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BILL ANALYSIS



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Senate Bill 983 (as introduced 6-24-20)
Sponsor: Senator Peter MacGregor
Committee: Families, Seniors, and Veterans

Date Completed: 9-21-20

CONTENT

The bill would amend the Children's Ombudsman Act to transfer the Office of the Children's Ombudsman from the Department of Technology, Management, and Budget (DTMB) to the Legislative Council and to assign the power to appoint and remove the Ombudsman to the Legislative Council, instead of the Governor.

The Act establishes the Children's Ombudsman as an autonomous entity within the DTMB as a means of effecting changes in policy, procedure, and legislation, educating the public, investigating and reviewing actions of the Department of Health and Human Services, child placing agencies, or child caring institutions, monitoring and ensuring compliance with relevant statutes, rules, and policies pertaining to children's protective services and the placement, supervision, treatment, and improving delivery of care of children in foster care and adoptive homes. Under the bill, the Children's Ombudsman, instead, would be established as an autonomous entity within the Council as a means of fulfilling the duties described above.

The Act requires the Governor to appoint an individual as the Ombudsman with the advice and consent of the Senate. The Ombudsman serves at the pleasure of the Governor, and the Act allows him or her to remove the Children's Ombudsman from office for cause that includes incompetency to exercise duties properly, official misconduct, habitual or willful neglect of duty, or other misfeasance or malfeasance in connection with the operation of the Office of the Children's Ombudsman. The Governor must report the reason for the removal to the Legislature. Where the Act refers to the Governor, the bill, instead, would refer to the Legislative Council.

MCL 722.923

Legislative Analyst: Tyler VanHuyse

FISCAL IMPACT

The bill would have no fiscal impact on State or local government, assuming all current appropriations for the Children's Ombudsman were redirected to the Legislative Council. As the bill would move the Office of the Children's Ombudsman from the DTMB to the Legislative Council, there would be equal offsetting adjustments in expenditures: a decrease in the DTMB and an increase in the Legislative Council. Appropriations for fiscal year (FY) 2019-20 total \$1.9 million General Fund/General Purpose and 14.0 FTE positions. The Governor included funding of \$1.9 million and 14.0 FTEs for the Children's Ombudsman in the FY 2020-21 Executive Recommendation. If that funding remains when the FY 2020-21 budget is enacted it should be sufficient for the Legislative Council to fund the Children's Ombudsman.

Fiscal Analyst: Joe Carrasco
John Maxwell

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.