HB 582-FN-A - AS INTRODUCED

2017 SESSION

17-0566
08/09

HOUSE BILL ***582-FN-A***

AN ACT relative to public bathing facilities.

SPONSORS: Rep. Suzanne Smith, Graf. 8

COMMITTEE: Resources, Recreation and Development

ANALYSIS

This bill:

I. Requires the department of environmental service to make rules regarding inspection, licensing, and fees for public bathing facilities.

II. Establishes fees for applying for a public bathing facility license.

III. Establishes the public bathing facility program fund.

IV. Was requested by the department of environmental services.

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Explanation: Matter added to current law appears in ***bold italics.***
Matter removed from current law appears [~~in brackets and struckthrough.~~]
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

17-0566
08/09

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Seventeen

AN ACT relative to public bathing facilities.

Be it Enacted by the Senate and House of Representatives in General Court convened:

1 Rulemaking; Public Bathing Facilities RSA 485-A:6, X is repealed and reenacted to read as follows:

X. Public bathing places regulated under RSA 485-A:26, including:

(a) Standards for the design, construction, operation, and maintenance of such facilities to protect persons using the facilities, as required by RSA 485-A:26, I.

(b) A schedule of fees to recover the costs of the inspections and sampling authorized by RSA 485-A:26, II.

(c) Procedures for obtaining the annual license to operate required by RSA 485-A:26, IV.

2 Public Bathing Facilities; Fees. Amend RSA 485-A:26 to read as follows:

485-A:26 Swimming Pools and Bathing Places***; Public Bathing Facility Program Fund***.

I. No person shall install, operate or maintain an artificial swimming pool or bathing place open to and used by the public[~~, or as a part of a business venture,~~] unless the construction, design and physical specifications of such pool or bathing place shall have received prior approval by the department. A ***nonrefundable application*** fee of [~~$100~~] ***$400, plus $25 per 100 square feet of area over 400 square feet*** shall be paid to the department upon submission of such plans for review. Fees collected under this paragraph shall be deposited with the state treasurer [~~as unrestricted revenue~~] ***into the public bathing facility program fund***. The commissioner shall adopt rules relative to safety standards to protect persons using said facilities. Nothing in this section shall be deemed to affect the powers of local health officers or the department of health and human services, with respect to nuisances.

II. The department may take samples of the water of any such facility for analysis to determine compliance with water quality requirements. The costs of such sampling and analysis shall be paid by the owner or operator of such facility. The costs recovered for such sampling shall be deposited in the [~~general fund as unrestricted revenue~~] ***public bathing facility program fund***. The costs recovered for analysis shall be consistent with the fee structure established in RSA 131:3-a and deposited as provided in RSA 131:3-a. Any municipality which establishes a program of sampling and analysis which is equivalent to the department's program shall not be subject to additional sampling and analysis by the department.

III. No person shall operate or maintain a public bathing facility without a license issued by the department. Such license shall be conditioned upon the maintenance of clean, healthful, and sanitary conditions, as determined and approved by the department.

Such license shall be valid within the calendar year for which it is issued and subject to suspension or revocation at any time for cause. The fee for such license shall be $225 per pool with a maximum of $1,250 per facility and shall be deposited with the state treasurer in the public bathing facility program fund.

IV. There is established in the office of the state treasurer a public bathing facility program fund which shall be kept distinct and separate from all other funds. Such fund shall be the depository of all fees collected under this section. All moneys in such fund shall be nonlapsing and continually appropriated to the department for the purposes of inspecting and taking samples from public bathing facilities as required under paragraph II.

3 New Subparagraph; Public Bathing Facility Program Fund. Amend RSA 6:12, I(b) by inserting after subparagraph (333) the following new subparagraph:

(334) Money deposited in the public bathing facility program fund established in RSA 485-A:26, IV.

4 Effective Date. This act shall take effect July 1, 2017.

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HB 582-FN-A- FISCAL NOTE
AS INTRODUCED

AN ACT relative to public bathing facilities.

FISCAL IMPACT: [X] State [ ] County [X] Local [ ] None

	Estimated Increase / (Decrease)			
STATE:	**FY 2018**	**FY 2019**	**FY 2020**	**FY 2021**
Appropriation	$0	$0	$0	$0
Revenue	Indeterminable	Indeterminable	Indeterminable	Indeterminable
Expenditures	Indeterminable Increase	Indeterminable Increase	Indeterminable Increase	Indeterminable Increase
Funding Source:	[X] General	[ ] Education	[ ] Highway	[X] Other

LOCAL:

Revenue	$0	$0	$0	$0
Expenditures	Indeterminable Increase	Indeterminable Increase	Indeterminable Increase	Indeterminable Increase

METHODOLOGY:

This bill establishes the nonlapsing and continually appropriated Public Bathing Facility Program (PBFP) Fund for the Public Bathing Facilities program. Under current law, the program collects unrestricted revenue from application fees ($23,600 in FY 2016) and is entirely paid for with general funds. This bill makes the program a self-funding program by increasing the existing application fees and establishing new annual licensing fees. The revenue derived from these fees will be deposited into the new PBFP Fund to pay exclusively for program operations.

In FY 2017, the Public Bathing Facilities Program is expected to cost approximately $230,000 and generate approximately $260,500 of restricted revenue. State expenditures for the program are expected to increase by approximately $95,000 over FY 2016 expenditures in FY 2017. State revenue generated by the program is anticipated to increase by approximately $236,820 in FY 2017 over the FY 2016 revenue amount (see tables below for details). The table below is based on information provided by the Department of Environmental Services and provides estimates on the amount of increased restricted revenue resulting from this bill:

	Current Fee Rate	Proposed Fee Rate	Number of Pools	Restricted Revenue Increase/ (Decrease)

Non Refundable Application Fee for Pools under 400 square feet	$100	$400	7	$2,800
Application Fee For Pools Greater than 400 square feet	$100	$400 plus $25 for every additional 100 square feet	9	$8,000
Annual License Fee Per Pool	Not Applicable - New Fee	$225	1,032	$232,200
Annual License Fee for Facilities with Greater than 5 Pools	Not Applicable - New Fee	$1,250	14	$17,500
		Total Annual Restricted Revenue		$260,500
		FY 2016 Unrestricted Revenue		$23,680
		Net Impact on State Revenue		$236,820

The Department of Environmental Services states that included in the estimates in the table above are the 49 pools operated by municipalities. Consequently, the Department estimates this bill may increase local expenditures by approximately $11,025 annually. However, municipalities that have comparable public pool inspection programs per RSA 485-A:26 are excluded from the program and associated fees.

The Department of Environmental Services states the program is currently managed by one Environmentalist IV (LG 27). The program's operating costs were about $135,000 in FY 2016. The Department states it would need to hire one new Environmentalist II (LG 19) and two seasonal interns to implement the provisions of this bill. The table below estimates the net impact on state expenditures this bill will have:

		FY 2018	FY 2019	FY 2020	FY 2021
Estimated Future Operating Costs	Personnel and Benefits*	$171,492	$175,927	$181,648	$186,517
	Equipment, Travel, Current Expenses, Rent, & Other Expenses*	$58,508	$60,073	$40,352	$39,483
	Total	$230,000	$236,000	$222,000	$226,000
FY 2016 Operating Costs		$135,000	$135,000	$135,000	$135,000
Estimated Net Increase / (Decrease) on State Expenditures over FY 2016		$95,000	$101,000	$87,000	$91,000
Note: * This estimate includes the salaries, benefits, and associated costs with the					

Environmentalist IV, Environmentalist II, and two seasonal intern positions.

The New Hampshire Municipal Association states this bill will increase costs for municipalities that operate public swimming pools subject to this law. The Association does not have data available to estimate the impact to local expenditures.

AGENCIES CONTACTED:

Department of Environmental Services and New Hampshire Municipal Association