

Bill as  
Introduced

HB 610-FN - AS INTRODUCED

2021 SESSION

21-0545

11/04

HOUSE BILL

**610-FN**

AN ACT

requiring certain licensing and reporting functions be conducted through the Nationwide Multistate Licensing System and Registry, and relative to background investigations of trust officers, to certain filing fees, assessments, and interest rates, and to the transmission of consumer complaints by the banking department.

SPONSORS: Rep. Hunt, Ches. 11

COMMITTEE: Commerce and Consumer Affairs

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ANALYSIS

This bill:

I. Requires retail sellers, sale finance companies, small loan lenders, debt adjusters, and money transmitters to license and report through NMLA, and clarifies the filing deadlines for call reports under RSA 397-A.

II. Clarifies the circumstances under which background investigations are conducted for trust executive officers, and provides for removal of directors or officers by the commissioner.

III. Adjusts fees for filings by state chartered institutions.

IV. Requires payment of assessment by institutions seeking approval to dissolve or convert.

V. Establishes minimum interest rates tied to federal funds interest rates set by the Federal Open Market Committee.

VI. Authorizes the department to transmit consumer complaints via email rather than by certified mail.

This bill is a request of the banking department.

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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

AN ACT requiring certain licensing and reporting functions be conducted through the Nationwide Multistate Licensing System and Registry, and relative to background investigations of trust officers, to certain filing fees, assessments, and interest rates, and to the transmission of consumer complaints by the banking department.

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

1       1    New Paragraph; Retail Installment Sales of Motor Vehicles; Definitions; Nationwide  
2    Multistate Licensing System and Registry. Amend RSA 361-A:1 by inserting after paragraph VII  
3    the following new paragraph:

4           VII-b. "Nationwide Multistate Licensing System and Registry" means a national licensing  
5    system and facility developed and maintained by the Conference of State Bank Supervisors and the  
6    American Association of Residential Mortgage Regulators, or their successors, for the licensing and  
7    registration of mortgage loan originators, mortgage lenders, mortgage servicers, mortgage brokers,  
8    and other non-depository financial service licensees, including retail sellers and sales finance  
9    companies.

10       2    Licensing of Sales Finance Companies and Retail Sellers Required. Amend the introductory  
11    paragraph of RSA 361-A:2, II(a) to read as follows:

12           (a) The application for such license shall be in writing and verified [~~on a form prescribed~~  
13    ~~by the commissioner]~~ ***through the Nationwide Multistate Licensing System and Registry***  
14    ***using the Nationwide Multistate Licensing System and Registry form.*** The application shall  
15    contain the name of the applicant; the tax applicant's identification number; date of incorporation, if  
16    incorporated; the address where the business is or is to be conducted and similar information as to  
17    any branch office of the applicant; the trade name, if any, under which the applicant proposes to  
18    conduct such business; and such other pertinent information as the commissioner may require. The  
19    application shall include a list of the names and resident addresses of principals and the name of any  
20    person occupying a similar status or performing similar functions. Each principal shall provide his  
21    or her social security numbers and shall authorize the commissioner to conduct a background check.  
22    The applicant shall submit any other information that the commissioner may require including, but  
23    not limited to, the applicant's form and place of organization, the applicant's proposed method of  
24    doing business, the qualifications and business history of the applicant and those persons listed in  
25    the application, and in the case of sales finance companies, the applicant's financial condition and  
26    history. The applicant shall disclose if any injunction or administrative order has been issued  
27    against the applicant or any of its principals listed in the application and whether the applicant or  
28    any of its principals have been convicted of a misdemeanor involving financial services or a financial

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1 services-related business, or any fraud, false statements or omissions, theft or any wrongful taking  
2 of property, bribery, perjury, forgery, counterfeiting, extortion, or a conspiracy to commit any of  
3 these offenses, or convicted of any felony, prior to the commissioner's approval of such change.

4 3 Retail Installment Sales of Motor Vehicles; Annual Report. Amend RSA 361-A:2-b, I(a)-(c) to  
5 read as follows:

6 (a) Each sales finance company licensee shall file, under oath, an annual report [~~with~~  
7 ~~the commissioner]~~ **through the Nationwide Multistate Licensing System and Registry** on or  
8 before March 31 each year concerning operations for the preceding year or license period ending  
9 December 31 upon a form prescribed by the commissioner.

10 (b) A person who surrenders, withdraws, or does not renew a license shall file the  
11 annual report as required in subparagraph (a), notwithstanding the fact that he or she is not  
12 licensed on the date that the report is due.

13 (c) Each sales finance company shall also file, under oath, its financial statement [~~with~~  
14 ~~the commissioner]~~ **through the Nationwide Multistate Licensing System and Registry** within  
15 90 days from the date of its fiscal year end. The financial statement shall be prepared in accordance  
16 with generally accepted accounting principles and shall include a balance sheet, income statement,  
17 statement of changes in owners' equity, a cash flow statement, and note disclosures. If the financial  
18 statement is not audited, a certification statement shall be attached and signed by a duly authorized  
19 officer of the sales finance company. The certification statement shall state that the financial  
20 statement is true and accurate to the best of the officer's belief and knowledge.

21 4 New Paragraph; Regulation of Small Loans, Title Loans, and Payday Loans; Definitions.  
22 Amend RSA 399-A:1 by inserting after paragraph XII the following new paragraph:

23 XII-a. "Nationwide Multistate Licensing System and Registry" means a national licensing  
24 system and facility developed and maintained by the Conference of State Bank Supervisors and the  
25 American Association of Residential Mortgage Regulators, or their successors, for the licensing and  
26 registration of mortgage loan originators, mortgage lenders, mortgage servicers, mortgage brokers,  
27 and other non-depository financial service licensees, including small loan lenders, title loan lenders  
28 and payday loan lenders.

29 5 Regulation of Small Loans, Title Loans; and Payday Loans; Application and Fees. Amend the  
30 introductory paragraph of RSA 399-A:4, I to read as follows:

31 I. Every applicant for licensing under this chapter shall file with the commissioner a written  
32 verified application through the Nationwide Multistate Licensing System and Registry, using the  
33 Nationwide Multistate Licensing System and Registry form, ~~or providing all the information~~  
34 ~~required on the application developed by the Nationwide Multistate Licensing System and Registry]~~  
35 which shall include, but is not limited to, the following information:

36 6 Regulation of Small Loans, Title Loans, and Payday Loans; Reporting and Filing  
37 Requirements. Amend RSA 399-A:10, I to read as follows:

1 I.(a) Each licensee shall file, under oath, an annual report [~~with the commissioner~~] *through*  
 2 *the Nationwide Multistate Licensing System and Registry* on or before March 31 each year  
 3 concerning its business and operations for the preceding calendar year or license period ending  
 4 December 31 in the form prescribed by the commissioner.

5 (b) Each licensee shall also file, under oath, its financial statement [~~with the~~  
 6 ~~commissioner~~] *through the Nationwide Multistate Licensing System and Registry* within 90  
 7 days from the date of its fiscal year end. The financial statement shall be prepared in accordance  
 8 with generally accepted accounting principles and shall include a balance sheet, income statement,  
 9 statement of changes in owners' equity, a cash flow statement, and note disclosures. If the financial  
 10 statement is not audited, a certification statement shall be attached and signed by a duly authorized  
 11 officer of the licensee. The certification statement shall state that the financial statement is true  
 12 and accurate to the best of the officer's belief and knowledge.

13 7 New Paragraph; Debt Adjustment Services; Definitions. Amend RSA 399-D:1 by inserting  
 14 after paragraph XXIII the following new paragraph:

15 XXIII-a. "Nationwide Multistate Licensing System and Registry" means a national licensing  
 16 system and facility developed and maintained by the Conference of State Bank Supervisors and the  
 17 American Association of Residential Mortgage Regulators, or their successors, for the licensing and  
 18 registration of mortgage loan originators, mortgage lenders, mortgage servicers, mortgage brokers,  
 19 and other non-depository financial service licensees, including debt adjusters.

20 8 Debt Adjustment Services; Application and Fees. Amend the introductory paragraph of RSA  
 21 399-D:4, I(a) to read as follows:

22 (a) To be considered for licensing, each person shall complete and file with the  
 23 department one verified application through the Nationwide Multistate Licensing System and  
 24 Registry, using the Nationwide Multistate Licensing System and Registry form[, ~~or providing all the~~  
 25 ~~same information required on the application developed by using the Nationwide Multistate~~  
 26 ~~Licensing System and Registry,~~] which shall include, but not be limited to, the following information:

27 9 Debt Adjustment Services; Reporting and Filing Requirements. Amend RSA 399-D:9, I(a) and  
 28 the introductory paragraph of I(b) to read as follows:

29 (a) Each licensee shall file, under oath, an annual report [~~with the banking department~~]  
 30 *through the Nationwide Multistate Licensing System and Registry* on or before March 31 each  
 31 year concerning operations for the preceding calendar year or license period ending December 31 in  
 32 the form prescribed by the commissioner.

33 (b) Each licensee shall also file, under oath, its financial statement [~~with the~~  
 34 ~~commissioner~~] *through the Nationwide Multistate Licensing System and Registry* within 90  
 35 days from the date of its fiscal year end. If the financial statement is not audited, a certification  
 36 statement shall be attached and signed by a duly authorized officer of the licensee. The certification

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1 statement shall state that the financial statement is true and accurate to the best of the officer's  
2 belief and knowledge:

3 10 New Paragraph; Licensing of Money Transmitters; Definitions. Amend RSA 399-G:1 by  
4 inserting after paragraph XVII the following new paragraph:

5 XVII-a. "Nationwide Multistate Licensing System and Registry" means a national licensing  
6 system and facility developed and maintained by the Conference of State Bank Supervisors and the  
7 American Association of Residential Mortgage Regulators, or their successors, for the licensing and  
8 registration of mortgage loan originators, mortgage lenders, mortgage servicers, mortgage brokers,  
9 and other non-depository financial service licensees, including money transmitters.

10 11 Licensing of Money Transmitters; Application and Fees. Amend the introductory paragraph  
11 of RSA 399-G:4, I(a) to read as follows:

12 (a) To be considered for licensing, each person shall complete and file with the  
13 department one verified application through the Nationwide Multistate Licensing System and  
14 Registry, using the Nationwide Multistate Licensing System and Registry form~~[- or providing all the~~  
15 ~~same information required on the application developed by the Nationwide Multistate Licensing~~  
16 ~~System and Registry,]~~ which shall include but not be limited to the following information :

17 12 Licensing of Money Transmitters; License Surrender. Amend RSA 399-G:8, I to read as  
18 follows:

19 I. A licensee who ceases to engage in the business of money transmission at any time during  
20 a license year for any cause shall surrender such principal license and authorized delegate  
21 registrations, if any, and within 15 calendar days of such cessation shall cause to be published in a  
22 newspaper of general circulation in the licensee's market area a notice to such effect, and shall file  
23 ~~[an annual]~~ **any required** report pursuant to RSA 399-G:10 ~~[within 15 days of such cessation]~~. The  
24 commissioner may adopt rules, in accordance with RSA 541-A, relative to such notice and the  
25 process for surrender.

26 13 Licensing of Money Transmitters; Reporting and Filing Requirements. Amend RSA 399-  
27 G:10, I-V to read as follows:

28 I. Each licensee shall ~~[file, under oath, an annual report with the banking department on or~~  
29 ~~before March 31 each year concerning operations for the preceding year or license period ending~~  
30 ~~December 31 upon the form prescribed by the department]~~ **submit to the Nationwide Multistate**  
31 **Licensing System and Registry reports of condition, which shall be filed within the time**  
32 **prescribed by the Nationwide Multistate Licensing System and Registry, in such form and**  
33 **shall contain such information as the Nationwide Multistate Licensing System and**  
34 **Registry may require, including but not limited to the money services business call report.**

35 II. Each licensee shall file, under oath, its financial statement ~~[with the commissioner]~~  
36 **through the Nationwide Multistate Licensing System and Registry** within 90 days from the  
37 date of its fiscal year end. The financial statement shall be prepared in accordance with generally

1 accepted accounting principles with appropriate note disclosures and, unless excepted by an order  
 2 from the commissioner for hardship reasons, shall be audited by an independent certified public  
 3 accountant. The financial statement shall include or be accompanied by a calculation that reflects  
 4 the fiscal year's average daily outstanding money transmissions as defined by RSA 399-G:1, IV in  
 5 United States dollars. A money transmitter's financial statement shall include:

- 6 (a) A balance sheet;
- 7 (b) Income statement;
- 8 (c) Statement of changes in owners' equity;
- 9 (d) A cash flow statement; and
- 10 (e) A statement of net worth.

11 III. The department shall publish its analysis of the information required in the licensee's  
 12 ~~[annual]~~ *call* report as a part of the commissioner's annual report.

13 IV. Any money transmitter failing to file either the ~~[annual]~~ *call* report or the financial  
 14 statement required by this section within the time prescribed may be required to pay to the banking  
 15 department a penalty ~~[of]~~. *The penalty shall be* \$25 for each calendar day the ~~[annual]~~ *call* report  
 16 or financial statement is overdue up to a maximum penalty of ***\$625 per call report or*** \$2,500 per  
 17 ~~[report or]~~ *financial* statement.

18 V. In addition to the ~~[annual]~~ *call* report and financial statement, the banking department  
 19 may require such additional regular or special reports as it may deem necessary for the proper  
 20 supervision of licensees under this chapter.

21 14 Licensing of Money Transmitters; Administration by Commissioner; Rulemaking. Amend  
 22 RSA 399-G:24, II(c) to read as follows:

- 23 (c) ~~[Annual]~~ *Call* reports required by RSA 399-G:10.

24 15 Nondepository Mortgage Bankers, Brokers, and Servicers; Reporting. Amend RSA 397-A:13,  
 25 V to read as follows:

26 V. Any mortgage banker, mortgage broker, or mortgage servicer failing to file the mortgage  
 27 call report required by this section within the time prescribed *by the Nationwide Multistate*  
 28 *Licensing System and Registry* may be required to pay to the department a penalty of \$25 for  
 29 each calendar day the mortgage call report is overdue up to a maximum penalty of \$625 per  
 30 mortgage call report.

31 16 Organization of State Banks; Application. Amend RSA 383-A:3-305(e)(6) to read as follows:

32 (6) ~~[The commissioner may require]~~ *In addition to paying the cost for any*  
 33 *examination or investigation of the background and criminal history of any person*  
 34 *pursuant to this section*, the organizer ~~[to]~~ *shall* pay the actual costs of each background  
 35 investigation and criminal history records check.

36 17 Trust Company Act; Number of Directors. Amend RSA 383-C:6-601 to read as follows:

37 383-C:6-601 ~~[Number of]~~ Directors.

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1           (a) The board of directors of a trust company shall be composed of at least 5 directors. A  
2 director need not be a resident of New Hampshire or a citizen of the United States, unless otherwise  
3 required by the commissioner in consideration of the trust company's safety and soundness.

4           (b) *Every new director shall submit to a background investigation and criminal  
5 history records check, to include submission of financial and other information in  
6 accordance with RSA 383-A:3-305(e). A trust company shall submit notice of any material  
7 change related to the background investigation and criminal history records check of any  
8 director or any new information related to the experience, ability, standing, competence,  
9 trustworthiness, and integrity of a director that could jeopardize the safe and sound  
10 operation of the trust company within 30 days of learning of such change. The cost of any  
11 examination or investigation of the background information and criminal history shall be  
12 paid by the trust company.*

13           18 New Section; Trust Company Act; Removal of Directors and Officers by Commissioner.  
14 Amend RSA 383-C by inserting after section 6-603 the following new section:

15           383-C:6-604 Removal of Directors or Officers by Commissioner. In addition to the grounds for  
16 removal set forth in RSA 383-A:9-902, the commissioner may also remove a director or officer of a  
17 trust company if, in the opinion of the commissioner, the director or officer does not possess the  
18 experience, ability, standing, competence, trustworthiness, and integrity to ensure the safe and  
19 sound operation of the trust company. The commissioner shall act in accordance with the procedure  
20 described in RSA 383-A:9-902 for any such removal.

21           19 Family Trust Company Act; Board of Directors. Amend RSA 383-D:8-801(a) to read as  
22 follows:

23           (a) A family trust company shall have a board of directors, and that board of directors  
24 must have not less than three members. A director need not be a resident of New Hampshire or a  
25 citizen of the United States, unless otherwise required by the commissioner in consideration of the  
26 family trust company's safety and soundness. RSA 383-C:6-601(a) shall not apply to family trust  
27 companies.

28           20 Bank and Credit Unions; Regulatory Approval Procedures; Fee Schedule. Amend RSA 383-  
29 A:6-609 to read as follows:

30           383-A:6-609 Fee Schedule.

31           (a) The commissioner shall charge a filing fee to each person for services rendered by  
32 the department in reviewing a notice or application. Sums collected under this section shall be  
33 payable to the state treasurer as restricted revenue and credited, in accordance with the banking  
34 division's accounting unit designation, to the appropriation for the commissioner. Charges for  
35 services shall be billed as follows:

36           ~~(a)~~ (1) Fee for new state bank or credit union charter: ~~[\$10,000]~~ \$15,000

37           ~~(b)~~ (2) Fee for domestication of foreign trust company: \$7,500



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1           ~~[(e)]~~ (3) Fee for charter conversion, combination, acquisition, change in control, share  
2 exchange, reorganization, or approval of trust powers: \$2,500

3           ~~[(d)]~~ (4) Fee for the dissolution of a trust company: \$2,000

4           ~~[(e)]~~ (5) Fee for a reduction in a depository bank's capital, change in business plan or  
5 change in required capital of a trust company, amendment to a state bank's organizational  
6 instrument, amendment of a credit union's bylaws, or formation of a subsidiary entity that requires  
7 approval of the commissioner: \$500

8           ~~[(f)]~~ (6) Fee for a new branch, loan production office and trust company office: \$500

9           ~~[(g)]~~ (7) Fee for a relocation or termination of a branch, loan production office or trust  
10 company office: \$100

11           ~~[(h)]~~ (8) Fee to issue a certificate of existence: \$50

12           ~~[(i)]~~ (9) Fee for a reservation or approval of a name or trade name: \$50

13           **(b) If at any time the commissioner determines that the cost to complete the**  
14 **investigation or examination of the notice or application has or will exceed the fee set forth**  
15 **in subparagraphs (a)(1)-(9), the commissioner shall cease further review, notify the filer of**  
16 **this determination and advise that the filer may withdraw the notice or application. If the**  
17 **filer elects to withdraw the notice or application pursuant to this paragraph, the**  
18 **commissioner shall refund the filing fee, minus such costs of investigation or examination**  
19 **that been incurred during the Department's review. If the filer informs the commissioner it**  
20 **does not elect to withdraw the notice or application, the commissioner shall continue the**  
21 **review of the notice or application and the filer shall pay the additional investigation or**  
22 **examination costs. The cost of the investigation or examination shall be determined in**  
23 **accordance with the per diem examination charge established in RSA 383:11, I provided,**  
24 **however, that the requirement that no entity shall be charged or pay less than one full day**  
25 **shall not apply.**

26           21 New Paragraph; Bank Commissioner; Examination Costs. Amend RSA 383:11 by inserting  
27 after paragraph IV the following new paragraph:

28           V. A state chartered institution that is dissolved or converted before the close of a fiscal  
29 year, shall be responsible for payment of its pro rata share of the assessment for that fiscal year.  
30 Prior to approving the dissolution or conversion of the institution, the commissioner, in the  
31 commissioner's discretion, shall either:

32           (a) Impose requirements to ensure payment of the assessment after the approval of the  
33 dissolution or conversion; or

34           (b) Collect payment of the assessment as calculated under paragraph II prior to approval  
35 of the dissolution, or if the calculation of the assessment is not yet available and the commissioner  
36 determines the last assessment imposed as well as the institution's share of the last assessment  
37 imposed, is reflective of the institution's obligation for the current fiscal year, the commissioner may

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1 instead collect payment of the assessment based on a pro rata portion of the last assessment imposed  
2 on the institution.

3 22 Depository Bank Act; Banking Business; Loans and Investments. Amend RSA 383-B:3-  
4 303(a)(7)(E) to read as follows:

5 (E) Any depository bank which requires or accepts moneys for deposit in escrow  
6 accounts maintained for the payment of taxes or insurance premiums related to loans on property  
7 secured by real estate mortgages shall credit each escrow account with interest at a ~~minimum~~ rate  
8 ~~[set for a 6-month period by the commissioner on February 1 and August 1 of each year. The rate~~  
9 ~~shall be one percent below the mean interest rate paid by depository banks on regular savings~~  
10 ~~accounts during the applicable period. The commissioner shall post the rate on the department's~~  
11 ~~website] **no lower than the highest target federal funds interest rate in the range set by the**~~  
12 ~~**Federal Open Market Committee, minus one percent.**~~

13 23 Retail Installment Sales of Motor Vehicles; Consumer Inquiries. Amend the introductory  
14 paragraph of RSA 361-A:4-a, I to read as follows:

15 I. Consumer complaints naming retail sellers or sales finance companies under this chapter,  
16 which are filed in writing with the office of the commissioner, shall be forwarded via **electronic**  
17 **mail or** certified or registered mail to the retail seller or sales finance company for response within  
18 10 days of receipt by the department. Retail sellers or sales finance companies shall, within 10 days  
19 after receipt of such complaint, send a written acknowledgment thereof to the consumer and the  
20 banking department. Not later than 30 days following receipt of such complaint, the retail seller or  
21 sales finance company shall conduct an investigation of the complaint and either:

22 24 Bank and Credit Unions; Consumer Complaints. Amend RSA 383-A:9-904, I to read as  
23 follows:

24 I. Consumer complaints naming state banks or credit unions, which are filed in writing,  
25 shall be forwarded via **electronic mail or** certified mail to the state bank or credit union for  
26 response within 10 days of receipt by the department. Not later than 30 days following receipt of  
27 such complaint, the state bank or credit union shall conduct an investigation of the complaint and  
28 either:

29 25 Licensing of Nondepository Mortgage Bankers, Brokers, and Servicers; Consumer Inquiries.  
30 Amend the introductory paragraph of RSA 397-A:15-a, I to read as follows:

31 I. Consumer complaints naming licensees under this chapter, which are filed in writing with  
32 the office of the commissioner, shall be forwarded via **electronic mail or** certified mail to the  
33 licensee for response within 10 days of receipt by the department. Licensees shall, within 10 days  
34 after receipt of such complaint, send a written acknowledgment thereof to the consumer and the  
35 banking department. Not later than 30 days following receipt of such complaint, the licensee shall  
36 conduct an investigation of the complaint and either:

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1           26 Regulation of Small Loans, Title Loans, and Payday Loans; Consumer Inquiries. Amend the  
2 introductory paragraph of RSA 399-A:12, I to read as follows:

3           I. Consumer complaints naming licensees under this chapter, which are filed in writing with  
4 the office of the commissioner, shall be forwarded via *electronic mail or* certified or registered mail  
5 to the licensee for response within 10 days of receipt by the department. Licensees shall, within 10  
6 days after receipt of such complaint, send a written acknowledgment thereof to the consumer and  
7 the banking department. Not later than 30 days following receipt of such complaint, the licensee  
8 shall conduct an investigation of the complaint and either:

9           27 Debt Adjustment Services; Consumer Inquiries. Amend the introductory paragraph of RSA  
10 399-D:11, I to read as follows:

11           I. Consumer complaints naming licensees under this chapter, which are filed in writing with  
12 the office of the commissioner, shall be forwarded via *electronic mail or* certified or registered mail  
13 to the licensee for response within 10 days of receipt by the department. Licensees shall, within 10  
14 days after receipt of such complaint, send a written acknowledgment thereof to the consumer and  
15 the department. Not later than 30 days following receipt of such complaint, the licensee shall  
16 conduct an investigation of the complaint and either:

17           28 Licensing of Money Transmitters; Consumer Inquiries. Amend the introductory paragraph  
18 of RSA 399-G:12, I to read as follows:

19           I. Consumer complaints naming licensees under this chapter, which are filed in writing with  
20 the office of the commissioner, shall be forwarded via *electronic mail or* certified or registered mail  
21 to the licensee for response within 10 days of receipt by the department. Licensees shall, within 10  
22 days after receipt of such complaint, send a written acknowledgment thereof to the consumer and  
23 the department. Not later than 30 days following receipt of such complaint, the licensee shall  
24 conduct an investigation of the complaint and either:

25           29 Effective Date. This act shall take effect 60 days after its passage.

LBA  
21-0545  
Revised 1/14/21

**HB 610-FN- FISCAL NOTE  
AS INTRODUCED**

**AN ACT** requiring certain licensing and reporting functions be conducted through the Nationwide Multistate Licensing System and Registry, and relative to background investigations of trust officers, to certain filing fees, assessments, and interest rates, and to the transmission of consumer complaints by the banking department.

**FISCAL IMPACT:**

The Legislative Budget Assistant has determined that this legislation, as introduced, has a total fiscal impact of less than \$10,000 in each of the fiscal years 2021 through 2024.

**AGENCIES CONTACTED:**

Banking Department

HB 610-FN - AS AMENDED BY THE SENATE

05/27/2021 1676s  
05/27/2021 1768s  
05/27/2021 1791s

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HOUSE BILL

**610-FN**

AN ACT

requiring certain licensing and reporting functions be conducted through the Nationwide Multistate Licensing System and Registry, relative to background investigations of trust officers, to certain filing fees, assessments, and interest rates, and to the transmission of consumer complaints by the banking department, requiring employers to provide certain workplace accommodations for employees, and establishing the New Hampshire housing and conservation planning program.

SPONSORS: Rep. Hunt, Ches. 11

COMMITTEE: Commerce and Consumer Affairs

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AMENDED ANALYSIS

This bill:

I. Requires retail sellers, sale finance companies, small loan lenders, debt adjusters, and money transmitters to license and report through NMLA, and clarifies the filing deadlines for call reports under RSA 397-A.

II. Clarifies the circumstances under which background investigations are conducted for trust executive officers, and provides for removal of directors or officers by the commissioner.

III. Adjusts fees for filings by state chartered institutions.

IV. Requires payment of assessment by institutions seeking approval to dissolve or convert.

V. Establishes minimum interest rates tied to federal funds interest rates set by the Federal Open Market Committee.

VI. Authorizes the department to transmit consumer complaints via email rather than by certified mail.

VII. Requires certain employers to provide access to a sufficient space and a reasonable break period for nursing mothers to express milk during working hours.

VIII. Establishes the New Hampshire housing and planning conservation program.

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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.

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

1 1 New Paragraph; Retail Installment Sales of Motor Vehicles; Definitions; Nationwide  
2 Multistate Licensing System and Registry. Amend RSA 361-A:1 by inserting after paragraph VII  
3 the following new paragraph:

4 VII-b. "Nationwide Multistate Licensing System and Registry" means a national licensing  
5 system and facility developed and maintained by the Conference of State Bank Supervisors and the  
6 -American Association of Residential Mortgage Regulators, or their successors, for the licensing and  
7 registration of mortgage loan originators, mortgage lenders, mortgage servicers, mortgage brokers,  
8 and other non-depository financial service licensees, including retail sellers and sales finance  
9 companies.

10 2 Licensing of Sales Finance Companies and Retail Sellers Required. Amend the introductory  
11 paragraph of RSA 361-A:2, II(a) to read as follows:

12 (a) The application for such license shall be in writing and verified ~~[on a form prescribed~~  
13 ~~by the commissioner]~~ ***through the Nationwide Multistate Licensing System and Registry***  
14 ***using the Nationwide Multistate Licensing System and Registry form.*** The application shall  
15 contain the name of the applicant; the tax applicant's identification number; date of incorporation, if  
16 incorporated; the address where the business is or is to be conducted and similar information as to  
17 any branch office of the applicant; the trade name, if any, under which the applicant proposes to  
18 conduct such business; and such other pertinent information as the commissioner may require. The  
19 application shall include a list of the names and resident addresses of principals and the name of any  
20 person occupying a similar status or performing similar functions. Each principal shall provide his  
21 or her social security numbers and shall authorize the commissioner to conduct a background check.  
22 The applicant shall submit any other information that the commissioner may require including, but  
23 not limited to, the applicant's form and place of organization, the applicant's proposed method of  
24 doing business, the qualifications and business history of the applicant and those persons listed in  
25 the application, and in the case of sales finance companies, the applicant's financial condition and

1 history. The applicant shall disclose if any injunction or administrative order has been issued  
 2 against the applicant or any of its principals listed in the application and whether the applicant or  
 3 any of its principals have been convicted of a misdemeanor involving financial services or a financial  
 4 services-related business, or any fraud, false statements or omissions, theft or any wrongful taking  
 5 of property, bribery, perjury, forgery, counterfeiting, extortion, or a conspiracy to commit any of  
 6 these offenses, or convicted of any felony, prior to the commissioner's approval of such change.

7 3 Retail Installment Sales of Motor Vehicles; Annual Report. Amend RSA 361-A:2-b, I(a)-(c) to  
 8 read as follows:

9 (a) Each sales finance company licensee shall file, under oath, an annual report [~~with~~  
 10 ~~the commissioner~~] *through the Nationwide Multistate Licensing System and Registry* on or  
 11 before March 31 each year concerning operations for the preceding year or license period ending  
 12 December 31 upon a form prescribed by the commissioner.

13 (b) A person who surrenders, withdraws, or does not renew a license shall file the  
 14 annual report as required in subparagraph (a), notwithstanding the fact that he or she is not  
 15 licensed on the date that the report is due.

16 (c) Each sales finance company shall also file, under oath, its financial statement [~~with~~  
 17 ~~the commissioner~~] *through the Nationwide Multistate Licensing System and Registry* within  
 18 90 days from the date of its fiscal year end. The financial statement shall be prepared in accordance  
 19 with generally accepted accounting principles and shall include a balance sheet, income statement,  
 20 statement of changes in owners' equity, a cash flow statement, and note disclosures. If the financial  
 21 statement is not audited, a certification statement shall be attached and signed by a duly authorized  
 22 officer of the sales finance company. The certification statement shall state that the financial  
 23 statement is true and accurate to the best of the officer's belief and knowledge.

24 4 New Paragraph; Regulation of Small Loans, Title Loans, and Payday Loans; Definitions.  
 25 Amend RSA 399-A:1 by inserting after paragraph XII the following new paragraph:

26 XII-a. "Nationwide Multistate Licensing System and Registry" means a national licensing  
 27 system and facility developed and maintained by the Conference of State Bank Supervisors and the  
 28 American Association of Residential Mortgage Regulators, or their successors, for the licensing and  
 29 registration of mortgage loan originators, mortgage lenders, mortgage servicers, mortgage brokers,  
 30 and other non-depository financial service licensees, including small loan lenders, title loan lenders  
 31 and payday loan lenders.

32 5 Regulation of Small Loans, Title Loans; and Payday Loans; Application and Fees. Amend the  
 33 introductory paragraph of RSA 399-A:4, I to read as follows:

34 I. Every applicant for licensing under this chapter shall file with the commissioner a written  
 35 verified application through the Nationwide Multistate Licensing System and Registry, using the  
 36 Nationwide Multistate Licensing System and Registry form [~~or providing all the information~~

1 ~~required on the application developed by the Nationwide Multistate Licensing System and Registry]~~  
2 which shall include, but is not limited to, the following information:

3 6 Regulation of Small Loans, Title Loans, and Payday Loans; Reporting and Filing  
4 Requirements. Amend RSA 399-A:10, I to read as follows:

5 I.(a) Each licensee shall file, under oath, an annual report ~~[with the commissioner]~~ **through**  
6 **the Nationwide Multistate Licensing System and Registry** on or before March 31 each year  
7 concerning its business and operations for the preceding calendar year or license period ending  
8 December 31 in the form prescribed by the commissioner.

9 (b) Each licensee shall also file, under oath, its financial statement ~~[with the~~  
10 ~~commissioner]~~ **through the Nationwide Multistate Licensing System and Registry** within 90  
11 days from the date of its fiscal year end. The financial statement shall be prepared in accordance  
12 with generally accepted accounting principles and shall include a balance sheet, income statement,  
13 statement of changes in owners' equity, a cash flow statement, and note disclosures. If the financial  
14 statement is not audited, a certification statement shall be attached and signed by a duly authorized  
15 officer of the licensee. The certification statement shall state that the financial statement is true  
16 and accurate to the best of the officer's belief and knowledge.

17 7 New Paragraph; Debt Adjustment Services; Definitions. Amend RSA 399-D:1 by inserting  
18 after paragraph XXIII the following new paragraph:

19 XXIII-a. "Nationwide Multistate Licensing System and Registry" means a national licensing  
20 system and facility developed and maintained by the Conference of State Bank Supervisors and the  
21 American Association of Residential Mortgage Regulators, or their successors, for the licensing and  
22 registration of mortgage loan originators, mortgage lenders, mortgage servicers, mortgage brokers,  
23 and other non-depository financial service licensees, including debt adjusters.

24 8 Debt Adjustment Services; Application and Fees. Amend the introductory paragraph of RSA  
25 399-D:4, I(a) to read as follows:

26 (a) To be considered for licensing, each person shall complete and file with the  
27 department one verified application through the Nationwide Multistate Licensing System and  
28 Registry, using the Nationwide Multistate Licensing System and Registry form ~~[or providing all the~~  
29 ~~same information required on the application developed by using the Nationwide Multistate~~  
30 ~~Licensing System and Registry,]~~ which shall include, but not be limited to, the following information:

31 9 Debt Adjustment Services; Reporting and Filing Requirements. Amend RSA 399-D:9, I(a) and  
32 the introductory paragraph of I(b) to read as follows:

33 (a) Each licensee shall file, under oath, an annual report ~~[with the banking department]~~  
34 **through the Nationwide Multistate Licensing System and Registry** on or before March 31 each  
35 year concerning operations for the preceding calendar year or license period ending December 31 in  
36 the form prescribed by the commissioner.



1 (b) Each licensee shall also file, under oath, its financial statement [~~with the~~  
2 ~~commissioner~~] ***through the Nationwide Multistate Licensing System and Registry*** within 90  
3 days from the date of its fiscal year end. If the financial statement is not audited, a certification  
4 statement shall be attached and signed by a duly authorized officer of the licensee. The certification  
5 statement shall state that the financial statement is true and accurate to the best of the officer's  
6 belief and knowledge:

7 10 New Paragraph; Licensing of Money Transmitters; Definitions. Amend RSA 399-G:1 by  
8 inserting after paragraph XVII the following new paragraph:

9 XVII-a. "Nationwide Multistate Licensing System and Registry" means a national licensing  
10 system and facility developed and maintained by the Conference of State Bank Supervisors and the  
11 American Association of Residential Mortgage Regulators, or their successors, for the licensing and  
12 registration of mortgage loan originators, mortgage lenders, mortgage servicers, mortgage brokers,  
13 and other non-depository financial service licensees, including money transmitters.

14 11 Licensing of Money Transmitters; Application and Fees. Amend the introductory paragraph  
15 of RSA 399-G:4, I(a) to read as follows:

16 (a) To be considered for licensing, each person shall complete and file with the  
17 department one verified application through the Nationwide Multistate Licensing System and  
18 Registry, using the Nationwide Multistate Licensing System and Registry form [~~or providing all the~~  
19 ~~same information required on the application developed by the Nationwide Multistate Licensing~~  
20 ~~System and Registry,~~] which shall include but not be limited to the following information :

21 12 Licensing of Money Transmitters; License Surrender. Amend RSA 399-G:8, I to read as  
22 follows:

23 I. A licensee who ceases to engage in the business of money transmission at any time during  
24 a license year for any cause shall surrender such principal license and authorized delegate  
25 registrations, if any, and within 15 calendar days of such cessation shall cause to be published in a  
26 newspaper of general circulation in the licensee's market area a notice to such effect, and shall file  
27 [~~an annual~~] ***any required*** report pursuant to RSA 399-G:10 [~~within 15 days of such cessation~~]. The  
28 commissioner may adopt rules, in accordance with RSA 541-A, relative to such notice and the  
29 process for surrender.

30 13 Licensing of Money Transmitters; Reporting and Filing Requirements. Amend RSA 399-  
31 G:10, I-V to read as follows:

32 I. Each licensee shall [~~file, under oath, an annual report with the banking department on or~~  
33 ~~before March 31 each year concerning operations for the preceding year or license period ending~~  
34 ~~December 31 upon the form prescribed by the department~~] ***submit to the Nationwide Multistate***  
35 ***Licensing System and Registry reports of condition, which shall be filed within the time***  
36 ***prescribed by the Nationwide Multistate Licensing System and Registry, in such form and***

1 *shall contain such information as the Nationwide Multistate Licensing System and*  
 2 *Registry may require, including but not limited to the money services business call report.*

3 II. Each licensee shall file, under oath, its financial statement [~~with the commissioner~~]  
 4 *through the Nationwide Multistate Licensing System and Registry* within 90 days from the  
 5 date of its fiscal year end. The financial statement shall be prepared in accordance with generally  
 6 accepted accounting principles with appropriate note disclosures and, unless excepted by an order  
 7 from the commissioner for hardship reasons, shall be audited by an independent certified public  
 8 accountant. The financial statement shall include or be accompanied by a calculation that reflects  
 9 the fiscal year's average daily outstanding money transmissions as defined by RSA 399-G:1, IV in  
 10 United States dollars. A money transmitter's financial statement shall include:

- 11 (a) A balance sheet;
- 12 (b) Income statement;
- 13 (c) Statement of changes in owners' equity;
- 14 (d) A cash flow statement; and
- 15 (e) A statement of net worth.

16 III. The department shall publish its analysis of the information required in the licensee's  
 17 [~~annual~~] *call* report as a part of the commissioner's annual report.

18 IV. Any money transmitter failing to file either the [~~annual~~] *call* report or the financial  
 19 statement required by this section within the time prescribed may be required to pay to the banking  
 20 department a penalty [ef]. ***The penalty shall be \$25 for each calendar day the [annual] call report***  
 21 ***or financial statement is overdue up to a maximum penalty of \$625 per call report or \$2,500 per***  
 22 ***[report or] financial statement.***

23 V. In addition to the [~~annual~~] *call* report and financial statement, the banking department  
 24 may require such additional regular or special reports as it may deem necessary for the proper  
 25 supervision of licensees under this chapter.

26 14 Licensing of Money Transmitters; Administration by Commissioner; Rulemaking. Amend  
 27 RSA 399-G:24, II(c) to read as follows:

- 28 (c) [~~Annual~~] *Call* reports required by RSA 399-G:10.

29 15 Nondepository Mortgage Bankers, Brokers, and Servicers; Reporting. Amend RSA 397-A:13,  
 30 V to read as follows:

31 V. Any mortgage banker, mortgage broker, or mortgage servicer failing to file the mortgage  
 32 call report required by this section within the time prescribed ***by the Nationwide Multistate***  
 33 ***Licensing System and Registry*** may be required to pay to the department a penalty of \$25 for  
 34 each calendar day the mortgage call report is overdue up to a maximum penalty of \$625 per  
 35 mortgage call report.

36 16 Organization of State Banks; Application. Amend RSA 383-A:3-305(e)(6) to read as follows:

1           (6) ~~[The commissioner may require]~~ *In addition to paying the cost for any*  
2 *examination or investigation of the background and criminal history of any person*  
3 *pursuant to this section*, the organizer ~~[to]~~ *shall* pay the actual costs of each background  
4 investigation and criminal history records check.

5           17 Trust Company Act; Number of Directors. Amend RSA 383-C:6-601 to read as follows:

6           383-C:6-601 ~~[Number of]~~ Directors.

7           (a) The board of directors of a trust company shall be composed of at least 5 directors. A  
8 director need not be a resident of New Hampshire or a citizen of the United States, unless otherwise  
9 required by the commissioner in consideration of the trust company's safety and soundness.

10           (b) *Every new director shall submit to a background investigation and criminal*  
11 *history records check, to include submission of financial and other information in*  
12 *accordance with RSA 383-A:3-305(e). A trust company shall submit notice of any material*  
13 *change related to the background investigation and criminal history records check of any*  
14 *director or any new information related to the experience, ability, standing, competence,*  
15 *trustworthiness, and integrity of a director that could jeopardize the safe and sound*  
16 *operation of the trust company within 30 days of learning of such change. The cost of any*  
17 *examination or investigation of the background information and criminal history shall be*  
18 *paid by the trust company.*

19           18 New Section; Trust Company Act; Removal of Directors and Officers by Commissioner.  
20 Amend RSA 383-C by inserting after section 6-603 the following new section:

21           383-C:6-604 Removal of Directors or Officers by Commissioner. In addition to the grounds for  
22 removal set forth in RSA 383-A:9-902, the commissioner may also remove a director or officer of a  
23 trust company if, in the opinion of the commissioner, the director or officer does not possess the  
24 experience, ability, standing, competence, trustworthiness, and integrity to ensure the safe and  
25 sound operation of the trust company. The commissioner shall act in accordance with the procedure  
26 described in RSA 383-A:9-902 for any such removal.

27           19 Family Trust Company Act; Board of Directors. Amend RSA 383-D:8-801(a) to read as  
28 follows:

29           (a) A family trust company shall have a board of directors, and that board of directors  
30 must have not less than three members. A director need not be a resident of New Hampshire or a  
31 citizen of the United States, unless otherwise required by the commissioner in consideration of the  
32 family trust company's safety and soundness. RSA 383-C:6-601(a) shall not apply to family trust  
33 companies.

34           20 Bank and Credit Unions; Regulatory Approval Procedures; Fee Schedule. Amend RSA 383-  
35 A:6-609 to read as follows:

36           383-A:6-609 Fee Schedule.

1 (a) The commissioner shall charge a filing fee to each person for services rendered by  
 2 the department in reviewing a notice or application. Sums collected under this section shall be  
 3 payable to the state treasurer as restricted revenue and credited, in accordance with the banking  
 4 division's accounting unit designation, to the appropriation for the commissioner. Charges for  
 5 services shall be billed as follows:

6 ~~[(a)]~~ (1) Fee for new state bank or credit union charter: ~~[\$10,000]~~ **\$15,000**

7 ~~[(b)]~~ (2) Fee for domestication of foreign trust company: \$7,500

8 ~~[(c)]~~ (3) Fee for charter conversion, combination, acquisition, change in control, share  
 9 exchange, reorganization, or approval of trust powers: \$2,500

10 ~~[(d)]~~ (4) Fee for the dissolution of a trust company: \$2,000

11 ~~[(e)]~~ (5) Fee for a reduction in a depository bank's capital, change in business plan or  
 12 change in required capital of a trust company, amendment to a state bank's organizational  
 13 instrument, amendment of a credit union's bylaws, or formation of a subsidiary entity that requires  
 14 approval of the commissioner: \$500

15 ~~[(f)]~~ (6) Fee for a new branch, loan production office and trust company office: \$500

16 ~~[(g)]~~ (7) Fee for a relocation or termination of a branch, loan production office or trust  
 17 company office: \$100

18 ~~[(h)]~~ (8) Fee to issue a certificate of existence: \$50

19 ~~[(i)]~~ (9) Fee for a reservation or approval of a name or trade name: \$50

20 (b) *If at any time the commissioner determines that the cost to complete the*  
 21 *investigation or examination of the notice or application has or will exceed the fee set forth*  
 22 *in subparagraphs (a)(1)-(9), the commissioner shall cease further review, notify the filer of*  
 23 *this determination and advise that the filer may withdraw the notice or application. If the*  
 24 *filer elects to withdraw the notice or application pursuant to this paragraph, the*  
 25 *commissioner shall refund the filing fee, minus such costs of investigation or examination*  
 26 *that been incurred during the Department's review. If the filer informs the commissioner it*  
 27 *does not elect to withdraw the notice or application, the commissioner shall continue the*  
 28 *review of the notice or application and the filer shall pay the additional investigation or*  
 29 *examination costs. The cost of the investigation or examination shall be determined in*  
 30 *accordance with the per diem examination charge established in RSA 383:11, I provided,*  
 31 *however, that the requirement that no entity shall be charged or pay less than one full day*  
 32 *shall not apply.*

33 21 New Paragraph; Bank Commissioner; Examination Costs. Amend RSA 383:11 by inserting  
 34 after paragraph IV the following new paragraph:

35 V. A state chartered institution that is dissolved or converted before the close of a fiscal  
 36 year, shall be responsible for payment of its pro rata share of the assessment for that fiscal year.

1 Prior to approving the dissolution or conversion of the institution, the commissioner, in the  
2 commissioner's discretion, shall either:

3 (a) Impose requirements to ensure payment of the assessment after the approval of the  
4 dissolution or conversion; or

5 (b) Collect payment of the assessment as calculated under paragraph II prior to approval  
6 of the dissolution, or if the calculation of the assessment is not yet available and the commissioner  
7 determines the last assessment imposed as well as the institution's share of the last assessment  
8 imposed, is reflective of the institution's obligation for the current fiscal year, the commissioner may  
9 instead collect payment of the assessment based on a pro rata portion of the last assessment imposed  
10 on the institution.

11 22 Depository Bank Act; Banking Business; Loans and Investments. Amend RSA 383-B:3-  
12 303(a)(7)(E) to read as follows:

13 (E) Any depository bank which requires or accepts moneys for deposit in escrow  
14 accounts maintained for the payment of taxes or insurance premiums related to loans on property  
15 secured by real estate mortgages shall credit each escrow account with interest at a ~~[minimum]~~ rate  
16 ~~[set for a 6-month period by the commissioner on February 1 and August 1 of each year. The rate~~  
17 ~~shall be one percent below the mean interest rate paid by depository banks on regular savings~~  
18 ~~accounts during the applicable period. The commissioner shall post the rate on the department's~~  
19 ~~website] *no lower than the highest target federal funds interest rate in the range set by the*~~  
20 ~~*Federal Open Market Committee, minus one percent.*~~

21 23 Retail Installment Sales of Motor Vehicles; Consumer Inquiries. Amend the introductory  
22 paragraph of RSA 361-A:4-a, I to read as follows:

23 I. Consumer complaints naming retail sellers or sales finance companies under this chapter,  
24 which are filed in writing with the office of the commissioner, shall be forwarded via *electronic*  
25 *mail or* certified or registered mail to the retail seller or sales finance company for response within  
26 10 days of receipt by the department. Retail sellers or sales finance companies shall, within 10 days  
27 after receipt of such complaint, send a written acknowledgment thereof to the consumer and the  
28 banking department. Not later than 30 days following receipt of such complaint, the retail seller or  
29 sales finance company shall conduct an investigation of the complaint and either:

30 24 Bank and Credit Unions; Consumer Complaints. Amend RSA 383-A:9-904, I to read as  
31 follows:

32 I. Consumer complaints naming state banks or credit unions, which are filed in writing,  
33 shall be forwarded via *electronic mail or* certified mail to the state bank or credit union for  
34 response within 10 days of receipt by the department. Not later than 30 days following receipt of  
35 such complaint, the state bank or credit union shall conduct an investigation of the complaint and  
36 either:

1           25 Licensing of Nondepository Mortgage Bankers, Brokers, and Servicers; Consumer Inquiries.  
2 Amend the introductory paragraph of RSA 397-A:15-a, I to read as follows:

3           I. Consumer complaints naming licensees under this chapter, which are filed in writing with  
4 the office of the commissioner, shall be forwarded via *electronic mail or* certified mail to the  
5 licensee for response within 10 days of receipt by the department. Licensees shall, within 10 days  
6 after receipt of such complaint, send a written acknowledgment thereof to the consumer and the  
7 banking department. Not later than 30 days following receipt of such complaint, the licensee shall  
8 conduct an investigation of the complaint and either:

9           26 Regulation of Small Loans, Title Loans, and Payday Loans; Consumer Inquiries. Amend the  
10 introductory paragraph of RSA 399-A:12, I to read as follows:

11           I. Consumer complaints naming licensees under this chapter, which are filed in writing with  
12 the office of the commissioner, shall be forwarded via *electronic mail or* certified or registered mail  
13 to the licensee for response within 10 days of receipt by the department. Licensees shall, within 10  
14 days after receipt of such complaint, send a written acknowledgment thereof to the consumer and  
15 the banking department. Not later than 30 days following receipt of such complaint, the licensee  
16 shall conduct an investigation of the complaint and either:

17           27 Debt Adjustment Services; Consumer Inquiries. Amend the introductory paragraph of RSA  
18 399-D:11, I to read as follows:

19           I. Consumer complaints naming licensees under this chapter, which are filed in writing with  
20 the office of the commissioner, shall be forwarded via *electronic mail or* certified or registered mail  
21 to the licensee for response within 10 days of receipt by the department. Licensees shall, within 10  
22 days after receipt of such complaint, send a written acknowledgment thereof to the consumer and  
23 the department. Not later than 30 days following receipt of such complaint, the licensee shall  
24 conduct an investigation of the complaint and either:

25           28 Licensing of Money Transmitters; Consumer Inquiries. Amend the introductory paragraph  
26 of RSA 399-G:12, I to read as follows:

27           I. Consumer complaints naming licensees under this chapter, which are filed in writing with  
28 the office of the commissioner, shall be forwarded via *electronic mail or* certified or registered mail  
29 to the licensee for response within 10 days of receipt by the department. Licensees shall, within 10  
30 days after receipt of such complaint, send a written acknowledgment thereof to the consumer and  
31 the department. Not later than 30 days following receipt of such complaint, the licensee shall  
32 conduct an investigation of the complaint and either:

33           29 State Commission for Human Rights; Unlawful Discriminatory Practices. Amend RSA 354-  
34 A:7, VI(a)-(b) to read as follows:

35           VI.(a) For the purposes of this chapter, the word "sex" includes pregnancy, *childbirth*, and  
36 *related* medical conditions [~~which result from pregnancy~~].

1 (b) ~~[An employer shall permit a female employee to take leave of absence for the period~~  
2 ~~of temporary physical disability resulting from pregnancy, childbirth or related medical conditions.]~~  
3 ***An employer shall provide reasonable accommodations and/or permit a female employee to***  
4 ***take a leave of absence for the period of temporary physical disability resulting from***  
5 ***pregnancy, childbirth, or related medical conditions, unless such employer can***  
6 ***demonstrate that the accommodation would impose an undue hardship on the operation of***  
7 ***the employer's business.*** When the employee is physically able to return to work, her original job  
8 or a comparable position shall be made available to her by the employer unless business necessity  
9 makes this impossible or unreasonable.

10 30 New Subdivision; Policies Relating to Nursing Mothers. Amend RSA 275 by inserting after  
11 section 77 the following new subdivision:

12 Policies Relating to Nursing Mothers

13 275:78 Policies Relating to Nursing Mothers. In this subdivision:

14 I. "Employee" shall mean a person who may be permitted, required, or directed by an  
15 employer in consideration of direct or indirect gain or profit but shall not include any individual who  
16 volunteers services for a public, charitable, or religious facility without expectation or promise of  
17 pay.

18 II. "Employer" shall mean a person, partnership, association, corporation, or legal  
19 representative of a person, partnership, association, or corporation, or the state or any of its political  
20 subdivisions, which has 6 or more employees working in the state.

21 III. "Expression of milk" means the initiation of lactation by manual or mechanical means  
22 but shall not include breastfeeding.

23 IV. "Reasonable break period" shall mean an unpaid break of approximately 30 minutes for  
24 every 3 hours of work performed by a nursing employee for the purpose of expressing milk.

25 V. "Undue hardship" shall mean any action that requires significant difficulty or expense  
26 when considered in relation to factors such as the size of the business, its financial resources and the  
27 nature and structure of its operation.

28 275:79 Notification of Policies.

29 I. Every employer shall adopt a policy to address the provision of sufficient space and  
30 reasonable break periods for nursing employees that need to express milk during working hours.

31 II. Every employer shall, at the time of hire, make available to its employees the employer's  
32 policy related to expression of milk during working hours.

33 III. A nursing employee shall notify its employer at least 2 weeks prior to needing  
34 reasonable break periods and sufficient space for expression of milk during work hours.

35 275:80 Sufficient Space.

1 I. Every employer shall provide access to reasonable, sufficient space, either temporary or  
2 permanent in nature, for the use of an employee to express milk for a nursing child for a period of  
3 one year from the date of birth of the child.

4 II. The location of the space provided shall be within a reasonable walk of the employee's  
5 worksite, unless otherwise mutually agreed to by the employer and employee.

6 III. Sufficient space provided in accordance with this section shall not be a bathroom, and  
7 shall be a clean space shielded from view and free from intrusion from coworkers and the public.

8 (a) If the space is not solely for the use of employees expressing milk it shall be made  
9 available when requested to comply with the requirements set forth in this subdivision.

10 (b) If feasible, the room shall have, at a minimum, an electrical outlet and a chair.

11 275:81 Reasonable Break Period.

12 I. Every employer shall provide reasonable break periods to employees who need to express  
13 milk for a child for a period of one year from the date of birth of the child. Nothing in this section  
14 shall preclude an employer from negotiating with an employee reasonable break periods to express  
15 milk that are different from the requirements in this subdivision.

16 II. Nothing under this subdivision shall preclude an employee from taking a reasonable  
17 break period contemporaneously with break or meal periods already provided to the employee by the  
18 employer.

19 III. An employer shall not require an employee to make up time related to use of unpaid  
20 reasonable break periods.

21 275:82 Penalties. Any employer who violates any provision of this subdivision shall be subject  
22 to a civil penalty pursuant to RSA 273:11-a.

23 275:83 Hardship Exemption. An employer may be exempted from this subdivision if providing  
24 reasonable break time and sufficient space for expressing milk would impose an undue hardship to  
25 the employer's operations.

26 31 New Subdivision; Housing and Conservation Planning Program. Amend RSA 4-C by  
27 inserting after section 37 the following new subdivision:

28 Housing and Conservation Planning Program

29 4-C:38 Definitions. In this subdivision:

30 I. "Eligible applicant" means a single municipality or 2 or more municipalities applying  
31 together.

32 II. "Growth and development strategy" means a plan by a single municipality or 2 or more  
33 municipalities to guide community growth in a way that creates a balanced housing supply,  
34 including higher density and workforce housing opportunities, while preserving valuable natural  
35 resources and the community's quality of life through efficient and compact development.

36 III. "Phase" means one of the 4 specific phases of developing and implementing a growth and  
37 development strategy to be funded through the housing and conservation planning program.



1 IV. "Program" means the housing and conservation planning program.

2 4-C:39 Housing and Conservation Planning Program Established. There is hereby established  
3 the housing and conservation planning program, which shall be administered by the office of  
4 strategic initiatives. The program shall provide technical assistance matching grants to  
5 municipalities to plan for growth and development in a manner that permits a balanced housing  
6 stock, including higher density and workforce housing opportunities, and promotes, whenever  
7 possible the reuse of existing buildings, including historic properties, while protecting communities'  
8 natural resources through more efficient and compact development. Participation in the program is  
9 voluntary.

10 4-C:40 Program Administration; Eligible Applicants; Use of Program Funds.

11 I. Eligible applicants shall include:

12 (a) Municipalities; or

13 (b) A group of municipalities applying together to plan on a regional basis.

14 II. Awards of program funds may be used to purchase technical assistance from third-party  
15 technical assistance providers, including but not limited to regional planning commissions, to  
16 achieve the purposes of the program.

17 4-C:41 Program Administration; Eligible Technical Assistance.

18 I. The program shall award matching grants to fund technical assistance activities in the  
19 development and implementation of a growth and development strategy. The 4 specific phases of  
20 activities are as follows:

21 (a) Phase 1: Natural and Historic Resource and Housing Data Gathering and Analysis.

22 This phase includes:

23 (1) Understanding and mapping housing, income, and demographic data, including  
24 housing market costs, housing units needed to meet future expected growth in a municipality and  
25 the region, and the affordability of a municipality's housing for all income ranges.

26 (2) Mapping land use values, including conservation, soils, wetlands, working  
27 forests, farmlands, and other natural resources.

28 (3) Developing a build-out analysis of growth and development impacts on housing  
29 availability and natural resources.

30 (4) Mapping historic structures and buildings within communities.

31 (b) Phase 2: Development of the Growth and Development Strategy. This phase  
32 includes:

33 (1) Drafting and endorsing a growth and development strategy to guide future  
34 growth, including using land more efficiently and encouraging compact development and reuse of  
35 suitable historic and existing structures. The growth and development strategy would also identify  
36 specific areas to be conserved and to be developed.

37 (2) Engaging in a public process to develop the growth and development strategy.

1 (3) Auditing the existing master plan to identify portions that conflict with or pose a  
2 barrier to achieving the growth and development strategy.

3 (c) Phase 3: Integration of Growth and Development Strategy into the Master Plan.

4 This phase includes:

5 (1) Rewriting or amending the master plan so that it can realistically implement the  
6 growth and development strategy.

7 (2) Adopting the revised master plan.

8 (3) Auditing existing municipal ordinances, including zoning, site-plan, and  
9 subdivision regulations, to identify conflicts with the growth and development strategy and the  
10 revised master plan.

11 (d) Phase 4: Implementation into Regulatory Framework. This phase includes:

12 (1) Rewriting and amending municipal ordinances, including zoning, site-plan, and  
13 subdivision regulations, to allow for the realistic implementation of growth and development  
14 strategy and the new master plan.

15 (2) Drafting and adopting new articles that incorporate new tools to accomplish the  
16 growth and development strategy, including transfer of development rights, density bonuses, cluster  
17 development, and inclusionary zoning.

18 (3) Seeking the adoption of the needed amendments to municipal ordinances.

19 II. Each phase shall require that:

20 (a) Municipalities address housing and conservation together in an integrated manner.

21 (b) Municipalities engage in a communication and education process that will promote  
22 informed decision-making and communicate with and educate citizens regarding the work being  
23 undertaken in each phase of the process.

24 III. Municipalities may be awarded technical assistance for only one phase at a time but  
25 may apply and obtain funding for each successive phase. Funding for future phases shall require a  
26 demonstration that the previous phase was accomplished in a manner consistent with the principles  
27 of the program. Such a showing shall also result in a priority for additional funding.

28 IV. Municipalities' initial applications for funding need not start with the first phase in the  
29 process. However, to begin with a later phase, an initial application shall demonstrate prior  
30 completion of the previous phase's work in a manner consistent with the program principles.

31 4-C:42 Rulemaking Authority. Upon the effective date of this subdivision, the office of strategic  
32 initiatives shall adopt rules, pursuant to RSA 541-A, relative to operation of the housing and  
33 conservation planning program, including:

34 I. The application process.

35 II. The amount of matching funds required and permissible sources for matching funds.

36 III. Reporting requirements by municipalities.

1 IV. Scoring criteria for awarding grants that provide a priority for applications that address  
2 growth and development on a regional basis and provide opportunities for municipalities without  
3 professional planning staff to access the program.

4 4-C:43 Housing and Conservation Planning Program Advisory Board Established.

5 I. There is hereby established the housing and conservation planning program advisory  
6 board.

7 II. The advisory board shall review and comment on proposed rules and scoring criteria used  
8 by the office of strategic initiatives to evaluate applications for matching grants.

9 III. The advisory board shall consist of:

10 (a) One member of the senate, appointed by the senate president.

11 (b) Two members of the house of representatives, appointed by the speaker of the house  
12 of representatives.

13 (c) The commissioner of the department of natural and cultural resources, or designee.

14 (d) The commissioner of the department of business and economic affairs, or designee.

15 (e) The commissioner of the department of transportation, or designee.

16 (f) One member appointed by each of the following entities:

17 (1) The New Hampshire housing finance authority.

18 (2) The New Hampshire community development finance authority.

19 (3) The current use board.

20 (4) The land and community heritage authority.

21 (5) The New Hampshire Municipal Association.

22 (6) The New Hampshire Association of Regional Planning Commission Executive  
23 Directors.

24 (7) The Business and Industry Association of New Hampshire.

25 (8) Housing Action New Hampshire.

26 (9) The Home Builders and Remodelers Association of New Hampshire.

27 (10) The New Hampshire Preservation Alliance.

28 (11) The Society for the Protection of New Hampshire Forests.

29 (12) Plan NH.

30 (13) New Hampshire Association of Realtors.

31 IV. Members of the advisory board shall serve without compensation, except that legislative  
32 members of the board shall receive mileage at the legislative rate when attending to the duties of the  
33 board.

34 4-C:44 Program Principles. The program shall be guided by the following principles. Awards of  
35 technical assistance funding shall be based on consistency with these principles:

36 I. Consistency with smart growth principles in RSA 9-B:3.

1           II. Development of a comprehensive growth and development strategy through which a  
2 municipality integrates housing and conservation planning.

3           III. Planning for the full range of current and future housing needs for families of all income  
4 levels, as encouraged in RSA 672:1, III-e.

5           IV. Planning for the protection of natural and historic resource values, as encouraged in  
6 RSA 36-A:2, including the preservation of working forests and farmlands as provided in RSA 672:1,  
7 III-b and III-c, and critical or sensitive natural areas and resources, including water resources as  
8 provided for in RSA 674:2, III(d).

9           V. Evaluating these conservation and housing issues on a community-wide, site-by-site, and  
10 regional basis.

11           VI. Understanding the interrelationship between natural resources and housing  
12 development in a municipality and the impact each has on the other.

13           VII. Planning for and encouraging higher density, compact development and allowing for the  
14 infrastructure needed to support such development.

15           VIII. Planning for and encouraging reuse of existing properties, especially historic  
16 structures.

17           IX. Planning for and integrating the growth and development strategy into the  
18 municipality's master plan and implementation into regulatory structure.

19           X. Encouragement of community input and education of citizens about the growth and  
20 development strategy and the need to plan for future conservation and housing growth.

21       32 Effective Date.

22           I. Section 31 of this act shall take effect July 1, 2021.

23           II. The remainder of this act shall take effect 60 days after its passage.

LBA  
21-0545  
Revised 1/14/21

**HB 610-FN- FISCAL NOTE**  
**AS INTRODUCED**

**AN ACT** requiring certain licensing and reporting functions be conducted through the Nationwide Multistate Licensing System and Registry, and relative to background investigations of trust officers, to certain filing fees, assessments, and interest rates, and to the transmission of consumer complaints by the banking department.

**FISCAL IMPACT:**

The Legislative Budget Assistant has determined that this legislation, as introduced, has a total fiscal impact of less than \$10,000 in each of the fiscal years 2021 through 2024.

**AGENCIES CONTACTED:**

Banking Department

**HB 610-FN- FISCAL NOTE**

AS AMENDED BY THE SENATE (AMENDMENTS #2021-1676s, #2021-1768s, and #2021-1791s)

AN ACT requiring certain licensing and reporting functions be conducted through the Nationwide Multistate Licensing System and Registry, relative to background investigations of trust officers, to certain filing fees, assessments, and interest rates, and to the transmission of consumer complaints by the banking department, requiring employers to provide certain workplace accommodations for employees, and establishing the New Hampshire housing and conservation planning program.

**Sections 1 through 28:**

**FISCAL IMPACT**

The Legislative Budget Assistant has determined that this legislation, as introduced, has a total fiscal impact of less than \$10,000 in each of the fiscal years 2021 through 2024.

**AGENCIES CONTACTED:**

Banking Department

**Sections 29 and 30:**

**FISCAL IMPACT:**     State             County             Local             None

STATE:	Estimated Increase / (Decrease)			
	FY 2021	FY 2022	FY 2023	FY 2024
<b>Appropriation</b>	\$0	\$0	\$0	\$0
<b>Revenue</b>	\$0	\$0	\$0	\$0
<b>Expenditures</b>	\$0	Indeterminable Increase	Indeterminable Increase	Indeterminable Increase
<b>Funding Source:</b>	<input checked="" type="checkbox"/> General Various Government Funds	<input type="checkbox"/> Education	<input type="checkbox"/> Highway	<input checked="" type="checkbox"/> Other

**LOCAL:**

<b>Revenue</b>	\$0	\$0	\$0	\$0
<b>Expenditures</b>	\$0	Indeterminable Increase	Indeterminable Increase	Indeterminable Increase

**METHODOLOGY:**

This bill requires certain employers to provide access to a sufficient space and a reasonable break period for nursing mothers to express milk during working hours. The Department of Administrative Services indicates the fiscal impact on State expenditures is indeterminable. The Department offered the following information concerning the potential fiscal impact:

- Many state buildings already include areas for private lactation needs for mothers.

- Existing buildings will meet this accommodation using existing space that will be converted or shared. As almost all rooms in state buildings have outlets, no new electrical work will need to be done in existing buildings. Chairs and furniture already owned by an agency would be used in the mothers' rooms located in existing buildings.
- When new construction takes place, an additional 50 square feet would be included for a mothers' room. The average construction costs for office buildings are \$175 per square foot. For newly constructed or outfitted office spaces, a new chair would be purchased at the cost of \$200. (50 square feet x \$175 plus \$200 = \$8,950)
- Occasionally no suitable space is available in an existing building and the requirement could be met using a lactation pod. The cost of commercial lactation pods is \$8,000 - \$25,000 depending on size and features.

The Department of Labor does not anticipate this bill would impact county or local revenues. The Department states it is possible there would be an indeterminable increase in state revenue as a result of the proposed fines. The Department indicates it is likely that there would be an indeterminable increase in state, county and local expenditures in relation to offering space and additional flexibility in staffing and/or scheduling. The Department states these potential costs cannot be predicted and are indeterminable. The Department does not anticipate it would need additional staff to undertake administration of this chapter.

The New Hampshire Municipal Association states the break period requirement is unlikely to affect municipal expenditures. The requirement to provide a separate space is likely to require additional expenditures for those workplaces that do not have an existing space or a space that can be converted easily. The bill provides that an employer may be exempted if providing sufficient space for expressing milk would impose an undue hardship to the employer's operations." However the Association indicates, it is uncertain how often such exemptions would be granted; and the need to spend significant money to comply may not necessarily be considered an "undue hardship to the employer's operations." Further, the legislation does not indicate who would be responsible for granting an exemption or how an employer would request an exemption. There will be no impact on municipal revenues.

The New Hampshire Association of Counties indicates that the counties already provide such accommodations and the bill would have no impact on county expenditures or revenue.

It is assumed that any fiscal impact would occur after July 1, 2021.

**AGENCIES CONTACTED:**

Department of Administrative Services and Labor, New Hampshire Municipal Association and  
New Hampshire Association of Counties

**Sections 31:**

**FISCAL IMPACT:**     State             County             Local             None

STATE:	Estimated Increase / (Decrease)			
	FY 2021	FY 2022	FY 2023	FY 2024
<b>Appropriation</b>	\$0	\$0	\$0	\$0
<b>Revenue</b>	\$0	\$0	\$0	\$0
<b>Expenditures</b>	\$0	Indeterminable Increase	Indeterminable Increase	Indeterminable Increase
<b>Funding Source:</b>	<input checked="" type="checkbox"/> General	<input type="checkbox"/> Education	<input type="checkbox"/> Highway	<input type="checkbox"/> Other

**COUNTY:**

<b>Revenue</b>	\$0	Indeterminable Increase	Indeterminable Increase	Indeterminable Increase
<b>Expenditures</b>	\$0	Indeterminable Increase	Indeterminable Increase	Indeterminable Increase

**LOCAL:**

<b>Revenue</b>	\$0	Indeterminable Increase	Indeterminable Increase	Indeterminable Increase
<b>Expenditures</b>	\$0	Indeterminable Increase	Indeterminable Increase	Indeterminable Increase

**METHODOLOGY:**

This section establishes a housing and conservation planning program within the Office of Strategic Initiatives to provide technical assistance matching grants to municipalities to plan for growth and development in accordance with stated goals. Municipal participation in the program is voluntary. Municipalities may apply individually or collectively for awards of program funds to purchase technical assistance from third-party assistance providers, including regional planning programs. The Office of Strategic Initiatives indicates the administrative costs to operate the program, including the number of applicants, size and number of contracts that may need to be administered and available grant funding are unknown, therefore the fiscal impact is indeterminable. There is no appropriation in this section.

**AGENCIES CONTACTED:**

Office of Strategic Initiatives



HB 610-FN - AS AMENDED BY THE SENATE

05/27/2021 1676s  
05/27/2021 1768s  
05/27/2021 1791s  
06/03/2021 1843s

2021 SESSION

21-0545  
11/04

HOUSE BILL **610-FN**

AN ACT requiring certain licensing and reporting functions be conducted through the Nationwide Multistate Licensing System and Registry, relative to background investigations of trust officers, to certain filing fees, assessments, and interest rates, and to the transmission of consumer complaints by the banking department, requiring employers to provide certain workplace accommodations for employees, establishing the New Hampshire housing and conservation planning program, and relative to the collaborative care model service delivery method.

SPONSORS: Rep. Hunt, Ches. 11

COMMITTEE: Commerce and Consumer Affairs

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AMENDED ANALYSIS

This bill:

- I. Requires retail sellers, sale finance companies, small loan lenders, debt adjusters, and money transmitters to license and report through NMLA, and clarifies the filing deadlines for call reports under RSA 397-A.
- II. Clarifies the circumstances under which background investigations are conducted for trust executive officers, and provides for removal of directors or officers by the commissioner.
- III. Adjusts fees for filings by state chartered institutions.
- IV. Requires payment of assessment by institutions seeking approval to dissolve or convert.
- V. Establishes minimum interest rates tied to federal funds interest rates set by the Federal Open Market Committee.
- VI. Authorizes the department to transmit consumer complaints via email rather than by certified mail.
- VII. Requires certain employers to provide access to a sufficient space and a reasonable break period for nursing mothers to express milk during working hours.
- VIII. Establishes the New Hampshire housing and planning conservation program.
- IX. Requires individual and group insurers to reimburse a primary care physician for the treatment of mental health and substance use disorders provided through the psychiatric collaborative care model.

HB 610-FN - AS AMENDED BY THE SENATE

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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.

HB 610-FN - AS AMENDED BY THE SENATE

05/27/2021 1676s  
05/27/2021 1768s  
05/27/2021 1791s  
06/03/2021 1843s

21-0545  
11/04

STATE OF NEW HAMPSHIRE

*In the Year of Our Lord Two Thousand Twenty One*

AN ACT requiring certain licensing and reporting functions be conducted through the Nationwide Multistate Licensing System and Registry, relative to background investigations of trust officers, to certain filing fees, assessments, and interest rates, and to the transmission of consumer complaints by the banking department, requiring employers to provide certain workplace accommodations for employees, establishing the New Hampshire housing and conservation planning program, and relative to the collaborative care model service delivery method.

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

1 1 New Paragraph; Retail Installment Sales of Motor Vehicles; Definitions; Nationwide  
2 Multistate Licensing System and Registry. Amend RSA 361-A:1 by inserting after paragraph VII  
3 the following new paragraph:

4 VII-b. "Nationwide Multistate Licensing System and Registry" means a national licensing  
5 system and facility developed and maintained by the Conference of State Bank Supervisors and the  
6 American Association of Residential Mortgage Regulators, or their successors, for the licensing and  
7 registration of mortgage loan originators, mortgage lenders, mortgage servicers, mortgage brokers,  
8 and other non-depository financial service licensees, including retail sellers and sales finance  
9 companies.

10 2 Licensing of Sales Finance Companies and Retail Sellers Required. Amend the introductory  
11 paragraph of RSA 361-A:2, II(a) to read as follows: .

12 (a) The application for such license shall be in writing and verified [~~on a form prescribed~~  
13 ~~by the commissioner~~] *through the Nationwide Multistate Licensing System and Registry*  
14 *using the Nationwide Multistate Licensing System and Registry form*. The application shall  
15 contain the name of the applicant; the tax applicant's identification number; date of incorporation, if  
16 incorporated; the address where the business is or is to be conducted and similar information as to  
17 any branch office of the applicant; the trade name, if any, under which the applicant proposes to  
18 conduct such business; and such other pertinent information as the commissioner may require. The  
19 application shall include a list of the names and resident addresses of principals and the name of any  
20 person occupying a similar status or performing similar functions. Each principal shall provide his  
21 or her social security numbers and shall authorize the commissioner to conduct a background check.  
22 The applicant shall submit any other information that the commissioner may require including, but  
23 not limited to, the applicant's form and place of organization, the applicant's proposed method of  
24 doing business, the qualifications and business history of the applicant and those persons listed in

1 the application, and in the case of sales finance companies, the applicant's financial condition and  
 2 history. The applicant shall disclose if any injunction or administrative order has been issued  
 3 against the applicant or any of its principals listed in the application and whether the applicant or  
 4 any of its principals have been convicted of a misdemeanor involving financial services or a financial  
 5 services-related business, or any fraud, false statements or omissions, theft or any wrongful taking  
 6 of property, bribery, perjury, forgery, counterfeiting, extortion, or a conspiracy to commit any of  
 7 these offenses, or convicted of any felony, prior to the commissioner's approval of such change.

8 3 Retail Installment Sales of Motor Vehicles; Annual Report. Amend RSA 361-A:2-b, I(a)-(c) to  
 9 read as follows:

10 (a) Each sales finance company licensee shall file, under oath, an annual report [~~with~~  
 11 ~~the commissioner]~~ *through the Nationwide Multistate Licensing System and Registry* on or  
 12 before March 31 each year concerning operations for the preceding year or license period ending  
 13 December 31 upon a form prescribed by the commissioner.

14 (b) A person who surrenders, withdraws, or does not renew a license shall file the  
 15 annual report as required in subparagraph (a), notwithstanding the fact that he or she is not  
 16 licensed on the date that the report is due.

17 (c) Each sales finance company shall also file, under oath, its financial statement [~~with~~  
 18 ~~the commissioner]~~ *through the Nationwide Multistate Licensing System and Registry* within  
 19 90 days from the date of its fiscal year end. The financial statement shall be prepared in accordance  
 20 with generally accepted accounting principles and shall include a balance sheet, income statement,  
 21 statement of changes in owners' equity, a cash flow statement, and note disclosures. If the financial  
 22 statement is not audited, a certification statement shall be attached and signed by a duly authorized  
 23 officer of the sales finance company. The certification statement shall state that the financial  
 24 statement is true and accurate to the best of the officer's belief and knowledge.

25 4 New Paragraph; Regulation of Small Loans, Title Loans, and Payday Loans; Definitions.  
 26 Amend RSA 399-A:1 by inserting after paragraph XII the following new paragraph:

27 XII-a. "Nationwide Multistate Licensing System and Registry" means a national licensing  
 28 system and facility developed and maintained by the Conference of State Bank Supervisors and the  
 29 American Association of Residential Mortgage Regulators, or their successors, for the licensing and  
 30 registration of mortgage loan originators, mortgage lenders, mortgage servicers, mortgage brokers,  
 31 and other non-depository financial service licensees, including small loan lenders, title loan lenders  
 32 and payday loan lenders.

33 5 Regulation of Small Loans, Title Loans; and Payday Loans; Application and Fees. Amend the  
 34 introductory paragraph of RSA 399-A:4, I to read as follows:

35 I. Every applicant for licensing under this chapter shall file with the commissioner a written  
 36 verified application through the Nationwide Multistate Licensing System and Registry, using the  
 37 Nationwide Multistate Licensing System and Registry form [~~or providing all the information~~

1 ~~required on the application developed by the Nationwide Multistate Licensing System and Registry]~~  
2 which shall include, but is not limited to, the following information:

3 6 Regulation of Small Loans, Title Loans, and Payday Loans; Reporting and Filing  
4 Requirements. Amend RSA 399-A:10, I to read as follows:

5 I.(a) Each licensee shall file, under oath, an annual report ~~[with the commissioner]~~ *through*  
6 *the Nationwide Multistate Licensing System and Registry* on or before March 31 each year  
7 concerning its business and operations for the preceding calendar year or license period ending  
8 December 31 in the form prescribed by the commissioner.

9 (b) Each licensee shall also file, under oath, its financial statement ~~[with the~~  
10 ~~commissioner]~~ *through the Nationwide Multistate Licensing System and Registry* within 90  
11 days from the date of its fiscal year end. The financial statement shall be prepared in accordance  
12 with generally accepted accounting principles and shall include a balance sheet, income statement,  
13 statement of changes in owners' equity, a cash flow statement, and note disclosures. If the financial  
14 statement is not audited, a certification statement shall be attached and signed by a duly authorized  
15 officer of the licensee. The certification statement shall state that the financial statement is true  
16 and accurate to the best of the officer's belief and knowledge.

17 7 New Paragraph; Debt Adjustment Services; Definitions. Amend RSA 399-D:1 by inserting  
18 after paragraph XXIII the following new paragraph:

19 XXIII-a. "Nationwide Multistate Licensing System and Registry" means a national licensing  
20 system and facility developed and maintained by the Conference of State Bank Supervisors and the  
21 American Association of Residential Mortgage Regulators, or their successors, for the licensing and  
22 registration of mortgage loan originators, mortgage lenders, mortgage servicers, mortgage brokers,  
23 and other non-depository financial service licensees, including debt adjusters.

24 8 Debt Adjustment Services; Application and Fees. Amend the introductory paragraph of RSA  
25 399-D:4, I(a) to read as follows:

26 (a) To be considered for licensing, each person shall complete and file with the  
27 department one verified application through the Nationwide Multistate Licensing System and  
28 Registry, using the Nationwide Multistate Licensing System and Registry form ~~[or providing all the~~  
29 ~~same information required on the application developed by using the Nationwide Multistate~~  
30 ~~Licensing System and Registry,]~~ which shall include, but not be limited to, the following information:

31 9 Debt Adjustment Services; Reporting and Filing Requirements. Amend RSA 399-D:9, I(a) and  
32 the introductory paragraph of I(b) to read as follows:

33 (a) Each licensee shall file, under oath, an annual report ~~[with the banking department]~~  
34 *through the Nationwide Multistate Licensing System and Registry* on or before March 31 each  
35 year concerning operations for the preceding calendar year or license period ending December 31 in  
36 the form prescribed by the commissioner.

1 (b) Each licensee shall also file, under oath, its financial statement [~~with the~~  
2 ~~commissioner~~] *through the Nationwide Multistate Licensing System and Registry* within 90  
3 days from the date of its fiscal year end. If the financial statement is not audited, a certification  
4 statement shall be attached and signed by a duly authorized officer of the licensee. The certification  
5 statement shall state that the financial statement is true and accurate to the best of the officer's  
6 belief and knowledge:

7 10 New Paragraph; Licensing of Money Transmitters; Definitions. Amend RSA 399-G:1 by  
8 inserting after paragraph XVII the following new paragraph:

9 XVII-a. "Nationwide Multistate Licensing System and Registry" means a national licensing  
10 system and facility developed and maintained by the Conference of State Bank Supervisors and the  
11 American Association of Residential Mortgage Regulators, or their successors, for the licensing and  
12 registration of mortgage loan originators, mortgage lenders, mortgage servicers, mortgage brokers,  
13 and other non-depository financial service licensees, including money transmitters.

14 11 Licensing of Money Transmitters; Application and Fees. Amend the introductory paragraph  
15 of RSA 399-G:4, I(a) to read as follows:

16 (a) To be considered for licensing, each person shall complete and file with the  
17 department one verified application through the Nationwide Multistate Licensing System and  
18 Registry, using the Nationwide Multistate Licensing System and Registry form [~~or providing all the~~  
19 ~~same information required on the application developed by the Nationwide Multistate Licensing~~  
20 ~~System and Registry,~~] which shall include but not be limited to the following information :

21 12 Licensing of Money Transmitters; License Surrender. Amend RSA 399-G:8, I to read as  
22 follows:

23 I. A licensee who ceases to engage in the business of money transmission at any time during  
24 a license year for any cause shall surrender such principal license and authorized delegate  
25 registrations, if any, and within 15 calendar days of such cessation shall cause to be published in a  
26 newspaper of general circulation in the licensee's market area a notice to such effect, and shall file  
27 [~~an annual~~] *any required* report pursuant to RSA 399-G:10 [~~within 15 days of such cessation~~]. The  
28 commissioner may adopt rules, in accordance with RSA 541-A, relative to such notice and the  
29 process for surrender.

30 13 Licensing of Money Transmitters; Reporting and Filing Requirements. Amend RSA 399-  
31 G:10, I-V to read as follows:

32 I. Each licensee shall [~~file, under oath, an annual report with the banking department on or~~  
33 ~~before March 31 each year concerning operations for the preceding year or license period ending~~  
34 ~~December 31 upon the form prescribed by the department~~] *submit to the Nationwide Multistate*  
35 *Licensing System and Registry reports of condition, which shall be filed within the time*  
36 *prescribed by the Nationwide Multistate Licensing System and Registry, in such form and*

1 *shall contain such information as the Nationwide Multistate Licensing System and*  
 2 *Registry may require, including but not limited to the money services business call report.*

3 II. Each licensee shall file, under oath, its financial statement [~~with the commissioner~~]  
 4 *through the Nationwide Multistate Licensing System and Registry* within 90 days from the  
 5 date of its fiscal year end. The financial statement shall be prepared in accordance with generally  
 6 accepted accounting principles with appropriate note disclosures and, unless excepted by an order  
 7 from the commissioner for hardship reasons, shall be audited by an independent certified public  
 8 accountant. The financial statement shall include or be accompanied by a calculation that reflects  
 9 the fiscal year's average daily outstanding money transmissions as defined by RSA 399-G:1, IV in  
 10 United States dollars. A money transmitter's financial statement shall include:

- 11 (a) A balance sheet;
- 12 (b) Income statement;
- 13 (c) Statement of changes in owners' equity;
- 14 (d) A cash flow statement; and
- 15 (e) A statement of net worth.

16 III. The department shall publish its analysis of the information required in the licensee's  
 17 [~~annual~~] *call* report as a part of the commissioner's annual report.

18 IV. Any money transmitter failing to file either the [~~annual~~] *call* report or the financial  
 19 statement required by this section within the time prescribed may be required to pay to the banking  
 20 department a penalty [~~of~~]. *The penalty shall be \$25 for each calendar day the [annual] call report*  
 21 *or financial statement is overdue up to a maximum penalty of \$625 per call report or \$2,500 per*  
 22 *[report or] financial statement.*

23 V. In addition to the [~~annual~~] *call* report and financial statement, the banking department  
 24 may require such additional regular or special reports as it may deem necessary for the proper  
 25 supervision of licensees under this chapter.

26 14 Licensing of Money Transmitters; Administration by Commissioner; Rulemaking. Amend  
 27 RSA 399-G:24, II(c) to read as follows:

- 28 (c) [~~Annual~~] *Call* reports required by RSA 399-G:10.

29 15 Nondepository Mortgage Bankers, Brokers, and Servicers; Reporting. Amend RSA 397-A:13,  
 30 V to read as follows:

31 V. Any mortgage banker, mortgage broker, or mortgage servicer failing to file the mortgage  
 32 call report required by this section within the time prescribed *by the Nationwide Multistate*  
 33 *Licensing System and Registry* may be required to pay to the department a penalty of \$25 for  
 34 each calendar day the mortgage call report is overdue up to a maximum penalty of \$625 per  
 35 mortgage call report.

36 16 Organization of State Banks; Application. Amend RSA 383-A:3-305(e)(6) to read as follows:

1           (6) ~~[The commissioner may require]~~ *In addition to paying the cost for any*  
2 *examination or investigation of the background and criminal history of any person*  
3 *pursuant to this section*, the organizer ~~[to]~~ *shall* pay the actual costs of each background  
4 investigation and criminal history records check.

5           17 Trust Company Act; Number of Directors. Amend RSA 383-C:6-601 to read as follows:

6           383-C:6-601 ~~[Number of]~~ Directors.

7           (a) The board of directors of a trust company shall be composed of at least 5 directors. A  
8 director need not be a resident of New Hampshire or a citizen of the United States, unless otherwise  
9 required by the commissioner in consideration of the trust company's safety and soundness.

10           (b) *Every new director shall submit to a background investigation and criminal*  
11 *history records check, to include submission of financial and other information in*  
12 *accordance with RSA 383-A:3-305(e). A trust company shall submit notice of any material*  
13 *change related to the background investigation and criminal history records check of any*  
14 *director or any new information related to the experience, ability, standing, competence,*  
15 *trustworthiness, and integrity of a director that could jeopardize the safe and sound*  
16 *operation of the trust company within 30 days of learning of such change. The cost of any*  
17 *examination or investigation of the background information and criminal history shall be*  
18 *paid by the trust company.*

19           18 New Section; Trust Company Act; Removal of Directors and Officers by Commissioner.  
20 Amend RSA 383-C by inserting after section 6-603 the following new section:

21           383-C:6-604 Removal of Directors or Officers by Commissioner. In addition to the grounds for  
22 removal set forth in RSA 383-A:9-902, the commissioner may also remove a director or officer of a  
23 trust company if, in the opinion of the commissioner, the director or officer does not possess the  
24 experience, ability, standing, competence, trustworthiness, and integrity to ensure the safe and  
25 sound operation of the trust company. The commissioner shall act in accordance with the procedure  
26 described in RSA 383-A:9-902 for any such removal.

27           19 Family Trust Company Act; Board of Directors. Amend RSA 383-D:8-801(a) to read as  
28 follows:

29           (a) A family trust company shall have a board of directors, and that board of directors  
30 must have not less than three members. A director need not be a resident of New Hampshire or a  
31 citizen of the United States, unless otherwise required by the commissioner in consideration of the  
32 family trust company's safety and soundness. RSA 383-C:6-601(a) shall not apply to family trust  
33 companies.

34           20 Bank and Credit Unions; Regulatory Approval Procedures; Fee Schedule. Amend RSA 383-  
35 A:6-609 to read as follows:

36           383-A:6-609 Fee Schedule.



1 (a) The commissioner shall charge a filing fee to each person for services rendered by  
 2 the department in reviewing a notice or application. Sums collected under this section shall be  
 3 payable to the state treasurer as restricted revenue and credited, in accordance with the banking  
 4 division's accounting unit designation, to the appropriation for the commissioner. Charges for  
 5 services shall be billed as follows:

6 ~~[(a)]~~ (1) Fee for new state bank or credit union charter: ~~[\$10,000]~~ **\$15,000**

7 ~~[(b)]~~ (2) Fee for domestication of foreign trust company: \$7,500

8 ~~[(c)]~~ (3) Fee for charter conversion, combination, acquisition, change in control, share  
 9 exchange, reorganization, or approval of trust powers: \$2,500

10 ~~[(d)]~~ (4) Fee for the dissolution of a trust company: \$2,000

11 ~~[(e)]~~ (5) Fee for a reduction in a depository bank's capital, change in business plan or  
 12 change in required capital of a trust company, amendment to a state bank's organizational  
 13 instrument, amendment of a credit union's bylaws, or formation of a subsidiary entity that requires  
 14 approval of the commissioner: \$500

15 ~~[(f)]~~ (6) Fee for a new branch, loan production office and trust company office: \$500

16 ~~[(g)]~~ (7) Fee for a relocation or termination of a branch, loan production office or trust  
 17 company office: \$100

18 ~~[(h)]~~ (8) Fee to issue a certificate of existence: \$50

19 ~~[(i)]~~ (9) Fee for a reservation or approval of a name or trade name: \$50

20 (b) *If at any time the commissioner determines that the cost to complete the*  
 21 *investigation or examination of the notice or application has or will exceed the fee set forth*  
 22 *in subparagraphs (a)(1)-(9), the commissioner shall cease further review, notify the filer of*  
 23 *this determination and advise that the filer may withdraw the notice or application. If the*  
 24 *filer elects to withdraw the notice or application pursuant to this paragraph, the*  
 25 *commissioner shall refund the filing fee, minus such costs of investigation or examination*  
 26 *that been incurred during the Department's review. If the filer informs the commissioner it*  
 27 *does not elect to withdraw the notice or application, the commissioner shall continue the*  
 28 *review of the notice or application and the filer shall pay the additional investigation or*  
 29 *examination costs. The cost of the investigation or examination shall be determined in*  
 30 *accordance with the per diem examination charge established in RSA 383:11, I provided,*  
 31 *however, that the requirement that no entity shall be charged or pay less than one full day*  
 32 *shall not apply.*

33 21 New Paragraph; Bank Commissioner; Examination Costs. Amend RSA 383:11 by inserting  
 34 after paragraph IV the following new paragraph:

35 V. A state chartered institution that is dissolved or converted before the close of a fiscal  
 36 year, shall be responsible for payment of its pro rata share of the assessment for that fiscal year.

1 Prior to approving the dissolution or conversion of the institution, the commissioner, in the  
2 commissioner's discretion, shall either:

3 (a) Impose requirements to ensure payment of the assessment after the approval of the  
4 dissolution or conversion; or

5 (b) Collect payment of the assessment as calculated under paragraph II prior to approval  
6 of the dissolution, or if the calculation of the assessment is not yet available and the commissioner  
7 determines the last assessment imposed as well as the institution's share of the last assessment  
8 imposed, is reflective of the institution's obligation for the current fiscal year, the commissioner may  
9 instead collect payment of the assessment based on a pro rata portion of the last assessment imposed  
10 on the institution.

11 22 Depository Bank Act; Banking Business; Loans and Investments. Amend RSA 383-B:3-  
12 303(a)(7)(E) to read as follows:

13 (E) Any depository bank which requires or accepts moneys for deposit in escrow  
14 accounts maintained for the payment of taxes or insurance premiums related to loans on property  
15 secured by real estate mortgages shall credit each escrow account with interest at a ~~[minimum]~~ rate  
16 ~~[set for a 6 month period by the commissioner on February 1 and August 1 of each year. The rate~~  
17 ~~shall be one percent below the mean interest rate paid by depository banks on regular savings~~  
18 ~~accounts during the applicable period. The commissioner shall post the rate on the department's~~  
19 ~~website] no lower than the highest target federal funds interest rate in the range set by the~~  
20 **Federal Open Market Committee, minus one percent.**

21 23 Retail Installment Sales of Motor Vehicles; Consumer Inquiries. Amend the introductory  
22 paragraph of RSA 361-A:4-a, I to read as follows:

23 I. Consumer complaints naming retail sellers or sales finance companies under this chapter,  
24 which are filed in writing with the office of the commissioner, shall be forwarded via **electronic**  
25 **mail or** certified or registered mail to the retail seller or sales finance company for response within  
26 10 days of receipt by the department. Retail sellers or sales finance companies shall, within 10 days  
27 after receipt of such complaint, send a written acknowledgment thereof to the consumer and the  
28 banking department. Not later than 30 days following receipt of such complaint, the retail seller or  
29 sales finance company shall conduct an investigation of the complaint and either:

30 24 Bank and Credit Unions; Consumer Complaints. Amend RSA 383-A:9-904, I to read as  
31 follows:

32 I. Consumer complaints naming state banks or credit unions, which are filed in writing,  
33 shall be forwarded via **electronic mail or** certified mail to the state bank or credit union for  
34 response within 10 days of receipt by the department. Not later than 30 days following receipt of  
35 such complaint, the state bank or credit union shall conduct an investigation of the complaint and  
36 either:

1       25 Licensing of Nondepository Mortgage Bankers, Brokers, and Servicers; Consumer Inquiries.  
2 Amend the introductory paragraph of RSA 397-A:15-a, I to read as follows:

3           I. Consumer complaints naming licensees under this chapter, which are filed in writing with  
4 the office of the commissioner, shall be forwarded via *electronic mail or* certified mail to the  
5 licensee for response within 10 days of receipt by the department. Licensees shall, within 10 days  
6 after receipt of such complaint, send a written acknowledgment thereof to the consumer and the  
7 banking department. Not later than 30 days following receipt of such complaint, the licensee shall  
8 conduct an investigation of the complaint and either:

9       26 Regulation of Small Loans, Title Loans, and Payday Loans; Consumer Inquiries. Amend the  
10 introductory paragraph of RSA 399-A:12, I to read as follows:

11           I. Consumer complaints naming licensees under this chapter, which are filed in writing with  
12 the office of the commissioner, shall be forwarded via *electronic mail or* certified or registered mail  
13 to the licensee for response within 10 days of receipt by the department. Licensees shall, within 10  
14 days after receipt of such complaint, send a written acknowledgment thereof to the consumer and  
15 the banking department. Not later than 30 days following receipt of such complaint, the licensee  
16 shall conduct an investigation of the complaint and either:

17       27 Debt Adjustment Services; Consumer Inquiries. Amend the introductory paragraph of RSA  
18 399-D:11, I to read as follows:

19           I. Consumer complaints naming licensees under this chapter, which are filed in writing with  
20 the office of the commissioner, shall be forwarded via *electronic mail or* certified or registered mail  
21 to the licensee for response within 10 days of receipt by the department. Licensees shall, within 10  
22 days after receipt of such complaint, send a written acknowledgment thereof to the consumer and  
23 the department. Not later than 30 days following receipt of such complaint, the licensee shall  
24 conduct an investigation of the complaint and either:

25       28 Licensing of Money Transmitters; Consumer Inquiries. Amend the introductory paragraph  
26 of RSA 399-G:12, I to read as follows:

27           I. Consumer complaints naming licensees under this chapter, which are filed in writing with  
28 the office of the commissioner, shall be forwarded via *electronic mail or* certified or registered mail  
29 to the licensee for response within 10 days of receipt by the department. Licensees shall, within 10  
30 days after receipt of such complaint, send a written acknowledgment thereof to the consumer and  
31 the department. Not later than 30 days following receipt of such complaint, the licensee shall  
32 conduct an investigation of the complaint and either:

33       29 State Commission for Human Rights; Unlawful Discriminatory Practices. Amend RSA 354-  
34 A:7, VI(a)-(b) to read as follows:

35           VI.(a) For the purposes of this chapter, the word "sex" includes pregnancy, *childbirth*, and  
36 *related* medical conditions [~~which result from pregnancy~~].

1           (b) ~~[An employer shall permit a female employee to take leave of absence for the period~~  
2 ~~of temporary physical disability resulting from pregnancy, childbirth or related medical conditions.]~~  
3 *An employer shall provide reasonable accommodations and/or permit a female employee to*  
4 *take a leave of absence for the period of temporary physical disability resulting from*  
5 *pregnancy, childbirth, or related medical conditions, unless such employer can*  
6 *demonstrate that the accommodation would impose an undue hardship on the operation of*  
7 *the employer's business.* When the employee is physically able to return to work, her original job  
8 or a comparable position shall be made available to her by the employer unless business necessity  
9 makes this impossible or unreasonable.

10         30 New Subdivision; Policies Relating to Nursing Mothers. Amend RSA 275 by inserting after  
11 section 77 the following new subdivision:

12 Policies Relating to Nursing Mothers

13         275:78 Policies Relating to Nursing Mothers. In this subdivision:

14           I. "Employee" shall mean a person who may be permitted, required, or directed by an  
15 employer in consideration of direct or indirect gain or profit but shall not include any individual who  
16 volunteers services for a public, charitable, or religious facility without expectation or promise of  
17 pay.

18           II. "Employer" shall mean a person, partnership, association, corporation, or legal  
19 representative of a person, partnership, association, or corporation, or the state or any of its political  
20 subdivisions, which has 6 or more employees working in the state.

21           III. "Expression of milk" means the initiation of lactation by manual or mechanical means  
22 but shall not include breastfeeding.

23           IV. "Reasonable break period" shall mean an unpaid break of approximately 30 minutes for  
24 every 3 hours of work performed by a nursing employee for the purpose of expressing milk.

25           V. "Undue hardship" shall mean any action that requires significant difficulty or expense  
26 when considered in relation to factors such as the size of the business, its financial resources and the  
27 nature and structure of its operation.

28         275:79 Notification of Policies.

29           I. Every employer shall adopt a policy to address the provision of sufficient space and  
30 reasonable break periods for nursing employees that need to express milk during working hours.

31           II. Every employer shall, at the time of hire, make available to its employees the employer's  
32 policy related to expression of milk during working hours.

33           III. A nursing employee shall notify its employer at least 2 weeks prior to needing  
34 reasonable break periods and sufficient space for expression of milk during work hours.

35         275:80 Sufficient Space.

1 I. Every employer shall provide access to reasonable, sufficient space, either temporary or  
2 permanent in nature, for the use of an employee to express milk for a nursing child for a period of  
3 one year from the date of birth of the child.

4 II. The location of the space provided shall be within a reasonable walk of the employee's  
5 worksite, unless otherwise mutually agreed to by the employer and employee.

6 III. Sufficient space provided in accordance with this section shall not be a bathroom, and  
7 shall be a clean space shielded from view and free from intrusion from coworkers and the public.

8 (a) If the space is not solely for the use of employees expressing milk it shall be made  
9 available when requested to comply with the requirements set forth in this subdivision.

10 (b) If feasible, the room shall have, at a minimum, an electrical outlet and a chair.

11 275:81 Reasonable Break Period.

12 I. Every employer shall provide reasonable break periods to employees who need to express  
13 milk for a child for a period of one year from the date of birth of the child. Nothing in this section  
14 shall preclude an employer from negotiating with an employee reasonable break periods to express  
15 milk that are different from the requirements in this subdivision.

16 II. Nothing under this subdivision shall preclude an employee from taking a reasonable  
17 break period contemporaneously with break or meal periods already provided to the employee by the  
18 employer.

19 III. An employer shall not require an employee to make up time related to use of unpaid  
20 reasonable break periods.

21 275:82 Penalties. Any employer who violates any provision of this subdivision shall be subject  
22 to a civil penalty pursuant to RSA 273:11-a.

23 275:83 Hardship Exemption. An employer may be exempted from this subdivision if providing  
24 reasonable break time and sufficient space for expressing milk would impose an undue hardship to  
25 the employer's operations.

26 31 New Subdivision; Housing and Conservation Planning Program. Amend RSA 4-C by  
27 inserting after section 37 the following new subdivision:

28 Housing and Conservation Planning Program

29 4-C:38 Definitions. In this subdivision:

30 I. "Eligible applicant" means a single municipality or 2 or more municipalities applying  
31 together.

32 II. "Growth and development strategy" means a plan by a single municipality or 2 or more  
33 municipalities to guide community growth in a way that creates a balanced housing supply,  
34 including higher density and workforce housing opportunities, while preserving valuable natural  
35 resources and the community's quality of life through efficient and compact development.

36 III. "Phase" means one of the 4 specific phases of developing and implementing a growth and  
37 development strategy to be funded through the housing and conservation planning program.

1 IV. "Program" means the housing and conservation planning program.

2 4-C:39 Housing and Conservation Planning Program Established. There is hereby established  
3 the housing and conservation planning program, which shall be administered by the office of  
4 strategic initiatives. The program shall provide technical assistance matching grants to  
5 municipalities to plan for growth and development in a manner that permits a balanced housing  
6 stock, including higher density and workforce housing opportunities, and promotes, whenever  
7 possible the reuse of existing buildings, including historic properties, while protecting communities'  
8 natural resources through more efficient and compact development. Participation in the program is  
9 voluntary.

10 4-C:40 Program Administration; Eligible Applicants; Use of Program Funds.

11 I. Eligible applicants shall include:

12 (a) Municipalities; or

13 (b) A group of municipalities applying together to plan on a regional basis.

14 II. Awards of program funds may be used to purchase technical assistance from third-party  
15 technical assistance providers, including but not limited to regional planning commissions, to  
16 achieve the purposes of the program.

17 4-C:41 Program Administration; Eligible Technical Assistance.

18 I. The program shall award matching grants to fund technical assistance activities in the  
19 development and implementation of a growth and development strategy. The 4 specific phases of  
20 activities are as follows:

21 (a) Phase 1: Natural and Historic Resource and Housing Data Gathering and Analysis.

22 This phase includes:

23 (1) Understanding and mapping housing, income, and demographic data, including  
24 housing market costs, housing units needed to meet future expected growth in a municipality and  
25 the region, and the affordability of a municipality's housing for all income ranges.

26 (2) Mapping land use values, including conservation, soils, wetlands, working  
27 forests, farmlands, and other natural resources.

28 (3) Developing a build-out analysis of growth and development impacts on housing  
29 availability and natural resources.

30 (4) Mapping historic structures and buildings within communities.

31 (b) Phase 2: Development of the Growth and Development Strategy. This phase  
32 includes:

33 (1) Drafting and endorsing a growth and development strategy to guide future  
34 growth, including using land more efficiently and encouraging compact development and reuse of  
35 suitable historic and existing structures. The growth and development strategy would also identify  
36 specific areas to be conserved and to be developed.

37 (2) Engaging in a public process to develop the growth and development strategy.

1 (3) Auditing the existing master plan to identify portions that conflict with or pose a  
2 barrier to achieving the growth and development strategy.

3 (c) Phase 3: Integration of Growth and Development Strategy into the Master Plan.  
4 This phase includes:

5 (1) Rewriting or amending the master plan so that it can realistically implement the  
6 growth and development strategy.

7 (2) Adopting the revised master plan.

8 (3) Auditing existing municipal ordinances, including zoning, site-plan, and  
9 subdivision regulations, to identify conflicts with the growth and development strategy and the  
10 revised master plan.

11 (d) Phase 4: Implementation into Regulatory Framework. This phase includes:

12 (1) Rewriting and amending municipal ordinances, including zoning, site-plan, and  
13 subdivision regulations, to allow for the realistic implementation of growth and development  
14 strategy and the new master plan.

15 (2) Drafting and adopting new articles that incorporate new tools to accomplish the  
16 growth and development strategy, including transfer of development rights, density bonuses, cluster  
17 development, and inclusionary zoning.

18 (3) Seeking the adoption of the needed amendments to municipal ordinances.

19 II. Each phase shall require that:

20 (a) Municipalities address housing and conservation together in an integrated manner.

21 (b) Municipalities engage in a communication and education process that will promote  
22 informed decision-making and communicate with and educate citizens regarding the work being  
23 undertaken in each phase of the process.

24 III. Municipalities may be awarded technical assistance for only one phase at a time but  
25 may apply and obtain funding for each successive phase. Funding for future phases shall require a  
26 demonstration that the previous phase was accomplished in a manner consistent with the principles  
27 of the program. Such a showing shall also result in a priority for additional funding.

28 IV. Municipalities' initial applications for funding need not start with the first phase in the  
29 process. However, to begin with a later phase, an initial application shall demonstrate prior  
30 completion of the previous phase's work in a manner consistent with the program principles.

31 4-C:42 Rulemaking Authority. Upon the effective date of this subdivision, the office of strategic  
32 initiatives shall adopt rules, pursuant to RSA 541-A, relative to operation of the housing and  
33 conservation planning program, including:

34 I. The application process.

35 II. The amount of matching funds required and permissible sources for matching funds.

36 III. Reporting requirements by municipalities.

1 IV. Scoring criteria for awarding grants that provide a priority for applications that address  
2 growth and development on a regional basis and provide opportunities for municipalities without  
3 professional planning staff to access the program.

4 4-C:43 Housing and Conservation Planning Program Advisory Board Established.

5 I. There is hereby established the housing and conservation planning program advisory  
6 board.

7 II. The advisory board shall review and comment on proposed rules and scoring criteria used  
8 by the office of strategic initiatives to evaluate applications for matching grants.

9 III. The advisory board shall consist of:

10 (a) One member of the senate, appointed by the senate president.

11 (b) Two members of the house of representatives, appointed by the speaker of the house  
12 of representatives.

13 (c) The commissioner of the department of natural and cultural resources, or designee.

14 (d) The commissioner of the department of business and economic affairs, or designee.

15 (e) The commissioner of the department of transportation, or designee.

16 (f) One member appointed by each of the following entities:

17 (1) The New Hampshire housing finance authority.

18 (2) The New Hampshire community development finance authority.

19 (3) The current use board.

20 (4) The land and community heritage authority.

21 (5) The New Hampshire Municipal Association.

22 (6) The New Hampshire Association of Regional Planning Commission Executive  
23 Directors.

24 (7) The Business and Industry Association of New Hampshire.

25 (8) Housing Action New Hampshire.

26 (9) The Home Builders and Remodelers Association of New Hampshire.

27 (10) The New Hampshire Preservation Alliance.

28 (11) The Society for the Protection of New Hampshire Forests.

29 (12) Plan NH.

30 (13) New Hampshire Association of Realtors.

31 IV. Members of the advisory board shall serve without compensation, except that legislative  
32 members of the board shall receive mileage at the legislative rate when attending to the duties of the  
33 board.

34 4-C:44 Program Principles. The program shall be guided by the following principles. Awards of  
35 technical assistance funding shall be based on consistency with these principles:

36 I. Consistency with smart growth principles in RSA 9-B:3.



1 II. Development of a comprehensive growth and development strategy through which a  
2 municipality integrates housing and conservation planning.

3 III. Planning for the full range of current and future housing needs for families of all income  
4 levels, as encouraged in RSA 672:1, III-e.

5 IV. Planning for the protection of natural and historic resource values, as encouraged in  
6 RSA 36-A:2, including the preservation of working forests and farmlands as provided in RSA 672:1,  
7 III-b and III-c, and critical or sensitive natural areas and resources, including water resources as  
8 provided for in RSA 674:2, III(d).

9 V. Evaluating these conservation and housing issues on a community-wide, site-by-site, and  
10 regional basis.

11 VI. Understanding the interrelationship between natural resources and housing  
12 development in a municipality and the impact each has on the other.

13 VII. Planning for and encouraging higher density, compact development and allowing for the  
14 infrastructure needed to support such development.

15 VIII. Planning for and encouraging reuse of existing properties, especially historic  
16 structures.

17 IX. Planning for and integrating the growth and development strategy into the  
18 municipality's master plan and implementation into regulatory structure.

19 X. Encouragement of community input and education of citizens about the growth and  
20 development strategy and the need to plan for future conservation and housing growth.

21 32 New Section; Accident and Health Insurance; Individual Coverage for Collaborative Care.  
22 Amend RSA 415 by inserting after section 6-aa the following new section:

23 415:6-bb Individual Coverage for Collaborative Care.

24 I. In this section:

25 (a) "Mental health and substance use disorder benefits" means benefits for the  
26 treatment of any condition or disorder that involves a mental health condition or substance use  
27 disorder that falls under any of the diagnostic categories listed in the mental disorders section of the  
28 current edition of the International Classification of Disease or that is listed in the mental disorders  
29 section of the most recent version of the Diagnostic and Statistical Manual of Mental Disorders.

30 (b) "The Psychiatric Collaborative Care Model" means the evidence-based, integrated  
31 behavioral health service delivery method described at 81 Federal Register 80230 which includes a  
32 formal collaborative arrangement among a primary care team consisting of a primary care provider,  
33 a care manager, and a psychiatric consultant, and includes, but is not limited to, the following  
34 elements:

35 (1) Care directed by the primary care team.

36 (2) Structured care management.

37 (3) Regular assessments of clinical status using validated tools.

1 (4) Modification of treatment as appropriate.

2 II. Each insurer that issues or renews any individual policy of accident or health insurance  
3 providing benefits for medical or hospital expenses, that provides coverage for mental health and  
4 substance use disorders, shall provide reimbursement to a primary care physician for the treatment  
5 of mental health and substance use disorders that are delivered through the psychiatric  
6 collaborative care model.

7 33 New Section; Accident and Health Insurance; Group Coverage for Collaborative Care.  
8 Amend RSA 415 by inserting after section 18-ee the following new section:

9 415:18-ff Group Coverage for Collaborative Care.

10 I. In this section:

11 (a) "Mental health and substance use disorder benefits" means benefits for the  
12 treatment of any condition or disorder that involves a mental health condition or substance use  
13 disorder that falls under any of the diagnostic categories listed in the mental disorders section of the  
14 current edition of the International Classification of Disease or that is listed in the mental disorders  
15 section of the most recent version of the Diagnostic and Statistical Manual of Mental Disorders.

16 (b) "The Psychiatric Collaborative Care Model" means the evidence-based, integrated  
17 behavioral health service delivery method described at 81 Federal Register 80230 which includes a  
18 formal collaborative arrangement among a primary care team consisting of a primary care provider,  
19 a care manager, and a psychiatric consultant, and includes, but is not limited to, the following  
20 elements:

- 21 (1) Care directed by the primary care team.  
22 (2) Structured care management.  
23 (3) Regular assessments of clinical status using validated tools.  
24 (4) Modification of treatment as appropriate.

25 II. Each insurer that issues or renews any policy of group or blanket accident or health  
26 insurance providing benefits for medical or hospital expenses, that provides coverage for mental  
27 health and substance use disorders, shall provide reimbursement to a primary care physician for the  
28 treatment of mental health and substance use disorders that are delivered through the psychiatric  
29 collaborative care model.

30 34 Health Service Corporations; Applicable Statutes. Amend RSA 420-A:2 to read as follows:

31 420-A:2 Applicable Statutes. Every health service corporation shall be governed by this chapter  
32 and the relevant provisions of RSA 161-H, and shall be exempt from this title except for the  
33 provisions of RSA 400-A:39, RSA 401-B, RSA 402-C, RSA 404-F, RSA 415-A, RSA 415-F, RSA 415:6,  
34 II(4), RSA 415:6-g, RSA 415:6-k, RSA 415:6-m, RSA 415:6-o, RSA 415:6-r, RSA 415:6-t, RSA 415:6-u,  
35 RSA 415:6-v, RSA 415:6-w, RSA 415:6-x, RSA 415:6-y, RSA 415:6-z, RSA 415:6-a1, **RSA 415:6-bb**,  
36 RSA 415:18, V, RSA 415:18, XVI and XVII, RSA 415:18, VII-a, RSA 415:18-a, RSA 415:18-i, RSA  
37 415:18-j, RSA 415:18-o, RSA 415:18-r, RSA 415:18-t, RSA 415:18-u, RSA 415:18-v, RSA 415:18-w,

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1 RSA 415:18-y, RSA 415:18-z, RSA 415:18-aa, RSA 415:18-bb, RSA 415:18-cc, RSA 415:18-dd, RSA  
2 415:18-ee, *RSA 415:18-ff*, RSA 415:22, RSA 417, RSA 417-E, RSA 420-J, and all applicable  
3 provisions of title XXXVII wherein such corporations are specifically included. Every health service  
4 corporation and its agents shall be subject to the fees prescribed for health service corporations  
5 under RSA 400-A:29, VII.

6 35 Health Maintenance Organizations; Statutory Construction. Amend RSA 420-B:20, III to  
7 read as follows:

8 III. The requirements of RSA 400-A:39, RSA 401-B, RSA 402-C, RSA 404-F, RSA 415:6-g,  
9 RSA 415:6-m, RSA 415:6-o, RSA 415:6-r, RSA 415:6-t, RSA 415:6-u, RSA 415:6-v, RSA 415:6-w, RSA  
10 415:6-x, RSA 415:6-y, RSA 415:6-z, RSA 415:6-a1, *RSA 415:6-bb*, RSA 415:18, VII-a, RSA 415:18,  
11 XVI and XVII, RSA 415:18-i, RSA 415:18-j, RSA 415:18-r, RSA 415:18-t, RSA 415:18-u, RSA 415:18-  
12 v, RSA 415:18-w, RSA 415:18-y, RSA 415:18-z, RSA 415:18-aa, RSA 415:18-bb, RSA 415:18-cc, RSA  
13 415:18-dd, RSA 415:18-ee, *RSA 415:18-ff*, RSA 415-A, RSA 415-F, RSA 420-G, and RSA 420-J shall  
14 apply to health maintenance organizations.

15 36 Effective Date.

16 I. Section 31-35 of this act shall take effect July 1, 2021.

17 II. The remainder of this act shall take effect 60 days after its passage.

**HB 610-FN- FISCAL NOTE**

AS AMENDED BY THE SENATE (AMENDMENTS #2021-1676s, #2021-1768s, #2021-1791s and #2021-1843s)

AN ACT requiring certain licensing and reporting functions be conducted through the Nationwide Multistate Licensing System and Registry, relative to background investigations of trust officers, to certain filing fees, assessments, and interest rates, and to the transmission of consumer complaints by the banking department, requiring employers to provide certain workplace accommodations for employees, and establishing the New Hampshire housing and conservation planning program, and relative to collaborative care model service delivery.

**Sections 1 through 28:**

**FISCAL IMPACT**

The Legislative Budget Assistant has determined that this legislation, as introduced, has a total fiscal impact of less than \$10,000 in each of the fiscal years 2021 through 2024.

**AGENCIES CONTACTED:**

Banking Department

**Sections 29 and 30:**

**FISCAL IMPACT:**     State             County             Local             None

STATE:	Estimated Increase / (Decrease)			
	FY 2021	FY 2022	FY 2023	FY 2024
<b>Appropriation</b>	\$0	\$0	\$0	\$0
<b>Revenue</b>	\$0	\$0	\$0	\$0
<b>Expenditures</b>	\$0	Indeterminable Increase	Indeterminable Increase	Indeterminable Increase
<b>Funding Source:</b>	<input checked="" type="checkbox"/> General <input type="checkbox"/> Education <input type="checkbox"/> Highway <input checked="" type="checkbox"/> Other - Various Government Funds			

**LOCAL:**

<b>Revenue</b>	\$0	\$0	\$0	\$0
<b>Expenditures</b>	\$0	Indeterminable Increase	Indeterminable Increase	Indeterminable Increase

**METHODOLOGY:**

This bill requires certain employers to provide access to a sufficient space and a reasonable break period for nursing mothers to express milk during working hours. The Department of Administrative Services indicates the fiscal impact on State expenditures is indeterminable. The Department offered the following information concerning the potential fiscal impact:

- Many state buildings already include areas for private lactation needs for mothers.
- Existing buildings will meet this accommodation using existing space that will be converted or shared. As almost all rooms in state buildings have outlets, no new electrical work will need to be done in existing buildings. Chairs and furniture already owned by an agency would be used in the mothers' rooms located in existing buildings.
- When new construction takes place, an additional 50 square feet would be included for a mothers' room. The average construction costs for office buildings are \$175 per square foot. For newly constructed or outfitted office spaces, a new chair would be purchased at the cost of \$200. (50 square feet x \$175 plus \$200 = \$8,950)
- Occasionally no suitable space is available in an existing building and the requirement could be met using a lactation pod. The cost of commercial lactation pods is \$8,000 - \$25,000 depending on size and features.

The Department of Labor does not anticipate this bill would impact county or local revenues. The Department states it is possible there would be an indeterminable increase in state revenue as a result of the proposed fines. The Department indicates it is likely that there would be an indeterminable increase in state, county and local expenditures in relation to offering space and additional flexibility in staffing and/or scheduling. The Department states these potential costs cannot be predicted and are indeterminable. The Department does not anticipate it would need additional staff to undertake administration of this chapter.

The New Hampshire Municipal Association states the break period requirement is unlikely to affect municipal expenditures. The requirement to provide a separate space is likely to require additional expenditures for those workplaces that do not have an existing space or a space that can be converted easily. The bill provides that an employer may be exempted if providing sufficient space for expressing milk would impose an undue hardship to the employer's operations." However the Association indicates, it is uncertain how often such exemptions would be granted; and the need to spend significant money to comply may not necessarily be considered an "undue hardship to the employer's operations." Further, the legislation does not indicate who would be responsible for granting an exemption or how an employer would request an exemption. There will be no impact on municipal revenues.

The New Hampshire Association of Counties indicates that the counties already provide such accommodations and the bill would have no impact on county expenditures or revenue.

It is assumed that any fiscal impact would occur after July 1, 2021.

**AGENCIES CONTACTED:**

Department of Administrative Services and Labor, New Hampshire Municipal Association and  
New Hampshire Association of Counties

**Section 31:**

**FISCAL IMPACT:**     State             County             Local             None

STATE:	Estimated Increase / (Decrease)			
	FY 2021	FY 2022	FY 2023	FY 2024
<b>Appropriation</b>	\$0	\$0	\$0	\$0
<b>Revenue</b>	\$0	\$0	\$0	\$0
<b>Expenditures</b>	\$0	Indeterminable Increase	Indeterminable Increase	Indeterminable Increase
<b>Funding Source:</b>	<input checked="" type="checkbox"/> General	<input type="checkbox"/> Education	<input type="checkbox"/> Highway	<input type="checkbox"/> Other

**COUNTY:**

<b>Revenue</b>	\$0	Indeterminable Increase	Indeterminable Increase	Indeterminable Increase
<b>Expenditures</b>	\$0	Indeterminable Increase	Indeterminable Increase	Indeterminable Increase

**LOCAL:**

<b>Revenue</b>	\$0	Indeterminable Increase	Indeterminable Increase	Indeterminable Increase
<b>Expenditures</b>	\$0	Indeterminable Increase	Indeterminable Increase	Indeterminable Increase

**METHODOLOGY:**

This section establishes a housing and conservation planning program within the Office of Strategic Initiatives to provide technical assistance matching grants to municipalities to plan for growth and development in accordance with stated goals. Municipal participation in the program is voluntary. Municipalities may apply individually or collectively for awards of program funds to purchase technical assistance from third-party assistance providers, including regional planning programs. The Office of Strategic Initiatives indicates the administrative costs to operate the program, including the number of applicants, size and number of contracts that may need to be administered and available grant funding are unknown, therefore the fiscal impact is indeterminable. There is no appropriation in this section.

**AGENCIES CONTACTED:**

Office of Strategic Initiatives

**Section 32:**

**FISCAL IMPACT:**     State             County             Local             None

STATE:	Estimated Increase / (Decrease)			
	FY 2021	FY 2022	FY 2023	FY 2024
Appropriation	\$0	\$0	\$0	\$0
Revenue	\$0	Indeterminable	Indeterminable	Indeterminable
Expenditures	\$0	Indeterminable	Indeterminable	Indeterminable
<i>Funding Source:</i>	<input checked="" type="checkbox"/> General <input type="checkbox"/> Education <input checked="" type="checkbox"/> Highway <input checked="" type="checkbox"/> Other- NH Insurance Department Assessment, Premium Tax Revenue, Various Government Funds			

**COUNTY:**

Revenue	\$0	\$0	\$0	\$0
Expenditures	\$0	Indeterminable	Indeterminable	Indeterminable

**LOCAL:**

Revenue	\$0	\$0	\$0	\$0
Expenditures	\$0	Indeterminable	Indeterminable	Indeterminable

**METHODOLOGY:**

This part of the bill requires individual and group insurers to reimburse a primary care physician for the treatment of mental health and substance use disorders provided through the psychiatric collaborative care model.

The Insurance Department indicates, to the extent issuers aren't currently reimbursing primary care providers for this coverage, this bill may cause inflationary pressure on claim costs. Issuers may respond with either increased premium rates, benefit design changes or both. Purchasers may respond by paying increased premiums or buying reduced coverage. This may have an impact premium tax revenue.

**AGENCIES CONTACTED:**

Insurance Department

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24Jun2021... 2015CofC  
24Jun2021... 2076EBA

2021 SESSION

21-0545  
11/04

HOUSE BILL            **610-FN**

AN ACT            requiring certain licensing and reporting functions be conducted through the Nationwide Multistate Licensing System and Registry, and relative to background investigations of trust officers, to certain filing fees, assessments, and interest rates, and to the transmission of consumer complaints by the banking department.

SPONSORS:        Rep. Hunt, Ches. 11

COMMITTEE:      Commerce and Consumer Affairs

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AMENDED ANALYSIS

This bill:

I. Requires retail sellers, sale finance companies, small loan lenders, debt adjusters, and money transmitters to license and report through NMLA, and clarifies the filing deadlines for call reports under RSA 397-A.

II. Clarifies the circumstances under which background investigations are conducted for trust executive officers, and provides for removal of directors or officers by the commissioner.

III. Adjusts fees for filings by state chartered institutions.

IV. Requires payment of assessment by institutions seeking approval to dissolve or convert.

V. Establishes minimum interest rates tied to federal funds interest rates set by the Federal Open Market Committee.

VI. Authorizes the department to transmit consumer complaints via email rather than by certified mail.

This bill is a request of the banking department.

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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.



CHAPTER 194  
HB 610-FN - FINAL VERSION

24Jun2021... 2015CofC  
24Jun2021... 2076EBA

21-0545  
11/04

STATE OF NEW HAMPSHIRE

*In the Year of Our Lord Two Thousand Twenty One*

AN ACT requiring certain licensing and reporting functions be conducted through the Nationwide Multistate Licensing System and Registry, and relative to background investigations of trust officers, to certain filing fees, assessments, and interest rates, and to the transmission of consumer complaints by the banking department.

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

1 194:1 New Paragraph; Retail Installment Sales of Motor Vehicles; Definitions; Nationwide  
2 Multistate Licensing System and Registry. Amend RSA 361-A:1 by inserting after paragraph VII  
3 the following new paragraph:

4 VII-a. "Nationwide Multistate Licensing System and Registry" means a national licensing  
5 system and facility developed and maintained by the Conference of State Bank Supervisors and the  
6 American Association of Residential Mortgage Regulators, or their successors, for the licensing and  
7 registration of mortgage loan originators, mortgage lenders, mortgage servicers, mortgage brokers,  
8 and other non-depository financial service licensees, including retail sellers and sales finance  
9 companies.

10 194:2 Licensing of Sales Finance Companies and Retail Sellers Required. Amend the  
11 introductory paragraph of RSA 361-A:2, II(a) to read as follows:

12 (a) The application for such license shall be in writing and verified ~~[on a form prescribed~~  
13 ~~by the commissioner]~~ ***through the Nationwide Multistate Licensing System and Registry***  
14 ***using the Nationwide Multistate Licensing System and Registry form.*** The application shall  
15 contain the name of the applicant; the tax applicant's identification number; date of incorporation, if  
16 incorporated; the address where the business is or is to be conducted and similar information as to  
17 any branch office of the applicant; the trade name, if any, under which the applicant proposes to  
18 conduct such business; and such other pertinent information as the commissioner may require. The  
19 application shall include a list of the names and resident addresses of principals and the name of any  
20 person occupying a similar status or performing similar functions. Each principal shall provide his  
21 or her social security numbers and shall authorize the commissioner to conduct a background check.  
22 The applicant shall submit any other information that the commissioner may require including, but  
23 not limited to, the applicant's form and place of organization, the applicant's proposed method of  
24 doing business, the qualifications and business history of the applicant and those persons listed in  
25 the application, and in the case of sales finance companies, the applicant's financial condition and  
26 history. The applicant shall disclose if any injunction or administrative order has been issued  
27 against the applicant or any of its principals listed in the application and whether the applicant or

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1 any of its principals have been convicted of a misdemeanor involving financial services or a financial  
2 services-related business, or any fraud, false statements or omissions, theft or any wrongful taking  
3 of property, bribery, perjury, forgery, counterfeiting, extortion, or a conspiracy to commit any of  
4 these offenses, or convicted of any felony, prior to the commissioner's approval of such change.

5 194:3 Retail Installment Sales of Motor Vehicles; Annual Report. Amend RSA 361-A:2-b, I(a)-(c)  
6 to read as follows:

7 (a) Each sales finance company licensee shall file, under oath, an annual report [~~with~~  
8 ~~the commissioner]~~ *through the Nationwide Multistate Licensing System and Registry* on or  
9 before March 31 each year concerning operations for the preceding year or license period ending  
10 December 31 upon a form prescribed by the commissioner.

11 (b) A person who surrenders, withdraws, or does not renew a license shall file the  
12 annual report as required in subparagraph (a), notwithstanding the fact that he or she is not  
13 licensed on the date that the report is due.

14 (c) Each sales finance company shall also file, under oath, its financial statement [~~with~~  
15 ~~the commissioner]~~ *through the Nationwide Multistate Licensing System and Registry* within  
16 90 days from the date of its fiscal year end. The financial statement shall be prepared in accordance  
17 with generally accepted accounting principles and shall include a balance sheet, income statement,  
18 statement of changes in owners' equity, a cash flow statement, and note disclosures. If the financial  
19 statement is not audited, a certification statement shall be attached and signed by a duly authorized  
20 officer of the sales finance company. The certification statement shall state that the financial  
21 statement is true and accurate to the best of the officer's belief and knowledge.

22 194:4 New Paragraph; Regulation of Small Loans, Title Loans, and Payday Loans; Definitions.  
23 Amend RSA 399-A:1 by inserting after paragraph XII the following new paragraph:

24 XII-a. "Nationwide Multistate Licensing System and Registry" means a national licensing  
25 system and facility developed and maintained by the Conference of State Bank Supervisors and the  
26 American Association of Residential Mortgage Regulators, or their successors, for the licensing and  
27 registration of mortgage loan originators, mortgage lenders, mortgage servicers, mortgage brokers,  
28 and other non-depository financial service licensees, including small loan lenders, title loan lenders  
29 and payday loan lenders.

30 194:5 Regulation of Small Loans, Title Loans; and Payday Loans; Application and Fees. Amend  
31 the introductory paragraph of RSA 399-A:4, I to read as follows:

32 I. Every applicant for licensing under this chapter shall file with the commissioner a written  
33 verified application through the Nationwide Multistate Licensing System and Registry, using the  
34 Nationwide Multistate Licensing System and Registry form, ~~or providing all the information~~  
35 ~~required on the application developed by the Nationwide Multistate Licensing System and Registry]~~  
36 which shall include, but is not limited to, the following information:

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1 194:6 Regulation of Small Loans, Title Loans, and Payday Loans; Reporting and Filing  
2 Requirements. Amend RSA 399-A:10, I to read as follows:

3 I.(a) Each licensee shall file, under oath, an annual report [~~with the commissioner~~] **through**  
4 **the Nationwide Multistate Licensing System and Registry** on or before March 31 each year  
5 concerning its business and operations for the preceding calendar year or license period ending  
6 December 31 in the form prescribed by the commissioner.

7 (b) Each licensee shall also file, under oath, its financial statement [~~with the~~  
8 ~~commissioner~~] **through the Nationwide Multistate Licensing System and Registry** within 90  
9 days from the date of its fiscal year end. The financial statement shall be prepared in accordance  
10 with generally accepted accounting principles and shall include a balance sheet, income statement,  
11 statement of changes in owners' equity, a cash flow statement, and note disclosures. If the financial  
12 statement is not audited, a certification statement shall be attached and signed by a duly authorized  
13 officer of the licensee. The certification statement shall state that the financial statement is true  
14 and accurate to the best of the officer's belief and knowledge.

15 194:7 New Paragraph; Debt Adjustment Services; Definitions. Amend RSA 399-D:1 by inserting  
16 after paragraph XXIII the following new paragraph:

17 XXIII-a. "Nationwide Multistate Licensing System and Registry" means a national licensing  
18 system and facility developed and maintained by the Conference of State Bank Supervisors and the  
19 American Association of Residential Mortgage Regulators, or their successors, for the licensing and  
20 registration of mortgage loan originators, mortgage lenders, mortgage servicers, mortgage brokers,  
21 and other non-depository financial service licensees, including debt adjusters.

22 194:8 Debt Adjustment Services; Application and Fees. Amend the introductory paragraph of  
23 RSA 399-D:4, I(a) to read as follows:

24 (a) To be considered for licensing, each person shall complete and file with the  
25 department one verified application through the Nationwide Multistate Licensing System and  
26 Registry, using the Nationwide Multistate Licensing System and Registry form [~~or providing all the~~  
27 ~~same information required on the application developed by using the Nationwide Multistate~~  
28 ~~Licensing System and Registry,~~] which shall include, but not be limited to, the following information:

29 194:9 Debt Adjustment Services; Reporting and Filing Requirements. Amend RSA 399-D:9, I(a)  
30 and the introductory paragraph of I(b) to read as follows:

31 (a) Each licensee shall file, under oath, an annual report [~~with the banking department~~]  
32 **through the Nationwide Multistate Licensing System and Registry** on or before March 31 each  
33 year concerning operations for the preceding calendar year or license period ending December 31 in  
34 the form prescribed by the commissioner.

35 (b) Each licensee shall also file, under oath, its financial statement [~~with the~~  
36 ~~commissioner~~] **through the Nationwide Multistate Licensing System and Registry** within 90  
37 days from the date of its fiscal year end. If the financial statement is not audited, a certification

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1 statement shall be attached and signed by a duly authorized officer of the licensee. The certification  
2 statement shall state that the financial statement is true and accurate to the best of the officer's  
3 belief and knowledge:

4 194:10 New Paragraph; Licensing of Money Transmitters; Definitions. Amend RSA 399-G:1 by  
5 inserting after paragraph XVII the following new paragraph:

6 XVII-a. "Nationwide Multistate Licensing System and Registry" means a national licensing  
7 system and facility developed and maintained by the Conference of State Bank Supervisors and the  
8 American Association of Residential Mortgage Regulators, or their successors, for the licensing and  
9 registration of mortgage loan originators, mortgage lenders, mortgage servicers, mortgage brokers,  
10 and other non-depository financial service licensees, including money transmitters.

11 194:11 Licensing of Money Transmitters; Application and Fees. Amend the introductory  
12 paragraph of RSA 399-G:4, I(a) to read as follows:

13 (a) To be considered for licensing, each person shall complete and file with the  
14 department one verified application through the Nationwide Multistate Licensing System and  
15 Registry, using the Nationwide Multistate Licensing System and Registry form [~~or providing all the~~  
16 ~~same information required on the application developed by the Nationwide Multistate Licensing~~  
17 ~~System and Registry,~~] which shall include but not be limited to the following information :

18 194:12 Licensing of Money Transmitters; License Surrender. Amend RSA 399-G:8, I to read as  
19 follows:

20 I. A licensee who ceases to engage in the business of money transmission at any time during  
21 a license year for any cause shall surrender such principal license and authorized delegate  
22 registrations, if any, and within 15 calendar days of such cessation shall cause to be published in a  
23 newspaper of general circulation in the licensee's market area a notice to such effect, and shall file  
24 [~~an annual~~] **any required** report pursuant to RSA 399-G:10 [~~within 15 days of such cessation~~]. The  
25 commissioner may adopt rules, in accordance with RSA 541-A, relative to such notice and the  
26 process for surrender.

27 194:13 Licensing of Money Transmitters; Reporting and Filing Requirements. Amend RSA 399-  
28 G:10, I-V to read as follows:

29 I. Each licensee shall [~~file, under oath, an annual report with the banking department on or~~  
30 ~~before March 31 each year concerning operations for the preceding year or license period ending~~  
31 ~~December 31 upon the form prescribed by the department~~] **submit to the Nationwide Multistate**  
32 **Licensing System and Registry reports of condition, which shall be filed within the time**  
33 **prescribed by the Nationwide Multistate Licensing System and Registry, in such form and**  
34 **shall contain such information as the Nationwide Multistate Licensing System and**  
35 **Registry may require, including but not limited to the money services business call report.**

36 II. Each licensee shall file, under oath, its financial statement [~~with the commissioner~~]  
37 **through the Nationwide Multistate Licensing System and Registry** within 90 days from the

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1 date of its fiscal year end. The financial statement shall be prepared in accordance with generally  
2 accepted accounting principles with appropriate note disclosures and, unless excepted by an order  
3 from the commissioner for hardship reasons, shall be audited by an independent certified public  
4 accountant. The financial statement shall include or be accompanied by a calculation that reflects  
5 the fiscal year's average daily outstanding money transmissions as defined by RSA 399-G:1, IV in  
6 United States dollars. A money transmitter's financial statement shall include:

- 7 (a) A balance sheet;
- 8 (b) Income statement;
- 9 (c) Statement of changes in owners' equity;
- 10 (d) A cash flow statement; and
- 11 (e) A statement of net worth.

12 III. The department shall publish its analysis of the information required in the licensee's  
13 ~~[annual]~~ *call* report as a part of the commissioner's annual report.

14 IV. Any money transmitter failing to file either the ~~[annual]~~ *call* report or the financial  
15 statement required by this section within the time prescribed may be required to pay to the banking  
16 department a penalty ~~[of]~~. *The penalty shall be \$25 for each calendar day the [annual] call report*  
17 *or financial statement is overdue up to a maximum penalty of \$625 per call report or \$2,500 per*  
18 ~~[report or]~~ *financial statement.*

19 V. In addition to the ~~[annual]~~ *call* report and financial statement, the banking department  
20 may require such additional regular or special reports as it may deem necessary for the proper  
21 supervision of licensees under this chapter.

22 194:14 Licensing of Money Transmitters; Administration by Commissioner; Rulemaking.  
23 Amend RSA 399-G:24, II(c) to read as follows:

- 24 (c) ~~[Annual]~~ *Call* reports required by RSA 399-G:10.

25 194:15 Nondepository Mortgage Bankers, Brokers, and Servicers; Reporting. Amend RSA 397-  
26 A:13, V to read as follows:

27 V. Any mortgage banker, mortgage broker, or mortgage servicer failing to file the mortgage  
28 call report required by this section within the time prescribed *by the Nationwide Multistate*  
29 *Licensing System and Registry* may be required to pay to the department a penalty of \$25 for  
30 each calendar day the mortgage call report is overdue up to a maximum penalty of \$625 per  
31 mortgage call report.

32 194:16 Organization of State Banks; Application. Amend RSA 383-A:3-305(e)(6) to read as  
33 follows:

34 (6) ~~[The commissioner may require]~~ *In addition to paying the cost for any*  
35 *examination or investigation of the background and criminal history of any person*  
36 *pursuant to this section, the organizer [to] shall pay the actual costs of each background*  
37 *investigation and criminal history records check.*

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1 194:17 Trust Company Act; Number of Directors. Amend RSA 383-C:6-601 to read as follows:

2 383-C:6-601 [~~Number of~~] Directors.

3 (a) The board of directors of a trust company shall be composed of at least 5 directors. A  
4 director need not be a resident of New Hampshire or a citizen of the United States, unless otherwise  
5 required by the commissioner in consideration of the trust company's safety and soundness.

6 (b) *Every new director shall submit to a background investigation and criminal*  
7 *history records check, to include submission of financial and other information in*  
8 *accordance with RSA 383-A:3-305(e). A trust company shall submit notice of any material*  
9 *change related to the background investigation and criminal history records check of any*  
10 *director or any new information related to the experience, ability, standing, competence,*  
11 *trustworthiness, and integrity of a director that could jeopardize the safe and sound*  
12 *operation of the trust company within 30 days of learning of such change. The cost of any*  
13 *examination or investigation of the background information and criminal history shall be*  
14 *paid by the trust company.*

15 194:18 New Section; Trust Company Act; Removal of Directors and Officers by Commissioner.  
16 Amend RSA 383-C by inserting after section 6-603 the following new section:

17 383-C:6-604 Removal of Directors or Officers by Commissioner. In addition to the grounds for  
18 removal set forth in RSA 383-A:9-902, the commissioner may also remove a director or officer of a  
19 trust company if, in the opinion of the commissioner, the director or officer does not possess the  
20 experience, ability, standing, competence, trustworthiness, and integrity to ensure the safe and  
21 sound operation of the trust company. The commissioner shall act in accordance with the procedure  
22 described in RSA 383-A:9-902 for any such removal.

23 194:19 Family Trust Company Act; Board of Directors. Amend RSA 383-D:8-801(a) to read as  
24 follows:

25 (a) A family trust company shall have a board of directors, and that board of directors  
26 must have not less than three members. A director need not be a resident of New Hampshire or a  
27 citizen of the United States, unless otherwise required by the commissioner in consideration of the  
28 family trust company's safety and soundness. RSA 383-C:6-601(a) shall not apply to family trust  
29 companies.

30 194:20 Bank and Credit Unions; Regulatory Approval Procedures; Fee Schedule. Amend RSA  
31 383-A:6-609 to read as follows:

32 383-A:6-609 Fee Schedule.

33 (a) The commissioner shall charge a filing fee to each person for services rendered by  
34 the department in reviewing a notice or application. Sums collected under this section shall be  
35 payable to the state treasurer as restricted revenue and credited, in accordance with the banking  
36 division's accounting unit designation, to the appropriation for the commissioner. Charges for  
37 services shall be billed as follows:

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- 1           ~~[(a)]~~ (1) Fee for new state bank or credit union charter: [~~\$10,000~~] **\$15,000**
- 2           ~~[(b)]~~ (2) Fee for domestication of foreign trust company: \$7,500
- 3           ~~[(c)]~~ (3) Fee for charter conversion, combination, acquisition, change in control, share  
4 exchange, reorganization, or approval of trust powers: \$2,500
- 5           ~~[(d)]~~ (4) Fee for the dissolution of a trust company: \$2,000
- 6           ~~[(e)]~~ (5) Fee for a reduction in a depository bank's capital, change in business plan or  
7 change in required capital of a trust company, amendment to a state bank's organizational  
8 instrument, amendment of a credit union's bylaws, or formation of a subsidiary entity that requires  
9 approval of the commissioner: \$500
- 10           ~~[(f)]~~ (6) Fee for a new branch, loan production office and trust company office: \$500
- 11           ~~[(g)]~~ (7) Fee for a relocation or termination of a branch, loan production office or trust  
12 company office: \$100
- 13           ~~[(h)]~~ (8) Fee to issue a certificate of existence: \$50
- 14           ~~[(i)]~~ (9) Fee for a reservation or approval of a name or trade name: \$50

15           **(b) If at any time the commissioner determines that the cost to complete the**  
16 **investigation or examination of the notice or application has or will exceed the fee set forth**  
17 **in subparagraphs (a)(1)-(9), the commissioner shall cease further review, notify the filer of**  
18 **this determination and advise that the filer may withdraw the notice or application. If the**  
19 **filer elects to withdraw the notice or application pursuant to this paragraph, the**  
20 **commissioner shall refund the filing fee, minus such costs of investigation or examination**  
21 **that been incurred during the Department's review. If the filer informs the commissioner it**  
22 **does not elect to withdraw the notice or application, the commissioner shall continue the**  
23 **review of the notice or application and the filer shall pay the additional investigation or**  
24 **examination costs. The cost of the investigation or examination shall be determined in**  
25 **accordance with the per diem examination charge established in RSA 383:11, I provided,**  
26 **however, that the requirement that no entity shall be charged or pay less than one full day**  
27 **shall not apply.**

28           194:21 New Paragraph; Bank Commissioner; Examination Costs. Amend RSA 383:11 by  
29 inserting after paragraph IV the following new paragraph:

30           V. A state chartered institution that is dissolved or converted before the close of a fiscal  
31 year, shall be responsible for payment of its pro rata share of the assessment for that fiscal year.  
32 Prior to approving the dissolution or conversion of the institution, the commissioner, in the  
33 commissioner's discretion, shall either:

34           (a) Impose requirements to ensure payment of the assessment after the approval of the  
35 dissolution or conversion; or

36           (b) Collect payment of the assessment as calculated under paragraph II prior to approval  
37 of the dissolution, or if the calculation of the assessment is not yet available and the commissioner

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1 determines the last assessment imposed as well as the institution's share of the last assessment  
2 imposed, is reflective of the institution's obligation for the current fiscal year, the commissioner may  
3 instead collect payment of the assessment based on a pro rata portion of the last assessment imposed  
4 on the institution.

5 194:22 Depository Bank Act; Banking Business; Loans and Investments. Amend RSA 383-B:3-  
6 303(a)(7)(E) to read as follows:

7 (E) Any depository bank which requires or accepts moneys for deposit in escrow  
8 accounts maintained for the payment of taxes or insurance premiums related to loans on property  
9 secured by real estate mortgages shall credit each escrow account with interest at a ~~[minimum]~~ rate  
10 ~~[set for a 6-month period by the commissioner on February 1 and August 1 of each year. The rate~~  
11 ~~shall be one percent below the mean interest rate paid by depository banks on regular savings~~  
12 ~~accounts during the applicable period. The commissioner shall post the rate on the department's~~  
13 ~~website] no lower than the highest target federal funds interest rate in the range set by the~~  
14 ~~Federal Open Market Committee, minus one percent.~~

15 194:23 Retail Installment Sales of Motor Vehicles; Consumer Inquiries. Amend the introductory  
16 paragraph of RSA 361-A:4-a, I to read as follows:

17 I. Consumer complaints naming retail sellers or sales finance companies under this chapter,  
18 which are filed in writing with the office of the commissioner, shall be forwarded via *electronic*  
19 *mail or* certified or registered mail to the retail seller or sales finance company for response within  
20 10 days of receipt by the department. Retail sellers or sales finance companies shall, within 10 days  
21 after receipt of such complaint, send a written acknowledgment thereof to the consumer and the  
22 banking department. Not later than 30 days following receipt of such complaint, the retail seller or  
23 sales finance company shall conduct an investigation of the complaint and either:

24 194:24 Bank and Credit Unions; Consumer Complaints. Amend RSA 383-A:9-904, I to read as  
25 follows:

26 I. Consumer complaints naming state banks or credit unions, which are filed in writing,  
27 shall be forwarded via *electronic mail or* certified mail to the state bank or credit union for  
28 response within 10 days of receipt by the department. Not later than 30 days following receipt of  
29 such complaint, the state bank or credit union shall conduct an investigation of the complaint and  
30 either:

31 194:25 Licensing of Nondepository Mortgage Bankers, Brokers, and Servicers; Consumer  
32 Inquiries. Amend the introductory paragraph of RSA 397-A:15-a, I to read as follows:

33 I. Consumer complaints naming licensees under this chapter, which are filed in writing with  
34 the office of the commissioner, shall be forwarded via *electronic mail or* certified mail to the  
35 licensee for response within 10 days of receipt by the department. Licensees shall, within 10 days  
36 after receipt of such complaint, send a written acknowledgment thereof to the consumer and the



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1 banking department. Not later than 30 days following receipt of such complaint, the licensee shall  
2 conduct an investigation of the complaint and either:

3 194:26 Regulation of Small Loans, Title Loans, and Payday Loans; Consumer Inquiries. Amend  
4 the introductory paragraph of RSA 399-A:12, I to read as follows:

5 I. Consumer complaints naming licensees under this chapter, which are filed in writing with  
6 the office of the commissioner, shall be forwarded via *electronic mail or* certified or registered mail  
7 to the licensee for response within 10 days of receipt by the department. Licensees shall, within 10  
8 days after receipt of such complaint, send a written acknowledgment thereof to the consumer and  
9 the banking department. Not later than 30 days following receipt of such complaint, the licensee  
10 shall conduct an investigation of the complaint and either:

11 194:27 Debt Adjustment Services; Consumer Inquiries. Amend the introductory paragraph of  
12 RSA 399-D:11, I to read as follows:

13 I. Consumer complaints naming licensees under this chapter, which are filed in writing with  
14 the office of the commissioner, shall be forwarded via *electronic mail or* certified or registered mail  
15 to the licensee for response within 10 days of receipt by the department. Licensees shall, within 10  
16 days after receipt of such complaint, send a written acknowledgment thereof to the consumer and  
17 the department. Not later than 30 days following receipt of such complaint, the licensee shall  
18 conduct an investigation of the complaint and either:

19 194:28 Licensing of Money Transmitters; Consumer Inquiries. Amend the introductory  
20 paragraph of RSA 399-G:12, I to read as follows:

21 I. Consumer complaints naming licensees under this chapter, which are filed in writing with  
22 the office of the commissioner, shall be forwarded via *electronic mail or* certified or registered mail  
23 to the licensee for response within 10 days of receipt by the department. Licensees shall, within 10  
24 days after receipt of such complaint, send a written acknowledgment thereof to the consumer and  
25 the department. Not later than 30 days following receipt of such complaint, the licensee shall  
26 conduct an investigation of the complaint and either:

27 194:29 Effective Date. This act shall take effect 60 days after its passage.

Approved: August 10, 2021

Effective Date: October 09, 2021

# Amendments

Floor Amendment to HB 610-FN

1 Amend the title of the bill by replacing it with the following:

2

3 AN ACT requiring certain licensing and reporting functions be conducted through the  
4 Nationwide Multistate Licensing System and Registry, relative to background  
5 investigations of trust officers, to certain filing fees, assessments, and interest  
6 rates, and to the transmission of consumer complaints by the banking  
7 department, and establishing the New Hampshire housing and conservation  
8 planning program.  
9

10 Amend the bill by replacing all after section 28 with the following:

11

12 29 New Subdivision; Housing and Conservation Planning Program. Amend RSA 4-C by  
13 inserting after section 37 the following new subdivision:

14 Housing and Conservation Planning Program

15 4-C:38 Definitions. In this subdivision:

16 I. "Eligible applicant" means a single municipality or 2 or more municipalities applying  
17 together.

18 II. "Growth and development strategy" means a plan by a single municipality or 2 or more  
19 municipalities to guide community growth in a way that creates a balanced housing supply,  
20 including higher density and workforce housing opportunities, while preserving valuable natural  
21 resources and the community's quality of life through efficient and compact development.

22 III. "Phase" means one of the 4 specific phases of developing and implementing a growth and  
23 development strategy to be funded through the housing and conservation planning program.

24 IV. "Program" means the housing and conservation planning program.

25 4-C:39 Housing and Conservation Planning Program Established. There is hereby established  
26 the housing and conservation planning program, which shall be administered by the office of  
27 strategic initiatives. The program shall provide technical assistance matching grants to  
28 municipalities to plan for growth and development in a manner that permits a balanced housing  
29 stock, including higher density and workforce housing opportunities, and promotes, whenever  
30 possible the reuse of existing buildings, including historic properties, while protecting communities'  
31 natural resources through more efficient and compact development. Participation in the program is  
32 voluntary.

33 4-C:40 Program Administration; Eligible Applicants; Use of Program Funds.

34 I. Eligible applicants shall include:

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1           (a) Municipalities; or

2           (b) A group of municipalities applying together to plan on a regional basis.

3           II. Awards of program funds may be used to purchase technical assistance from third-party  
4 technical assistance providers, including but not limited to regional planning commissions, to  
5 achieve the purposes of the program.

6           4-C:41 Program Administration; Eligible Technical Assistance.

7           I. The program shall award matching grants to fund technical assistance activities in the  
8 development and implementation of a growth and development strategy. The 4 specific phases of  
9 activities are as follows:

10           (a) Phase 1: Natural and Historic Resource and Housing Data Gathering and Analysis.

11 This phase includes:

12           (1) Understanding and mapping housing, income, and demographic data, including  
13 housing market costs, housing units needed to meet future expected growth in a municipality and  
14 the region, and the affordability of a municipality's housing for all income ranges.

15           (2) Mapping land use values, including conservation, soils, wetlands, working  
16 forests, farmlands, and other natural resources.

17           (3) Developing a build-out analysis of growth and development impacts on housing  
18 availability and natural resources.

19           (4) Mapping historic structures and buildings within communities.

20           (b) Phase 2: Development of the Growth and Development Strategy. This phase  
21 includes:

22           (1) Drafting and endorsing a growth and development strategy to guide future  
23 growth, including using land more efficiently and encouraging compact development and reuse of  
24 suitable historic and existing structures. The growth and development strategy would also identify  
25 specific areas to be conserved and to be developed.

26           (2) Engaging in a public process to develop the growth and development strategy.

27           (3) Auditing the existing master plan to identify portions that conflict with or pose a  
28 barrier to achieving the growth and development strategy.

29           (c) Phase 3: Integration of Growth and Development Strategy into the Master Plan.

30 This phase includes:

31           (1) Rewriting or amending the master plan so that it can realistically implement the  
32 growth and development strategy.

33           (2) Adopting the revised master plan.

34           (3) Auditing existing municipal ordinances, including zoning, site-plan, and  
35 subdivision regulations, to identify conflicts with the growth and development strategy and the  
36 revised master plan.

37           (d) Phase 4: Implementation into Regulatory Framework. This phase includes:

1           (1) Rewriting and amending municipal ordinances, including zoning, site-plan, and  
2 subdivision regulations, to allow for the realistic implementation of growth and development  
3 strategy and the new master plan.

4           (2) Drafting and adopting new articles that incorporate new tools to accomplish the  
5 growth and development strategy, including transfer of development rights, density bonuses, cluster  
6 development, and inclusionary zoning.

7           (3) Seeking the adoption of the needed amendments to municipal ordinances.

8           II. Each phase shall require that:

9           (a) Municipalities address housing and conservation together in an integrated manner.

10           (b) Municipalities engage in a communication and education process that will promote  
11 informed decision-making and communicate with and educate citizens regarding the work being  
12 undertaken in each phase of the process.

13           III. Municipalities may be awarded technical assistance for only one phase at a time but  
14 may apply and obtain funding for each successive phase. Funding for future phases shall require a  
15 demonstration that the previous phase was accomplished in a manner consistent with the principles  
16 of the program. Such a showing shall also result in a priority for additional funding.

17           IV. Municipalities' initial applications for funding need not start with the first phase in the  
18 process. However, to begin with a later phase, an initial application shall demonstrate prior  
19 completion of the previous phase's work in a manner consistent with the program principles.

20           4-C:42 Rulemaking Authority. Upon the effective date of this subdivision, the office of strategic  
21 initiatives shall adopt rules, pursuant to RSA 541-A, relative to operation of the housing and  
22 conservation planning program, including:

23           I. The application process.

24           II. The amount of matching funds required and permissible sources for matching funds.

25           III. Reporting requirements by municipalities.

26           IV. Scoring criteria for awarding grants that provide a priority for applications that address  
27 growth and development on a regional basis and provide opportunities for municipalities without  
28 professional planning staff to access the program.

29           4-C:43 Housing and Conservation Planning Program Advisory Board Established.

30           I. There is hereby established the housing and conservation planning program advisory  
31 board.

32           II. The advisory board shall review and comment on proposed rules and scoring criteria used  
33 by the office of strategic initiatives to evaluate applications for matching grants.

34           III. The advisory board shall consist of:

35           (a) One member of the senate, appointed by the senate president.

36           (b) Two members of the house of representatives, appointed by the speaker of the house  
37 of representatives.

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- 1 (c) The commissioner of the department of natural and cultural resources, or designee.  
2 (d) The commissioner of the department of business and economic affairs, or designee.  
3 (e) The commissioner of the department of transportation, or designee.  
4 (f) One member appointed by each of the following entities:  
5 (1) The New Hampshire housing finance authority.  
6 (2) The New Hampshire community development finance authority.  
7 (3) The current use board.  
8 (4) The land and community heritage authority.  
9 (5) The New Hampshire Municipal Association.  
10 (6) The New Hampshire Association of Regional Planning Commission Executive  
11 Directors.  
12 (7) The Business and Industry Association of New Hampshire.  
13 (8) Housing Action New Hampshire.  
14 (9) The Home Builders and Remodelers Association of New Hampshire.  
15 (10) The New Hampshire Preservation Alliance.  
16 (11) The Society for the Protection of New Hampshire Forests.  
17 (12) Plan NH.  
18 (13) New Hampshire Association of Realtors.

19 IV. Members of the advisory board shall serve without compensation, except that legislative  
20 members of the board shall receive mileage at the legislative rate when attending to the duties of the  
21 board.

22 4-C:44 Program Principles. The program shall be guided by the following principles. Awards of  
23 technical assistance funding shall be based on consistency with these principles:

24 I. Consistency with smart growth principles in RSA 9-B:3.

25 II. Development of a comprehensive growth and development strategy through which a  
26 municipality integrates housing and conservation planning.

27 III. Planning for the full range of current and future housing needs for families of all income  
28 levels, as encouraged in RSA 672:1, III-e.

29 IV. Planning for the protection of natural and historic resource values, as encouraged in  
30 RSA 36-A:2, including the preservation of working forests and farmlands as provided in RSA 672:1,  
31 III-b and III-c, and critical or sensitive natural areas and resources, including water resources as  
32 provided for in RSA 674:2, III(d).

33 V. Evaluating these conservation and housing issues on a community-wide, site-by-site, and  
34 regional basis.

35 VI. Understanding the interrelationship between natural resources and housing  
36 development in a municipality and the impact each has on the other.

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1 VII. Planning for and encouraging higher density, compact development and allowing for the  
2 infrastructure needed to support such development.

3 VIII. Planning for and encouraging reuse of existing properties, especially historic  
4 structures.

5 IX. Planning for and integrating the growth and development strategy into the  
6 municipality's master plan and implementation into regulatory structure.

7 X. Encouragement of community input and education of citizens about the growth and  
8 development strategy and the need to plan for future conservation and housing growth.

9 30 Effective Date.

10 I. Section 29 of this act shall take effect July 1, 2021.

11 II. The remainder of this act shall take effect 60 days after its passage.

2021-1676s

AMENDED ANALYSIS

This bill:

I. Requires retail sellers, sale finance companies, small loan lenders, debt adjusters, and money transmitters to license and report through NMLA, and clarifies the filing deadlines for call reports under RSA 397-A.

II. Clarifies the circumstances under which background investigations are conducted for trust executive officers, and provides for removal of directors or officers by the commissioner.

III. Adjusts fees for filings by state chartered institutions.

IV. Requires payment of assessment by institutions seeking approval to dissolve or convert.

V. Establishes minimum interest rates tied to federal funds interest rates set by the Federal Open Market Committee.

VI. Authorizes the department to transmit consumer complaints via email rather than by certified mail.

VII. Establishes the New Hampshire housing and planning conservation program.



Sen. Bradley, Dist 3  
Sen. Whitley, Dist 15  
Sen. Hennessey, Dist 1  
May 26, 2021  
2021-1768s  
11/04

Floor Amendment to HB 610-FN

1 Amend the title of the bill by replacing it with the following:

2

3 AN ACT requiring certain licensing and reporting functions be conducted through the  
4 Nationwide Multistate Licensing System and Registry; relative to background  
5 investigations of trust officers, to certain filing fees, assessments, and interest  
6 rates, and to the transmission of consumer complaints by the banking  
7 department; and requiring employers to provide certain workplace  
8 accommodations for employees.

9

10 Amend the bill by replacing all after section 28 with the following:

11

12 29 State Commission for Human Rights; Unlawful Discriminatory Practices. Amend RSA 354-  
13 A:7, VI(a)-(b) to read as follows:

14 VI.(a) For the purposes of this chapter, the word "sex" includes pregnancy, *childbirth*, and  
15 *related* medical conditions [~~which result from pregnancy~~].

16 (b) [~~An employer shall permit a female employee to take leave of absence for the period~~  
17 ~~of temporary physical disability resulting from pregnancy, childbirth or related medical conditions.~~]  
18 *An employer shall provide reasonable accommodations and/or permit a female employee to*  
19 *take a leave of absence for the period of temporary physical disability resulting from*  
20 *pregnancy, childbirth, or related medical conditions, unless such employer can*  
21 *demonstrate that the accommodation would impose an undue hardship on the operation of*  
22 *the employer's business.* When the employee is physically able to return to work, her original job  
23 or a comparable position shall be made available to her by the employer unless business necessity  
24 makes this impossible or unreasonable.

25 30 New Subdivision; Policies Relating to Nursing Mothers. Amend RSA 275 by inserting after  
26 section 77 the following new subdivision:

27 Policies Relating to Nursing Mothers

28 275:78 Policies Relating to Nursing Mothers. In this subdivision:

29 I. "Employee" shall mean a person who may be permitted, required, or directed by an  
30 employer in consideration of direct or indirect gain or profit but shall not include any individual who  
31 volunteers services for a public, charitable, or religious facility without expectation or promise of  
32 pay.

**Floor Amendment to HB 610-FN**  
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33           II. "Employer" shall mean a person, partnership, association, corporation, or legal  
34 representative of a person, partnership, association, or corporation, or the state or any of its political  
35 subdivisions, which has 6 or more employees working in the state.

36           III. "Expression of milk" means the initiation of lactation by manual or mechanical means  
37 but shall not include breastfeeding.

38           IV. "Reasonable break period" shall mean an unpaid break of approximately 30 minutes for  
39 every 3 hours of work performed by a nursing employee for the purpose of expressing milk.

40           V. "Undue hardship" shall mean any action that requires significant difficulty or expense  
41 when considered in relation to factors such as the size of the business, its financial resources and the  
42 nature and structure of its operation.

43           275:79 Notification of Policies.

44           I. Every employer shall adopt a policy to address the provision of sufficient space and  
45 reasonable break periods for nursing employees that need to express milk during working hours.

46           II. Every employer shall, at the time of hire, make available to its employees the employer's  
47 policy related to expression of milk during working hours.

48           III. A nursing employee shall notify its employer at least 2 weeks prior to needing  
49 reasonable break periods and sufficient space for expression of milk during work hours.

50           275:80 Sufficient Space.

51           I. Every employer shall provide access to reasonable, sufficient space, either temporary or  
52 permanent in nature, for the use of an employee to express milk for a nursing child for a period of  
53 one year from the date of birth of the child.

54           II. The location of the space provided shall be within a reasonable walk of the employee's  
55 worksite, unless otherwise mutually agreed to by the employer and employee.

56           III. Sufficient space provided in accordance with this section shall not be a bathroom, and  
57 shall be a clean space shielded from view and free from intrusion from coworkers and the public.

58           (a) If the space is not solely for the use of employees expressing milk it shall be made  
59 available when requested to comply with the requirements set forth in this subdivision.

60           (b) If feasible, the room shall have, at a minimum, an electrical outlet and a chair.

61           275:81 Reasonable Break Period.

62           I. Every employer shall provide reasonable break periods to employees who need to express  
63 milk for a child for a period of one year from the date of birth of the child. Nothing in this section  
64 shall preclude an employer from negotiating with an employee reasonable break periods to express  
65 milk that are different from the requirements in this subdivision.

66           II. Nothing under this subdivision shall preclude an employee from taking a reasonable  
67 break period contemporaneously with break or meal periods already provided to the employee by the  
68 employer.

**Floor Amendment to HB 610-FN**  
**- Page 3 -**

69           III. An employer shall not require an employee to make up time related to use of unpaid  
70 reasonable break periods.

71           275:82 Penalties. Any employer who violates any provision of this subdivision shall be subject  
72 to a civil penalty pursuant to RSA 273:11-a.

73           275:83 Hardship Exemption. An employer may be exempted from this subdivision if providing  
74 reasonable break time and sufficient space for expressing milk would impose an undue hardship to  
75 the employer's operations.

76           31 Effective Date. This act shall take effect 60 days after its passage.

2021-1768s

AMENDED ANALYSIS

This bill:

I. Requires retail sellers, sale finance companies, small loan lenders, debt adjusters, and money transmitters to license and report through NMLA, and clarifies the filing deadlines for call reports under RSA 397-A.

II. Clarifies the circumstances under which background investigations are conducted for trust executive officers, and provides for removal of directors or officers by the commissioner.

III. Adjusts fees for filings by state chartered institutions.

IV. Requires payment of assessment by institutions seeking approval to dissolve or convert.

V. Establishes minimum interest rates tied to federal funds interest rates set by the Federal Open Market Committee.

VI. Authorizes the department to transmit consumer complaints via email rather than by certified mail.

VII. Requires an employer to provide reasonable accommodations to an employee related to the employee's pregnancy or childbirth and makes the failure to provide such accommodations an unlawful discriminatory practice.

VIII. Requires certain employers to provide access to a sufficient space and a reasonable break period for nursing mothers to express milk during working hours.

Floor Amendment to HB 610-FN

1 Amend the title of the bill by replacing it with the following:

2

3 AN ACT requiring certain licensing and reporting functions be conducted through the  
4 Nationwide Multistate Licensing System and Registry, relative to background  
5 investigations of trust officers, to certain filing fees, assessments, and interest rates,  
6 and to the transmission of consumer complaints by the banking department,  
7 requiring employers to provide certain workplace accommodations for employees, and  
8 establishing the New Hampshire housing and conservation planning program.  
9

10 Amend the bill by replacing all after section 30 with the following:

11

12 31 New Subdivision; Housing and Conservation Planning Program. Amend RSA 4-C by  
13 inserting after section 37 the following new subdivision:

14 Housing and Conservation Planning Program

15 4-C:38 Definitions. In this subdivision:

16 I. "Eligible applicant" means a single municipality or 2 or more municipalities applying  
17 together.

18 II. "Growth and development strategy" means a plan by a single municipality or 2 or more  
19 municipalities to guide community growth in a way that creates a balanced housing supply,  
20 including higher density and workforce housing opportunities, while preserving valuable natural  
21 resources and the community's quality of life through efficient and compact development.

22 III. "Phase" means one of the 4 specific phases of developing and implementing a growth and  
23 development strategy to be funded through the housing and conservation planning program.

24 IV. "Program" means the housing and conservation planning program.

25 4-C:39 Housing and Conservation Planning Program Established. There is hereby established  
26 the housing and conservation planning program, which shall be administered by the office of  
27 strategic initiatives. The program shall provide technical assistance matching grants to  
28 municipalities to plan for growth and development in a manner that permits a balanced housing  
29 stock, including higher density and workforce housing opportunities, and promotes, whenever  
30 possible the reuse of existing buildings, including historic properties, while protecting communities'  
31 natural resources through more efficient and compact development. Participation in the program is  
32 voluntary.

33 4-C:40 Program Administration; Eligible Applicants; Use of Program Funds.

34 I. Eligible applicants shall include:

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- Page 2 -

- 1 (a) Municipalities; or
- 2 (b) A group of municipalities applying together to plan on a regional basis.

3 II. Awards of program funds may be used to purchase technical assistance from third-party  
4 technical assistance providers, including but not limited to regional planning commissions, to  
5 achieve the purposes of the program.

6 4-C:41 Program Administration; Eligible Technical Assistance.

7 I. The program shall award matching grants to fund technical assistance activities in the  
8 development and implementation of a growth and development strategy. The 4 specific phases of  
9 activities are as follows:

10 (a) Phase 1: Natural and Historic Resource and Housing Data Gathering and Analysis.  
11 This phase includes:

12 (1) Understanding and mapping housing, income, and demographic data, including  
13 housing market costs, housing units needed to meet future expected growth in a municipality and  
14 the region, and the affordability of a municipality's housing for all income ranges.

15 (2) Mapping land use values, including conservation, soils, wetlands, working  
16 forests, farmlands, and other natural resources.

17 (3) Developing a build-out analysis of growth and development impacts on housing  
18 availability and natural resources.

19 (4) Mapping historic structures and buildings within communities.

20 (b) Phase 2: Development of the Growth and Development Strategy. This phase  
21 includes:

22 (1) Drafting and endorsing a growth and development strategy to guide future  
23 growth, including using land more efficiently and encouraging compact development and reuse of  
24 suitable historic and existing structures. The growth and development strategy would also identify  
25 specific areas to be conserved and to be developed.

26 (2) Engaging in a public process to develop the growth and development strategy.

27 (3) Auditing the existing master plan to identify portions that conflict with or pose a  
28 barrier to achieving the growth and development strategy.

29 (c) Phase 3: Integration of Growth and Development Strategy into the Master Plan.  
30 This phase includes:

31 (1) Rewriting or amending the master plan so that it can realistically implement the  
32 growth and development strategy.

33 (2) Adopting the revised master plan.

34 (3) Auditing existing municipal ordinances, including zoning, site-plan, and  
35 subdivision regulations, to identify conflicts with the growth and development strategy and the  
36 revised master plan.

37 (d) Phase 4: Implementation into Regulatory Framework. This phase includes:

1           (1) Rewriting and amending municipal ordinances, including zoning, site-plan, and  
2 subdivision regulations, to allow for the realistic implementation of growth and development  
3 strategy and the new master plan.

4           (2) Drafting and adopting new articles that incorporate new tools to accomplish the  
5 growth and development strategy, including transfer of development rights, density bonuses, cluster  
6 development, and inclusionary zoning.

7           (3) Seeking the adoption of the needed amendments to municipal ordinances.

8           II. Each phase shall require that:

9           (a) Municipalities address housing and conservation together in an integrated manner.

10           (b) Municipalities engage in a communication and education process that will promote  
11 informed decision-making and communicate with and educate citizens regarding the work being  
12 undertaken in each phase of the process.

13           III. Municipalities may be awarded technical assistance for only one phase at a time but  
14 may apply and obtain funding for each successive phase. Funding for future phases shall require a  
15 demonstration that the previous phase was accomplished in a manner consistent with the principles  
16 of the program. Such a showing shall also result in a priority for additional funding.

17           IV. Municipalities' initial applications for funding need not start with the first phase in the  
18 process. However, to begin with a later phase, an initial application shall demonstrate prior  
19 completion of the previous phase's work in a manner consistent with the program principles.

20           4-C:42 Rulemaking Authority. Upon the effective date of this subdivision, the office of strategic  
21 initiatives shall adopt rules, pursuant to RSA 541-A, relative to operation of the housing and  
22 conservation planning program, including:

23           I. The application process.

24           II. The amount of matching funds required and permissible sources for matching funds.

25           III. Reporting requirements by municipalities.

26           IV. Scoring criteria for awarding grants that provide a priority for applications that address  
27 growth and development on a regional basis and provide opportunities for municipalities without  
28 professional planning staff to access the program.

29           4-C:43 Housing and Conservation Planning Program Advisory Board Established.

30           I. There is hereby established the housing and conservation planning program advisory  
31 board.

32           II. The advisory board shall review and comment on proposed rules and scoring criteria used  
33 by the office of strategic initiatives to evaluate applications for matching grants.

34           III. The advisory board shall consist of:

35           (a) One member of the senate, appointed by the senate president.

36           (b) Two members of the house of representatives, appointed by the speaker of the house  
37 of representatives.

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- 1 (c) The commissioner of the department of natural and cultural resources, or designee.
- 2 (d) The commissioner of the department of business and economic affairs, or designee.
- 3 (e) The commissioner of the department of transportation, or designee.
- 4 (f) One member appointed by each of the following entities:
  - 5 (1) The New Hampshire housing finance authority.
  - 6 (2) The New Hampshire community development finance authority.
  - 7 (3) The current use board.
  - 8 (4) The land and community heritage authority.
  - 9 (5) The New Hampshire Municipal Association.
  - 10 (6) The New Hampshire Association of Regional Planning Commission Executive
  - 11 Directors.
  - 12 (7) The Business and Industry Association of New Hampshire.
  - 13 (8) Housing Action New Hampshire.
  - 14 (9) The Home Builders and Remodelers Association of New Hampshire.
  - 15 (10) The New Hampshire Preservation Alliance.
  - 16 (11) The Society for the Protection of New Hampshire Forests.
  - 17 (12) Plan NH.
  - 18 (13) New Hampshire Association of Realtors.

19 IV. Members of the advisory board shall serve without compensation, except that legislative  
20 members of the board shall receive mileage at the legislative rate when attending to the duties of the  
21 board.

22 4-C:44 Program Principles. The program shall be guided by the following principles. Awards of  
23 technical assistance funding shall be based on consistency with these principles:

- 24 I. Consistency with smart growth principles in RSA 9-B:3.
- 25 II. Development of a comprehensive growth and development strategy through which a  
26 municipality integrates housing and conservation planning.
- 27 III. Planning for the full range of current and future housing needs for families of all income  
28 levels, as encouraged in RSA 672:1, III-e.
- 29 IV. Planning for the protection of natural and historic resource values, as encouraged in  
30 RSA 36-A:2, including the preservation of working forests and farmlands as provided in RSA 672:1,  
31 III-b and III-c, and critical or sensitive natural areas and resources, including water resources as  
32 provided for in RSA 674:2, III(d).
- 33 V. Evaluating these conservation and housing issues on a community-wide, site-by-site, and  
34 regional basis.
- 35 VI. Understanding the interrelationship between natural resources and housing  
36 development in a municipality and the impact each has on the other.



**Floor Amendment to HB 610-FN**  
**- Page 5 -**

1           VII. Planning for and encouraging higher density, compact development and allowing for the  
2 infrastructure needed to support such development.

3           VIII. Planning for and encouraging reuse of existing properties, especially historic  
4 structures.

5           IX. Planning for and integrating the growth and development strategy into the  
6 municipality's master plan and implementation into regulatory structure.

7           X. Encouragement of community input and education of citizens about the growth and  
8 development strategy and the need to plan for future conservation and housing growth.

9           32 Effective Date.

10           I. Section 31 of this act shall take effect July 1, 2021.

11           II. The remainder of this act shall take effect 60 days after its passage.

2021-1791s

AMENDED ANALYSIS

This bill:

I. Requires retail sellers, sale finance companies, small loan lenders, debt adjusters, and money transmitters to license and report through NMLA, and clarifies the filing deadlines for call reports under RSA 397-A.

II. Clarifies the circumstances under which background investigations are conducted for trust executive officers, and provides for removal of directors or officers by the commissioner.

III. Adjusts fees for filings by state chartered institutions.

IV. Requires payment of assessment by institutions seeking approval to dissolve or convert.

V. Establishes minimum interest rates tied to federal funds interest rates set by the Federal Open Market Committee.

VI. Authorizes the department to transmit consumer complaints via email rather than by certified mail.

VII. Requires certain employers to provide access to a sufficient space and a reasonable break period for nursing mothers to express milk during working hours.

VIII. Establishes the New Hampshire housing and planning conservation program.

Sen. Sherman, Dist 24  
Sen. Bradley, Dist 3  
June 1, 2021  
2021-1843s  
11/08

Floor Amendment to HB 610-FN

1 Amend the title of the bill by replacing it with the following:

2

3 AN ACT requiring certain licensing and reporting functions be conducted through the  
4 Nationwide Multistate Licensing System and Registry, relative to background  
5 investigations of trust officers, to certain filing fees, assessments, and interest rates,  
6 and to the transmission of consumer complaints by the banking department,  
7 requiring employers to provide certain workplace accommodations for employees,  
8 establishing the New Hampshire housing and conservation planning program, and  
9 relative to the collaborative care model service delivery method.  
10

11 Amend the bill by replacing all after 31 with the following:

12

13 32 New Section; Accident and Health Insurance; Individual Coverage for Collaborative Care.

14 Amend RSA 415 by inserting after section 6-aa the following new section:

15 415:6-bb Individual Coverage for Collaborative Care.

16 I. In this section:

17 (a) "Mental health and substance use disorder benefits" means benefits for the  
18 treatment of any condition or disorder that involves a mental health condition or substance use  
19 disorder that falls under any of the diagnostic categories listed in the mental disorders section of the  
20 current edition of the International Classification of Disease or that is listed in the mental disorders  
21 section of the most recent version of the Diagnostic and Statistical Manual of Mental Disorders.

22 (b) "The Psychiatric Collaborative Care Model" means the evidence-based, integrated  
23 behavioral health service delivery method described at 81 Federal Register 80230 which includes a  
24 formal collaborative arrangement among a primary care team consisting of a primary care provider,  
25 a care manager, and a psychiatric consultant, and includes, but is not limited to, the following  
26 elements:

- 27 (1) Care directed by the primary care team.  
28 (2) Structured care management.  
29 (3) Regular assessments of clinical status using validated tools.  
30 (4) Modification of treatment as appropriate.

31 II. Each insurer that issues or renews any individual policy of accident or health insurance  
32 providing benefits for medical or hospital expenses, that provides coverage for mental health and  
33 substance use disorders, shall provide reimbursement to a primary care physician for the treatment

**Floor Amendment to HB 610-FN**  
**- Page 2 -**

1 of mental health and substance use disorders that are delivered through the psychiatric  
2 collaborative care model.

3 33 New Section; Accident and Health Insurance; Group Coverage for Collaborative Care.  
4 Amend RSA 415 by inserting after section 18-ee the following new section:

5 415:18-ff Group Coverage for Collaborative Care.

6 I. In this section:

7 (a) "Mental health and substance use disorder benefits" means benefits for the  
8 treatment of any condition or disorder that involves a mental health condition or substance use  
9 disorder that falls under any of the diagnostic categories listed in the mental disorders section of the  
10 current edition of the International Classification of Disease or that is listed in the mental disorders  
11 section of the most recent version of the Diagnostic and Statistical Manual of Mental Disorders.

12 (b) "The Psychiatric Collaborative Care Model" means the evidence-based, integrated  
13 behavioral health service delivery method described at 81 Federal Register 80230 which includes a  
14 formal collaborative arrangement among a primary care team consisting of a primary care provider,  
15 a care manager, and a psychiatric consultant, and includes, but is not limited to, the following  
16 elements:

- 17 (1) Care directed by the primary care team.  
18 (2) Structured care management.  
19 (3) Regular assessments of clinical status using validated tools.  
20 (4) Modification of treatment as appropriate.

21 II. Each insurer that issues or renews any policy of group or blanket accident or health  
22 insurance providing benefits for medical or hospital expenses, that provides coverage for mental  
23 health and substance use disorders, shall provide reimbursement to a primary care physician for the  
24 treatment of mental health and substance use disorders that are delivered through the psychiatric  
25 collaborative care model.

26 34 Health Service Corporations; Applicable Statutes. Amend RSA 420-A:2 to read as follows:

27 420-A:2 Applicable Statutes. Every health service corporation shall be governed by this chapter  
28 and the relevant provisions of RSA 161-H, and shall be exempt from this title except for the  
29 provisions of RSA 400-A:39, RSA 401-B, RSA 402-C, RSA 404-F, RSA 415-A, RSA 415-F, RSA 415:6,  
30 II(4), RSA 415:6-g, RSA 415:6-k, RSA 415:6-m, RSA 415:6-o, RSA 415:6-r, RSA 415:6-t, RSA 415:6-u,  
31 RSA 415:6-v, RSA 415:6-w, RSA 415:6-x, RSA 415:6-y, RSA 415:6-z, RSA 415:6-a1, **RSA 415:6-bb**,  
32 RSA 415:18, V, RSA 415:18, XVI and XVII, RSA 415:18, VII-a, RSA 415:18-a, RSA 415:18-i, RSA  
33 415:18-j, RSA 415:18-o, RSA 415:18-r, RSA 415:18-t, RSA 415:18-u, RSA 415:18-v, RSA 415:18-w,  
34 RSA 415:18-y, RSA 415:18-z, RSA 415:18-aa, RSA 415:18-bb, RSA 415:18-cc, RSA 415:18-dd, RSA  
35 415:18-ee, **RSA 415:18-ff**, RSA 415:22, RSA 417, RSA 417-E, RSA 420-J, and all applicable  
36 provisions of title XXXVII wherein such corporations are specifically included. Every health service

Floor Amendment to HB 610-FN

- Page 3 -

1 corporation and its agents shall be subject to the fees prescribed for health service corporations  
2 under RSA 400-A:29, VII.

3 35 Health Maintenance Organizations; Statutory Construction. Amend RSA 420-B:20, III to  
4 read as follows:

5 III. The requirements of RSA 400-A:39, RSA 401-B, RSA 402-C, RSA 404-F, RSA 415:6-g,  
6 RSA 415:6-m, RSA 415:6-o, RSA 415:6-r, RSA 415:6-t, RSA 415:6-u, RSA 415:6-v, RSA 415:6-w, RSA  
7 415:6-x, RSA 415:6-y, RSA 415:6-z, RSA 415:6-a1, *RSA 415:6-bb*, RSA 415:18, VII-a, RSA 415:18,  
8 XVI and XVII, RSA 415:18-i, RSA 415:18-j, RSA 415:18-r, RSA 415:18-t, RSA 415:18-u, RSA 415:18-  
9 v, RSA 415:18-w, RSA 415:18-y, RSA 415:18-z, RSA 415:18-aa, RSA 415:18-bb, RSA 415:18-cc, RSA  
10 415:18-dd, RSA 415:18-ee, *RSA 415:18-ff*, RSA 415-A, RSA 415-F, RSA 420-G, and RSA 420-J shall  
11 apply to health maintenance organizations.

12 36 Effective Date.

13 I. Section 31-35 of this act shall take effect July 1, 2021.

14 II. The remainder of this act shall take effect 60 days after its passage.

2021-1843s

AMENDED ANALYSIS

This bill:

- I. Requires retail sellers, sale finance companies, small loan lenders, debt adjusters, and money transmitters to license and report through NMLA, and clarifies the filing deadlines for call reports under RSA 397-A.
- II. Clarifies the circumstances under which background investigations are conducted for trust executive officers, and provides for removal of directors or officers by the commissioner.
- III. Adjusts fees for filings by state chartered institutions.
- IV. Requires payment of assessment by institutions seeking approval to dissolve or convert.
- V. Establishes minimum interest rates tied to federal funds interest rates set by the Federal Open Market Committee.
- VI. Authorizes the department to transmit consumer complaints via email rather than by certified mail.
- VII. Requires certain employers to provide access to a sufficient space and a reasonable break period for nursing mothers to express milk during working hours.
- VIII. Establishes the New Hampshire housing and planning conservation program.
- IX. Requires individual and group insurers to reimburse a primary care physician for the treatment of mental health and substance use disorders provided through the psychiatric collaborative care model.

# Committee Minutes

**SENATE CALENDAR NOTICE**  
**Commerce**

Sen Harold French, Chair  
Sen Bill Gannon, Vice Chair  
Sen Jeb Bradley, Member  
Sen Donna Soucy, Member  
Sen Kevin Cavanaugh, Member

Date: April 15, 2021

**HEARINGS**

Tuesday

04/20/2021

(Day)

(Date)

Commerce

REMOTE 000

9:00 a.m.

(Name of Committee)

(Place)

(Time)

9:00 a.m.	<b>HB 299</b>	relative to responsibilities of the insurance department.
9:15 a.m.	<b>HB 518</b>	relative to rebates under the law governing unfair insurance practices.
9:30 a.m.	<b>HB 520</b>	relative to e-delivery of insurance documents and commercial lines renewal notices.
9:45 a.m.	<b>HB 312</b>	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.
10:00 a.m.	<b>HB 519</b>	relative to technical changes in the laws administered by the insurance department.
10:15 a.m.	<b>HB 610-FN</b>	requiring certain licensing and reporting functions be conducted through the Nationwide Multistate Licensing System and Registry, and relative to background investigations of trust officers, to certain filing fees, assessments, and interest rates, and to the transmission of consumer complaints by the banking department.



Committee members will receive secure Zoom invitations via email.

Members of the public may attend using the following links:

1. Link to Zoom Webinar: <https://www.zoom.us/j/99935596171>
2. To listen via telephone: Dial (for higher quality, dial a number based on your current location): 1-646-558-8656, or 1-301-715-8592, or 1-312-626-6799, or 1-669-900-9128, or 1-253-215-8782, or 1-346-248-7799
3. Or iPhone one-tap: 16465588656,,99935596171# or 13017158592,,99935596171#
4. Webinar ID: 999 3559 6171
5. To view/listen to this hearing on YouTube, use this link:  
<https://www.youtube.com/channel/UCiBZdtriRnQdmg-2MPMiWrA>
6. To sign in to speak, register your position on a bill and/or submit testimony, use this link:  
<http://gencourt.state.nh.us/remotecommittee/senate.aspx>

The following email will be monitored throughout the meeting by someone who can assist with and alert the committee to any technical issues: [remotesenate@leg.state.nh.us](mailto:remotesenate@leg.state.nh.us) or call (603-271-6931).

**EXECUTIVE SESSION MAY FOLLOW**

**Sponsors:**

**HB 299**

Rep. Potucek

**HB 518**

Rep. Infantine

**HB 520**

Rep. Bartlett

Rep. Hunt

Sen. Cavanaugh

**HB 312**

Rep. Hunt

**HB 519**

Rep. Hunt

**HB 610-FN**

Rep. Hunt

Aaron Jones 271-4063

Harold F. French  
Chairman

# Senate Commerce Committee

*Aaron Jones 271-4063*

**HB 610-FN**, requiring certain licensing and reporting functions be conducted through the Nationwide Multistate Licensing System and Registry, and relative to background investigations of trust officers, to certain filing fees, assessments, and interest rates, and to the transmission of consumer complaints by the banking department.

**Hearing Date:** April 20, 2021

**Time Opened:** 10:15 a.m.

**Time Closed:** 10:22 a.m.

**Members of the Committee Present:** Senators French, Gannon, Bradley, Soucy and Cavanaugh

**Members of the Committee Absent :** None

**Bill Analysis:** This bill:

I. Requires retail sellers, sale finance companies, small loan lenders, debt adjusters, and money transmitters to license and report through NMLA, and clarifies the filing deadlines for call reports under RSA 397-A.

II. Clarifies the circumstances under which background investigations are conducted for trust executive officers, and provides for removal of directors or officers by the commissioner.

III. Adjusts fees for filings by state chartered institutions.

IV. Requires payment of assessment by institutions seeking approval to dissolve or convert.

V. Establishes minimum interest rates tied to federal funds interest rates set by the Federal Open Market Committee.

VI. Authorizes the department to transmit consumer complaints via email rather than by certified mail.

This bill is a request of the banking department.

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**Sponsors:**  
Rep. Hunt

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**Who supports the bill:** Representative John Potucek, Commissioner Jerry Little (NH Banking Department), Chiara Dolcino (NH Banking Department), Raeleen Schutte (NH Banking Department), Todd Wells (NH Banking Department), Ryan Hale (NH Bankers), Tom Prasol (Mortgage Bankers & Brokers Association of NH), Glenn Perlow (NH Trust Council), Dave Collins (NH Credit Unions)

**Who opposes the bill:** No one

**Who is neutral on the bill:** No one

**Summary of testimony presented in support:**

Senator Bill Gannon

- On behalf of Representative Hunt, Senator Gannon introduced HB 610-FN.

Chiara Dolcino, General Counsel, New Hampshire Banking Department

- Attorney Dolcino said this bill is aimed at improving efficiency, eliminating waste, and improving the regulation of trust companies.
- Like HB 312, many of these changes were introduced last session; however, they were vetoed.
- Sections 1 through 15 would transition every consumer credit licensee to the MLS platform for licensing, renewing licenses, and filing reports.
  - Presently, there are dual systems used for licensing and report filing, which has become cumbersome for the department; therefore, this transition will improve efficiency.
  - Many of these provisions were introduced in last year's HB 1437; however, given the pandemic, the bill was laid on the table in the Senate.
- Sections 16 through 19 would authorize the Commissioner to have new trust directors at trust companies submit to and cover the cost of a background check. Additionally, the Commissioner would be authorized to remove a director or officer of a trust company or a family trust company if it's necessary.
  - These changes were incorporated in last year's HB 1695, which originated from recommendations made by the SB 98 study committee.
- Section 20 would increase the fee for new charter filing applications from \$10,000 to \$15,000. Also, this section would give the Commissioner authority to impose additional fees if an application is difficult or if it's taking a significant amount of time to process. Attorney Dolcino said these changes would help prevent cost shifting by placing the cost of reviewing applications on the company filing them.
  - Presently, costs are shifted to all financial institutions at the end of the year when they pay their assessment.
  - These changes were requested in last year's HB 1696.
- Section 21 would clarify that a dissolved institution or an institution converting to a federal charter is responsible for paying their assessment. Additionally, the Commissioner would be granted flexibility in determining whether that

assessment will be paid in advance, after an institution has dissolved, or after it has converted to a federal charter.

- Section 22 would link escrow fund interest rates to the Federal Open Market Committee interest rates, which are publicly posted.
  - Currently, the department is responsible for calculating the interest rates that apply to escrow funds.
- Finally, sections 23 through 28 permit the department to transmit consumer complaints via e-mail.
  - Presently, the department must transmit complaints via certified mail, which Attorney Dolcino said has become cumbersome.
  - This specific change was proposed in last year's HB 1437.

**Summary of testimony presented in opposition:** None

**Neutral Information Presented:** None

AJ

Date Hearing Report completed: April 22, 2021

# Speakers

# Commerce Committee Testify List for Bill HB610 on 2021-04-20

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

<u>Name</u>	<u>Email Address</u>	<u>Phone</u>	<u>Title</u>	<u>Representing</u>	<u>Position</u>	<u>Testifying</u>
Little, Jerry	Gerald.H.Little@banking.nh.gov	603.271.8684	State Agency Staff	NH Banking Department	Support	Yes
Dolcino, Chiara (Key-are-rah)	chiara.g.dolcino@banking.nh.gov	271-3561	State Agency Staff	NH Banking Department	Support	Yes
Little, Commissioner Gerald	gerald.h.little@banking.nh.gov	271-3562	State Agency Staff	NH Banking Department	Support	No
Schutte, Raeleen	raeleen.schutte@banking.nh.gov	271-3562	State Agency Staff	NH Banking Department	Support	No
Wells, Todd	todd.a.wells@banking.nh.gov	271-3562	State Agency Staff	NH Banking Department	Support	No
Hale, Ryan	rhale@nhbankers.com	Not Given	A Lobbyist	NH Bankers	Support	No
Prasol, Tom	Thomas.Prasol@Demers-Prasol.com	603.228.1498	A Lobbyist	Mortgage Bankers and Brokers Assoc. of New Hampshire	Support	No
Potucek, John	potucek1@comcast.net	16034329049	An Elected Official	Myself	Support	No
COLLINS, DAVID	dgc@rypgranite.com	603.491.8434	A Lobbyist	NH Credit Unions	Support	No
Perlow, Glenn	glenn.perlow@nhtrustcouncil.com	Not Given	A Lobbyist	NH Trust Council	Support	No

# 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

April 20, 2021

## Testimony of the New Hampshire Banking Department on HB 610 Senate Commerce Committee

The changes requested by the New Hampshire Banking Department in HB 610 are aimed at improving the regulation of trust companies, eliminating waste and inefficiencies, and reducing the costs associated with various regulatory processes or more equitably allocating those costs. The proposed amendments affect licensed and chartered institutions.

There will be no overall fiscal impact as the Banking Department is self-funded and its costs and expenses are paid through collection of fees, fines and penalties and then any remaining deficiency is covered by an annual assessment on consumer credit licensees and chartered financial institutions. Therefore, any cost savings or additional fees collected as a result of HB 610 would in turn, reduce dollar for dollar, the assessment imposed on state chartered institutions and licensees under RSA 383:11, II.

The following table summarizes the changes requested.

Bill Section(s)	Purpose and Summary of Requested Amendments
1-15	<p><b>Requires retail sellers, sale finance companies, small loan lenders, debt adjusters, and money transmitters to license and report through NMLS, and clarifies the filing deadlines for call reports</b></p> <ul style="list-style-type: none"> <li>Existing law requires mortgage loan originators, mortgage bankers, brokers, and servicers to license and to file reports through the Nationwide Multistate Licensing System and Registry (NMLS), but makes filing through NMLS optional for other licenses.</li> <li>Amendments proposed will require all retail sellers, sale finance companies, small loan lenders, debt adjusters, and money transmitters to license and file reports through NMLS and will clarify filing deadlines for reports filed by mortgage licensees.</li> <li>Currently the Department operates under two licensing systems and seeks to transition to a single licensing platform.</li> <li>These same amendments regarding money transmitters were requested in the 2020 session in HB 1437. HB 1437 passed both the House and Senate, but was included in an omnibus bill that was ultimately vetoed by the Governor.</li> </ul>
16-19	<p><b>Clarifies the circumstances under which background investigations are conducted for trust executive officers, and provides for removal of directors or officers by the commissioner.</b></p> <ul style="list-style-type: none"> <li>Requires that new trust directors submit to and pay the cost of background investigation/criminal history records checks.</li> <li>Grants the Bank Commissioner authority to remove directors and officers of trust companies and family trust companies if necessary.</li> </ul>



	<ul style="list-style-type: none"> <li>• These are the same amendments requested in HB 1695 last session, which legislation was the product of the SB 98 Study Committee (convened 2019). HB 1695 passed both the House and Senate, but was included in an omnibus bill that was ultimately vetoed by the Governor.</li> <li>• The cost of background investigations at time of charter are currently paid by the applicant, but the amendments would impose a new background investigation occurring after initial charter, when new directors are appointed.</li> </ul>
20	<p><b>Adjusts fees for filings by state chartered institutions</b></p> <ul style="list-style-type: none"> <li>• Increases the fee for applications to charter new trust companies, banks or credit unions from \$10,000 to \$15,000, and authorizes additional charges if needed.</li> <li>• These are the same amendments requested in HB 1696 last session, as a result of the SB 98 Study Committee, with one change made at the request of industry representatives. HB 1696 passed both the House and Senate, but was included in an omnibus bill that was ultimately vetoed by the Governor.</li> </ul>
21	<p><b>Requires payment of assessment by institutions seeking approval to dissolve or convert.</b></p> <ul style="list-style-type: none"> <li>• Applicable when an institution is dissolving or converting from state to federal charter.</li> <li>• Clarifies that institutions surrendering their charter have a responsibility to pay their share of incurred assessments.</li> </ul>
22	<p><b>Establishes minimum interest rates tied to federal funds interest rates set by the Federal Open Market Committee.</b></p> <ul style="list-style-type: none"> <li>• Proposed amendments will tie interest rates for escrowed funds (used to pay taxes and insurance on mortgaged property) to the publicly posted federal funds interest rate.</li> <li>• Will eliminate the Department's calculation of this interest rate and associated reporting currently required of depository banks to develop the interest rate.</li> </ul>
23-28	<p><b>Authorizes the department to transmit consumer complaints via email rather than by certified mail.</b></p> <ul style="list-style-type: none"> <li>• Proposed amendments will reduce the time and costs associated with addressing consumer complaints.</li> <li>• All licensed and chartered financial institutions are currently required to provide and update the contact information for persons responsible for addressing consumer complaints.</li> <li>• For example, at time of licensure retail sellers and sales finance companies must provide the contact information and RSA 361-A:2, XII, imposes a continuing obligation on the licensee to update this contact information.</li> <li>• These are the same amendments requested by the Department in the 2020 session in HB 1437. HB 1437 passed both the House and Senate, but was included in an omnibus bill that was ultimately vetoed by the Governor.</li> </ul>

# New Hampshire Credit Unions



*Creating Cooperative Power*

SENATE COMMERCE COMMITTEE  
PUBLIC HEARING  
APRIL 20, 2021

A STATEMENT BY DAVID COLLINS ON BEHALF OF  
NEW HAMPSHIRE CREDIT UNIONS  
IN SUPPORT  
HB 610

**AN ACT REQUIRING CERTAIN LICENSING AND REPORTING FUNCTIONS BE CONDUCTED THROUGH THE NATIONWIDE MULTISTATE LICENSING SYSTEM AND REGISTRY, AND RELATIVE TO BACKGROUND INVESTIGATIONS OF TRUST OFFICERS, TO CERTAIN FILING FEES, ASSESSMENTS, AND INTEREST RATES, AND TO THE TRANSMISSION OF CONSUMER COMPLAINTS BY THE BANKING DEPARTMENT**

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 610, *An Act Relative to Certain Licensing and Reporting Functions be Conducted Through the Nationwide Multistate Licensing System and Registry, and Relative to Background Investigations of Trust Officers, to Certain Filing Fees, Assessments, and Interest Rates, and to the Transmission of Consumer Complaints by the Banking Department.*

New Hampshire credit unions are pleased to offer comments in support of Sections 21 and 24 of the bill which directly impact credit unions and relate to examination costs and consumer complaints. The Association notes that this measure has been the subject of a public hearing on January 26, 2021 before the House Commerce and Consumer Affairs Committee. Favorable comments were also offered by local credit unions at that time on the efforts of the New Hampshire Banking Department's ("Banking Department") to address examination costs and consumer complaints.

## **I. Section 21: Examination Costs**

Section 21 of HB 610 addresses the responsibilities of state-chartered institutions, including credit unions, to pay certain incurred assessments in the event of a charter dissolution or conversion. These provisions have been introduced for the first time this session.

It is the understanding of the Association that the provisions in the bill codify current practice. As such, Association members remain vigilant over the impact of this provision, triggered by a charter conversion, on the Banking Department's budget, examination costs and the annual assessment. The Department's longstanding and continuing commitment to contain costs

wherever practicable and to strive for equitable assessments is welcome and underscores the basis for credit union support.

## **II. Section 24: Consumer Complaints**

Section 24 of HB 610 is consistent with language proposed last session and the Association notes that its thrust is to authorize the Banking Department to transmit consumer complaints to state chartered institutions, including credit unions, using expanded mail options. Proposed mail options include email/electronic mail or certified mail.

As stalwarts of member privacy and the protection of personal financial information, credit unions have robust electronic mail security protocols in place that will not transmit any data containing elements of non-public information ("NPI"). As an example, a document that contains a series of numbers that are or appear to be a Social Security number will be identified, blocked, and remain undelivered.

While controls are in place in most systems that allow credit union staff to review items prior to allowing for their transmittal, the process is manual and timely. As many credit unions use similar email processes, complaint documentation may contain information an email system identifies as NPI. Under such circumstances, it is foreseeable that the transmittal of sensitive complaint data to a credit union may be challenged or communications may be blocked. Complications and delays may result as credit unions may not be aware of the issue thereby extending response deadlines, and importantly, impairing their ability to assist the members in understanding and resolving issues.

To avoid such unintended consequences, and in recognition of the Banking Department's shared support of credit union goals to preserve the optimum security of private member information, a secure electronic portal is contemplated to be used in the transmission process of consumer complaints. As such, New Hampshire credit unions support this legislation and a secure electronic transmittal option such as the state's file transfer protocol ("FTP") site.

## **III. Conclusion**

New Hampshire credit unions support these provisions in 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 610.

# Voting Sheets

**Senate Commerce Committee**  
**EXECUTIVE SESSION RECORD**  
*2021-2022 Session*

Bill # HB 610-FN

Hearing date: 4/20/21

Executive Session date: 5/4/21

Motion of: OTP Vote: 5-0

Committee Member	Made by	Second	Yes	No
Sen. French, Chair	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Gannon, V-Chair	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Bradley	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Cavanaugh	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Soucy	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Motion of: CONSENT Vote: 5-0

Committee Member	Made by	Second	Yes	No
Sen. French, Chair	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Gannon, V-Chair	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Bradley	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Cavanaugh	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Soucy	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Motion of: \_\_\_\_\_ Vote: \_\_\_\_\_

Committee Member	Made by	Second	Yes	No
Sen. French, Chair	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Gannon, V-Chair	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Bradley	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Cavanaugh	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Soucy	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Reported out by: SEN. BRADLEY

Notes: \_\_\_\_\_  
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# Committee Report

STATE OF NEW HAMPSHIRE

SENATE

REPORT OF THE COMMITTEE  
FOR THE CONSENT CALENDAR

Wednesday, May 5, 2021

THE COMMITTEE ON Commerce

to which was referred **HB 610-FN**

AN ACT

requiring certain licensing and reporting functions be conducted through the Nationwide Multistate Licensing System and Registry, and relative to background investigations of trust officers, to certain filing fees, assessments, and interest rates, and to the transmission of consumer complaints by the banking department.

Having considered the same, the committee recommends that the Bill

OUGHT TO PASS

BY A VOTE OF: 5-0

Senator Jeb Bradley  
For the Committee

This bill was filed at the request of the New Hampshire Banking Department. Sections 1 through 15 would transition all consumer credit licensees to the Nationwide Multistate Licensing System and Registry platform for the purposes of licensing, renewal of licenses, and report filing. Sections 16 through 19 would authorize the Commissioner to have new trust directors at trust companies submit to and cover the cost of their own background check. Also, the Commissioner would have the authority to remove a director or officer of a trust company or a family trust company. Section 20 would increase new charter application fees to \$15,000 to help prevent cost shifting. Section 21 would clarify that a dissolved institution or an institution converting to a federal charter is responsible for paying their assessment. Section 22 would tie escrow fund interest rates to the interest rates of the Federal Open Market Committee. Finally, sections 23 through 28 would allow the department to transmit consumer complaints via email.

Aaron Jones 271-4063



## General Court of New Hampshire - Bill Status System

**Docket of HB610**

Docket Abbreviations

**Bill Title:** (Fourth New Title) requiring certain licensing and reporting functions be conducted through the Nationwide Multistate Licensing System and Registry, relative to background investigations of trust officers, to certain filing fees, assessments, and interest rates, and to the transmission of consumer complaints by the banking department, requiring employers to provide certain workplace accommodations for employees, establishing the New Hampshire housing and conservation planning program, and relative to the collaborative care model service delivery method.

*Official Docket of HB610.:*

<b>Date</b>	<b>Body</b>	<b>Description</b>
1/14/2021	H	<b>Introduced</b> (in recess of) 01/06/2021 and referred to Commerce and Consumer Affairs <b>HJ 2 P. 56</b>
1/20/2021	H	Public Hearing: 01/26/2021 09:00 am Members of the public may attend using the following links To join the webinar: <a href="https://www.zoom.us/j/98678901926">https://www.zoom.us/j/98678901926</a> / Executive session on pending legislation may be held throughout the day (time permitting) from the time the committee is initially convened.
1/27/2021	H	Executive Session: 02/03/2021 01:15 pm Members of the public may attend using the following link: To join the webinar: <a href="https://www.zoom.us/j/91813981191">https://www.zoom.us/j/91813981191</a>
2/16/2021	H	Committee Report: Ought to Pass (Vote 19-0; CC) <b>HC 12 P. 3</b>
2/24/2021	H	<b>Ought to Pass:</b> MA VV 02/24/2021 <b>HJ 3 P. 4</b>
2/24/2021	H	Referred to Ways and Means 02/24/2021 <b>HJ 3 P. 4</b>
3/10/2021	H	Public Hearing: 03/10/2021 09:30 am Members of the public may attend using the following link: To join the webinar: <a href="https://www.zoom.us/j/99357402693">https://www.zoom.us/j/99357402693</a> / Executive session on pending legislation may be held throughout the day (time permitting) from the time the committee is initially convened.
3/30/2021	H	Committee Report: Ought to Pass (Vote 24-0; CC) <b>HC 18 P. 25</b>
4/7/2021	H	<b>Ought to Pass:</b> MA VV 04/07/2021 <b>HJ 5 P. 50</b>
4/7/2021	H	Reconsider (Rep. Osborne): MF VV 04/07/2021 <b>HJ 5 P. 50</b>
4/7/2021	S	Introduced 04/01/2021 and Referred to Commerce; <b>SJ 11</b>
4/15/2021	S	Remote <b>Hearing:</b> 04/20/2021, 10:15 am; Links to join the hearing can be found in the Senate Calendar; <b>SC 20</b>
5/5/2021	S	Committee Report: Ought to Pass, 05/13/2021; Vote 5-0; CC; <b>SC 23</b>
5/13/2021	S	Sen. Bradley Moved to Remove HB 610 from the Consent Calendar; 05/13/2021; <b>SJ 15</b>
5/13/2021	S	Special Order to Next Session, Without Objection, MA; 05/13/2021; <b>SJ 15</b>
5/13/2021	S	Committee Report: Ought to Pass, 05/20/2021; <b>SC 24</b>
5/20/2021	S	Special Order to Next Session, Without Objection, MA; 05/20/2021; <b>SJ 16</b>
5/20/2021	S	Committee Report: Ought to Pass, 05/27/2021; <b>SC 25</b>
5/27/2021	S	Sen. Perkins Kwoka Floor Amendment <b>#2021-1676s</b> , AA, VV; 05/27/2021; <b>SJ 17</b>
5/27/2021	S	Sen. Bradley Floor Amendment <b>#2021-1768s</b> , AA, VV; 05/27/2021; <b>SJ 17</b>

5/27/2021	S	<b>Ought to Pass with Amendments</b> 2021-1676s and 2021-1768s, MA, VV; OT3rdg; 05/27/2021; <b>SJ 17</b>
5/27/2021	S	The Chair rescinded OT3rdg, 05/27/2021; <b>SJ 17</b>
5/27/2021	S	Sen. Perkins Kwoka Floor Amendment <b>#2021-1791s</b> , AA, VV; 05/27/2021; <b>SJ 17</b>
5/27/2021	S	<b>Ought to Pass with Amendments</b> 2021-1676s, 2021-1768s, and 2021-1791s, MA, VV; OT3rdg; 05/27/2021; <b>SJ 17</b>
6/3/2021	S	Sen. Bradley Moved Reconsideration on Third Reading and Final Passage and Rescind Order to Third Reading, MA, VV; 06/03/2021; <b>SJ 18</b>
6/3/2021	S	Sen. Sherman Floor Amendment <b>#2021-1843s</b> , AA, VV; 06/03/2021; <b>SJ 18</b>
6/3/2021	S	<b>Ought to Pass with Amendment</b> 2021-1843s, MA, VV; OT3rdg; 06/03/2021; <b>SJ 18</b>
6/4/2021	S	Without Objection, the Clerk is authorized to make technical and administrative corrections which are necessary to reflect the intent of the Senate, Relative to Bills and Amendments Passed Today, MA; 06/03/2021; <b>SJ 18</b>
6/7/2021	H	House Non-Concurs with Senate Amendment 2021-1676s and 2021-1768s and 2021-1791s and 2021-1843s and Requests CofC (Reps. Hunt, Potucek, Ammon, Bartlett): MA VV 06/04/2021 <b>HJ 9 P. 50</b>
6/10/2021	S	Sen. French Accedes to House Request for Committee of Conference, MA, VV; 06/10/2021; <b>SJ 19</b>
6/10/2021	S	President Appoints: Senators Bradley, Gannon, Sherman; 06/10/2021; <b>SJ 19</b>
6/17/2021	H	Conferee Change: Rep. Osborne Replaces Rep. Bartlett 06/10/2021 <b>HJ 10 P. 23</b>
6/16/2021	H	Conference Committee Meeting: 06/16/2021 10:00 am LOB 306-308
6/17/2021	S	Conferee Change; Senator Morse Replaces Senator Sherman; <b>SJ 20</b>
6/17/2021	S	Conference Committee Report Filed, <b>#2021-2015c</b> ; 06/24/2021
6/24/2021	S	Conference Committee Report <b>#2021-2015c</b> ; <b>RC 23Y-1N</b> , Adopted; 06/24/2021; <b>SJ 20</b>
6/24/2021	H	Conference Committee Report 2021-2015c: Adopted, VV 06/24/2021
7/21/2021	S	Enrolled Bill Amendment <b>#2021-2076e</b> Adopted, VV, (In recess of 06/24/2021); <b>SJ 20</b>
7/23/2021	H	Enrolled Bill Amendment <b>#2021-2076e</b> : AA VV (in recess of) 06/24/2021
7/28/2021	S	Enrolled Adopted, VV, (In recess 06/24/2021); <b>SJ 20</b>
7/28/2021	H	Enrolled (in recess of) 06/24/2021
8/16/2021	H	Signed by Governor Sununu 08/10/2021; Chapter 194; Eff: 10/09/2021

NH House

NH Senate

# Other Referrals

1 Committee of Conference Report on HB 610-FN, requiring certain licensing and reporting functions  
2 be conducted through the Nationwide Multistate Licensing System and Registry, and relative to  
3 background investigations of trust officers, to certain filing fees, assessments, and interest rates, and  
4 to the transmission of consumer complaints by the banking department.

5

6 Recommendation:

7

8 That the House recede from its position of nonconcurrence with the Senate amendment, and

9 That the Senate recede from its position in adopting its amendment to the bill, and

10 That the Senate and House each pass the bill as passed by the House.

The signatures below attest to the authenticity of this Report on HB 610-FN, requiring certain  
licensing and reporting functions be conducted through the Nationwide Multistate Licensing System  
and Registry, and relative to background investigations of trust officers, to certain filing fees,  
assessments, and interest rates, and to the transmission of consumer complaints by the banking  
department.

Conferees on the Part of the Senate

Conferees on the Part of the House

\_\_\_\_\_  
Sen. Bradley, Dist. 3

\_\_\_\_\_  
Rep. Hunt, Ches. 11

\_\_\_\_\_  
Sen. Gannon, Dist. 23

\_\_\_\_\_  
Rep. Potucek, Rock. 6

\_\_\_\_\_  
Sen. Morse, Dist. 22

\_\_\_\_\_  
Rep. Ammon, Hills. 40

\_\_\_\_\_  
Rep. Osborne, Rock. 4

2021-2015-CofC

AMENDED ANALYSIS

This bill:

I. Requires retail sellers, sale finance companies, small loan lenders, debt adjusters, and money transmitters to license and report through NMLA, and clarifies the filing deadlines for call reports under RSA 397-A.

II. Clarifies the circumstances under which background investigations are conducted for trust executive officers, and provides for removal of directors or officers by the commissioner.

III. Adjusts fees for filings by state chartered institutions.

IV. Requires payment of assessment by institutions seeking approval to dissolve or convert.

V. Establishes minimum interest rates tied to federal funds interest rates set by the Federal Open Market Committee.

VI. Authorizes the department to transmit consumer complaints via email rather than by certified mail.

This bill is a request of the banking department.

July 15, 2021  
2021-2076-EBA  
05/08

Enrolled Bill Amendment to HB 610-FN

The Committee on Enrolled Bills to which was referred HB 610-FN

AN ACT

requiring certain licensing and reporting functions be conducted through the Nationwide Multistate Licensing System and Registry, relative to background investigations of trust officers, to certain filing fees, assessments, and interest rates, and to the transmission of consumer complaints by the banking department, requiring employers to provide certain workplace accommodations for employees, establishing the New Hampshire housing and conservation planning program, and relative to the collaborative care model service delivery method.

Having considered the same, report the same with the following amendment, and the recommendation that the bill as amended ought to pass.

FOR THE COMMITTEE

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Explanation to Enrolled Bill Amendment to HB 610-FN

This enrolled bill amendment makes a technical correction.

Enrolled Bill Amendment to HB 610-FN

Amend section 1 of the bill by replacing line 4 with the following:

VII-a. "Nationwide Multistate Licensing System and Registry" means a national licensing

**Senate Inventory Checklist for Archives**

Bill Number: HB 610-FN

Senate Committee: COMMERCE

Please include all documents in the order listed below and indicate the documents which have been included with an "X" beside

Final docket found on Bill Status

**Bill Hearing Documents: (Legislative Aides)**

Bill version as it came to the committee

All Calendar Notices

Hearing Sign-up sheet(s)

Prepared testimony, presentations, & other submissions handed in at the public hearing

Hearing Report

Revised/Amended Fiscal Notes provided by the Senate Clerk's Office

**Committee Action Documents: (Legislative Aides)**

All amendments considered in committee (including those not adopted):

\_\_\_ - amendment # \_\_\_      \_\_\_ - amendment # \_\_\_

\_\_\_ - amendment # \_\_\_      \_\_\_ - amendment # \_\_\_

Executive Session Sheet

Committee Report

**Floor Action Documents: (Clerk's Office)**

All floor amendments considered by the body during session (only if they are offered to the senate):

- amendment # 1843s       - amendment # 1676s

- amendment # 1791s      \_\_\_ - amendment # 1768s

**Post Floor Action: (if applicable) (Clerk's Office)**

Committee of Conference Report (if signed off by all members. Include any new language proposed by the committee of conference): 2021-2015

Enrolled Bill Amendment(s) 2021-2076

\_\_\_ Governor's Veto Message

**All available versions of the bill: (Clerk's Office)**

as amended by the senate      \_\_\_ as amended by the house

final version

Completed Committee Report File Delivered to the Senate Clerk's Office By:

Aaron Jones  
Committee Aide

7/21/21  
Date

Senate Clerk's Office [Signature]