



The State of New Hampshire
DEPARTMENT OF ENVIRONMENTAL SERVICES



Thomas S. Burack, Commissioner
March 14, 2013

The Honorable Susan Almy, Chairman
House Ways and Means
Legislative Office Building, Room 202
Concord, NH 03301

RE: HB 295- requiring criminal background checks for volunteers and employees at youth skill camps

Dear Chairman Almy:

Thank you for the opportunity to comment on HB 295. The bill would require that the operators of youth skills camps, except those operated by municipalities, 1) perform background checks on all employees and volunteers and 2) certify to the Department of Environmental Services (DES) that no employee at the camp has a violent or abusive criminal record. It also would create a dedicated fund entitled the Recreation and Youth Skill Camp Fund to support the implementation of the youth camp programs. DES supports this bill, but recommends a minor change concerning the effective date. We are also still concerned that the resources available for this important program will continue to be insufficient until fees are at adequate levels or alternative funding is obtained.

For decades, DES has administered the Youth Recreation Camp regulatory program to ensure that all health and safety aspects of residential recreational camps (e.g. summer overnight camps) meet numerous health and safety requirements. Each summer DES hires youth camp inspectors (typically active or retired school teachers) to perform inspections of all licensed youth recreation camps. These inspections broadly include assessments of camp kitchens, medical facilities, beaches, camper living quarters, water supplies, wastewater disposal facilities and general camp health and safety conditions. Under this program, all employees at youth recreation camps must have a criminal background check in accordance with administrative rules (Env-Wq 900 Youth Recreation Camps).

An allegation of misconduct at a week-long sports camp a few years ago brought to light that "youth skill camps" are largely unregulated and, more specifically, are not required to conduct criminal background checks. In 2012, the Youth Camp Regulation Study Commission was established by enactment of SB 363 (Chapter 47:1, Laws of 2012) to study this issue and other matters related to the regulation of youth camps. The two primary recommendations from the Commission were:

1. *Criminal background checks, similar to what is required at recreational youth camps, should be required at youth skill camps, except for municipally operated camps.* Note that municipalities are already conducting these checks according to the testimony to the Commission by municipal officials and, therefore, it was concluded by the Commission that further regulation of these camps was not necessary.

2. *There needs to be further discussion about the funding to support the youth camp program at DES.* There is currently inadequate funding to support the youth camp regulation program as administered by DES. The funding source for this program is currently a federal grant to DES that is for the implementation the Federal Safe Drinking Water Act program rather than youth camp regulation. The diversity of the youth camp program functions that DES is obligated by state statute to implement far exceed the scope of eligible activities for use of Safe Drinking Water Act grant funds. Since this program dates back to 1971, it is quite likely that this program was originally supported by the state general fund (where the licensing fees currently are deposited). We speculate that a transition of staff funding to the Safe Drinking Water Act program grant probably occurred sometime in the past to address previous general fund shortfalls.

In HB 295 as amended, Sections 1, 2, 3 and 5 would address the first recommendation of the study committee by amending RSA 485-A:24 to include a definition of “youth skill camp” and requiring criminal background checks for employees of these camps.

Sections 3, 4 and 6 would begin to address the concern with funding. These sections would establish a dedicated nonlapsing fund into which youth camp licensing fees would be deposited. An annual fee of \$50 is already assessed for recreational youth camps (see RSA 485-A:24). This fee was increased to its current level in 1989. Historically, the fee was \$20 per year at program origination in 1971 and had previously been increased one other time to \$35 per year in 1977. In Section 3 of the bill, in a proposed new paragraph (RSA 485-A:24-a), an annual fee of \$25 per year for youth skill camp licenses is proposed. The estimated revenues to the proposed dedicated fund from the fees for both programs as well as estimated expenses are presented in the following table.

Estimated Annual Revenues for the Recreation Camp and Youth Skill Camp Fund as Proposed in HB 295¹

	Annual Fee	Number of Camps	Total Annual Revenues	Estimated Annual Expenses
Recreational Youth Camps	\$50	170	\$8,500	\$34,000
Youth Skill Camps	\$25	100	\$2,500	\$ 2,500
Total		270	\$11,000	\$36,500

Please note that the annual revenues derived from the existing annual fee of \$50 for recreational youth camps (about \$8,500 per year) are currently deposited into the general fund.

¹ DES has accurate data concerning the number of recreational youth camps and revenues derived from the existing annual fees and for the expenses required to regulate these camps since these are already regulated. For the youth skill camps, the number of camps, annual revenues and annual expenses are estimated since DES does not yet have an accurate inventory of these camps.

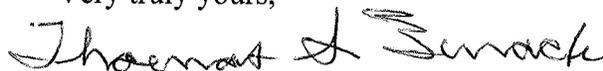
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Also, the costs to administer the existing recreational youth camp program are approximately \$34,000 and, as an initial estimate, the costs to administer the proposed youth skill camps program are assumed equal to the estimated new revenues. At the proposed funding levels, DES estimates that only about 30% of the total program costs would be provided by the proposed annual licensing fees. Consequently, in the near future, we believe that it would also be prudent to increase the youth camp licensing fees to better match the reasons for program expenses with the funding sources. We believe that it is time to consider options for moving youth camp program support away from full funding by the federal grant for Safe Drinking Water Act program administration to a more appropriate funding source.

Finally, DES recommends a minor amendment with respect to the effective date. This change was agreed to by the Resources, Recreation and Development subcommittee that discussed this bill but was inadvertently left out of the amended bill. We propose that the effective date for rulemaking be as proposed in the bill (within 30 days of passage). However, we propose that all other new requirements become effective on January 1, 2014. This would provide sufficient time for DES to identify and notify youth skills camps operating in NH about the new requirements well in advance of the 2014 summer season.

Thank you for this opportunity to comment on this bill. Please feel free to call Sarah Pillsbury at 271-1168 or me at 271-2958 if you have any questions or need additional information.

Very truly yours,



Thomas S. Burack
Commissioner

cc: Representative LeBrun
Representative Harding