AN ACT concerning the state board of veterinary examiners; relating to administrative proceedings; collected moneys; the veterinary examiners fee fund; amending K.S.A. 47-844 and 75-3170a and K.S.A. 2019 Supp. 47-820 and 47-842 and repealing the existing sections.

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

New Section 1. (a) (1) If the board issues an order that is adverse to an applicant, registrant or licensee as part of any proceeding conducted under the Kansas veterinary practice act, then the costs incurred by the board for the board's participation in such proceeding may be assessed against the applicant, registrant or licensee as determined by the board. Any such determination by the board shall include a consideration of all relevant circumstances, including the nature of the proceeding and the level of participation by the parties.

(2) If the board issues an order that is not adverse to such applicant, registrant or licensee as part of such proceeding, then any such costs incurred by the board from participating in such proceeding shall be paid from the veterinary examiners fee fund.

(b) The board shall include any assessment of costs incurred from the proceeding as part of such order, and the order shall include findings and conclusions in support of the assessment of costs.

(c) For purposes of this section, "costs incurred" includes, but is not limited to:

(1) Presiding officer fees and expenses, if the board has designated or retained the services of an independent contractor or the department of administration office of administrative hearings to perform presiding officer functions;

(2) costs of making any transcripts;

(3) reasonable investigative costs;

(4) witness fees and expenses;

(5) subsistence allowances, mileage and other actual and necessary expenses incurred by board employees in accordance with K.S.A. 75-3223(e), and amendments thereto; and

(6) fees and expenses of agents of the board who provide services under K.S.A. 47-821, and amendments thereto.

(d) This section shall be a part of and supplemental to the Kansas
veterinary practice act.

Sec. 2. K.S.A. 2019 Supp. 47-820 is hereby amended to read as follows: 47-820. (a) Except as provided further, the board shall remit all moneys received by or for the board from fees, charges, assessments or penalties collected under the Kansas veterinary practice act 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. Ten percent of each such deposit shall be credited to the state general fund and the balance shall be credited to the credit of the veterinary examiners fee fund. Costs relating to assessment and enforcement of civil fines shall be credited to the veterinary examiners fee fund from all moneys received that are civil fines and the balance shall be credited to the state general fund.

   (b) All expenditures from such the veterinary examiners fee fund shall be made in accordance with appropriation acts upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the executive director or by a person or persons designated by the executive director.

   (b) For the fiscal years ending June 30, 2015, and June 30, 2016, the board shall remit all moneys received by or for it from fees, charges or penalties 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 veterinary examiners fee fund. Costs related to assessment and enforcement of civil fines shall be credited to the veterinary examiners fee fund. All expenditures from such fund shall be made in accordance with appropriation acts upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the secretary of agriculture or by a person or persons designated by the secretary of agriculture.

Sec. 3. K.S.A. 2019 Supp. 47-842 is hereby amended to read as follows: 47-842. (a) In addition to the board's authority to refuse licensure or impose discipline pursuant to K.S.A. 47-830, and amendments thereto, the board shall have the authority to assess a fine not in excess of $5,000 against a licensee for each of the causes specified in K.S.A. 47-830, and amendments thereto. Such fine may be assessed in lieu of or in addition to such discipline.

   (b) The proceedings under this act shall be conducted in accordance with the Kansas administrative procedure act, and the board shall have all the powers granted therein. All fines collected pursuant to 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. Actual costs related to
investigation, adjudication and enforcement shall be deducted and credited
to the veterinary examiners fee fund.

Sec. 4. K.S.A. 47-844 is hereby amended to read as follows: 47-844.
(a) (1) If a veterinarian desires to contest administratively a civil citation
or the proposed assessment of a civil penalty, such veterinarian, within 30
days after service of the citation, shall notify the executive director in
writing of such veterinarian's request for an informal conference with the
executive director or the executive director's designee.

(2) The executive director or the executive director's designee, within
60 days from the receipt of the request, shall hold an informal conference.
At the conclusion of the informal conference, the executive director may
affirm, modify or dismiss the citation or proposed assessment of a civil
penalty, and the executive director shall state with particularity in writing
the reasons for the action; and shall immediately transmit a copy thereof to
the board, the veterinarian; and the person who submitted the complaint.

(3) (A) If the veterinarian desires to contest administratively a
decision made after the informal conference, such veterinarian shall
inform the executive director in writing within 30 days after such person
receives the decision resulting from the informal conference.

(B) If the veterinarian fails to notify the executive director in writing
that such veterinarian intends to contest the citation or the proposed
assessment of a civil penalty or the decision made after an informal
conference within the time specified in this section, the citation or the
proposed assessment of a civil penalty or the decision made after an
informal conference shall be deemed a final order of the board and shall
not be subject to further administrative review.

(4) Notwithstanding any other provision of law, where a fine is paid
to satisfy an assessment based on the findings of a violation, payment of
the fine shall be represented as satisfactory resolution of the matter for
purposes of public disclosure.

(b) A veterinarian, in lieu of contesting a citation pursuant to this
section, may transmit to the board the amount assessed in the citation as a
civil penalty, within 30 days after service of the citation. If a hearing is not
requested pursuant to this section, payment of any fine shall not constitute
an admission of the violation charged.

(c) (1) If a veterinarian has notified the executive director within 30
days of the issuance of the assessment or citation that such veterinarian
intends to contest the decision made after the informal conference, the
board shall hold a hearing to be held in accordance with the Kansas
administrative procedure act.

(2) After the hearing, the board shall issue a decision, based on
findings of fact, affirming, modifying, or vacating the citation, or directing
other appropriate relief which shall include, but need not be limited to,
a notice that the failure of a veterinarian to comply with any provision of
the board's decision constitutes grounds for suspension, or denial of
licensure, or both.

(3) The proceedings under this section shall be conducted in
accordance with the Kansas administrative procedure act and the board
shall have all the powers granted therein.

(d) After the exhaustion of the review procedures provided for in this
section, the board may bring an action pursuant to the act for judicial
review and civil enforcement of agency action to enforce any order issued
pursuant to this section.

(e) Failure of the licensee to pay a fine within 30 days of the date of
assessment, unless the citation is being appealed, may result in disciplinary
action being taken by the board. When a citation is not contested and a fine
is not paid, the full amount of the assessed fine shall be added to the fee
for renewal of the license. A license shall not be renewed without payment
of the renewal fee and fine.

(f) All civil penalties received under this act shall be deposited in the
state general fund following payment of all costs related to investigation,
adjudication and enforcement which shall be credited to the veterinary
examiners fee fund.

Sec. 5. K.S.A. 75-3170a is hereby amended to read as follows: 75-
3170a. (a) The 10% credit to the state general fund required by K.S.A. 1-
204, 9-1703, 16a-2-302, 17-12a601, 17-2236, 20-1a02, 20-1a03, 31-133a,
31-134, 36-512, 44-324, 44-926, 47-820, 49-420, 55-155, 55-176, 55-609,
6910, 65-7210, 65-7309, 66-1,155, 66-1503, 74-715, 74-1108, 74-1405,
74-1503, 74-1609, 74-2704, 74-3903, 74-50,188, 74-5805, 74-6708, 74-
7009, 74-7506, 75-1119b, 75-1308, 75-1514; or 84-9-801, and
amendments thereto, is to reimburse the state general fund for accounting,
auditing, budgeting, legal, payroll, personnel and purchasing services; and
any and all other state governmental services which are performed on
behalf of the state agency involved by other state agencies which receive appropriations from the state general fund to provide such services.

(b) Nothing in this act or in the sections amended by this act or
referred to in subsection (a), shall be deemed to authorize remittances to be
made less frequently than is authorized under K.S.A. 75-4215, and
amendments thereto.

(c) Notwithstanding any provision of any statute referred to in or
amended by this act or referred to in subsection (a), whenever in any fiscal
year such 10% credit to the state general fund in relation to any particular
fee fund is $100,000, in that fiscal year the 10% credit no longer shall
apply to moneys received from sources applicable to such fee fund and for
the remainder of such year the full 100% so received shall be credited to
such fee fund.
Sec. 6.  K.S.A. 47-844 and 75-3170a and K.S.A. 2019 Supp. 47-820
and 47-842 are hereby repealed.
Sec. 7.  This act shall take effect and be in force from and after its
publication in the Kansas register.