



The State of New Hampshire
DEPARTMENT OF ENVIRONMENTAL SERVICES



Thomas S. Burack, Commissioner

April 30, 2013

The Honorable Nancy Stiles, Chairman
Senate Health, Education and Human Services Committee
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 Stiles:

Thank you for the opportunity to comment on HB 295, as amended by the House. The bill would require that the operators of youth skills camps, except those operated by municipalities, would 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 would also create a dedicated fund entitled the Recreation and Youth Skill Camp Fund to support the youth camp program at DES. DES strongly supports this bill, but recommends a minor change concerning the effective date.

For decades, DES has administered the Youth Recreation Camp regulatory program to ensure that all health and safety aspects of residential recreational camps (i.e., 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 those 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 even the existing

DES Web site: www.des.nh.gov

P.O. Box 95, 29 Hazen Drive, Concord, New Hampshire 03302-0095

Telephone: (603) 271-3503 • Fax: (603) 271-2867 • TDD Access: Relay NH 1-800-735-2964

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 exceeds 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 (into which 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. The continued use of this funding source is both inappropriate and unreliable in that these federal dollars are shrinking.

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 the staff and volunteers that will be in contact with children at these camps.

Appropriately funding the program is addressed by Sections 3, 4 and 6. These sections would establish a dedicated non-lapsing 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 funding currently is allocated to the general fund. Section 3 increases the fee to \$200 and directs it to the newly established fund. It is our understanding that the increased fee is supported by the NH Camp Directors Association, provided that it is used to support the Youth Camp Program. Section 3 also contains a new paragraph (RSA 485-A:24-a), which proposes an annual fee of \$25 per year for youth skill camps. The estimated revenues to the proposed dedicated fund from the fees for both programs, as well as, estimated expenses are presented in the table below. In short, the passage of HB295 will make the Youth Camp Program at DES self-supporting and the organization representing the camps that will contribute the most financial support is in favor of the legislation.

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	\$200	170	\$34,000	\$34,000
Youth Skill Camps	\$25	100	\$2,500	\$ 2,500
Total		270	\$36,500	\$36,500

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.

Finally, DES recommends a minor amendment with respect to the effective date. This change was agreed to by the subcommittee of the House Resources, Recreation and Development Committee that discussed this bill, but it 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 Rene Pelletier at 271-2951 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