

14 *Be it enacted by the Legislature of the State of Kansas:*

15 New Section 1. There is hereby created the lodging inspection fee
16 fund. The secretary shall remit all license fees received under the pro-
17 visions of K.S.A. 2009 Supp. 36-502, and amendments thereto, and all
18 license renewal fees for lodging establishments under the provisions of
19 K.S.A. 36-505, and amendments thereto, to the state treasurer in accord-
20 ance with the provisions of K.S.A. 75-4215, and amendments thereto.
21 Upon receipt of each such remittance, the state treasurer shall deposit
22 the entire amount in the state treasury to the credit of the lodging in-
23 spection fee fund. All expenditures from the lodging inspection fee fund
24 shall be made in accordance with appropriation acts upon warrants of the
25 director of accounts and reports issued pursuant to vouchers approved
26 by the secretary of agriculture or by a person designated by the secretary.
27 This section shall be part of and supplemental to the food service and
28 lodging act.

29 Sec. 2. K.S.A. 2009 Supp. 36-502 is hereby amended to read as fol-
30 lows: 36-502. (a) It shall be unlawful for any person to engage in the
31 business of conducting a lodging establishment unless such person shall
32 have in effect a valid license therefor issued by the secretary of agricul-
33 ture. Applications for such licenses shall be made on forms prescribed by
34 the secretary, and each such application shall be accompanied by the
35 appropriate license fee required by subsection (c) of this section. Prior to
36 the issuance of any such license, the secretary shall inspect ~~or cause to~~
37 ~~be inspected~~ **or cause to be inspected** the lodging establishment des-
38 ignated in the application, to determine that it complies with the stan-
39 dards for lodging establishments promulgated pursuant to this act. If such
40 lodging establishment is found to be in compliance, the secretary shall
41 issue the license. If the application for license is denied, the secretary
42 shall give written notice thereof to the applicant, stating also that the
43 applicant is entitled to a hearing thereon if a written request therefor is

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

4 (b) Each license shall designate whether the licensed lodging unit is
5 a hotel, rooming house or boarding house. Any person obtaining a license
6 to engage in the business of conducting a rooming house or boarding
7 house shall not have the right to use the name “hotel” in connection with
8 such business. Every license issued hereunder shall be displayed con-
9 spicuously in the lodging establishment for which it is issued, and no such
10 license shall be transferable to any other person or location. Whenever
11 any such license is lost, destroyed or mutilated, a duplicate license shall
12 be issued to any otherwise qualified licensee upon application therefor
13 and the payment 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~~ \$80, except that
16 the fee for any lodging establishment containing 10 sleeping rooms shall
17 be ~~\$35~~ \$100 and for every additional 10 rooms therein, an additional fee
18 of ~~\$5~~ \$20 shall be charged. All lodging establishments which are new,
19 newly constructed or have a change of ownership shall pay an application
20 fee which may be adjusted in accordance with the type of establishment
21 or based on other criteria as determined by the secretary, but in no event
22 shall any application fee exceed ~~\$100~~ \$200 in addition to the license fee.

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

28 Sec. 3. K.S.A. 2009 Supp. 36-518 is hereby amended to read as fol-
29 lows: 36-518. (a) The secretary shall inspect ~~or cause to be inspected~~ **or**
30 **cause to be inspected** every lodging establishment in this state. *Any*
31 *lodging establishment in this state shall be inspected upon receipt of a*
32 *complaint indicating that a lodging establishment does not comply with*
33 *the applicable standards promulgated in the rules and regulations of the*
34 *secretary.* For such inspections the secretary or the secretary’s lawful
35 agent shall have the right of entry and access thereto, at any reasonable
36 time.

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

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

1 plicable 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
3 be 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
10 in the notice. The secretary shall review such application and may grant
11 or deny such application or modify the provisions of the notice with re-
12 spect to the time for compliance with any of the particulars stated in the
13 notice.

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

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

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

35 Sec. 4. K.S.A. 2009 Supp. 74-591 is hereby amended to read as fol-
36 lows: 74-591. ~~(a) The balances of all funds or accounts thereof appropri-~~
37 ~~ated or reappropriated for the department of health and environment~~
38 ~~relating to the powers, duties and functions transferred by this act are~~
39 ~~hereby transferred within the state treasury to the Kansas department of~~
40 ~~agriculture and shall be used only for the purpose for which the appro-~~
41 ~~riation was originally made. On and after October 1, 2004, all such bal-~~
42 ~~ances shall be deposited in the food safety fee fund and may be used to~~
43 ~~carry out the responsibilities and duties of the division of food safety of~~

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

17 (b) *On July 1, 2010, the director of accounts and reports shall transfer*
18 *all moneys in the food service inspection reimbursement fund and the*
19 *food inspection fee fund to the food safety fee fund. On July 1, 2010, all*
20 *liabilities of the food service inspection reimbursement fund and the food*
21 *inspection fee fund are hereby imposed on the food safety fee fund. The*
22 *food inspection fee fund and the food service inspection reimbursement*
23 *fund are hereby abolished. Upon the abolition of those funds, any refer-*
24 *ence to those funds or any designation thereof, in any statute, contract or*
25 *other document shall mean the food safety fee fund.*

26 Sec. 5. K.S.A. 2009 Supp. 36-502, 36-512, 36-518 and 74-591 are
27 hereby repealed.

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