Bill as Introduced

2016 SESSION

16-2646
08/10

HOUSE BILL *1508*

AN ACT allowing public libraries to run certain privacy software.

SPONSORS: Rep. Ammon, Hills. 40; Rep. Goulette, Hills. 23; Rep. S. Sweeney, Hills. 23; Rep. Schleien, Hills. 37; Rep. Kurk, Hills. 2; Rep. Aldrich, Belk. 2; Rep. Ferreira, Hills. 28

COMMITTEE: Municipal and County Government

ANALYSIS

This bill allows public libraries to run certain privacy software.

- -

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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

AN ACT   allowing public libraries to run certain privacy software.

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

1   1 Findings. The general court is mindful that public libraries, through the American Library

2 Association, have upheld and protected patron privacy as one of their core values since 1939, and

3 mindful that, in a library (physical or virtual), the right to privacy is the right to open inquiry

4 without having the subject of one's interest examined or scrutinized by others.

5   2 New Section; Cryptographic Privacy Software. Amend RSA 202-A by inserting after section

6 25 the following new section:

7   202-A:26 Cryptographic Privacy Software. Public libraries may allow the installation and use

8 of cryptographic privacy platforms on public library computers for library patrons use.

9 Cryptographic privacy software shall include Tor or other privacy software that encrypts user's

10 information to protect it from surveillance or collection. Public libraries may also support

11 infrastructure for cryptographic software that helps to promote a free and open Internet, such as

12 running Tor relays. Public libraries shall not give records relative to use of cryptographic privacy

13 software to a government agency without first providing written notice to the person in question.

14   3 Effective Date. This act shall take effect 60 days after its passage.

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Committee Minutes

SENATE CALENDAR NOTICE
Public and Municipal Affairs

Sen Regina Birdsell, Chair
Sen David Boutin, Vice Chair
Sen Nancy Stiles, Member
Sen Bette Lasky, Member
Sen Molly Kelly, Member

Date: April 13, 2016

HEARINGS

Wednesday	04/20/2016
(Day)	(Date)

Public and Municipal Affairs	LOB 102	9:00 a.m.
(Name of Committee)	(Place)	(Time)

EXECUTIVE SESSION MAY FOLLOW

9:00 a.m.	HB 1455	(New Title) relative to the application of the municipal budget law to village districts wholly within a town.
9:15 a.m.	HB 1395	relative to municipal electronic records.
9:30 a.m.	HB 1508	allowing public libraries to run certain privacy software.
9:45 a.m.	HB 1293	relative to the procedure for charter amendments.
10:00 a.m.	HB 1141	defining "agritourism."

Sponsors:
HB 1455
Rep. Bickford
HB 1395
Rep. C. McGuire   Sen. Reagan
HB 1508
Rep. Ammon   Rep. Goulette   Rep. S. Sweeney   Rep. Schleien
Rep. Kurk   Rep. Aldrich   Rep. Ferreira
HB 1293
Rep. Cheney   Rep. Gray   Rep. Souza   Rep. B. Griffin
Rep. Ammon   Rep. L. Ober   Rep. V. Fraser
HB 1141
Rep. Haefner   Rep. Sad

Jennifer Horgan 271-3092

<u>Regina Birdsell</u>
Chairman

HB 1508, allowing public libraries to run certain privacy software.

Hearing Date: April 20, 2016

Time Opened: 9:45 a.m   **Time Closed:**   9:53 a.m.

Members of the Committee Present: Senators Birdsell, Boutin, Stiles, Lasky and Kelly

Members of the Committee Absent: None

Bill Analysis: This bill allows public libraries to run certain privacy software.

Sponsors:

Rep. Ammon	Rep. Goulette	Rep. S. Sweeney
Rep. Schleien	Rep. Kurk	Rep. Aldrich
Rep. Ferreira		

Who supports the bill: Representative Ammon; Representative Cheney; Representative McGuire

Who opposes the bill: No one

Summary of testimony presented in support:
Representative Ammon
- This bill allows/clarifies that libraries are allowed to run privacy software in order to protect their patrons' privacy
- The American Library Association has held the freedom of open inquiry when people are learning things as a core value since 1939
- Expressed how easy it is to track people's search history
- Senator Stiles asked with the passage of this, a person could go into the library every Monday afternoon and the subject of what they are researching would not be tracked.
    - Correct; there was an event that happened last year in Lebanon with the Tilton Library.   They were running privacy software and the Department of Homeland Security raised concerns. The Library held some public meetings, where there was a public outcry and the Board of Trustees reinstated the privacy

software.   This is a reaction to that.

- Senator Lasky asked about achieving the balance between the right to privacy and security, and asked if a dire situation were to arise, would there be a way to recover these search histories.
    - There is forensic work that can be done by investigators but, this allows for the libraries to lean more towards privacy.   Most of this software is free and the bill is enabling so, it is up to each community to decide whether or not to use this.   It comes down to what kind of country you want to live in.   Sometimes this software is being used by battered woman but, if you go to the extreme worst case scenario, like Sen Bernardino, you are throwing out all of the positive uses for it
- Senator Lasky asked if he knows if the technology exists to recover the search histories.
    - If the need is great enough, there is usually a way.

Summary of testimony presented in opposition:
None

Fiscal Note: N/A

Future Action: Pending

jch
Date Hearing Report completed: April 22, 2016

Speakers

Senate Public and Municipal Affairs Committee: Sign-In Sheet

Date: 04/20/2016   Time: 9:30 a.m.   Public Hearing on HB 1508

HB 1508	allowing public libraries to run certain privacy software.

Name	Representing	Support / Oppose	Speaking?	Yes / No
Rep Carol M'Guire	Merr 29	Support ☒ Oppose ☐	Speaking?	Yes ☐ No ☒
Kurt Ammon	Hills 40	Support ☒ Oppose ☐	Speaking?	Yes ☒ No ☐
		Support ☐ Oppose ☐	Speaking?	Yes ☐ No ☐
		Support ☐ Oppose ☐	Speaking?	Yes ☐ No ☐
		Support ☐ Oppose ☐	Speaking?	Yes ☐ No ☐
		Support ☐ Oppose ☐	Speaking?	Yes ☐ No ☐
		Support ☐ Oppose ☐	Speaking?	Yes ☐ No ☐
		Support ☐ Oppose ☐	Speaking?	Yes ☐ No ☐
		Support ☐ Oppose ☐	Speaking?	Yes ☐ No ☐
		Support ☐ Oppose ☐	Speaking?	Yes ☐ No ☐
		Support ☐ Oppose ☐	Speaking?	Yes ☐ No ☐
		Support ☐ Oppose ☐	Speaking?	Yes ☐ No ☐
		Support ☐ Oppose ☐	Speaking?	Yes ☐ No ☐
		Support ☐ Oppose ☐	Speaking?	Yes ☐ No ☐
		Support ☐ Oppose ☐	Speaking?	Yes ☐ No ☐
		Support ☐ Oppose ☐	Speaking?	Yes ☐ No ☐
		Support ☐ Oppose ☐	Speaking?	Yes ☐ No ☐
		Support ☐ Oppose ☐	Speaking?	Yes ☐ No ☐
		Support ☐ Oppose ☐	Speaking?	Yes ☐ No ☐

Senate Public and Municipal Affairs Committee: Sign-In Sheet

Date: 04/20/2016   Time: 9:30 a.m.   Public Hearing on HB 1508

HB 1508	allowing public libraries to run certain privacy software.

Name	Representing	Support / Oppose	Speaking?	Yes	No
Catherine Cheney	Dist 17 - Rep	Support ☑ Oppose ☐	Speaking?	☐	☑
		Support ☐ Oppose ☐	Speaking?	☐	☐
		Support ☐ Oppose ☐	Speaking?	☐	☐
		Support ☐ Oppose ☐	Speaking?	☐	☐
		Support ☐ Oppose ☐	Speaking?	☐	☐
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		Support ☐ Oppose ☐	Speaking?	☐	☐
		Support ☐ Oppose ☐	Speaking?	☐	☐
		Support ☐ Oppose ☐	Speaking?	☐	☐

Committee
Report

STATE OF NEW HAMPSHIRE

SENATE

REPORT OF THE COMMITTEE
FOR THE CONSENT CALENDAR

Wednesday, May 4, 2016

THE COMMITTEE ON Public and Municipal Affairs

to which was referred **HB 1508**

AN ACT   allowing public libraries to run certain privacy
                          software.

Having considered the same, the committee recommends that the Bill

BE REFERRED TO INTERIM STUDY

BY A VOTE OF: 5-0

CONSENT CALENDAR VOTE: 5-0

Senator Regina Birdsell
For the Committee

This bill would allow public libraries to run certain privacy software.   The
Committee heard no testimony from librarians regarding a need for this legislation
and concerns were also brought forward regarding how this would affect criminal
investigations.   For those reasons, the Committee supports moving this bill to
further study.

Jennifer Horgan   271-3092

FOR THE CONSENT CALENDAR

PUBLIC AND MUNICIPAL AFFAIRS
HB 1508, allowing public libraries to run certain privacy software.
Refer to Interim Study, Vote 5-0.
Senator Regina Birdsell for the committee.

This bill would allow public libraries to run certain privacy software. The Committee heard no testimony from librarians regarding a need for this legislation and concerns were also brought forward regarding how this would affect criminal investigations. For those reasons, the Committee supports moving this bill to further study.

New Hampshire General Court - Bill Status System

Docket of HB1508

Docket Abbreviations

Bill Title: allowing public libraries to run certain privacy software.

Official Docket of **HB1508**:

Date	Body	Description
2/11/2016	H	**Introduced** 01/06/2016 and referred to Municipal and County Government **HJ 4** P. 17
2/9/2016	H	Public Hearing: 02/16/2016 10:50 AM LOB 301
2/9/2016	H	Executive Session: 02/18/2016 09:30 AM LOB 301
2/23/2016	H	Majority Committee Report: Ought to Pass with Amendment **#2016-0625h** for 03/09/2016 (Vote 9-6; RC) **HC 14** P. 67
2/23/2016	H	Minority Committee Report: Inexpedient to Legislate **HC 14** P. 67
3/10/2016	H	Amendment **#2016-0625h**: AA VV 03/10/2016 **HJ 25** P. 22
3/10/2016	H	**Ought to Pass with Amendment** 0625h: MA DV 268-62 03/10/2016 **HJ 25** P. 22
3/22/2016	S	Introduced 03/17/2016 and Referred to Public and Municipal Affairs; **SJ 10**
4/13/2016	S	Hearing: 04/20/2016, Room 102, LOB, 09:30 am; **SC 15**
5/4/2016	S	Committee Report: Referred to Interim Study, 05/12/2016; Vote 5-0; CC; **SC 18**
5/12/2016	S	Refer to Interim Study, MA, VV; 05/12/2016; **SJ 17**

NH House	NH Senate

Other Referrals

COMMITTEE REPORT FILE INVENTORY

HB1508 ___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.

__X__ DOCKET (Submit only the latest docket found in Bill Status)

__X__ COMMITTEE REPORT

__X__ CALENDAR NOTICE

__X__ HEARING REPORT

_____ PREPARED TESTIMONY AND OTHER SUBMISSIONS HANDED IN AT
      THE PUBLIC HEARING

__X__ SIGN-UP SHEET(S)

ALL AMENDMENTS (passed or not) CONSIDERED BY COMMITTEE:
_____ - AMENDMENT # _____   _____ - AMENDMENT # _____
_____ - AMENDMENT # _____   _____ - AMENDMENT # _____

ALL AVAILABLE VERSIONS OF THE BILL:
__X__ AS INTRODUCED   __X__ 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):

PLEASE INCLUDE THE COMMITTEE OF CONFERENCE REPORT HERE IF IT IS SIGNED BY ALL.

DATE DELIVERED TO SENATE CLERK   BY:

_8/30/16_   _____
                                         COMMITTEE AIDE