



Senate Fiscal Agency
P.O. Box 30036
Lansing, Michigan 48909-7536



Telephone: (517) 373-5383
Fax: (517) 373-1986

Senate Bills 692 and 694 (Substitute S-1 as reported)
Senate Bills 693 and 695 (as reported without amendment)
Sponsor: Senator Sam Singh (S.B. 692 & S.B. 695)
Senator Veronica Klinefelt (S.B. 693)
Senator Mary Cavanagh (S.B. 694)
Committee: Oversight

CONTENT

Senate Bill 692 (S-1) would enact the "Camp Licensing Act" to do the following:

- Prohibit an individual or legal entity from operating a camp without a license and prescribe a \$120 license application fee.
- Prescribe licensure requirements for camps.
- Require the Department of Licensing and Regulatory Affairs (LARA) to promulgate rules for the care and supervision of campers and specify the parameters of such rules.
- Prescribe the procedures for the inspection of a camp, including the inspection of a camp at least once every two-years.
- Allow LARA to issue provisional licenses to camps on the basis of a need to overcome a deficiency or because of willful or substantial noncompliance with the Act or promulgated rules.
- Require a camp to orally notify a parent or guardian of a high-risk special investigation, generally an investigation into conditions of child abuse or neglect, within 24-hours after the camp received notice of the investigation.
- Prescribe the procedure for LARA to revoke, refuse an application for, or deny a license and specify an appeal process for a licensee or applicant.
- Create the Camp Licensing Fund within LARA.
- Require a licensee, licensee designee, administrator, or program director of a camp to undergo a criminal background check as a condition of licensure.
- Require camps to conduct background checks on any staff members prior to unsupervised contact with a camper.
- Require the Michigan State Police (MSP) to retain all camp submitted fingerprints in an automated notification system and require the MSP to immediately notify LARA and the applicable camp of a notification of a crime.
- Provide certain civil and criminal liability immunity for an individual who acted in good faith and made a report, cooperated in an investigation, or assisted in the Act's requirements.
- Prescribe misdemeanor and felony penalties for making a false report that resulted in a high-risk special investigation.
- Prohibit individuals who have been involved in child abuse or child neglect cases from being present at a camp.
- Require a parent or guardian of a camper to preauthorize emergency care.
- Prescribe a misdemeanor penalty for a violation of the Act and prohibit a violator from having connection with a camp for at least five years.

Senate Bill 693 would amend the Code of Criminal Procedure to include sentencing guidelines for the felony penalty proposed by Senate Bill 692.

Senate Bill 694 (S-1) would amend the childcare licensing Act to delete references to the licensure of children's camps.

Senate Bill 695 would amend the Adult Foster Care Facilities Licensing Act to do the following:

- Delete licensure requirements for adult foster camps, youth camps, and camps.
- Create the Adult Foster Care Licensing Fee Fund within LARA and prescribe the Fund's use.

Also, Senate Bill 694 would repeal Section 17a of the childcare licensing Act, which governs the use of an inhaler or epinephrine auto-injector by a child at a children's camp.

Senate Bill 693, Senate Bill 694, and Senate Bill 695 are tie-barred to Senate Bill 692

MCL 777.15g (S.B. 693)
722.111 et al. (S.B. 694)
400.703 (S.B. 695)

BRIEF RATIONALE

Generally, Public Act 116 of 1973 requires LARA to regulate the licensing of childcare organizations, including children's camps and campsites. In December 2022, the Auditor General released a performance audit on camp licensing. The audit indicated a need for more extensive background checks, standardized licensure fees, improved inspection processes, and the creation of clear statutory authority for camp governance. In April 2023, LARA responded with a plan to comply with audit recommendations. Accordingly, it has been suggested that legislation be enacted to codify the audit's findings.

Legislative Analyst: Eleni Lionas

FISCAL IMPACT

LARA

Under the proposed Act, LARA would be required to promulgate rules pertaining to the care and supervision of campers. There are existing rules pertaining to camps. It is likely that existing appropriations would be sufficient to accomplish this task; however, additional costs may be incurred if the developed rules were to require LARA to undertake significant new responsibilities.

The bill would require LARA to provide consultation to camps and provide assistance, training, and education upon request "within fiscal limitations." It is unclear to what extent this training would require additional resources. It is possible that one or more additional Full-time equivalents would be required to manage LARA's consulting obligations under the bill.

The bill also would create the Child Care Licensing Fund. Each individual or entity seeking a temporary or renewal license under the bill would be required to pay a fee of \$120 per year. Currently, the fee for an adult foster care camp is \$200 per year while the fee for a child care camp is \$100 or \$200, dependent on its capacity. These fees would be deposited in the new Child Care Licensing Fund. Funds remaining at the close of the fiscal year would not lapse to the General Fund.

The bill would not require LARA to undertake significant new duties associated with the licensing of camps; however, the Department likely will incur administrative and staffing costs associated with the transition and changes to revenue allocation.

MSP

The provisions under the bill that would require a camp licensee applicant, a new licensee, licensee designee, administrator, or program director to undergo a fingerprint-based criminal history background check and other staff members who would have unsupervised contact with campers to undergo a background check via the Internet Criminal History Access Tool (ICHAT) would result in costs of \$43.25 for each fingerprint-based background check and \$10 for each ICHAT background check, both of which are administered by the MSP. The bill would allow the MSP to charge a licensee or applicant the \$43.25 cost for each fingerprint-based background check. Not included in this cost is the allowance for a local law enforcement agency to charge a fee for the physical taking and submission of prints, which can vary by agency. A camp would be required to pay for the \$10 ICHAT background checks but would be permitted to pass along the cost to a staff member or applicant.

Corrections

The bills' criminal penalties could have a negative fiscal impact on the State and local government. Violations of the proposed Act would be punishable as misdemeanors and felonies of different severity. More misdemeanor and felony arrests and convictions could increase resource demands on law enforcement, court systems, community supervision, jails, and correctional facilities. Misdemeanor convictions could increase county jail and local probation supervision costs, which vary by jurisdiction and are thus indeterminate. Based on 2022 data, the average cost to State government for felony probation supervision is approximately \$4,800 per probationer per year. For any increase in prison intakes the average annual cost of housing a prisoner in a State correctional facility is an estimated \$45,700. Per diem rates for housing a prisoner in a State correctional facility range from \$98 to \$192 per day, depending on the security level of the facility. Additionally, any associated fine revenue would increase funding to public libraries.

Date Completed: 2-12-24

Fiscal Analyst: Bruce R. Baker
Joe Carrasco, Jr.
Nathan Leaman
Elizabeth Raczkowski
Cory Savino, PhD
Michael Siracuse