

Committee Report

CONSENT CALENDAR

March 2, 2021

HOUSE OF REPRESENTATIVES

REPORT OF COMMITTEE

The Committee on Commerce and Consumer Affairs to which was referred HB 312,

AN ACT relative to deadlines in consumer credit applications, licensing requirements for mortgage loan originators, examinations of family trust companies, delegation by credit union boards to committees, qualifications of the banking commissioner, and authorizing depository banks to elect benefit corporation status. Having considered the same, report the same with the following amendment, and the recommendation that the bill OUGHT TO PASS WITH AMENDMENT.

Rep. John Hunt

FOR THE COMMITTEE

COMMITTEE REPORT

Committee:	Commerce and Consumer Affairs
Bill Number:	HB 312
Title:	relative to deadlines in consumer credit applications, licensing requirements for mortgage loan originators, examinations of family trust companies, delegation by credit union boards to committees, qualifications of the banking commissioner, and authorizing depository banks to elect benefit corporation status.
Date:	March 2, 2021
Consent Calendar:	CONSENT
Recommendation:	OUGHT TO PASS WITH AMENDMENT 2021-0093h

STATEMENT OF INTENT

This bill clarifies and extends deadlines in consumer credit examinations applicable to certain entities licensed by the Banking Department. It also clarifies the home state licensing requirement for mortgage loan originators and provides that family trust companies may be examined more frequently than every 36 months if the commissioner deems it necessary. In addition, it clarifies that depository banks may elect RSA 293-C benefit corporation status and establishes requirements applicable to credit union boards who delegate to committees. And, finally, this bill adjusts restrictions on loans and other financial transactions that disqualify the commissioner or deputy commissioner from serving in his or her role.

Vote 18-0.

Rep. John Hunt
FOR THE COMMITTEE

Original: House Clerk
Cc: Committee Bill File

CONSENT CALENDAR

Commerce and Consumer Affairs

HB 312, relative to deadlines in consumer credit applications, licensing requirements for mortgage loan originators, examinations of family trust companies, delegation by credit union boards to committees, qualifications of the banking commissioner, and authorizing depository banks to elect benefit corporation status. **OUGHT TO PASS WITH AMENDMENT.**

Rep. John Hunt for Commerce and Consumer Affairs. This bill clarifies and extends deadlines in consumer credit examinations applicable to certain entities licensed by the Banking Department. It also clarifies the home state licensing requirement for mortgage loan originators and provides that family trust companies may be examined more frequently than every 36 months if the commissioner deems it necessary. In addition, it clarifies that depository banks may elect RSA 293-C benefit corporation status and establishes requirements applicable to credit union boards who delegate to committees. And, finally, this bill adjusts restrictions on loans and other financial transactions that disqualify the commissioner or deputy commissioner from serving in his or her role.

Vote 18-0.

Archived: Thursday, April 22, 2021 1:36:46 PM

From: [JOHN HUNT](#)

Sent: Tuesday, March 9, 2021 10:55:42 AM

To: [Carrie Morris](#)

Cc: [Pam Smarling](#)

Subject: HB 312

Importance: Normal

This bill is a request of the banking department.

This bill clarifies and extends deadlines in consumer credit examinations applicable to certain entities licensed by the banking department. Clarifies the home state licensing requirement for mortgage loan originators. Provides that family trust companies may be examined more frequently than every 36 months if the commissioner deems it necessary. Clarifies that depository banks may elect RSA 293-C benefit corporation status. Establishes requirements applicable to credit union boards who delegate to committees. And finally adjusts restrictions on loans and other financial transactions that disqualify the commissioner or deputy commissioner from serving in his or her role.

Rep. Van Houten, Hills. 45
January 26, 2021
2021-0093h
11/04

Amendment to HB 312

1 Amend RSA 397-A:12, IV(b) as inserted by section 2 of the bill by replacing it with the following:

2

3 **(b)** Failure to provide files ~~[and]~~ **or** documents within the time established by this
4 paragraph shall subject a licensee or person to a fine of \$50 per day for each day ~~[after 21 days]~~ the
5 files ~~[and]~~ **or** documents are not produced. Failure to provide files ~~[and]~~ **or** documents within 60
6 days after ~~[being requested to do so by the department]~~ **receipt of the request** shall be sufficient
7 cause for license revocation, suspension, or denial.

Voting Sheets

STATE OF NEW HAMPSHIRE
OFFICE OF THE HOUSE CLERK



1/22/2021 9:55:55 AM
Roll Call Committee Registers
Report

2021 SESSION

Commerce and Consumer Affairs

Bill #: HB312 Motion: OTP/A AM #: _____ Exec Session Date: 3/2/2021

<u>Members</u>	<u>YEAS</u>	<u>Nays</u>	<u>NV</u>
Hunt, John B. Chairman	18		
Potucek, John M. Vice Chairman	1		
Osborne, Jason M.	2		
Ammon, Keith M. Clerk	3		
Abramson, Max	4		
Ham, Bonnie D.	5		
Depalma IV, Joseph	6		
Greeson, Jeffrey	7		
Johnson, Dawn M.	8		
Terry, Paul A.	9		
Bartlett, Christy D.	10		
Abel, Richard M.	11		
Herbert, Christopher J.	12		
Van Houten, Constance	13		
Fargo, Kristina M.	14		
Weston, Joyce	15		
Beaulieu, Jane E.	16		
Burroughs, Anita D.	17		
McAleer, Chris R.			
TOTAL VOTE:	18	0	

STATE OF NEW HAMPSHIRE
OFFICE OF THE HOUSE CLERK



1/22/2021 9:55:55 AM
Roll Call Committee Registers
Report

2021 SESSION

Commerce and Consumer Affairs

Bill #: HB312 Motion: OTP AM #: 0093h Exec Session Date: 3/2/2021

<u>Members</u>	<u>YEAS</u>	<u>Nays</u>	<u>NV</u>
Hunt, John B. Chairman	18		
Potucek, John M. Vice Chairman	1		
Osborne, Jason M.	2		
Ammon, Keith M. Clerk	3		
Abramson, Max	4		
Ham, Bonnie D.	5		
Depalma IV, Joseph	6		
Greeson, Jeffrey	7		
Johnson, Dawn M.	8		
Terry, Paul A.	9		
Bartlett, Christy D.	10		
Abel, Richard M.	11		
Herbert, Christopher J.	12		
Van Houten, Constance	13		
Fargo, Kristina M.	14		
Weston, Joyce	15		
Beaulieu, Jane E.	16		
Burroughs, Anita D.	17		
McAleer, Chris R.			
TOTAL VOTE:	18	0	

Hearing Minutes

HOUSE COMMITTEE ON COMMERCE AND CONSUMER AFFAIRS

PUBLIC HEARING ON HB 312

BILL TITLE: relative to deadlines in consumer credit applications, licensing requirements for mortgage loan originators, examinations of family trust companies, delegation by credit union boards to committees, qualifications of the banking commissioner, and authorizing depository banks to elect benefit corporation status.

DATE: January 26, 2021

LOB ROOM: 302 **Time Public Hearing Called to Order:** 9:35 am

Time Adjourned: 9:56 am

Committee Members: Reps. Hunt, Potucek, Ammon, Abramson, Ham, Depalma IV, Greeson, Johnson, Terry, Bartlett, Abel, Herbert, Van Houten, Fargo, Weston, Beaulieu, Burroughs and McAleer

Bill Sponsors:
Rep. Hunt

TESTIMONY

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

Chiara Dolcino *

HB312 called “clarifications bill” applies to both chartered and licensed entities. Clarify existing statutes, eliminate obsolete, un

1. Sections 1-5 and 13: clarifications. Change to 399G to mirror other chapters.
2. Section 6: change due to Covid. Mortgage loan originators working from home from other states. Not require that they be licensed in home state if working from home.
3. Section 7: asking to same language applied, oversight.
4. Section 8-10: clear language in statute
5. Section 11: clarify credit union board to
6. Section 12: change requested back in hb427?. Types of loans commissioner and deputy commissioner, allow them to finance/mortgage as long as consistent with ethics requirements.

Questions:

Rep. Van Houten

Q: Grammatical question: Roman IV 2b, page 2, begins “failure to apply files to documents” change and to or.

A: Request that goes out sometimes asks to provide documents, other times consumer loan files. Make it clear that it’s or not and.

Q: Last section bank commissioner qualification. Concern about qualification “fails to become resident of state after one year after appointment.” Difficult to follow up on.

Rep Hunt: Bank commissioner has always been a resident in 31 years experience.

Rep Abrahamson

Q: How would this bill effect individuals with a home or business in a family trust?

A: Provision to allow commissioner to conduct examination of family trust company every 36 months.

Rep Hunt: Trust is a misnomer. Doesn't effect "trust funds."

Respectfully Submitted,

Rep Ammon, Commerce Clerk

HOUSE COMMITTEE ON COMMERCE & CONSUMER AFFAIRS

PUBLIC HEARING on Bill # HB312

BILL TITLE:

DATE: Jan. 26, 2021

ROOM:

Time Public Hearing Called to Order: 9:35 AM

Time Adjourned: 9:56 AM

(please bold if present)

Committee Members: Reps. Hunt, Potucek, Ammon, Osborne, Abramson, Ham, Depalma IV, Greeson, Johnson, Terry, Bartlett, Abel, Herbert, Van Houten, Fargo, Weston, Beaulieu, Burroughs and McAleer

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Chiara Dolcino *

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House Remote Testify

Commerce and Consumer Affairs Committee Testify List for Bill HB312 on 2021-01-26

Support: 10 Oppose: 2 Neutral: 0 Total to Testify: 1

<u>Name</u>	<u>Email Address</u>	<u>Phone</u>	<u>Title</u>	<u>Representing</u>	<u>Position</u>	<u>Testifying</u>	<u>Signed Up</u>
Dolcino, Chiara	chiara.dolcino@banking.nh.gov	603.419.0567	State Agency Staff	NH Banking Department	Support	Yes (0m)	1/22/2021 12:17 PM
Little, Gerald	Gerald.H.Little@banking.nh.gov	603.271.8684	State Agency Staff	NH Banking Department	Support	No	1/22/2021 2:54 PM
Wells, Todd	todd.a.wells@banking.nh.gov	603.271.8689	State Agency Staff	NH Banking Department	Support	No	1/22/2021 2:21 PM
Prasol, Tom	Thomas.Prasol@Demers-Prasol.com	603.228.1498	A Lobbyist	Mortgage Bankers and Brokers Association of New Hampshire	Support	No	1/25/2021 10:34 AM
Perlow, Glenn	glenn.perlow@jptc.com	603.929.2672	A Lobbyist	New Hampshire Trust Council	Support	No	1/26/2021 7:08 AM
Collins, Dave	dgc@rypgranite.com	4918434	A Lobbyist	NH Credit Unions	Support	No	1/25/2021 6:08 PM
Hale, Ryan	rhale@nhbankers.com	603.785.2028	A Lobbyist	NH Bankers	Support	No	1/26/2021 8:00 AM
Schutte, Raeleen	raeleen.schutte@banking.nh.gov	603.271.8506	State Agency Staff	NH Banking Department	Support	No	1/22/2021 12:41 PM
Daigle Renaud, Nancy	nancy.j.daiglerenaud@banking.nh.gov	603.271.8682	State Agency Staff	NH Banking Department	Support	No	1/22/2021 12:42 PM
Galdieri, Emelia	emelia.a.galdieri@banking.nh.gov	603.271.3522	State Agency Staff	NH Banking Department	Support	No	1/22/2021 2:42 PM

Testimony



State of New Hampshire Banking Department

53 Regional Drive, Suite 200
Concord, New Hampshire 03301



Telephone: (603) 271-3561
FAX: (603) 271-1090 or (603) 271-0750

January 26, 2021 Testimony of the New Hampshire Banking Department on HB 312 House Commerce Committee

The New Hampshire Banking Department is requesting the changes proposed in HB 312 in order to clarify existing laws regulating both chartered and licensed financial institutions. The Department believes these adjustments will help make existing statutes less confusing, will formalize longstanding interpretation of existing law, or will eliminate requirements that the Department believes are obsolete or unnecessary.

The following table summarizes the changes requested.

Bill Section(s)	Purpose and Summary of Requested Amendments
1-5 & 13	Clarifies and extends deadlines for providing files or documents in the examination of consumer credit licensees <ul style="list-style-type: none">• Amendments apply to retail sellers and sales finance companies; mortgage bankers, brokers, and servicers; small loan lenders; debt adjusters; and money transmitters.• Clarifies statutory deadlines and provides for longer timeframe for producing files or documents.• Transfers examination deadlines in chapter 399-G (money transmitters) from 399-G:11,II to 399-G:13 to provide consistency with other consumer credit chapters.
6	Clarifies the home state licensing requirement for mortgage loan originators. <ul style="list-style-type: none">• Addresses the COVID related increase in MLOs teleworking from their personal residences.• Clarifies current law that could be read to require the MLO be licensed in their "home state" regardless of whether the MLO engages in any mortgage business with the residents of that state.
7	Provides that family trust companies may be examined more frequently than every 36 months if the commissioner deems it necessary. <ul style="list-style-type: none">• Brings family trust examination provisions in line with examination provisions for all other chartered institutions.
8-10	Clarifies that a depository bank may elect to operate as a benefit corporation under RSA 293-C <ul style="list-style-type: none">• Currently two depository banks have elected benefit corporation status.• Changes will clarify that depository banks may elect benefit corporation status.
11	Establishes requirements applicable to credit union boards who delegate to committees. <ul style="list-style-type: none">• Clarifies the provisions applicable to credit union boards and committees concerning:<ul style="list-style-type: none">- Delegation of authority from the board to a committee;- The obligation of a committee to keep meeting minutes; and- Board oversight of committees, to include review of committee minutes.
12	Adjusts restrictions on loans and other financial transactions that disqualify the commissioner or deputy commissioner from serving in his or her role <ul style="list-style-type: none">• These are the same amendment requested in the 2020 session in HB 1437.• Modernize existing law to conform to ethics code applicable to state officials.

Archived: Tuesday, April 13, 2021 2:08:11 PM
From: [Dolcino, Chiara](#)
Sent: Tuesday, January 26, 2021 8:10:10 AM
To: ~House Commerce Committee
Cc: [Little, Gerald](#); [Galdieri, Emelia](#)
Subject: Testimony HB 312 and HB 610 January 26, 2021
Importance: Normal
Attachments:
[1-26-21 NHBD Testimony HB 610.pdf](#)  [1-26-21 NHBD Testimony HB 312.pdf](#) 

Please find attached copies of written testimony concerning HB 312 and HB 610 which are set for public hearing this morning.

Please let me know if you have any questions.

Thank you!

Chiara

Chiara Dolcino
General Counsel
State of New Hampshire Banking Department
53 Regional Drive, Suite 200
Concord, NH 03301
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chiara.dolcino@banking.nh.gov

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New Hampshire Credit Unions



Creating Cooperative Power

**HOUSE COMMERCE AND CONSUMER AFFAIRS COMMITTEE
PUBLIC HEARING
JANUARY 26, 2021**

**A STATEMENT BY DAVID COLLINS ON BEHALF OF
NEW HAMPSHIRE CREDIT UNIONS
IN SUPPORT
HB 312**

**AN ACT RELATIVE TO DEADLINES IN CONSUMER CREDIT APPLICATIONS,
LICENSING REQUIREMENTS FOR MORTGAGE LOAN ORIGINATORS,
EXAMINATIONS OF FAMILY TRUST COMPANIES, DELEGATION BY CREDIT
UNION BOARDS TO COMMITTEES, QUALIFICATIONS OF THE BANKING
COMMISSIONER, AND AUTHORIZING DEPOSITORY BANKS TO ELECT BENEFIT
CORPORATION STATUS**

The Cooperative Credit Union Association, Inc. (“Association”) is the state credit union trade association, serving 14 federally and state-chartered credit unions that are cooperatively owned by 761,000 consumers as members. On behalf of the New Hampshire credit union movement, the Association supports HB 312, *An Act Relative to Deadlines in Consumer Credit Applications, Licensing Requirements for Mortgage Loan Originators, Examinations of Family Trust Companies, Delegation by Credit Union Boards to Committees, Qualifications of the Banking Commissioner, and Authorizing Depository Banks to Elect Benefit Corporation Status.*

New Hampshire credit unions are pleased to offer comments to Sections 11 and 12 of the bill relative to the responsibilities of credit union directors and officers and the qualifications of the Bank Commissioner, respectively.

I. Section 11: Credit Union Board of Directors

Section 11 of HB 312 amends credit union law to address the responsibilities of credit union directors and officers serving on the Board. The bill specifies that the board of directors may create one or more committees, delegate appropriate duties and powers to each committee, and appoint one or more individuals, including directors or officers, to serve on each committee. It also clarifies that each committee member is subject to director standards of conduct, that each committee shall keep minutes of its activities and report as required by and to the board, and that the creation of delegation of power or duties to, or action by a committee, does not alone constitute a director’s compliance with such standards of conduct.

The proposed provisions are supported by credit unions as they provide transparency and clarity to traditional credit union governance. It is a longstanding principle that boards of directors are responsible for the general direction and control of the affairs of each credit union. Furthermore, it is well established that to operate efficiently, such boards must also organize work by delegating assignments to committees and officers. Without question, such decentralized structure under the auspices of the board serves as a well-established, important and effective path to accomplish needed tasks and/or oversight of a project in a thorough and timely manner. In essence, committees assist boards in carrying out duties, report back to boards and remain subject to their jurisdiction at all times.

With regard to director standards of conduct, origins exist in both common law and case law and date back decades. It is without question that under this body of law, all directors possess fiduciary responsibilities duties rooted in good faith, in which it is reasonably believed that the directors are acting in the best interests of the membership. In addition, they must also administer the affairs of the credit union fairly and impartially and without discrimination in favor of or against any particular member. Finally, they must direct management's operations of the credit union in conformity with state law, rules and regulations, as well as and sound business practices.

An important tool to monitor board and committee actions and decisions are meeting minutes. The fundamental role of minutes is to preserve an accurate and official record of the proceedings of a committee meeting. There is virtually no disagreement on the importance attributed to effective minutes and they memorialize key information including compliance by board and committee members with their fiduciary obligations. Furthermore, the maintenance of accurate, thorough minutes is consistent with greater accountability and disclosure.

Accordingly, the Association supports the proposed board of director delegation, fiduciary standards and recording of committee work and actions through minutes as a mechanism to provide meaningful structure and insight benefitting credit unions, members, regulators and insurers. The Association also suggests that favorable consideration of Section 11 of HB 312 by this Committee today will serve to not only underscore the role of the board, officers and committees, but also to strengthen, clarify and provide flexibility, thereby taking another step forward in modernizing state credit union law. Most importantly, the Association notes that HB 312 does not, in any way, alter, reduce or delegate the ultimate oversight of a credit union director's direction and control responsibilities. If enacted, then implementation is anticipated to be smooth, without incident to safety and soundness, and consistent with federal credit union requirements as well as requirements applicable to other state financial service providers.

II. Section 12: Bank Commissioner Qualifications

Section 12 of HB 312 mirrors language proposed last session and addresses qualifications required of the Commissioner of Banks and the Deputy Commissioner. Current law restricts any individual indebted to any entity under the supervision of the Commissioner from eligibility to

hold the office of Commissioner or Deputy Commissioner, with an exception for a home mortgage loan, or if at a time subsequent to his or her appointment, a legal transfer of the loan or conversion of an entity results in the loan being held by an entity under the supervision of the Commissioner or Deputy Commissioner, provided that the indebtedness shall be limited to such pre-existing contracts.

The provisions of HB 312 propose to adjust the criteria governing permissible personal loans and other financial transactions to allow for an exception for a residential mortgage loan, car loan, or other secured personal loan. The Association notes that the proposed requirements require transactions to be administered at arms-length and safeguard against preferential treatment by requiring that such indebtedness must be subject to customary terms and conditions and transacted in the normal course of business. Additionally, the bill provides flexibility and clarifies that the provisions relative to stock shall not disqualify a person who holds investments in shares of regulated diversified investment companies.

The proposed provisions are supported by credit unions as they make practical adjustments to current statute and remove the proscriptive prohibitions to the qualifications to hold the offices of Commissioner and Deputy Commissioner to account for traditional and ordinary consumer lending services that such officials and their families may need. The Association believes that local policymakers should not be penalized, should have freedom of choice in securing financial services, and further, should have nondiscriminatory opportunities in their selection of financial services and providers. State chartered credit unions strongly support consumer choice, welcome the opportunities presented by HB 312, and stand ready to serve.

III. Conclusion

New Hampshire credit unions support this legislation without reservation. The Association appreciates the opportunity to provide input to the Committee, and respectfully requests the Committee's favorable consideration of HB 312.

Bill as
Introduced

HB 312 - AS INTRODUCED

2021 SESSION

21-0548

11/06

HOUSE BILL **312**

AN ACT relative to deadlines in consumer credit applications, licensing requirements for mortgage loan originators, examinations of family trust companies, delegation by credit union boards to committees, qualifications of the banking commissioner, and authorizing depository banks to elect benefit corporation status.

SPONSORS: Rep. Hunt, Ches. 11

COMMITTEE: Commerce and Consumer Affairs

ANALYSIS

This bill:

I. Clarifies and extends deadlines in consumer credit examinations applicable to certain entities licensed by the banking department.

II. Clarifies the home state licensing requirement for mortgage loan originators.

III. Provides that family trust companies may be examined more frequently than every 36 months if the commissioner deems it necessary.

IV. Clarifies that depository banks may elect RSA 293-C benefit corporation status.

V. Establishes requirements applicable to credit union boards who delegate to committees.

VI. Adjusts restrictions on loans and other financial transactions that disqualify the commissioner or deputy commissioner from serving in his or her role.

This bill is a request of the banking department.

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 Twenty One

AN ACT relative to deadlines in consumer credit applications, licensing requirements for mortgage loan originators, examinations of family trust companies, delegation by credit union boards to committees, qualifications of the banking commissioner, and authorizing depository banks to elect benefit corporation status.

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

1 1 Retail Installments of Motor Vehicles; Examinations. Amend RSA 361-A:6-a, II to read as
2 follows:

3 II.(a) The affairs and records of every sales finance company licensee or person shall be
4 subject at any time to periodic, special, regular, or other examination by the banking department
5 with or without notice to the licensee or person. Those licensees or persons, ***including those*** that
6 maintain their files and business documents in another state, shall ~~[appoint a New Hampshire agent
7 and shall return such files and documents to such agent, or to their principal New Hampshire office,
8 or to the banking department for examination no later than 21 calendar days after being requested
9 to do so by the banking department. When the commissioner requests a list of New Hampshire
10 consumers who have contracted with the licensee or other similar summary document from a
11 licensee from which to select particular files for review, the licensee shall ensure that the list is
12 received by the commissioner within 7 calendar days and return the files selected by the
13 commissioner to the commissioner within 14 calendar days to ensure compliance with the 21 day
14 requirement.]~~:

15 (1) ***Deliver to the commissioner a list of all New Hampshire consumers who
16 have contracted with the licensee or with whom the licensee is otherwise engaged in
17 business regulated under this chapter, and other requested lists summarizing the business
18 of the licensee, within 7 days of receipt of the request; and***

19 (2) ***Deliver to the commissioner files selected by the commissioner from the
20 list delivered in subparagraph (a)(1), and any other files or documents requested, within
21 21 days of receipt of the request.***

22 (b) Failure to provide files ~~[and]~~ ***or*** documents within the time established by this
23 paragraph shall subject a licensee or person to a fine of \$50 per day for each day ~~[after 21 days]~~ the
24 files ~~[and]~~ ***or*** documents are not produced. Failure to provide files ~~[and]~~ ***or*** documents ***to the
25 commissioner*** within 60 days after ~~[being requested to do so by the banking department]~~ ***receipt of
26 the request*** shall be sufficient cause for license revocation, suspension, or denial.

27 2 Nondepository Mortgage Bankers, Brokers, and Servicers; Examinations. Amend RSA 397-
28 A:12, IV to read as follows:

1 IV. ~~[When a licensee is requested to provide files or business records to the office of the~~
2 ~~department, such material must be received no later than 21 calendar days from receipt of request.~~
3 ~~When the department requests a loan list or other similar summary document from a licensee from~~
4 ~~which to select particular files for review, the licensee shall ensure that the list is received by the~~
5 ~~department within 7 calendar days, and provide the files selected by the department to the~~
6 ~~department within 14 calendar days to ensure compliance with the 21-day requirement.] (a)~~

7 ***Licensees shall:***

8 (1) ***Deliver to the commissioner a list of all New Hampshire consumers who***
9 ***have contracted with the licensee or with whom the licensee is otherwise engaged in***
10 ***business regulated under this chapter, and other requested lists summarizing the business***
11 ***of the licensee within 7 days of receipt of the request; and***

12 (2) ***Deliver to the commissioner files selected by the commissioner from the***
13 ***list delivered in subparagraph (a)(1), and any other files or documents requested, within***
14 ***21 days of receipt of the request.***

15 (b) Failure to provide files and documents within the time established by this paragraph
16 shall subject a licensee or person to a fine of \$50 per day for each day ~~[after 21 days]~~ the files ~~[and]~~
17 ***or*** documents are not produced. Failure to provide files ~~[and]~~ ***or*** documents within 60 days after
18 ~~[being requested to do so by the department]~~ ***receipt of the request*** shall be sufficient cause for
19 license revocation, suspension, or denial.

20 3 Regulation of Small Loans; Title Loans; and Payday Loans; Examinations and Investigations.
21 Amend RSA 399-A:13, VI to read as follows:

22 VI.(a) Those licensees or persons, ***including those*** that maintain their files and business
23 documents in another state shall ~~[appoint a New Hampshire agent and shall return such files and~~
24 ~~documents to their principal New Hampshire office, the banking department, or the office of their~~
25 ~~New Hampshire agent for examination no later than 21 calendar days after being requested to do so~~
26 ~~by the department. When the commissioner requests a list of New Hampshire consumers who have~~
27 ~~contracted with the licensee or other similar summary document from a licensee from which to select~~
28 ~~particular files for review, the licensee shall ensure that the list is received by the commissioner~~
29 ~~within 7 calendar days and return the files selected by the commissioner to the commissioner within~~
30 ~~14 calendar days to ensure compliance with the 21-day requirement.]:~~

31 (1) ***Deliver to the commissioner a list of all New Hampshire consumers who***
32 ***have contracted with the licensee or with whom the licensee is otherwise engaged in***
33 ***business regulated under this chapter, and other requested lists summarizing the business***
34 ***of the licensee, within 7 days of receipt of the request; and***

35 (2) ***Deliver to the commissioner files selected by the commissioner from the***
36 ***list delivered in subparagraph (a)(1), and any other files or documents requested, within***
37 ***21 days of receipt of the request.***

1 (b) Failure to provide files ~~[and]~~ **or** documents within the time established by this
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 3 files ~~[and]~~ **or** documents are not produced. Failure to provide files ~~[and]~~ **or** documents within 60
 4 days after ~~[being requested to do so by the department]~~ **receipt of the request** shall be sufficient
 5 cause for license revocation, suspension, or denial, or other penalties under this chapter.

6 4 Debt Adjustment Services; Examinations and Investigations. Amend RSA 399-D:12, VI to
 7 read as follows:

8 VI.(a) Those licensees or persons, **including those** that maintain their files and business
 9 documents in another state shall ~~[appoint a New Hampshire agent and shall return such files and~~
 10 ~~documents to their principal New Hampshire office, the banking department, or the office of their~~
 11 ~~New Hampshire agent for examination no later than 21 calendar days after being requested to do so~~
 12 ~~by the department. When the commissioner requests a list of New Hampshire consumers who have~~
 13 ~~contracted with the licensee or other similar summary document from a licensee from which to select~~
 14 ~~particular files for review, the licensee shall ensure that the list is received by the commissioner~~
 15 ~~within 7 calendar days and shall return the files selected by the commissioner to the commissioner~~
 16 ~~within 14 calendar days to ensure compliance with the 21-day requirement.]:~~

17 (1) **Deliver to the commissioner a list of all New Hampshire consumers who**
 18 **have contracted with the licensee or with whom the licensee is otherwise engaged in**
 19 **business regulated under this chapter, and other requested lists summarizing the business**
 20 **of the licensee, within 7 days of receipt of the request; and**

21 (2) **Deliver to the commissioner files selected by the commissioner from the**
 22 **list delivered in subparagraph (a)(1), and any other files or documents requested, within**
 23 **21 days of receipt of the request.**

24 (b) Failure to provide files ~~[and]~~ **or** documents within the time established by this
 25 paragraph shall subject a licensee or person to a fine of \$50 per day for each day ~~[after 21 days]~~ that
 26 the files ~~[and]~~ **or** documents are not produced. Failure to provide files ~~[and]~~ **or** documents within 60
 27 days after ~~[being requested to do so by the department]~~ **receipt of the request** shall be sufficient
 28 cause for license revocation, suspension, or denial, or other penalties under this chapter.

29 5 New Paragraph; Licensing of Money Transmitters; Examinations and Investigations. Amend
 30 RSA 399-G:13 by inserting after paragraph V the following new paragraph:

31 V-a. Those licensees or persons, including those that maintain their files and business
 32 documents in another state, shall deliver to the commissioner any files or documents requested,
 33 within 28 days of receipt of the request. Failure to provide files or documents within the time
 34 established by this paragraph shall subject a licensee or person to a fine of \$50 per day for each day
 35 the files or documents are not produced. Failure to provide files or documents within 60 days after
 36 receipt of the request shall be sufficient cause for license revocation, suspension, or denial, or other
 37 penalties under this chapter.

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1 6 Nondepository Mortgage Bankers, Brokers, and Servicers; License Application; Requirements;
2 Investigation. Amend RSA 397-A:5, VIII to read as follows:

3 VIII. A license shall not be issued and effective unless the applicant or licensee is licensed or
4 registered in [~~the licensee's or applicant's home state, which in the case of an organization is~~] the
5 state where its principal office is located [~~and in the case of an individual is the state from which the~~
6 ~~individual primarily conducts mortgage business~~]. ***This paragraph shall not apply to a***
7 ***mortgage loan originator.***

8 7 Family Trust Company Act; Examination. Amend RSA 383-D:11-1101(a) to read as follows:

9 (a) The commissioner shall examine a family trust company every 36 months, ***or more***
10 ***often when necessary in his or her judgment.***

11 8 New Subparagraph; Banks and Credit Unions; Enforcement; Definitions. Amend RSA 383-
12 A:2-201(a) by inserting after subparagraph (37) the following new subparagraph:

13 (37-a) "New Hampshire Benefit Corporation Act" means RSA 293-C or any
14 replacement or successor New Hampshire statutes.

15 9 Banks and Credit Unions; Enforcement; Definitions; Organizations Act. Amend RSA 383-A:2-
16 201(a)(41) to read as follows:

17 (41) "Organizations Act" means [~~either~~] the Corporation Act ***and the New***
18 ***Hampshire Benefit Corporation Act, if applicable,*** or the LLC Act; and "Organizations Acts"
19 means the Corporation Act ***and the New Hampshire Benefit Corporation Act, if applicable,***
20 and the LLC Act.

21 10 Organization of State Banks; Type of Entity; Conversion. Amend RSA 383-A:3-303(a) to read
22 as follows:

23 (a) A state bank may be organized as a corporation under the Corporation Act or as a
24 limited liability company under the LLC Act. ***A depository bank organized as a corporation***
25 ***may elect benefit corporation status in accordance with the New Hampshire Benefit***
26 ***Corporation Act.***

27 11 New Paragraph; Credit Union Act; Responsibilities of Directors and Officers. Amend RSA
28 383-E:5-506 by inserting after paragraph (b) the following new paragraph:

29 (c) Subject to its oversight and any limitation set forth in the organizational documents
30 or this chapter, the board of directors of a credit union may create one or more committees, delegate
31 to each committee any powers and duties that the board of directors deems appropriate, and appoint
32 one or more directors, officers, and other natural persons to serve on each committee. The following
33 requirements shall apply to any committee so created:

34 (1) Each member of a committee shall be subject to the same standards of conduct to
35 which a director is subject in accordance with this section;

36 (2) Each committee shall keep minutes of its activities and shall report to the board
37 of directors as frequently as the board of directors requires; and

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1 (3) The creation of, delegation of power or duties to, or action by a committee does
2 not alone constitute a director's compliance with the standards of conduct as set forth in this section.

3 12 Bank Commissioner; Qualifications. Amend RSA 383:6 to read as follows:

4 383:6 Qualifications. No person who is not a resident of the state at the time of his or her
5 appointment or who fails to become a resident of the state within one year after his or her
6 appointment, and no person who is indebted to any entity under the supervision of the
7 commissioner, or who holds any stock or office in the entity, or who is engaged as principal or agent
8 in the business of selling or negotiating loans, stocks, or securities of any kind in this state, or who is
9 an officer or stockholder in any entity engaged in that business, shall be eligible to hold or continue
10 to hold the office of commissioner or deputy commissioner. The provisions of this section relative to
11 indebtedness to an entity under the supervision of the commissioner shall not disqualify a person
12 who ~~[- at the time of his or her appointment,] is indebted to the entity for [a home mortgage loan, or if~~
13 ~~at a time subsequent to his or her appointment a legal transfer of the loan or conversion of an entity~~
14 ~~results in the loan being held by an entity under the supervision of the commissioner or deputy~~
15 ~~commissioner, provided that the indebtedness shall be limited to such pre-existing contracts.]~~ ***a***
16 ***residential mortgage loan, car loan, or other secured personal loan if such indebtedness is***
17 ***subject to customary terms and conditions and transacted in the normal course of***
18 ***business. The provisions of this section relative to stock shall not disqualify a person who***
19 ***holds investments in shares of regulated diversified investment companies.***

20 13 Repeal. RSA 399-G:11, II, relative to record keeping requirements for licensed money
21 transmitters, is repealed.

22 14 Effective Date. This act shall take effect 60 days after its passage.