

KANSAS OFFICE *of*
REVISOR *of* STATUTES

LEGISLATURE *of* THE STATE *of* KANSAS
Legislative Attorneys transforming ideas into legislation.

300 SW TENTH AVENUE ■ SUITE 24-E ■ TOPEKA, KS 66612 ■ (785) 296-2321

MEMORANDUM

To: House Committee on Children and Seniors
From: Kyle Hamilton, Assistant Revisor of Statutes
Date: February 19, 2019
Subject: Bill Brief on HB 2228

HB 2228 would authorize the secretary of health and environment to issue warnings and civil fines to individuals operating a child care facility without a license. K.S.A. 65-501 states that it shall be unlawful for any person, firm, corporation or association to maintain a child care facility for children under the age of 16 without a license. HB 2228, Section 1, subsection (b), would require the secretary to notify a person who violates K.S.A. 65-501 that a license is required to operate a child care facility. Subsection (c) would allow the secretary to issue a civil fine of \$1,000 or less against a notified person who continues to violate K.S.A. 65-501. Every day a violation continues after notice has been given would constitute a separate violation. A fine could not be assessed until the person has had the opportunity to be heard in accordance with the Kansas administrative procedure act. Under subsection (e), if a civil fine is assessed, the person could appeal the fine to a district court in the manner provided by the Kansas judicial review act.

HB 2228 would become effective upon publication in the statute book, on July 1, 2019.