



STATE OF NEW HAMPSHIRE
DEPARTMENT of RESOURCES and ECONOMIC DEVELOPMENT
OFFICE of the COMMISSIONER

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January 29, 2013

The Honorable Shannon Chandley, Chair
And the Recreation, Resources and Development Committee
Legislative Office Building, Room 305
Concord, NH 03301

RE: HB 273 authorizing the commissioner of the department of resources and economic development to enter into contracts for provision of free Wi-fi Internet access at Hampton Beach state park.

Dear Chair Chandley and Members of the Committee,

Thank you for the opportunity to testify on House Bill 273 authorizing the commissioner to enter into contracts for the provision of free Wi-Fi internet access at Hampton Beach state park. The Department of Resources and Economic Development acknowledges the good intentions of this bill. While we do not take a position, we wish to provide the following information and express certain concerns.

The Department has the authority to enter into contracts to provide for services at state parks through existing law in RSA 216-A:3, III; RSA 227-H:9; and RSA 4:39-b (see attached laws). In fact, the Division of Parks and Recreation is considering providing internet services to its visitors at locations where it is technologically feasible, where costs may be reasonably recovered, and where such services are expected or desired by the visiting public as evidenced through visitor surveys and comments. Such areas include RV campgrounds and at Cannon Mountain where implementation is contained within a relatively confined area and costs could be reasonably recovered through existing fee structures as we offer more services. As directed by statute, we try to tie fees to services provided.

Although HB 273 states that the Department "may" enter into contracts for providing internet service at Hampton Beach State Park, we are concerned that the bill creates the expectation by the General Court for the Department to act on this objective. And, are concerned whether or not this bill will set the expectation of providing free internet service to park visitors and any adjacent commercial businesses throughout the state park system.

The Department relays the following concerns related to HB 273:

- It may set the expectation that the State shall provide free internet services to certain visitors and commercial businesses.

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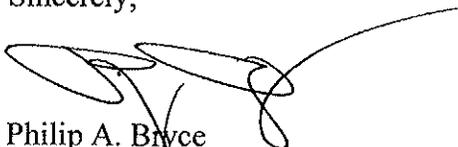
Chair Shannon Chandley and Members of the RR&D Committee

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- It does not identify a funding source for this action. The Division of Parks and Recreation is a self-funded agency. To divert State Park Funds to this project would jeopardize essential services and maintenance to the smaller, less-profitable state parks and recreation areas; and, risk the recent and hard-won elimination of the Division's loss-carry forward balance held over for the last twenty years.
- It does not allow the Division to recover its costs of providing internet service by charging the end-user for such services. No admission fees are charged to visitors at Hampton Beach state park, only parking fees.
- The Division accommodates up to 100,000 visitors at Hampton Beach State Park, and there are many small businesses located adjacent to the park. The technology, security, and true costs to implement free wi-fi access along the beach are likely very complicated and extensive. The Division would seek the assistance of the Department of Information Technology to determine the feasibility of this action.
- We are greatly concerned about the potential security issues surrounding wi-fi internet access, and the possible security breach to the State's internal internet systems as well as to the public and businesses accessing internet services. Would the State be held liable for any breach in privacy and security of computer systems and devices, whether publically or privately held?
- We are always looking to improve the visitor experience to the State Park system. Currently, our priorities are to provide adequate staff to open parks and associated facilities, and improve the condition of the park system by addressing long-standing deferred maintenance.

Although scheduling conflicts prevented my attendance at today's hearing, please feel free to contact me with any additional information I can provide.

Sincerely,



Philip A. Bryce
Acting Commissioner

Attachment

PAB/tt1012913

**TITLE XIX
PUBLIC RECREATION
CHAPTER 216-A
EXPANSION OF STATE PARK SYSTEM**

Section 216-A:3

216-A:3 Department of Resources and Economic Development; Authority. – With the approval of the governor and council, the department shall have the following authority:

I. Acquire, by purchase or gift, real property with recreational or historic value.

II. Dispose of real property, by sale or exchange.

III. Enter into agreements with other state agencies, the federal government, municipalities or other public and private agencies regarding the acquisition, development or operation of recreational areas or facilities.

IV. Apply for and receive, with the approval of the governor and council, grants, donations, and other assistance to assist in the development and operation of the park system.

Source. 1961, 263:3. 1985, 389:5, eff. June 25, 1985.

**TITLE XIX-A
FORESTRY
CHAPTER 227-H
PUBLIC FOREST LANDS: MANAGEMENT, ACQUISITION, AND LOST TAXES**

Section 227-H:9

227-H:9 Privileges and Concessions. – The commissioner may make contracts for the leasing of privileges and concessions on state reservations, for periods not exceeding 5 years, except such 5-year limitation shall not apply to contracts between the state and the 4-H Foundation of New Hampshire, Incorporated, relative to facilities at Bear Brook state park. All such contracts extending for a period of more than 3 years or for an annual consideration of more than \$2,500 shall be approved by the governor and council prior to being effective.

Source. 1995, 299:1, eff. Jan. 1, 1996.

**TITLE I
THE STATE AND ITS GOVERNMENT
CHAPTER 4
POWERS OF THE GOVERNOR AND COUNCIL IN CERTAIN CASES
Acquisition and Disposal of Real Estate**

Section 4:39-b

4:39-b Approval of State Agency Leases Exceeding 5 Years. – Any lease of land, buildings, or space to be used by any state agency, as defined in RSA 21-G:5, III, and which exceeds a term of 5 years, including all options, shall be reviewed and approved by the long range capital planning and utilization committee established in RSA 17-M prior to submission to the governor and council for approval.

Source. 1998, 276:5, eff. June 26, 1998.