AN ACT concerning child care facilities; relating to civil fines; amending K.S.A. 65-526 and repealing the existing section.

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

Section 1. K.S.A. 65-526 is hereby amended to read as follows: 65-526. (a) The secretary of health and environment, in addition to any other penalty prescribed under article 5 of chapter 65 of the Kansas Statutes Annotated, and amendments thereto, may assess a civil fine, after proper notice and an opportunity to be heard in accordance with the Kansas administrative procedure act, against a licensee for each violation of such provisions or rules and regulations adopted pursuant thereto—whichever affect significantly and adversely the health, safety or sanitation of children in a child care facility. Each civil fine assessed under this section shall not exceed $500, except that in the case of a continuing violation, every day such violation continues shall be deemed a separate violation that shall be subject to a civil fine in an amount not to exceed $100.

(b) The secretary of health and environment, upon finding that any person has violated K.S.A. 65-501, and amendments thereto, shall notify the person in writing that a license is required to operate a child care facility.

(c) The secretary of health and environment, upon finding that any person continues to violate K.S.A. 65-501, and amendments thereto, after being provided notification pursuant to subsection (b), may assess a civil fine, after proper notice and an opportunity to be heard in accordance with the Kansas administrative procedure act, in an amount not to exceed $1,000 for each violation—except that in the case of a continuing violation, every day such previously notified violation continues shall be deemed a separate violation that shall be subject to a civil fine in an amount not to exceed $100.

(d) The provisions of subsections (b) and (c) shall not apply to a person providing child care for:

(1) Children who are provided child care in the home in which such children reside;

(2) children who are all relatives of the person; or

(3) up to two children unrelated to the person for not more than
20 hours a week. Such 20 hours shall be calculated by combining the hours each child is provided care during the week by such person.

(e) All fines assessed and collected under this section shall be remitted to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury to the credit of the state general fund.

(f) Any person aggrieved by an order of the secretary made under this section may appeal such order to the district court in the manner provided by the Kansas judicial review act.

Sec. 2. K.S.A. 65-526 is hereby repealed.

Sec. 3. This act shall take effect and be in force from and after its publication in the statute book.