

HOUSE BILL No. 2257

By Committee on Appropriations

2-11

AN ACT establishing the joint committee for legislative oversight of foster care and adoption services; prescribing powers, duties and functions therefor; amending K.S.A. 46-1001 and repealing the existing section.

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

New Section 1. (a) There is hereby established the joint committee for legislative oversight of foster care and adoption services. The joint committee shall be composed of five members of the legislature. Three members of the joint committee shall be members of the house of representatives and two members shall be members of the senate. The speaker of the house of representatives shall appoint two members who shall be members of the house of representatives who are members of the majority party. The minority leader of the house of representatives shall appoint one member who shall be a member of the house of representatives who is a member of the minority party. The president of the senate shall appoint one member who shall be a member of the senate who is a member of the majority party. The minority leader of the senate shall appoint one member who shall be a member of the senate who is a member of the minority party.

(b) Each member of the joint committee shall serve for a term ending on the first day of the regular session commencing in an odd-numbered year, except that each member of the joint committee shall be subject to removal from office by the legislative officer appointing such member for nonattendance at or inability to attend meetings of the joint committee, or any subcommittee thereof, as determined by such legislative officer. If a vacancy occurs in the office of any member of the joint committee, a successor shall be appointed in the same manner as the original appointment for the remainder of the unexpired term.

(c) At the commencement of each regular session of the legislature, the joint committee shall organize by electing a chairperson and a vice-chairperson of the joint committee from among the members of the joint committee. In the absence or disability of the chairperson, the vice-chairperson shall exercise all of the powers of the chairperson.

(d) A quorum of the joint committee shall be three. Except as oth-

1 erwise provided by this section, all actions by the joint committee shall
2 be taken by a majority of a quorum.

3 (e) The joint committee may meet at any time and at any place within
4 the state on the call of the chairperson. The joint committee or the chair-
5 person, with notice to the members of the joint committee, may create
6 subcommittees of the joint committee which may be composed of one or
7 more members of the joint committee. Upon authorization of the chair-
8 person, each subcommittee may meet at any time and at any place within
9 the state on call of the chairperson of the subcommittee. A subcommittee
10 may exercise any of the powers, duties or functions of the joint committee
11 that are delegated to the subcommittee in the same manner and subject
12 to same conditions applicable to the joint committee.

13 (f) The joint committee and any subcommittee of the joint committee
14 shall not be subject to the provisions of the open meetings act, K.S.A. 75-
15 4317 through 75-4320a, and amendments thereto. To the extent practi-
16 cable and to the extent that the ability of the joint committee to perform
17 its powers, duties and functions is not impaired or impeded, as deter-
18 mined by the joint committee, the joint committee shall give notice of
19 the meetings of the joint committee, and the meetings of subcommittees,
20 in accordance with procedures adopted by the joint committee which
21 shall be substantially the same or similar to the provisions for providing
22 notice of meetings under the open meetings act. The joint committee
23 and any subcommittee of the joint committee may meet in closed sessions
24 and may receive testimony and may take action in closed sessions.

25 (g) Members of the joint committee shall receive compensation and
26 travel expenses and allowances as provided in K.S.A. 75-3212, and amend-
27 ments thereto, when attending meetings of the joint committee, or at-
28 tending a subcommittee thereof authorized by the chairperson of the joint
29 committee. Amounts paid under authority of this section shall be paid
30 from appropriations for legislative expenses and vouchers therefor shall
31 be prepared by the director of legislative administrative services and ap-
32 proved by the chairperson or vice-chairperson of the legislative coordi-
33 nating council.

34 (h) The joint committee shall have the services of the legislative re-
35 search department, the office of revisor of statutes and other central leg-
36 islative staff service agencies. The chairperson of the joint committee may
37 appoint an administrative assistant who shall be in the unclassified service
38 under the Kansas civil service act and shall receive compensation in an
39 amount set by the chairperson, subject to approval by the legislative co-
40 ordinating council.

41 (i) (1) The joint committee for legislative oversight of foster care and
42 adoption services and any member thereof shall have access without delay
43 to any and all books, accounts, records, files, documents and correspon-

1 dence, confidential or otherwise, of the department of social and reha-
2 bilitation services, of any institution, as defined in K.S.A. 76-12a01, and
3 amendments thereto, of any officer or employee of the department of
4 social and rehabilitation services or any such institution, or of any person
5 who is a service provider, that are determined by the joint committee to
6 be relevant to the duties and functions of the joint committee or any
7 authorized subject of study of the joint committee. In addition, with re-
8 spect to any minor who is in the custody of the secretary of social and
9 rehabilitation services, the joint committee for legislative oversight of fos-
10 ter care and adoption services and any member thereof shall have access
11 without delay to all court records relating to any such minor, including
12 any orders, filings or transcripts of hearings, and shall have access without
13 delay to any and all books, accounts, records, files, documents and cor-
14 respondence, confidential or otherwise, including any medical or mental
15 health records and any other information relating to any such minor that
16 is available to the natural parents, the foster parents or the guardian ad
17 litem of such minor under the provisions of applicable state or federal
18 statutes or rules and regulations.

19 (2) Each member of the joint committee for legislative oversight of
20 foster care and adoption services shall be subject to the same duty of
21 confidentiality imposed by law on any officer or employee of the depart-
22 ment of social and rehabilitation services, any such institution, or any
23 person who is a service provider with regard to any such books, accounts,
24 records, files, documents and correspondence, or with regard to any in-
25 formation contained therein, and shall be subject to any civil or criminal
26 penalties imposed by law for violations of such duty of confidentiality.
27 Upon written authorization of the chairperson of the joint committee, the
28 administrative assistant for the joint committee shall have the same right
29 of access to the books, accounts, records, files, documents and corre-
30 spondence, confidential or otherwise, as a member of the joint commit-
31 tee, and shall be subject to the same restrictions and duties and civil or
32 criminal penalties as a member of the joint committee with respect to
33 such duty of confidentiality. Any confidential information received by any
34 member of the joint committee may be discussed by the members of the
35 joint committee in closed meetings. Any member of the joint committee
36 may provide any confidential information received by such member un-
37 der this section to any person having a right under law to have access to
38 such confidential information, including the attorney general for the pur-
39 poses of submitting information pursuant to subsection (k)(2).

40 (3) The right of access provided to the joint committee for legislative
41 oversight of foster care and adoption services, each member thereof and
42 the administrative assistant of the joint committee, in accordance with
43 this section, to all such books, accounts, records, files, documents and

1 correspondence, confidential or otherwise, including any medical or men-
2 tal health records, is hereby declared to be necessary for the administra-
3 tion of state and federal programs and is being provided for legislative
4 oversight in order to audit and investigate any such program receiving
5 federal funds and for other purposes of legislative oversight over the ad-
6 ministration of such state and federal programs.

7 (j) The chairperson of the joint committee, and the chairperson of
8 any subcommittee of the joint committee, may call and convene a meeting
9 at any area office or other office, building or facility of the department
10 of social and rehabilitation services or the office, building or any other
11 facility of any service provider without prior notice to the department of
12 social and rehabilitation services, to the service provider or to any other
13 person. The members of the joint committee, or any such subcommittee,
14 shall have the right to have access without delay to all books, accounts,
15 records, files, documents and correspondence, confidential or otherwise,
16 of the department of social and rehabilitation services or of any service
17 provider at any such area office or other such office, building or facility
18 that are determined by the joint committee to be relevant to the duties
19 and functions of the joint committee or any authorized subject of study
20 of the joint committee.

21 (k) (1) The joint committee shall study and review the powers, duties
22 and functions of the department of social and rehabilitation services, in-
23 cluding the budget, revenues and expenditures and the programs, activi-
24 ties and institutions of the department of social and rehabilitation serv-
25 ices. The joint committee shall review and monitor the provision of foster
26 care and adoption services in Kansas, including the funding accountability
27 of the department of social and rehabilitation services and of foster care
28 and adoption service providers and such other children's issues as the
29 joint committee deems necessary. The joint committee shall investigate
30 and collect information and shall develop recommendations, including
31 appropriate legislation, and shall take such actions as the joint committee
32 deems necessary and convenient to improve the provision of foster care
33 and adoption services in Kansas.

34 (2) Whenever it appears in the opinion of the joint committee that
35 there may have occurred any violation of criminal statutes or any instances
36 of misfeasance, malfeasance or nonfeasance by a public officer or em-
37 ployee disclosed by any investigation or study conducted by the joint
38 committee. The joint committee shall furnish the attorney general all
39 information in the possession of the joint committee relative to any report
40 referred to the attorney general. The attorney general shall institute and
41 prosecute civil proceedings against any such delinquent officer or em-
42 ployee. The attorney general shall also prosecute such ouster and criminal
43 proceedings as the evidence in the case warrants.

1 (l) The chairperson, vice-chairperson and each member of the joint
2 committee shall have the right to meet with or to otherwise communicate
3 directly and without delay with the secretary of social and rehabilitation
4 services regarding information concerning the safety or well-being of any
5 minor in the custody of the secretary of social and rehabilitation services
6 and to meet with or to otherwise communicate directly with the secretary
7 of social and rehabilitation services , or the secretary's designee, during
8 regular working hours with regard to the provision of foster care and
9 adoption services in Kansas or with any other matter within the purview
10 of the duties and functions of the joint committee.

11 (m) The joint committee may introduce such legislation as it deems
12 necessary in performing its duties and functions.

13 (n) At the beginning of each regular session of the legislature, the
14 joint committee shall prepare and submit a report with recommendations
15 to the committee on appropriations of the house of representatives, the
16 committee on ways and means of the senate and other appropriate com-
17 mittees of the house of representatives or the senate.

18 (o) As used in this section "joint committee" means the joint com-
19 mittee for legislative oversight of foster care and adoption services estab-
20 lished by this section; and "service provider" means any person who is
21 providing foster care services, adoption services or family preservation
22 services under contract with the department of social and rehabilitation
23 services and includes any subcontractor of any such person.

24 (p) The provisions of this section shall expire on January 8, 2005.

25 Sec. 2. K.S.A. 46-1001 is hereby amended to read as follows: 46-
26 1001. As used in this act, unless the context otherwise requires, "inves-
27 tivating committee" means any of the following:

28 (a) A standing, special or select committee of either the house of
29 representatives or the senate, a joint committee of both houses of the
30 legislature, or an authorized subcommittee of any such committee; or

31 (b) The legislative coordinating council, the legislative budget com-
32 mittee, the joint committee on special claims against the state, the joint
33 committee on administrative rules and regulations, the legislative post
34 audit committee, *the joint committee for legislative oversight of foster care*
35 *and adoption services*, any special or select committee appointed by the
36 legislative coordinating council, or any authorized subcommittee of any
37 such committee or said council; or

38 (c) Any committee, commission or board created by the legislature
39 by concurrent resolution or enactment when, as one or all of its duties,
40 it is to perform an inquiry, study or investigation for the legislature, except
41 that an advisory committee is not an investigating committee; or

42 (d) Any committee heretofore or hereafter created by law or reso-
43 lution of either house of the legislature or by concurrent resolution, when

1 all of the members of such committee, who are authorized to vote on
2 actions of the committee, are legislators.

3 Sec. 3. K.S.A. 46-1001 is hereby repealed.

4 Sec. 4. This act shall take effect and be in force from and after its
5 publication in the Kansas register.

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