

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 struck through.~~]

Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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

LBAO
14-2407
12/18/13

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.

HB 1617-FN - AS AMENDED BY THE HOUSE

12Mar2014... 0144h

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

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.

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HB 1617-FN – AS AMENDED BY THE HOUSE

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STATE OF NEW HAMPSHIRE

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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 a limited data set of vital records information in accordance with the***
11 ***provisions of RSA 100-A:14, 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 a
15 limited data set of death, marriage and divorce information of members and beneficiaries for
16 purposes of administering RSA 100-A, limited to name of registrant, date of birth, place of birth,
17 social security number, date of vital event, place of vital event, marital status, and name of spouse.
18 The secretary of state and the executive director of the New Hampshire retirement system shall
19 enter into a memorandum of understanding for the purposes of delineating specific procedures for
20 access to this limited data set.

21 3 New Paragraph; Retirement System Administration. Amend RSA 100-A:14 by inserting after
22 paragraph XV the following new paragraph:

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

HB 1617-FN - AS AMENDED BY THE HOUSE

- Page 2 -

1

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

CHAPTER 30
HB 1617-FN - FINAL VERSION

12Mar2014... 0144h

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

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.

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CHAPTER 30
HB 1617-FN – FINAL VERSION

12Mar2014... 0144h

14-2407
10/04

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

1 30:1 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
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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 a limited data set of vital records information in accordance with the***
11 ***provisions of RSA 100-A:14, XVI.***

12 30:2 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 a
15 limited data set of death, marriage, and divorce information of members and beneficiaries for
16 purposes of administering RSA 100-A, limited to name of registrant, date of birth, place of birth,
17 social security number, date of vital event, place of vital event, marital status, and name of spouse.
18 The secretary of state and the executive director of the New Hampshire retirement system shall
19 enter into a memorandum of understanding for the purposes of delineating specific procedures for
20 access to this limited data set.

21 30:3 New Paragraph; Retirement System Administration. Amend RSA 100-A:14 by inserting
22 after paragraph XV the following new paragraph:

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

CHAPTER 30
HB 1617-FN – FINAL VERSION
- Page 2 -

1 30:4 Effective Date. This act shall take effect 60 days after its passage.

2

3 Approved: May 23, 2014

4 Effective Date: July 22, 2014

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 amended by the House (Amendment #2014-0144h), 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 limited data within 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.

Committee Minutes

SENATE CALENDAR NOTICE
EXECUTIVE DEPARTMENTS AND ADMINISTRATION

- Senator Sharon Carson Chairman *no -*
- ✓ Senator Sam Cataldo V Chairman
- ✓ Senator John Reagan
- ✓ Senator Donna Soucy
- ✓ Senator David Watters

open 10:30 AM
close 10:43 AM

For Use by Senate Clerk's Office ONLY		
<input type="checkbox"/>	Bill Status	
<input type="checkbox"/>	Docket	
<input type="checkbox"/>	Calendar	
Proof:	<input type="checkbox"/> Calendar	<input type="checkbox"/> Bill Status

Date: March 25, 2014

HEARINGS

Wednesday

4/2/2014

EXECUTIVE DEPARTMENTS AND ADMINISTRATION	SH 100	9:00 AM
(Name of Committee)	(Place)	(Time)

EXECUTIVE SESSION MAY FOLLOW

- | | | |
|----------|-------------|--|
| 9:00 AM | HB1130-FN-L | relative to the Northeastern Interstate Forest Fire Protection Compact. |
| 9:15 AM | HB1634-FN | relative to the salaries of certain unclassified positions. |
| 9:30 AM | HB1152-FN | terminating the benefit program for call, substitute or volunteer firemen administered by the New Hampshire retirement system. |
| 10:00 AM | HB1398-FN | allowing the retirement system to make payments in lieu of payments to estates in certain instances. |
| 10:30 AM | 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. |

Sponsors:

HB1130-FN-L

Rep. Gene Chandler
 Sen. Bob Odell

Rep. Andrew Renzullo
 Sen. Jeff Woodburn

Rep. Jeffrey Goley
 Rep. Herbert Richardson

Sen. Jeanie Forrester

HB1634-FN

Rep. Peter Schmidt

HB1152-FN

Rep. Raymond Gagnon

HB1398-FN

Rep. Raymond Gagnon

Rep. Dianne Schuett

HB1617-FN

Rep. Raymond Gagnon

Rep. Dianne Schuett

Sen. Bob Odell

**SENATE
EXECUTIVE DEPARTMENTS AND ADMINISTRATION
COMMITTEE**

Deb Chroniak, Legislative Aide

HB 1617-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.

Hearing Date: April 2, 2014

Time Opened: 10:30 a.m.

Time Closed: 10:43 a.m.

Members of the Committee Present: Senators Cataldo, Reagan, Soucy and Watters

Members of the Committee Absent: Senator Carson

Bill 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.

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

Who supports the bill: Rep. Dianne Schuett, House ED & A; Marty Karlon, Public Information Officer, New Hampshire Retirement System; Director Stephen Wurtz, State Registrar, Division of Vital Records, Department of State; Ernest Loomis, Retired, New Hampshire State Troopers Association.

Who opposes the bill: No one.

Summary of testimony presented in support:

Rep. Dianne Schuett introduced the legislation and stated that the bill was amended by the House ED & A Committee due to privacy concerns. They worked with the Secretary of State's Office to arrange for the Retirement System to be able to access records for the tracking of members who were no longer eligible for benefits.

The amendment presented added one sentence, "the New Hampshire Retirement System shall have access to a limited data set of vital records information in accordance with the provisions of RSA 100-A:14 XVI.

The House ED & A placed this bill on the consent calendar by unanimous vote.

Marty Karlon stated the legislation was requested by the Retirement System and would allow them access to check limited records pertaining to death, marriage, and divorce of members or beneficiaries of the Retirement System.

The New Hampshire Retirement System pays out lifetime pension benefits and there are cases where the survivorship option changes to designated beneficiaries. They take steps to monitor deaths of annuitants, but there are cases where a check or two is cut before they realize the beneficiary has deceased. This is the purpose of seeking access to verify deaths so that they can stop the benefit and not have to go through the process of reaching out to the next of kin and trying to retrieve monies previously sent out. This is another tool to monitor.

They spent time with the Secretary of State's Office and the Division of Vital Records to insure them that only appropriate people have access to these records for appropriate reasons. At this time only four people would have access with their own personal secure logins, and there would be an audit trail for checking the purpose of access.

Accessing without authority to these records is a Class B felony.

This legislation enables the Executive Director of the Retirement System and the Secretary of State to create a "Memorandum of Understanding" outlining details, i.e., who has access, how they have access, and other clarifications which need to be worked out.

Eighty percent of the New Hampshire Retirement System beneficiaries continue to live in the state of New Hampshire, which makes access to these records a helpful resource.

Senator Watters asked about the Memorandum of Understanding (MOU) and if Mr. Karlon felt, under the provisions of RSA 100, there are sufficient criteria to create the MOU, or should the Memorandum go through the rulemaking process.

Mr. Karlon stated the legislation creates language to enable the MOU. Section 3 deals with the New Hampshire Retirement System statute and places the MOU under that section.

Section 2 deals with the MOU from the Vital Records perspective. After discussions with Vital Records, it seemed the most logical way of doing it.

Senator Watters said since they were dealing with records and privacy concerns the legislative duty was to monitor closely. **Mr. Karlon** stated there are similar arrangements with the Department of Health and Human Services (DHHS) and Vital Records.

Mr. Steven Wurtz said he believes they can accommodate what the Retirement System is looking for without violating statute, by very limited data through an automated system, which is already in place and will have strict monitoring and auditing capacity.

Addressing Senator Watters question about rulemaking, he said that the Secretary of State's Office does not work under rules, but only works under statute, which is why this information was requested to be placed in statute so they can work out a MOU with the New Hampshire Retirement System. Mr. Karlon was correct in that they already do this with the DHHS.

Vital Records has good oversight of the dissemination of information.

Once they build their access to the Vital Records system, it would be a matter of setting parameters, i.e., name, date of birth, date of death, etc. No other confidential information would be available.

Senator Reagan asked if he recalled when the last time was that anyone was able to see information not entitled to at DHHS. **Mr. Wurtz** said he did not know and that they rely on monitoring to view individuals looking for just any record. He receives an automated report each morning.

Summary of testimony presented in opposition: No one.

The hearing closed at 10:43 a.m.

Fiscal Note: 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.

Future Action: Senator Reagan motioned Ought to Pass on HB 1617-FN, seconded by Senator Watters. The vote was 4-0. Senator Reagan will report the bill out of committee.

dac

Date hearing report completed: April 4, 2104

[file: HB 1617-FN-F report]

Speakers

SENATE EXECUTIVE DEPARTMENTS AND ADMINISTRATION COMMITTEE

Date: April 2, 2014

Time: 10:30 a.m.

Public Hearing on HB 1617-FN

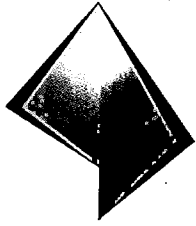
HB 1617-FN - permitting the retirement system to access death, marriage, and divorce records of the division of vital records administration for the administration of RSA 100-A.

Please check box(es) that apply:

SPEAKING FAVOR	OPPOSED	NAME (Please print)	REPRESENTING
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	MARTY KARLON	NHRS
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	ERNEST LOMIS	AH RET TROOPERS
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Rep Dianne Schuch	Co-Sponsor of House ERTA
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	Stephen Wurtz	State Registrar Dept of State
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INTRO

Testimony



NHRS

New Hampshire Retirement System

#1

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

NHRS Bill Brief: House Bill 1617 (am-0144h)

Prepared for the Senate 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.

Committee Report

STATE OF NEW HAMPSHIRE
SENATE
REPORT OF THE COMMITTEE

Date: April 2, 2014

THE COMMITTEE ON Executive Departments and Administration
to which was referred 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.

Having considered the same, the committee recommends that the Bill:

OUGHT TO PASS

BY A VOTE OF: 4-0

AMENDMENT # s

Senator John Reagan
For the Committee

Deb Chroniak 271-1403

New Hampshire General Court - Bill Status System

Docket of HB1617

Docket Abbreviations

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.

Official Docket of HB1617:

Date	Body	Description
12/19/2013	H	Introduced 1/8/2014 and Referred to Executive Departments and Administration
1/15/2014	H	Public Hearing: 1/23/2014 1:30 PM LOB 306
2/16/2014	H	Executive Session: 2/18/2014 1:00 PM LOB 306
2/20/2014	H	Committee Report: Ought to Pass with Amendment #2014-0144h (Vote 13-0; CC); HC 14
3/12/2014	H	Adopt Amendment #2014-0144h AA VV
3/12/2014	H	Ought to Pass with Amendment #0144h MA VV
3/24/2014	S	Introduced 3/13/2014 and Referred to Executive Departments and Administration
3/26/2014	S	Hearing: 4/2/14, Room 100, SH, 10:30 a.m.; SC12
4/3/2014	S	Committee Report: Ought to Pass, 4/17/14; SC14
4/17/2014	S	Ought to Pass: MA, VV; OT3rdg; SJ 9
4/24/2014	S	Enrolled
5/1/2014	H	Enrolled (In recess of 4/30/14)
5/27/2014	H	Signed by the Governor on 5/23/2014; Chapter 0030; Effective 7/22/2014

NH House

NH Senate

Other Referrals

COMMITTEE REPORT FILE INVENTORY

HB 1617-EN ORIGINAL REFERRAL

RE-REFERRAL

1. THIS INVENTORY IS TO BE SIGNED AND DATED BY THE COMMITTEE AIDE AND PLACED INSIDE THE FOLDER AS THE FIRST ITEM IN THE COMMITTEE FILE.
2. PLACE ALL DOCUMENTS IN THE FOLDER FOLLOWING THE INVENTORY IN THE ORDER LISTED.
3. THE DOCUMENTS WHICH HAVE AN "X" BESIDE THEM ARE CONFIRMED AS BEING IN THE FOLDER.
4. THE COMPLETED FILE IS THEN DELIVERED TO THE CALENDAR CLERK.

- DOCKET (Submit only the latest docket found in Bill Status)
- COMMITTEE REPORT
- CALENDAR NOTICE
- HEARING REPORT
- PREPARED TESTIMONY AND OTHER SUBMISSIONS HANDED IN AT THE PUBLIC HEARING
#1
- SIGN-UP SHEET(S)

ALL AMENDMENTS (passed or not) CONSIDERED BY COMMITTEE:

___ - AMENDMENT # ___ ___ - AMENDMENT # ___
___ - AMENDMENT # ___ ___ - AMENDMENT # ___

ALL AVAILABLE VERSIONS OF THE BILL:

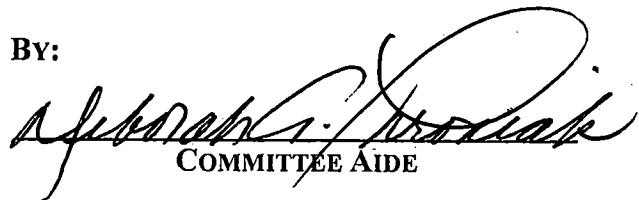
AS INTRODUCED AS AMENDED BY THE HOUSE
 FINAL VERSION ___ AS AMENDED BY THE SENATE

___ OTHER (Anything else deemed important but not listed above, such as amended fiscal notes):

DATE DELIVERED TO SENATE CLERK

6/19/14

BY:


COMMITTEE AIDE