

Legislative Analysis



TRANSFER CHILDREN'S OMBUDSMAN TO LEGISLATIVE COUNCIL

Phone: (517) 373-8080
<http://www.house.mi.gov/hfa>

Senate Bill 983 as enrolled

Sponsor: Sen. Peter MacGregor

House Committee: Families, Children and Seniors [Discharged]

Senate Committee: Families, Seniors and Veterans

Complete to 1-2-21

Analysis available at
<http://www.legislature.mi.gov>

(Vetoed by the Governor 12-30-20)

SUMMARY:

Senate Bill 983 would amend the Children's Ombudsman Act to transfer the Office of the Children's Ombudsman (OCO) 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 OCO was established in 1994 as an autonomous state agency within DTMB charged with investigating complaints concerning the safety or welfare of children who need protective services, foster care, or adoption. The OCO also may recommend changes to rules or the law concerning child welfare issues. The ombudsman is currently appointed by the governor with the advice and consent of the Senate.¹

The bill would establish the OCO as an autonomous entity in the Legislative Council.² Under the bill, the Legislative Council would appoint the ombudsman. The ombudsman serving on the effective date of the bill would serve at the pleasure of the Legislative Council.

MCL 722.923

FISCAL IMPACT:

The bill would result in minor one-time costs to the state and no fiscal impact on local government. The bill would transfer the OCO from DTMB to the Legislative Council without changing the size or scope. As a result, all of the \$1.9 million GF/GP and 14.0 FTE positions appropriated for the OCO in FY 2020-21 would be transferred from DTMB to the Legislative Council. According to DTMB, the office would incur costs of between \$125,000 to \$150,000 to physically move to a new space. It is not yet known if these costs could be absorbed within the existing \$1.9 million appropriation to the office or if additional funding would be needed.

¹ 2019 OCO annual report: https://www.michigan.gov/documents/oco/Annual_Report_2019_686899_7.pdf

² The Legislative Council consists of six representatives and six senators who are respectively appointed by the Speaker of the House and the Senate Majority Leader. Each group of six members must include at least two members from the respective chamber's minority party. See <http://council.legislature.mi.gov/CouncilAdministrator/Agencies>

Vetoed 12-30-20:

In her veto message,³ Governor Whitmer wrote that the Office of the Children’s Ombudsman “has the critical mission of improving child welfare through legislative advocacy, investigations, review of Department of Health and Human Services policies and practices, and even legal action.” She continued:

Moving this critical accountability and advocacy resource for children to the Legislative Council would be a mistake, for several reasons. First, DTMB’s resources and institutional expertise in holding state agencies accountable is unmatched. Second, it would make little sense to locate an independent agency designed for “legislative advocacy” within the legislature. Finally, the powers of the Ombudsman are fundamentally executive in nature, not legislative.

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■ This analysis was prepared by nonpartisan House Fiscal Agency staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.

³ https://content.govdelivery.com/attachments/MIEOG/2020/12/30/file_attachments/1636363/SB%20983%20Veto%20Letter.pdf