

SENATE BILL No. 312

By Senators Pettey, Baumgardner, Berger, Bollier, Bowers, Doll, Faust-Goudeau, Francisco, Haley, Hardy, Hawk, Hensley, Holland, Kerschen, McGinn, Miller, Skubal, Sykes, Taylor, Ware and Wilborn

1-27

1 AN ACT concerning child care facilities; relating to operating without a
2 license; imposing a civil fine; amending K.S.A. 65-526 and repealing
3 the existing section.
4

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

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

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

21 (c) *The secretary of health and environment, upon a finding that any*
22 *person continues to violate K.S.A. 65-501, and amendments thereto, after*
23 *being provided notification pursuant to subsection (b), may assess a civil*
24 *fine, after proper notice and an opportunity to be heard in accordance*
25 *with the Kansas administrative procedure act, in an amount not to exceed*
26 *\$1,000 for each violation, and, in the case of a continuing violation, every*
27 *day such previously notified violation continues shall be deemed a*
28 *separate violation.*

29 (d) All fines assessed and collected under this section shall be
30 remitted to the state treasurer in accordance with the provisions of K.S.A.
31 75-4215, and amendments thereto. Upon receipt of each such remittance,
32 the state treasurer shall deposit the entire amount in the state treasury to
33 the credit of the state general fund.

34 (e) *Any person aggrieved by an order of the secretary made under*

1 *this section may appeal such order to the district court in the manner*
2 *provided by the Kansas judicial review act.*

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

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