

LEGISLATIVE COMMITTEE MINUTES

HB1617

Bill as
Introduced

HB 1617-FN - AS INTRODUCED

2014 SESSION

14-2407
10/04

HOUSE BILL

1617-FN

AN ACT

permitting the retirement system to access death, marriage, and divorce records of the division of vital records administration for the administration of RSA 100-A.

SPONSORS:

Rep. Gagnon, Sull 5; Rep. Schuett, Merr 20; Sen. Odell, Dist 8

COMMITTEE:

Executive Departments and Administration

ANALYSIS

This bill grants the retirement system authority to establish electronic access to vital records data on deaths, marriages, and divorces held by the division of vital records administration for the purposes of the administration of RSA 100-A.

This bill is a request of the New Hampshire retirement system.

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Fourteen

AN ACT permitting the retirement system to access death, marriage, and divorce records of the division of vital records administration for the administration of RSA 100-A.

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

1 1 Vital Records Administration; Privacy. Amend RSA 5-C:4, II to read as follows:

2 II. In collecting information, prime consideration shall be given to the protection of the
3 privacy of the individuals about whom information is given. In accordance with the provisions of this
4 chapter, the secretary of state shall ensure that, when information is collected, the minimum of data
5 shall be collected to accomplish a specific purpose, that no information shall be available to
6 unauthorized personnel, that only the minimum be made available to authorized personnel, and that
7 no information that could possibly adversely affect an identified individual be made public. The
8 department of health and human services shall have access to vital records information in
9 accordance with the provisions of RSA 126:24-c. *The New Hampshire retirement system shall*
10 *have access to vital records information in accordance with the provisions of RSA 100-A:14,*
11 *XVI.*

12 2 New Paragraph; Vital Records; Disclosure of Information. Amend RSA 5-C:9 by inserting
13 after paragraph VII the following new paragraph:

14 VIII. The New Hampshire retirement system shall have a direct and tangible interest in
15 death, marriage, and divorce records information used for the purposes of the administration of
16 RSA 100-A, including names of registrants, dates of birth, places of birth, social security numbers,
17 dates of vital events, places of vital events, marital status, and the names of spouses.

18 3 New Paragraph; Retirement System Administration. Amend RSA 100-A:14 by inserting after
19 paragraph XV the following new paragraph:

20 XVI. The retirement system shall have a direct and tangible interest in death, marriage, and
21 divorce records information including names of registrants, dates of birth, places of birth, social
22 security numbers, dates of vital events, places of vital events, marital status, and the names of
23 spouses.

24 4 Effective Date. This act shall take effect 60 days after its passage.

HB 1617-FN - FISCAL NOTE

AN ACT permitting the retirement system to access death, marriage, and divorce records of the division of vital records administration for the administration of RSA 100-A.

FISCAL IMPACT:

The Department of State states this bill, as introduced, may increase state expenditures by an indeterminable amount in FY 2015 only. There will be no impact on county and local expenditures, or state, county, and local revenue.

METHODOLOGY:

The Department of State states this bill will recognize the New Hampshire Retirement System as having a direct and tangible interest in death, marriage, and divorce records of Retirement System members maintained by the Department's Division of Vital Records. This designation will permit the Retirement System to have access to those specific records. The Department of Health and Human Services (DHHS) already accesses this information through the Enterprise Data Warehouse (EDW) maintained by DHHS. If the Retirement System is permitted to access this data through the EDW, there will be no expenditures required by the Department of State. If, however, separate access must be established, the Department estimates it will incur a one-time expenditure of approximately \$50,000 to purchase a server and have a vendor write the application.

The Department of Health and Human Services and the New Hampshire Retirement System state this bill will have no fiscal impact.

Amendments

Amendment to HB 1617-FN

1 Amend the bill by replacing all after the enacting clause with the following:

2
3 1 Vital Records Administration; Privacy. Amend RSA 5-C:4, II to read as follows:

4 II. In collecting information, prime consideration shall be given to the protection of the
5 privacy of the individuals about whom information is given. In accordance with the provisions of this
6 chapter, the secretary of state shall ensure that, when information is collected, the minimum of data
7 shall be collected to accomplish a specific purpose, that no information shall be available to
8 unauthorized personnel, that only the minimum be made available to authorized personnel, and that
9 no information that could possibly adversely affect an identified individual be made public. The
10 department of health and human services shall have access to vital records information in
11 accordance with the provisions of RSA 126:24-c. *The New Hampshire retirement system shall*
12 *have access to a limited data set of vital records information in accordance with the*
13 *provisions of RSA 100-A:14, XVI.*

14 2 New Paragraph; Vital Records; Disclosure of Information. Amend RSA 5-C:9 by inserting
15 after paragraph VII the following new paragraph:

16 VIII. The New Hampshire retirement system shall have a direct and tangible interest in a
17 limited data set of death, marriage and divorce information of members and beneficiaries for
18 purposes of administering RSA 100-A, limited to name of registrant, date of birth, place of birth,
19 social security number, date of vital event, place of vital event, marital status, and name of spouse.
20 The secretary of state and the executive director of the New Hampshire retirement system shall
21 enter into a memorandum of understanding for the purposes of delineating specific procedures for
22 access to this limited data set.

23 3 New Paragraph; Retirement System Administration. Amend RSA 100-A:14 by inserting after
24 paragraph XV the following new paragraph:

25 XVI. Access to Information From Vital Records for Retirement System Purposes. The
26 retirement system shall have a direct and tangible interest in death, marriage, and divorce vital
27 records information of members and beneficiaries, limited to name of registrant, date of birth, place
28 of birth, social security number, date of vital event, place of vital event, marital status, and name of
29 spouse. The secretary of state and the executive director of the New Hampshire retirement system
30 shall enter into a memorandum of understanding for the purposes of delineating specific procedures
31 for access to this limited data set.

Amendment to HB 1617-FN

- Page 2 -

1 4 Effective Date. This act shall take effect 60 days after its passage.

2014-0144h

AMENDED ANALYSIS

This bill grants the retirement system authority to establish electronic access to a limited data set of vital records data on deaths, marriages, and divorces held by the division of vital records administration for the purposes of the administration of RSA 100-A.

This bill is a request of the New Hampshire retirement system.

Speakers

Hearing Minutes

HOUSE COMMITTEE ON EXECUTIVE DEPARTMENTS AND ADMINISTRATION

PUBLIC HEARING ON HB 1617-FN

BILL TITLE: permitting the retirement system to access death, marriage, and divorce records of the division of vital records administration for the administration of RSA 100-A.

DATE: 1/23/14

LOB ROOM: 306 **Time Public Hearing Called to Order:** 1:36 pm

Time Adjourned: 2:19 pm

(please circle if present)

Committee Members: Reps. Weber, Schuett, P. Schmidt, D. Sullivan, Jeudy, Goley, Gagnon, Booras, Moffett, M. Nelson, Hansberry, C. McGuire, Pratt, Hansen, S. Sweeney, Beaudoin, Bianca Rose Garcia, Sytek, Danais and Byron

Bill Sponsors: Rep. Gagnon, Sull 5; Rep. Schuett, Merr 20; Sen. Odell, Dist 8

TESTIMONY

* Use asterisk if written testimony and/or amendments are submitted.

*** Representative Gagnon, Sull 5**

Representative Gagnon presented the bill and stated that the bill was submitted at the request of the NHRS. This bill allows the NHRS to access the death, marriage and divorce records of retirees. Representative Gagnon presented an amendment to the bill #2014-0144h (see attached).

Representative Schuett, Merr 20

Representative Schuett stated that she supports the bill.

***Mr. Marty Karlon representing the New Hampshire Retirement System**

Mr. Karlon provided written testimony (see attached) and stated that NHRS supports the legislation. Mr. Karlon stated that this bill would allow for the NHRS to process deaths and changes to the retirement system more expeditiously. Mr. Karlon summarized the differences between the original bill and the amendment. Mr. Karlon stated that today, NHRS searches through obituaries printed in the papers for retiree deaths. Mr. Karlon addressed several questions from the committee. He stated that there are about 30 cases per month where the retiree

dies and NHRS sends out a benefit check as they do not know of the death.

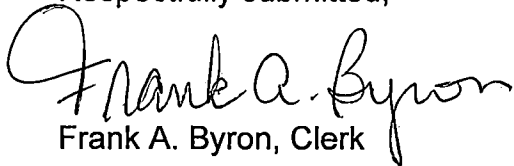
Mr. Stephen Wurtz, Director of the NH Division of Vital Records

Mr. Wurtz stated that he supports the bill amendment presented to the committee. Mr. Wurtz stated that under statute, vital records are not considered public records but are confidential. Mr. Wurtz related that DHHS has access to vital records as there is statute that authorizes their access and went on to say that he has denied access to NHRS as there is no supporting statute authorizing them access. Mr. Wurtz suggested that NHRS obtain legislation authorizing access and that this information be of a limited nature. He stated that as the vital records are stored electronically, they can limit access by NHRS to particular data elements that are authorized in the legislation. Mr. Wurtz answered several questions of the committee. Mr. Wurtz expressed that the parameters of the access methodology by NHRS would be spelled out between his department and NHRS through a Memorandum of Understanding.

Ms. Laura Hainey representing AFT-NH and NH Retirement System Coalition

Ms. Hainey submitted a card expressing her opposition but did not testify.

Respectfully submitted,


Frank A. Byron, Clerk

HOUSE COMMITTEE ON EXECUTIVE DEPARTMENTS AND ADMINISTRATION

PUBLIC HEARING ON HB 1617-FN

BILL TITLE: permitting the retirement system to access death, marriage, and divorce records of the division of vital records administration for the administration of RSA 100-A.

DATE: 1/28/14
23

LOB ROOM: 306

Time Public Hearing Called to Order: 1:36 AM

Time Adjourned: 2:19 PM

(please circle if present)

Committee Members: Reps. Weber, Schuett, P. Schmidt, D. Sullivan, Jeudy, Goley, Gagnon, Booras, Moffett, M. Nelson, Hansberry, C. McGuire, Pratt, Hansen, S. Sweeney, Beaudoin, Bianca Rose Garcia, Sytek, Danais and Byron.

Bill Sponsors: Rep. Gagnon, Sull 5; Rep. Schuett, Merr 20; Sen. Odell, Dist 8

TESTIMONY

* Use asterisk if written testimony and/or amendments are submitted.

* Representative Gagnon, Sull 5

- presented the bill

- submitted an amendment 2014-0144h

Representative Schuett, Merr 20

- Stated she supports the bill

* Mr. Marty Karlon representing NHRS

- Stated NHRS supports the bill

- the bill allows access for NHRS to the retired vital records.

Mr. Stephen Wurtz, Director of NH Division of Vital Records

- Supports the amended bill

- explained the workings of the vital records system.

Ms. Laura Hainey representing AFT-NH and NH Retirement System Coalition

- Submitted a speaker's card expressing opposition to the bill but did not speak.

Franka Byron,
Clerk

**HOUSE COMMITTEE ON EXECUTIVE DEPARTMENTS AND
ADMINISTRATION**

PUBLIC HEARING ON HB1617-FN

BILL TITLE: permitting the retirement system to access death, marriage, and divorce records of the division of vital records administration for the administration of RSA 100-A

DATE: 23 January 2014

LOB ROOM: 306

Time Public Hearing Called to Order: 01:36 PM

Time Adjourned: 2:19 PM

Committee Members Present: Chairman Weber, Vice-Chairman Schuett, Schmidt, D. Sullivan, Goley, R. Gagnon, D. Hansberry, Moffett, C. McGuire, J. Sytek, Hansen, Byron, Danais,

Committee Members Absent: Representatives Judy, Booras, M. Nelson, Pratt, S. Sweeney, Bianca Garcia, Beaudoin

Bill Sponsors: Rep. Gagnon, Sull 5; Rep. Schuett, Merr 20; Sen. Odell, Dist 8

* Use asterisk if written testimony and/or amendments are submitted

Announcements / Notes: Abcd

Testimony:

***Testimony of Representative Gagnon, Sull 5**

Representative Gagnon presented the bill and stated that the bill was submitted at the request of the NHRS. This bill allows the NHRS to access the death, marriage and divorce records of retirees. Representative Gagnon presented an amendment to the bill #2014-0144h (see attached).

Testimony of Representative Schuett, Merr 20

Representative Schuett stated that she supports the bill.

***Testimony of Mr. Marty Karlon representing the New Hampshire Retirement System**

Mr. Karlon provided written testimony (see attached) and stated that NHRS supports the legislation. Mr. Karlon stated that this bill would allow for the NHRS to process deaths and changes to the retirement system more expeditiously. Mr. Karlon summarized the differences between the original bill and the amendment. Mr. Karlon stated that today, NHRS searches through obituaries printed in the

**HOUSE COMMITTEE ON EXECUTIVE DEPARTMENTS AND
ADMINISTRATION**

PUBLIC HEARING ON HB1617-FN

papers for retiree deaths. Mr. Karlon addressed several questions from the committee. He stated that there are about 30 cases per month where the retiree dies and NHRS sends out a benefit check as they do not know of the death.

**Testimony of Mr. Stephen Wurtz, Director of the NH Division of Vital
Records**

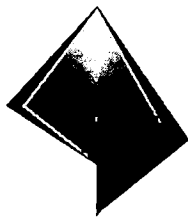
Mr. Wurtz stated that he supports the bill amendment presented to the committee. Mr. Wurtz stated that under statute, vital records are not considered public records but are confidential. Mr. Wurtz related that DHHS has access to vital records as there is statute that authorizes their access and went on to say that he has denied access to NHRS as there is no supporting statute authorizing them access. Mr. Wurtz suggested that NHRS obtain legislation authorizing access and that this information be of a limited nature. He stated that as the vital records are stored electronically, they can limit access by NHRS to particular data elements that are authorized in the legislation. Mr. Wurtz answered several questions of the committee. Mr. Wurtz expressed that the parameters of the access methodology by NHRS would be spelled out between his department and NHRS through a Memorandum of Understanding.

**Testimony of Ms. Laura Hainey representing AFT-NH and NH Retirement
System Coalition**

Ms. Hainey submitted a card expressing her opposition but did not testify.

Minutes recorded by Representative Frank A. Byron, Clerk

Testimony



NHRS

New Hampshire Retirement System

NH Retirement System
54 Regional Drive
Concord, NH 03301
Phone: (603) 410-3500
www.nhrs.org

NHRS Bill Brief: House Bill 1617 (as introduced)

Prepared for the House ED&A Committee

Summary: "An act permitting the retirement system to access death, marriage, and divorce records of the division of vital records administration for the administration of RSA 100-A."

Analysis: "This bill grants the retirement system authority to establish electronic access to vital records data on deaths, marriages, and divorces held by the division of vital records administration for the purposes of the administration of RSA 100-A."

Sponsors: Rep. Gagnon, Sull 5; Rep. Schuett, Merr 20; Sen. Odell, Dist 8.

Background

The New Hampshire Retirement System (NHRS, the retirement system) pays out lifetime pension annuities to retired members and, in cases where a survivorship option is chosen, their designated beneficiary(ies). NHRS takes several steps to actively monitor deaths of retirees, beneficiaries and members; however, there are instances in which benefits are paid after the death of an annuitant and must be recouped. In addition, some NHRS benefits are contingent on the marital status of a retiree/beneficiary, so providing the retirement system with access to marriage and divorce records in cases where these records are unavailable from other sources will improve NHRS' ability to effectively administer benefits.

Because more than 80 percent of NHRS retirees live in-state, providing the retirement system with strictly limited access to specific state vital records of retired members and beneficiaries will allow NHRS to verify life events that may impact benefits in a timely manner.

Other Considerations

-- NHRS has had multiple meetings with representatives of the Secretary of State's office and the Division of Vital Records to refine the language in this bill. The Division of Vital Records has strict protocols for accessing vital records and if this legislation is adopted, NHRS will work with the Secretary of State's office to develop a memorandum of understanding delineating specific procedures for access to this limited data set.

-- This bill was based on an existing statutory provision (RSA 5-C:9, VI) providing the Department of Health and Human Services with similar access to vital records.

Voting Sheets

HOUSE COMMITTEE ON EXECUTIVE DEPARTMENTS AND ADMINISTRATION

EXECUTIVE SESSION on HB 1617-FN

BILL TITLE: permitting the retirement system to access death, marriage, and divorce records of the division of vital records administration for the administration of RSA 100-A.

DATE: 2/18/14

LOB ROOM: 306

Amendments:

Sponsor: Rep. Gagnon – 2nd D. Sullivan OLS Document #: 2014 0144h

Sponsor: Rep. OLS Document #:

Sponsor: Rep. OLS Document #:

Motions: OTP, OTP/A, ITL, Interim Study (Please circle one.)

Moved by Rep. Gagnon

Seconded by Rep. Goley

Vote: 13-0 (Please attach record of roll call vote.)

Motions: OTP, OTP/A, ITL, Interim Study (Please circle one.)

Moved by Rep.

Seconded by Rep.

Vote: (Please attach record of roll call vote.)

CONSENT CALENDAR VOTE: 13-0

(Vote to place on Consent Calendar must be unanimous.)

Statement of Intent: Refer to Committee Report

Respectfully submitted,

Rep. Frank Byron, Clerk

HOUSE COMMITTEE ON EXECUTIVE DEPARTMENTS AND ADMINISTRATION

EXECUTIVE SESSION on HB 1617-FN

BILL TITLE: permitting the retirement system to access death, marriage, and divorce records of the division of vital records administration for the administration of RSA 100-A.

DATE: 2/18/14

LOB ROOM: 306

Amendments:

Sponsor: Rep. *Gagnon* ^{2nd} *D. Sullivan* OLS Document #: 2014-0144h
Sponsor: Rep. OLS Document #:
Sponsor: Rep. OLS Document #:

Motions: OTP, OTP/A, ITL, Interim Study (Please circle one.)

13-0 adopted
consent

Moved by Rep. *Gagnon*

Seconded by Rep. *Goley*

Vote: (Please attach record of roll call vote.)

Motions: OTP, OTP/A, ITL, Interim Study (Please circle one.)

Moved by Rep.

Seconded by Rep.

Vote: (Please attach record of roll call vote.)

CONSENT CALENDAR VOTE:

(Vote to place on Consent Calendar must be unanimous.)

Statement of Intent: Refer to Committee Report

Respectfully submitted,
Rep. Frank Byron, Clerk



2014 SESSION

EXECUTIVE DEPARTMENTS AND ADMINISTRATION

Bill #: _____ Title: _____

PH Date: ____/____/____ Exec Session Date: 02, 18, 2014

Motion: adopt Amendment #: 2014-0144h

MEMBER	YEAS	NAYS
Weber, Lucy M, Chairman	13	
Schuett, Dianne E, V Chairman	1	
Schmidt, Peter B	2	
Judy, Jean L	Absent	
Sullivan, Daniel J	3	
Goley, Jeffrey P	4	
Gagnon, Raymond G	5	
Nelson, Mary S	Absent	
Booras, Efstathia C	absent	
Hansberry, Daniel C,	6	
Moffett, Howard M	Absent	
McGuire, Carol M	7	
Sytek, John	8	
Pratt, Calvin D	Absent	
Hansen, Peter T	9	
Beaudoin, Steven P	10	
Byron, Frank A, Clerk	11	
Danais, Romeo	Absent	
Garcia, Bianca R	12	
Sweeney, Shawn P	Absent	
TOTAL VOTE:	13	0

Adopted



STATE OF NEW HAMPSHIRE
OFFICE OF THE HOUSE CLERK

1/14/2014 1:20:22 PM
Roll Call Committee Registers
Report

2014 SESSION

EXECUTIVE DEPARTMENTS AND ADMINISTRATION

Bill #: HB1617-FN

Title: Permitting the retirement system to access death, marriage, and divorce records of the Division of vital records Administration for the administration of RSA 100-A

PH Date: 1/14/2014

Exec Session Date: 02/18/2014

Motion: OTPA

Amendment #: 2014-0144h

MEMBER	YEAS	NAYS
Weber, Lucy M, Chairman	13	
Schuett, Dianne E, V Chairman	1	
Schmidt, Peter B	2	
Jeudy, Jean L	Absent	
Sullivan, Daniel J	3	
Goley, Jeffrey P	4	
Gagnon, Raymond G	5	
Nelson, Mary S	Absent	
Booras, Efstathia C	Absent	
Hansberry, Daniel C,	6	
Moffett, Howard M	Absent	
McGuire, Carol M	7	
Sytek, John	8	
Pratt, Calvin D	Absent	
Hansen, Peter T	9	
Beaudoin, Steven P	10	
Byron, Frank A, Clerk	11	
Danais, Romeo	Absent	
Garcia, Bianca R	12	
Sweeney, Shawn P	Absent	
TOTAL VOTE:	13	0

*Adopted
Consent*

Committee Report

CONSENT CALENDAR

February 20, 2014

HOUSE OF REPRESENTATIVES

REPORT OF COMMITTEE

The Committee on EXECUTIVE DEPARTMENTS AND ADMINISTRATION to which was referred HB1617-FN,

AN ACT permitting the retirement system to access death, marriage, and divorce records of the division of vital records administration for the administration of RSA 100-A. Having considered the same, report the same with the following amendment, and the recommendation that the bill OUGHT TO PASS WITH AMENDMENT.

Rep. Raymond G Gagnon

FOR THE COMMITTEE

Original: House Clerk

Cc: Committee Bill File

COMMITTEE REPORT

Committee:	EXECUTIVE DEPARTMENTS AND ADMINISTRATION
Bill Number:	HB1617-FN
Title:	permitting the retirement system to access death, marriage, and divorce records of the division of vital records administration for the administration of RSA 100-A.
Date:	February 20, 2014
Consent Calendar:	YES
Recommendation:	OUGHT TO PASS WITH AMENDMENT

STATEMENT OF INTENT

As amended, this legislation permits the retirement system to access death, marriage, and divorce records of the Division of Vital Records Administration for the administration of RSA 100-A. Recognizing the sensitive nature of the requested information, the amended version is the result of collaborative agreement between the New Hampshire Retirement System and the New Hampshire Secretary of State who has oversight regarding these vital records. As amended, this makes the vital records legislation even narrower and respective of privacy concerns.

Vote 13-0.

Rep. Raymond G Gagnon
FOR THE COMMITTEE

Original: House Clerk
Cc: Committee Bill File

CONSENT CALENDAR

EXECUTIVE DEPARTMENTS AND ADMINISTRATION

HB1617-FN, permitting the retirement system to access death, marriage, and divorce records of the division of vital records administration for the administration of RSA 100-A. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Raymond G Gagnon for EXECUTIVE DEPARTMENTS AND ADMINISTRATION. As amended, this legislation permits the retirement system to access death, marriage, and divorce records of the Division of Vital Records Administration for the administration of RSA 100-A. Recognizing the sensitive nature of the requested information, the amended version is the result of collaborative agreement between the New Hampshire Retirement System and the New Hampshire Secretary of State who has oversight regarding these vital records. As amended, this makes the vital records legislation even narrower and respective of privacy concerns. **Vote 13-0.**

HB 1617-FN

OTP/A #2014-0144h

13-0 Consent Calendar

As amended, this legislation permits the retirement system to access death, marriage, and divorce records of the Division of Vital Records Administration for the administration of RSA 100-A. Recognizing the sensitive nature of the requested information, the amended version is the result of collaborative agreement between the New Hampshire Retirement System and the New Hampshire Secretary of State who has oversight regarding these vital records. As amended, this makes the vital records legislation even narrower and respective of privacy concerns.

Rep. Raymond Gagnon for the Committee

*OK
fms*

COMMITTEE REPORT

COMMITTEE: ED + A

BILL NUMBER: HB 1617

TITLE: Permitting the retirement system to access death, marriage,
and divorce records of the division of vital records administration for the
administration of RSA 100-A

DATE: Feb 18, 2014

CONSENT CALENDAR: YES NO

- OUGHT TO PASS
- OUGHT TO PASS W/ AMENDMENT
- INEXPEDIENT TO LEGISLATE
- INTERIM STUDY (Available only 2nd year of biennium)

Amendment No.

2014-0144h

STATEMENT OF INTENT:

As amended this legislation permits the retirement system to access death, marriage, and divorce records of the Division of Vital Records Administration for the administration of RSA 100-A. Recognizing the sensitive nature of the requested information, the amended version is the result of collaborative agreement between the NH Retirement System and the NH Secretary of State who has oversight regarding these vital records. As amended this makes the vital records legislation even narrower and respectful of privacy concerns.

COMMITTEE VOTE: 13-0

RESPECTFULLY SUBMITTED,

- Copy to Committee Bill File
- Use Another Report for Minority Report

Rep. Raymond Legon

For the Committee