

April 20, 2006
No. 16

STATE OF NEW HAMPSHIRE

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Legislative

SENATE CALENDAR

REPORTS, AMENDMENTS, HEARINGS,
MEETINGS AND NOTICES

**THE SENATE WILL MEET IN SESSION ON WEDNESDAY, MAY 3, 2006
AT 10:00 A.M. AND ON THURSDAY, MAY 4, 2006 AT 10:00 A.M.**

LAID ON THE TABLE

SB 240, relative to transmission poles or structures on public highways. **3/9/06, pending motion ITL, Energy and Economic Development, SJ 7, pg. 157**

SB 243, establishing a commission to study rural transit in New Hampshire. **3/9/06, pending motion OTP, Energy and Economic Development, SJ 7, pg. 157**

SB 247, establishing a right to work act which provides for freedom of choice on whether to join a labor union. **3/22/06, pending motion Committee Amendment (1372s), Banks and Insurance, SJ 9, pg. 236**

SB 248, establishing a committee to study the issuance of dealer plates to bonded motor vehicle dealers. **2/2/06, pending motion OTP, Transportation & Interstate Cooperation, SJ 3, pg. 76**

SB 292-FN, relative to permits for combustion of certain waste. **3/9/06, pending motion ITL, Energy and Economic Development, SJ 7, pg. 157**

SB 309-FN-A, (New Title) establishing a commission to study inclusion of service as a part-time district court judge in the calculation of retirement benefits. **3/16/06, pending motion OTP, Finance, SJ 8, pg. 199**

SB 316-FN-L, requiring interpretation services upon request for persons receiving medical treatment. **2/16/06, pending motion Committee Amendment (0897s), Health and Human Services, SJ 5, pg. 100**

SB 331, relative to certain small loans. **03/22/06, pending motion Ought to pass as Amended, Banks and Insurance, SJ 9, pg. 255**

SB 338, relative to insurance coverage for childrens' early intervention therapy services. **3/22/06, pending motion Interim Study, Banks and Insurance, SJ 9, pg. 255**

SB 360-FN-A, establishing a surcharge on real estate transfers for deposit in the family stability fund and renaming the homeless prevention program the family stability program. **2/9/06, pending motion ITL, Public and Municipal Affairs, SJ 4, pg. 85**

SB 365-FN, relative to the lottery commission. **03/16/06, pending motion Committee Amendment (1343s), Finance, SJ 8, pg. 199**

SB 375-FN, relative to the executive branch code of ethics and establishing an executive branch ethics committee. **2/23/06, pending motion Interim Study, Internal Affairs, SJ 6, pg. 124**

SB 381-FN-A-L, expanding business tax credits to enhance research and development. **3/9/06, pending motion Interim Study, Finance, SJ 7, pg. 165**

SB 385-FN, relative to the membership and administration of the board of trustees of the New Hampshire retirement system, and relative to supplemental allowances. **3/22/06, pending motion Committee Amendment (1415s), Finance, SJ 9, pg. 225**

SB 401-FN, relative to the Hanover-Lebanon District Court. **3/9/06, pending motion Ought to Pass as Amended, SJ 7, pg. 176**

SB 402-FN-A, relative to payment of unreimbursed storm-related damages incurred by the town of Hanover and affected surrounding towns and making an appropriation therefor. **3/22/06, pending motion ITL, Finance, SJ 9, pg. 265**

SB 406-FN-A, establishing a manufacturer's tax on cigarettes sold in New Hampshire. **3/22/06, pending motion Committee Amendment (1473s), Finance, SJ 9, pg. 235**

SCR 8, declaring the general court in opposition to the federal Real ID Act of 2005. **3/9/06, pending motion OTP, Internal Affairs, SJ 7, pg. 166**

CACR 43, relating to the cost of education. Providing that the legislature shall determine and define the content, extent, and funding of education. **3/22/06, pending motion Ought to Pass as Amended, Finance, SJ 9, pg. 213**

HB 175, (New Title) relative to divestiture of PSNH generation assets, establishing an energy policy task force, and establishing a fund for the costs of the energy policy task force. **2/16/06, pending motion Committee Amendment (0814s), Energy and Economic Development, SJ 5, pg. 94**

HB 177, relative to home improvement contracts. **2/2/06, pending motion Ought to Pass as Amended, Public and Municipal Affairs, SJ 3, pg. 60**

HB 270, relative to procedures of the legislative ethics committee. **1/18/06, pending motion OTP, Internal Affairs, SJ 2, pg. 49**

HB 312, (New Title) relative to the appointment of parenting coordinators. **3/16/06, pending motion OTP, Health and Human Services, SJ 8, pg. 192**

HB 325, (New Title) relative to proceedings under the Child Protection Act. **3/16/06, pending motion Committee Amendment (1277s), Health and Human Services, SJ 8, pg. 193**

HB 385, (New Title) establishing a committee to study the adequacy of current substance abuse treatment available in the state prison system. **3/22/06, pending motion OTP, Public and Municipal Affairs, SJ 9, pg. 303**

HB 578, (New Title) relative to the current use advisory board and relative to construction or development constituting a change in use for purposes of assessing the land use change tax. **2/23/06, pending motion Committee Amendment (0976s), Environment and Wildlife, SJ 6, pg. 121**

HB 621-FN, requiring disclosure of gifts and campaign contributions by lobbyists. **4/6/06, pending motion Inexpedient to Legislate, Public and Municipal Affairs, SJ 10, pg. 330**

HB 669-FN, (New Title) establishing a committee to study state laboratory water tests and fees for such tests collected by the department of environmental services. **3/16/06, pending motion Committee Amendment (1299s), Energy and Economic Development, SJ 8, pg. 186**

HB 1121-L, (New Title) establishing a committee to study rulemaking and licensure issues relative to assisted living and residential care. **4/6/06, pending motion Committee Amendment (1565s), Health and Human Services, SJ 10, pg. 330**

HB 1140, establishing a committee to study the establishment and enforcement of protection zones for nesting loons. **4/6/06, pending motion Committee Amendment (1515s), Environment and Wildlife, SJ 10, pg. 321**

HB 1146, establishing a committee to study renewable portfolio standards. **4/6/06, pending motion Ought to Pass, Energy and Economic Development, SJ 10 pg. 319**

HB 1166, relative to electronic ballot counting machines. **4/13/06, pending motion Interim Study, Internal Affairs, SJ 11, pg. TBA**

HB 1168, establishing a commission to determine how to optimize boating safety on water bodies. **4/13/06, pending motion Committee Amendment (1650s), Transportation and Interstate Cooperation, SJ 11 pg. TBA**

HB 1198, establishing a committee to study highway rest areas. **3/09/06, pending motion OTP, Transportation and Interstate Cooperation, SJ 7, pg. 177**

HB 1209, relative to notification requirements for criminal offenders. **4/13/06, pending motion OTP, Education, SJ 11, pg. TBA**

HB 1214, (New Title) establishing a study committee to identify and assess community-based, educational and social/human services programs that serve families with children 8 years old and younger. **4/13/06, pending motion OTP, Education, SJ 11, pg. TBA**

HB 1221-FN, (New Title) relative to recovery of medical assistance. **4/13/06, pending motion Interim Study, Judiciary, SJ 11, pg. TBA**

HB 1264, establishing an advisory committee to study the information practices act and establishing a temporary moratorium on reports filed under the information practices act. **4/6/06, pending motion OTP, Executive Departments and Administration, SJ 10, pg. 323**

HB 1269, relative to the taking of red deer or elk. **4/13/06, pending motion ITL, Environment and Wildlife, SJ 11, pg. TBA**

HB 1279, establishing a committee to study state medicaid reimbursement. **3/22/06, pending motion Committee amendment (1391s), Ways and Means, SJ 9, pg. 304**

HB 1298, (New Title) establishing a study committee to evaluate disciplinary procedures of the board of medicine. **4/6/06, pending motion Committee Amendment (1592s), Executive Departments and Administration, SJ 10, pg. 324**

HB 1332, (New Title) establishing a commission to study health care in New Hampshire correctional facilities. **4/13/06, pending motion OTP, Judiciary, SJ 11, pg. TBA**

HB 1334, establishing a committee to study the effect on the unemployment compensation trust fund of employers with negative balance separate accounts. **4/6/06, pending motion Committee Amendment (1480s), Banks and Insurance, SJ 10, pg. 318**

HB 1376, relative to the duties of the legislative oversight committee on electric utility restructuring. **4/6/06, pending motion Committee Amendment (1554s), Energy and Economic Development, SJ 10, pg. 320**

HB 1409-FN, relative to organ and tissue donation. **4/6/06, pending motion OTP, Health and Human Services, SJ 10, pg. 330**

HB 1491, establishing a committee to study the publicly owned treatment plant needs of New Hampshire. **4/13/06, pending motion Committee amendment (1636s), Energy and Economic Development, SJ 11, pg. TBA**

HB 1509, (New Title) relative to campaign expenditure and contribution limitations. **4/13/06, pending motion Committee Amendment (1669s), Internal Affairs, SJ 11, pg. TBA**

HB 1512, (New Title) establishing a committee to study volunteer activity related to transportation. **4/6/06, pending motion OTP, Transportation and Interstate Cooperation, SJ 10, pg. 332**

HB 1568, (New Title) establishing a committee to study the siting and construction of commercial wind energy facilities. **4/13/06, pending motion OTP, Energy and Economic Development, SJ 11, pg. TBA**

HB 1620-FN, relative to hunting restrictions of certain convicted felons. **4/13/06, pending motion Interim Study, Judiciary, SJ 11, pg. TBA**

HB 1674-FN, requiring emergency care providers to report information on certain sexual assault crimes to law enforcement officials. **4/13/06, pending motion Interim Study, Judiciary, SJ 11, pg. TBA**

HB 1768-FN, (New Title) establishing a committee to study the effects of rescinding the charter of the New Hampshire Bar Association, and relative to the regulation of attorneys by the supreme court. **4/6/06, pending motion Committee amendment (1581s), Executive Departments and Administration, SJ 10, pg. 324**

HJR 24, supporting efforts for commuter rail in the state of New Hampshire. **3/16/06, pending motion OTP, Transportation and Interstate Cooperation, SJ 8, pg. 185**

REPORTS

BANKS AND INSURANCE

HB 1126, (New Title) relative to licenses for first mortgage bankers, brokers, pawnbrokers, and money lenders. Ought to pass with amendment, Vote 4-0
Senator Gottesman for the committee.

HB 1192, relative to property and casualty insurance. Ought to pass with amendment, Vote 6-0
Senator Gottesman for the committee.

HB 1194, (New Title) relative to job protection for firefighters, rescue workers, and emergency medical personnel. Ought to Pass, Vote 6-0
Senator Barnes for the committee.

HB 1278, increasing the fine for violating certain laws relative to labor. Ought to Pass, Vote 5-0
Senator Flanders for the committee.

HB 1478, relative to penalties for employers who give false or incomplete required information about employees to the department of employment security and establishing an amnesty period for certain unpaid contributions.

Ought to Pass, Vote 5-0

Senator Foster for the committee.

HB 1570, relative to health insurance coverage for part-time college students.

Interim Study, Vote 5-0

Senator Barnes for the committee.

HB 1588, relative to unemployment compensation requirements for governmental and non-profit employers.

Ought to Pass, Vote 4-0

Senator Barnes for the committee.

HB 1751, relative to penalties for failure to have workers' compensation coverage.

Ought to Pass, Vote 4-0

Senator Roberge for the committee.

HB 1752, requiring notice regarding the classifications of employee and independent contractor.

Ought to Pass, Vote 3-0

Senator Roberge for the committee.

CAPITAL BUDGET

HB 1343, (New Title) relative to the duties of the council on resources and development.

Ought to pass with amendment, Vote 3-0

Senator Clegg for the committee.

EDUCATION

HB 1113, (New Title) adding a definition of "public academy" to the definition of "high school".

Ought to pass with amendment, Vote 5-0

Senator Eaton for the committee.

HB 1157, relative to the definition of a sending district.

Ought to Pass, Vote 5-0

Senator Bragdon for the committee.

HB 1539, establishing a committee to study the shortage in speech language services and the criteria for certification as a speech language specialist.

Ought to Pass, Vote 4-0

Senator Bragdon for the committee.

ENERGY AND ECONOMIC DEVELOPMENT

HB 1289, relative to Pennichuck Brook and its watershed.

Inexpedient to Legislate, Vote 5-0

Senator Boyce for the committee.

HB 1534, relative to maintaining construction and demolition debris as a solid waste.

Inexpedient to Legislate, Vote 4-1

Senator Bragdon for the committee.

HB 1627, relative to the assessment of open space land.

Inexpedient to Legislate, Vote 4-1

Senator Burling for the committee.

HB 1756, relative to alternative regulation of small incumbent local exchange carriers.

Ought to Pass, Vote 5-0

Senator Letourneau for the committee.

HB 1758, classifying biodiesel as a renewable energy source.

Ought to pass with amendment, Vote 5-0

Senator Odell for the committee

HCR 25, urging the United States to withdraw funding for the United Nations if the United Nations adopts a resolution in violation of the United States Constitution.

Inexpedient to Legislate, Vote 3-2

Senator Bragdon for the committee.

ENVIRONMENT AND WILDLIFE

HB 1216, relative to the sale of unpasteurized milk.

Inexpedient to Legislate, Vote 3-2

Senator Eaton for the committee.

HB 1317, (New Title) relative to the control or eradication of exotic aquatic weeds and requiring a review by the department of agriculture, markets, and food, the department of environmental services, the fish and game department, and the department of resources and economic development, evaluating the current permitting process for special permits for aquatic applications of pesticides to control or eradicate exotic aquatic weeds and making recommendations to improve the process.

Ought to Pass, Vote 5-0

Senator Johnson for the committee.

HB 1373, establishing a commission to study ways to encourage the proper recycling and disposal of grease trap wastes and to determine ways to develop additional disposal capacity.

Ought to Pass, Vote 5-0

Senator Barnes for the committee.

EXECUTIVE DEPARTMENTS AND ADMINISTRATION

HB 1220, establishing a committee to study a statewide review of all unanticipated fatalities and serious injury involving incapacitated adults and individuals 60 or older.

Ought to pass with amendment, Vote 4-1

Senator Kenney for the committee.

HB 1273, (New Title) relative to the disposition and retention of municipal records and legalizing the September 13, 2005 special meeting of the town of Brookline

Ought to Pass, Vote 4-0

Senator Barnes for the committee.

HB 1477, implementing the federal Law Enforcement Officers Safety Act of 2004.

Ought to Pass, Vote 3-0

Senator Kenney for the committee.

HEALTH AND HUMAN SERVICES

HB 1204, relative to human immunodeficiency virus education, prevention and control.

Ought to Pass, Vote 5-0

Senator Bragdon for the committee.

HB 1555, establishing a commission to investigate cost drivers in providing health care.

Ought to pass with amendment, Vote 5-0

Senator Fuller Clark for the committee.

HB 1687, (New Title) extending certain studies and adding a certain duty relative to pharmacy reimbursement.

Ought to Pass, Vote 4-0

Senator Kenney for the committee.

HB 1763, extending a committee and adding certain duties relative to pharmacy reimbursement.

Ought to Pass, Vote 5-0

Senator Martel for the committee.

HB 1764, relative to the committee to study medicaid reimbursement rates for pharmacy providers.

Ought to Pass, Vote 5-0

Senator Martel for the committee.

INTERNAL AFFAIRS

HB 506, including employees of charitable organizations under the protection of the state law against discrimination.

Ought to pass with amendment, Vote 5-0

Senator Hassan for the committee.

HB 1357, (New Title) relative to the legislative facilities committee

Ought to Pass, Vote 5-0

Senator Bragdon for the committee.

HB 1403, relative to explanations of proposed constitutional amendments appearing on the ballot.
Inexpedient to Legislate, Vote 4-1
Senator Bragdon for the committee.

HB 1566, (New Title) relative to the definitions of resident for motor vehicle law purposes and domicile for voting purposes and relative to vehicle registration and driver's license requirements
Ought to Pass, Vote 4-1
Senator Roberge for the committee.

CACR 41, relating to representative districts. Providing that representative districts shall be apportioned according to specified standards.
Ought to Pass, Vote 3-1
Senator Flanders for the committee.

JUDICIARY

HB 1424, relative to persons permitted to attend child abuse and neglect hearings.
Ought to Pass, Vote 4-0
Senator Roberge for the committee.

PUBLIC AND MUNICIPAL AFFAIRS

HB 1134, relative to membership of the state building code review board.
Ought to Pass, Vote 4-0
Senator Roberge for the committee.

HB 1191, making technical corrections to the chapter governing vital records.
Ought to Pass, Vote 6-0
Senator Martel for the committee.

HB 1435, (New Title) relative to the emergency plan for service animals.
Ought to pass with amendment, Vote 5-0
Senator Roberge for the committee.

TRANSPORTATION AND INTERSTATE COOPERATION

HB 1176, establishing a committee to study statutes relating to railroads.
Ought to pass with amendment, Vote 5-0
Senator Martel for the committee.

HB 1201, relative to child passenger restraints.
Ought to Pass, Vote 3-0
Senator Letourneau for the committee.

HB 1260, (New Title) relative to informing first-time driver's license applicants of the controlled drug laws.
Ought to Pass, Vote 4-0
Senator Flanders for the committee.

HB 1448, relative to the applicability of drivers' license revocations for drugs or alcohol involvement.
Ought to pass with amendment, Vote 5-0
Senator Letourneau for the committee.

HB 1470, relative to overweight vehicle permit fees.
Ought to pass with amendment, Vote 6-0
Senator Letourneau for the committee.

WAYS AND MEANS

HB 1444, relative to definitions under the real estate transfer tax.
Ought to Pass, Vote 4-0
Senator Clegg for the committee.

HB 1501, making various changes to the lottery commission.
Ought to Pass, Vote 3-1
Senator Odell for the committee

AMENDMENTS

Sen. Hassan, Dist. 23
April 19, 2006
2006-1910s
08/09

Amendment to HB 506

Amend RSA 354-A:2, VII as inserted by section 1 of the bill by replacing it with the following:

VII. "Employer" does not include any employer with fewer than 6 persons in its employ, an exclusively social club, or a fraternal or religious association or corporation, if such club, association, or corporation is not organized for private profit, as evidenced by declarations filed with the Internal Revenue Service. Entities claiming to be religious organizations may file a good faith declaration with the human rights commission that the organization is an organization affiliated with, or its operations are in accordance with the doctrine and teaching of a recognized and organized religion to provide evidence of their religious status. "Employer" shall include the state and all political subdivisions, boards, departments, and commissions thereof.

Amend the bill by replacing section 2 with the following:

2 Effective Date. This act shall take effect July 1, 2006.

Senate Education
April 18, 2006
2006-1858s
04/01

Amendment to HB 1113

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

AN ACT adding a definition of "public academy" to the definition of "high school"; relative to the membership of the state advisory committee on the education of children/students with disabilities; and amending the definition of "limited English proficient pupil."

Amend the bill by inserting after section 1 the following and renumbering the original section 2 to read as 4, respectively:

2 New Subparagraphs; State Advisory Committee on the Education of Children/Students with Disabilities. Amend RSA 186-C:3-b, II by inserting after subparagraph (q) the following new subparagraphs:

(r) An official who carries out activities under subtitle B of title VII of the McKinney-Vento Homeless Assistance Act, 42 U.S.C. section 11431, et seq.

(s) A representative from the department of health and human services responsible for foster care.

3 School Money; Definitions. Amend RSA 198:38, VII to read as follows:

VII. "Limited English proficient pupil" means an annual count of pupils in kindergarten through grade 12 receiving instruction in English for speakers of other languages for 5 or more [hours] **sessions** per week. **A session is defined as not less than 40 minutes.** Pupils shall be counted and attributed to the municipality or municipalities operating the school attended by the pupils.

2006-1858s

AMENDED ANALYSIS

This bill:

I. Adds a definition of "public academy" to the definition of "high school."

II. Adds members to the state advisory committee on the education of children/students with disabilities.

III. Changes the definition of "limited English proficient pupil."

Banks and Insurance
April 18, 2006
2006-1885s
08/09

Amendment to HB 1126

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

AN ACT relative to licenses for first mortgage bankers, brokers, pawnbrokers, and money lenders and relative to licensing of money transmitters.

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

1 New Paragraph; Definitions. Amend RSA 361-A:1 by inserting after paragraph III-b the following new paragraph:

III-c. "Direct owner" means any person, including individuals, that owns, beneficially owns, has the right to vote, or has the power to sell or direct the sale of 10 percent or more of the applicant or licensee.

2 New Paragraph; Definitions. Amend RSA 361-A:1 by inserting after paragraph VI the following new paragraph:

VI-a. "Indirect owner" means, with respect to direct owners and other indirect owners in a multilayered organization:

(a) In the case of an owner that is a corporation, each of its shareholders that beneficially owns, has the right to vote, or has the power to sell or direct the sale of, 25 percent or more of that corporation.

(b) In the case of an owner that is a partnership, all general partners and those limited and special partners that have the right to receive upon dissolution, or have contributed, 25 percent or more of the partnership's capital.

(c) In the case of an owner that is a trust, the trust, each trustee and each beneficiary of 25 percent or more of the trust.

(d) In the case of an owner that is a Limited Liability Company ("LLC"):

(1) Those members that have the right to receive upon dissolution, or have contributed, 25 percent or more of the LLC's capital; and

(2) If managed by elected managers, all elected managers.

(e) In the case of an indirect owner, the parent owners of 25 percent or more of their subsidiary.

3 New Paragraph; Definitions. Amend RSA 361-A:1 by inserting after paragraph VIII-b the following new paragraph:

VIII-c. "Publicly traded" means a company whose securities are traded on a securities exchange system approved and supervised by the Securities and Exchange Commission, including but not limited to the NYSE, AMEX, BSE, and NASDAQ. The term also includes a public reporting company that is subject to sections 12 or 15(d) of the Securities Exchange Act of 1934.

4 Licensed Retail Sellers. Amend the introductory paragraph of RSA 361-A:1, XIII to read as follows:

XIII. "Sales finance company" means a person engaged, in whole or in part, directly or indirectly, in the business of providing motor vehicle financing in this state to one or more retail buyers, or in the business of purchasing retail installment contracts from one or more retail sellers. The term includes but is not limited to any federally chartered bank, savings bank, trust company, credit union, cooperative bank, finance company, lending agency, industrial bank, or investment company, if so engaged. The term does not include the pledgee of an aggregate number of such contracts to secure a bona fide loan thereon, nor does it include a **licensed** retail seller who:

5 Licensing of Sales Finance Companies and Retail Sellers Required. Amend RSA 361-A:2, II to read as follows:

II.(a) The application for such license shall be in writing and verified on a form prescribed by the commissioner. The application shall contain the name of the applicant; **the tax applicant's identification**

number; date of incorporation, if incorporated; the address where the business is or is to be conducted and similar information as to any branch office of the applicant; the trade name, if any, under which the applicant proposes to conduct such business; and such other pertinent information as the commissioner may require. The application shall include a list of the names and resident addresses of principals and the name of any person occupying a similar status or performing similar functions. Each principal **and indirect owner** shall **provide his or her social security numbers and shall** authorize the commissioner to conduct a background check. The applicant shall submit any other information that the commissioner may require including, but not limited to, the applicant's form and place of organization, the applicant's proposed method of doing business, the qualifications and business history of the applicant and those persons listed in the application, and in the case of sales finance companies, the applicant's financial condition and history. The applicant shall disclose if any injunction or administrative order has been issued against the applicant or any of its principals **or indirect owners** listed in the application and whether the applicant or any of its principals **or indirect owners** have been convicted of a misdemeanor involving the lending industry or any aspect of the lending business or convicted of any felony.

(1) Unless the applicant is a publicly traded corporation, the department shall complete a background investigation and criminal history records check on the applicant's principals and any person in a similar position or performing similar functions. If the applicant is a subsidiary, the department shall complete a background investigation and criminal history records check on ~~[the principals of each equity]~~ **individuals who are indirect** ~~[owner of 10 percent or more of the applicant unless such equity owner is a publicly traded corporation]~~ **owners.**

6 Retail Sellers and Finance Companies Required to Update Information. Amend RSA 361-A:2, XII to read as follows:

XII. Retail sellers and sales finance companies licensed under this chapter are under a continuing obligation to update information on file with the commissioner. If any information filed with the commissioner becomes materially inaccurate, the retail seller and sales finance company licensee shall promptly submit an amendment to its application records to correct the information on file with the commissioner. An amendment shall be considered to be filed promptly if the amendment is filed within 30 days of the event that requires the filing of the amendment. ***Certain significant events as defined by rule shall be reported to the department in writing within 10 calendar days.*** A licensee shall submit written notification to the department of the addition or deletion of a person required to be listed in the application, and shall provide the name and address of each new person required to be listed no later than 30 days after such change. Each new person required to be listed shall **provide his or her social security number and** authorize the commissioner to conduct a background check. The commissioner shall investigate management and ownership changes including, but not limited to, the qualifications and business history of each person required to be listed. The licensee shall investigate and disclose any injunction or administrative order that has been issued against the person required to be listed and whether the person required to be listed has been convicted of a misdemeanor involving the lending industry or any aspect of the lending business or convicted of any felony, prior to the commissioner's approval of such change.

7 Compensation; Assistants. Amend RSA 383:7 to read as follows:

383:7 Compensation; Assistants.

I. The annual salary of the bank commissioner, and that of the deputy commissioner, shall be that prescribed by RSA 94:1-4. The commissioner may appoint examiners and such assistants as may be necessary, within the limits of the appropriations therefor and the rules of the state personnel system. The commissioner, deputy commissioner, examiners, and other assistants shall be allowed their actual traveling expenses when engaged in their official duties. No person shall serve as examiner who would be disqualified to serve as commissioner under the limitations of RSA 383:6, except that examiners may be indebted to such corporations and associations at the time of their appointment, or thereafter, provided any such debt is incurred primarily for personal, household, or family purposes and on terms no more favorable than those afforded to other borrowers, the examiner's employment is disclosed to such corporation or association, and both the examiner and the corporation or association disclose to the commissioner that a debt has been incurred.

II. The banking department shall complete a background investigation and a criminal history records check on every selected applicant for employment in any position in the banking department prior to a final offer of employment. The banking department may extend a conditional offer of employment to a selected applicant after completing a background investigation,

with a final offer of employment subject to a successfully completed criminal history records check. No selected applicant may be extended a conditional offer of employment unless the banking department has initiated a criminal history records check. The banking department shall not be held liable in any lawsuit alleging that the extension of a conditional or final offer of employment to an applicant with a criminal history was in any way negligent or deficient if the banking department fulfilled the requirements of this section.

III. The selected applicant for employment shall submit to the banking department a notarized criminal history records release form, as provided by the division of state police, which authorizes the release of the person's criminal records, if any. The applicant shall submit with the release form a complete set of fingerprints taken by a qualified law enforcement agency or an authorized employee of the banking department. In the event that the first set of fingerprints is invalid due to insufficient pattern and a second set of fingerprints is necessary in order to complete the criminal history records check, the conditional offer of employment shall remain in effect. If, after 2 attempts, a set of fingerprints is invalid due to insufficient pattern, the banking department may, in lieu of the criminal history records check, accept police clearances from every city, town, or county where an applicant has lived during the past 5 years.

IV. The banking department shall submit the criminal history records release form to the New Hampshire division of state police, which shall conduct a criminal history records check through its records and through the Federal Bureau of Investigation. Upon completion of the background investigation, the division of state police shall release copies of the criminal conviction records to the department. The department shall maintain the confidentiality of all criminal history records information received pursuant to this paragraph.

V. This section applies to any employee or selected applicant for employment of the banking department.

8 Payment of Cost of Examination. Amend RSA 383: 11, II (b) to read as follows:

(b) From non-depository lenders and brokers. Each licensee subject to the supervision of the bank commissioner under the provisions of RSA 397-A, ~~[RSA 398-A,]~~ RSA 399-A, and sales finance companies under RSA 361-A, shall be charged and shall pay such proportion of said balance applicable to the consumer credit administration division under the banking department's program appropriation unit designation as its total dollar volume of loans made, originated, funded or brokered bear to the total dollar volume of all such loans made, originated, funded or brokered by such licensees during the preceding calendar year ending December 31, as shown by their annual reports to the commissioner.

9 New Paragraph; Definitions. Amend RSA 397-A:1 by inserting after paragraph VI the following new paragraph:

VI-a. "Direct owner" means any person, including individuals, that owns, beneficially owns, has the right to vote, or has the power to sell or direct the sale of 10 percent or more of the applicant or licensee.

10 New Paragraph; Definitions. Amend RSA 397-A:1 by inserting after paragraph VIII the following new paragraph:

VIII-a. "Indirect owner" means, with respect to direct owners and other indirect owners in a multilayered organization:

(a) In the case of an owner that is a corporation, each of its shareholders that beneficially owns, has the right to vote, or has the power to sell or direct the sale of, 25 percent or more of that corporation.

(b) In the case of an owner that is a partnership, all general partners and those limited and special partners that have the right to receive upon dissolution, or have contributed, 25 percent or more of the partnership's capital.

(c) In the case of an owner that is a trust, the trust, each trustee and each beneficiary of 25 percent or more of the trust.

(d) In the case of an owner that is a Limited Liability Company ("LLC"):

(1) Those members that have the right to receive upon dissolution, or have contributed, 25 percent or more of the LLC's capital; and

(2) If managed by elected managers, all elected managers.

(e) In the case of an indirect owner, the parent owners of 25 percent or more of their subsidiary.

11 New Paragraph; Definitions. Amend RSA 397-A:1 by inserting after paragraph XX the following new paragraph:

XX-a. "Publicly traded" means a company whose securities are traded on a securities exchange system approved and supervised by the Securities and Exchange Commission, including but not limited to the NYSE, AMEX, BSE, and NASDAQ. The term also includes a public reporting company that is subject to Sections 12 or 15(d) of the Securities Exchange Act of 1934.

12 License Application; Requirements; Investigations. Amend RSA 397-A:5, I and II(a) to read as follows:

I. To be considered for licensing, each person shall complete and file with the department one verified application prescribed by the commissioner. At a minimum, the application shall state the primary business address of the applicant, **the applicant's tax identification number**, the address of its principal office and all branch offices located or to be located within the state, and a list of the principals of the applicant. Each principal **and indirect owner** shall **provide his or her social security number and shall** authorize the commissioner to conduct a background check. The applicant shall submit any other information that the commissioner may require including, but not limited to, the applicant's form and place of organization, the applicant's proposed method of doing business, the qualifications and business history of the applicant and its principals, and the applicant's financial condition and history. The applicant shall disclose whether the applicant or any of its principals **or indirect owners** has ever been issued or been the subject of an injunction or administrative order, has ever been convicted of a misdemeanor involving the lending industry or any aspect of the lending business or has ever been convicted of any felony.

II.(a) Unless the applicant is a publicly traded corporation, the department shall complete a background investigation and criminal history records check on the applicant's principals and any person in a similar position or performing similar functions. If the applicant is a subsidiary, the department shall complete a background investigation and criminal history records check on the ~~[principals of each equity]~~ **individuals who are indirect** ~~[owner of 10 percent or more of the applicant unless such equity owner is a publicly traded corporation]~~ **owners**.

13 License Applications; Requirements. Amend RSA 397-A:5, III(c) to read as follows:

(c) Each applicant shall be required to submit to the department detailed financial information sufficient for the commissioner to determine the applicant's ability to conduct the business of a mortgage banker or a mortgage broker with financial integrity. The application shall include a statement of net worth. An applicant or licensee shall demonstrate and maintain a positive net worth. Net worth statements provided in connection with a license application under this section shall be subject to review and verification during the course of any examination or investigation conducted under the authority of RSA 397-A:12. Each mortgage banker applicant shall demonstrate a net worth at all times of at least \$100,000 or increase their posted continuous surety bond to a total amount of \$100,000. Each mortgage **banker and** broker shall post a continuous surety bond in the amount of \$20,000 to the commissioner. Surety bonds shall include a provision requiring the surety to give written notice to the commissioner 20 days in advance of the cancellation or termination of the bond. Every bond shall provide that no recovery may be made against the bond unless the state makes a claim for recovery or the person brings suit naming the licensee within 6 years after the act upon which the recovery or suit is based.

14 New Paragraph; License Requirements. Amend RSA 397-A:5 by inserting after paragraph VI the following new paragraph:

VII. Licensees shall comply with the provisions of HOEPA at all times.

15 Change in Name; Ownership; Location. Amend RSA 397-A:10, IV to read as follows:

IV. Persons licensed under this chapter are under a continuing obligation to update information on file with the commissioner. If any information filed with the commissioner becomes materially inaccurate, the licensee must promptly submit to the commissioner an amendment to its application records that will correct the information on file with the commissioner. An amendment shall be considered to be filed promptly if the amendment is filed within 30 days of the event that requires the filing of the amendment. **Certain significant events as defined by rule shall be reported to the department in writing within 10 calendar days.**

16 Annual Report. Amend RSA 397-A:13, I to read as follows:

I. Each licensee shall file, under oath, an annual report with the banking department on or before February 1 each year concerning operations for the preceding year or license period ending December 31 upon the form prescribed by the banking department. The annual report shall include a list of all individuals, and the address of the work location *or an undertaking to provide the address immediately upon the department's request*, of each such individual, who act as originators for the licensee.

17 New Paragraph; Lender's Rights and Broker's Rights. Amend RSA 397-A:16 by inserting after paragraph IV the following new paragraph:

V. In order to issue rate lock commitments, a licensee shall comply with rules adopted by the commissioner.

18 Lender's and Broker's Rights; Second Mortgage Debt. Amend RSA 397-A:16-a, XIII to read as follows:

XIII. Any second mortgage loan made in violation of paragraphs I-VIII by any person shall be discharged upon payment or tender by the debtor or any person succeeding to his or her interest in such real estate of the principal sum actually borrowed. Any agreement whereby the borrower waives the benefits of paragraphs I-VIII or releases any rights he or she may have acquired by virtue thereof shall be deemed against public policy and void. ~~[The superior court shall have jurisdiction of all suits arising under paragraphs I-VIII and, if a finding is made that such loan secured by any such mortgage violates paragraphs I-VIII, the borrower shall be entitled as a part of his or her costs to a reasonable fee for the services of an attorney in such suit.]~~

19 New Paragraph; Definitions. Amend RSA 397-B:1 by inserting after paragraph I-a the following new paragraph:

I-b. "Direct owner" means any person, including individuals, that owns, beneficially owns, has the right to vote, or has the power to sell or direct the sale of 10 percent or more of the applicant or licensee.

20 New Paragraph; Definitions. Amend RSA 397-B:1 by inserting after paragraph II the following new paragraph:

II-a. "Indirect owner" means, with respect to direct owners and other indirect owners in a multilayered organization:

(a) In the case of an owner that is a corporation, each of its shareholders that beneficially owns, has the right to vote, or has the power to sell or direct the sale of, 25 percent or more of that corporation.

(b) In the case of an owner that is a partnership, all general partners and those limited and special partners that have the right to receive upon dissolution, or have contributed, 25 percent or more of the partnership's capital.

(c) In the case of an owner that is a trust, the trust, each trustee and each beneficiary of 25 percent or more of the trust.

(d) In the case of an owner that is a Limited Liability Company ("LLC"):

(1) Those members that have the right to receive upon dissolution, or have contributed, 25 percent or more of the LLC's capital; and

(2) If managed by elected managers, all elected managers.

(e) In the case of an indirect owner, the parent owners of 25 percent or more of their subsidiary.

21 New Paragraph; Definitions. Amend RSA 397-B:1 by inserting after paragraph V the following new paragraph:

VI. "Publicly traded" means a company whose securities are traded on a securities exchange system approved and supervised by the Securities and Exchange Commission, including but not limited to the NYSE, AMEX, BSE, and NASDAQ. The term also includes a public reporting company that is subject to Sections 12 or 15(d) of the Securities Exchange Act of 1934.

22 Application of Chapter. Amend RSA 397-B:2, II to read as follows:

II. Persons subject to or ~~[licensed]~~ **registered** under this chapter shall abide by applicable federal laws and regulations, the laws and rules of this state, and the orders of the commissioner. Any violation of such law, regulation, or rule is a violation of this chapter.

23 Registration; Fees; Term; Renewal. Amend RSA 397-B:4, I(b) and (c) to read as follows:

(b) The applicant shall submit any other information that the commissioner may require including, but not limited to, the applicant's form and place of organization, **the applicant's tax identification number**, and the applicant's proposed method of doing business. The applicant shall disclose whether the applicant or any of its principals **or indirect owners** has ever been issued or been the subject of an injunction or administrative order, has ever been convicted of a misdemeanor involving the lending industry or any aspect of the lending business, or has ever been convicted of any felony. Each principal **and indirect owner** shall **provide his or her social security number and** authorize the commissioner to conduct a background check.

(c) Unless the applicant is a publicly traded corporation, the department shall complete a background investigation and criminal history records check on the applicant's principals and any person in a similar position or performing similar functions. If the applicant is a subsidiary, the department shall complete a background investigation and criminal history records check on ~~[the principals of each equity owner of 10 percent or more of the applicant unless such equity owner is a publicly traded corporation]~~ **individuals who are indirect owners.**

24 Exemption. Amend RSA 397-B:10 to read as follows:

397-B:10 Exemption. The provisions of this chapter shall not apply to any bank, trust company, savings and loan association, or cooperative bank, savings bank, or credit union which may be chartered by this state or any other state or by any agency of the United States, nor shall the registration provisions of this chapter apply to any individual or entity licensed by the banking department **as a mortgage banker** in accordance with RSA 397-A.

25 New Paragraph; Definitions. Amend 399-A:1 by inserting after paragraph III-a the following new paragraph:

III-b. "Direct owner" means any person, including individuals, that owns, beneficially owns, has the right to vote, or has the power to sell or direct the sale of 10 percent or more of the applicant or licensee.

26 New Paragraph; Definitions. Amend 399-A:1 by inserting after paragraph V the following new paragraph:

V-a. "Indirect owner" means, with respect to direct owners and other indirect owners in a multilayered organization:

(a) In the case of an owner that is a corporation, each of its shareholders that beneficially owns, has the right to vote, or has the power to sell or direct the sale of, 25 percent or more of that corporation.

(b) In the case of an owner that is a partnership, all general partners and those limited and special partners that have the right to receive upon dissolution, or have contributed, 25 percent or more of the partnership's capital.

(c) In the case of an owner that is a trust, the trust, each trustee and each beneficiary of 25 percent or more of the trust.

(d) In the case of an owner that is a Limited Liability Company ("LLC"):

(1) Those members that have the right to receive upon dissolution, or have contributed, 25 percent or more of the LLC's capital; and

(2) If managed by elected managers, all elected managers.

(e) In the case of an indirect owner, the parent owners of 25 percent or more of their subsidiary.

27 New Paragraph; Definitions. Amend RSA 399-A:1 by inserting after paragraph XIII-a the following new paragraph:

XIII-b. "Publicly traded" means a company whose securities are traded on a securities exchange system approved and supervised by the Securities and Exchange Commission, including but not limited to the NYSE, AMEX, BSE, and NASDAQ. The term also includes a public reporting company that is subject to Sections 12 or 15(d) of the Securities Exchange Act of 1934.

28 Application and Fees. Amend RSA 399-A:3, 1(a) and (b) to read as follows:

I.(a) Every applicant for licensing under this chapter shall file with the commissioner a written verified application, on a form prescribed by the commissioner. The application shall contain the name of the

applicant; ***the applicant's tax identification number***; the address where the business is or is to be conducted and similar information for any branch office of the applicant; the trade name, if any, under which the applicant proposes to conduct such business; the articles of incorporation or organization or partnership agreement; the name and address of the New Hampshire resident agent if the applicant is a foreign entity; and such other pertinent information as the commissioner may require. The application shall include the names of the applicant's principals, ***indirect owners***, and the name of any person occupying a similar status or performing similar functions. Each such principal ***and indirect owner*** shall ***provide his or her social security number and shall*** authorize the commissioner to conduct a background check. The applicant shall submit any other information that the commissioner may require including, but not limited to, the applicant's form and place of organization, the applicant's proposed method of doing business, the qualifications and business history of the applicant and its principals, and the applicant's financial condition and history. The applicant shall disclose if any injunction or administrative order has been issued against the applicant or any of its principals ***or indirect owners*** and whether the applicant or any of its principals ***or indirect owners*** have been convicted of a misdemeanor involving the lending industry or any aspect of the lending business or of any felony. Each applicant and licensee who conducts payday or title loan lending shall maintain an office in this state that is accessible to consumers. Persons subject to this chapter shall be responsible for the supervision of their employees, agents, and branch offices. Each initial and renewal license application shall be accompanied by a nonrefundable application fee of \$450 for the principal place of business of the licensee and the sum of \$450 for each branch of such licensee maintained in this state.

(b) Unless the applicant is a publicly traded corporation, the department shall complete a background investigation and criminal history records check on the applicant's principals and any person in a similar position or performing similar functions. If the applicant is a subsidiary, the department shall complete a background investigation and criminal history records check on ~~[the principals of each equity owner of 10 percent or more of the applicant unless such equity owner is a publicly traded corporation]~~ ***individuals who are indirect owners.***

29 Investigation of Application; License Requirements. Amend RSA 399-A:4, VII to read as follows:

VII. Persons licensed under this chapter are under a continuing obligation to update information on file with the commissioner. If any information filed with the commissioner becomes materially inaccurate, the licensee shall promptly submit an amendment to its application records that will correct the information on file with the commissioner. An amendment shall be considered to be filed promptly if the amendment is filed within 30 days of the event that requires the filing of the amendment. A licensee shall submit written notification to the department of the addition or deletion of a principal, and shall provide the name and address of each new principal no later than 30 days after such change. Each new principal shall authorize the commissioner to conduct a background check. The commissioner shall investigate management and ownership changes including, but not limited to, each principal's qualifications and business history. The licensee shall investigate and disclose any injunction or administrative order that has been issued against the principal and whether the principal has been convicted of a misdemeanor involving the lending industry or any aspect of the lending business or convicted of any felony, prior to the commissioner's approval of such change. ***Certain significant events as defined by rule shall be reported to the department in writing within 10 calendar days.***

30 New Paragraphs. Definitions. Amend RSA 399-D:2 by inserting after paragraph V-a the following new paragraphs:

V-b. "Direct owner" means any person, including individuals, that owns, beneficially owns, has the right to vote, or has the power to sell or direct the sale of 10 percent or more of the applicant or licensee.

V-c. "Indirect owner" means, with respect to direct owners and other indirect owners in a multilayered organization:

(a) In the case of an owner that is a corporation, each of its shareholders that beneficially owns, has the right to vote, or has the power to sell or direct the sale of, 25 percent or more of that corporation.

(b) In the case of an owner that is a partnership, all general partners and those limited and special partners that have the right to receive upon dissolution, or have contributed, 25 percent or more of the partnership's capital.

(c) In the case of an owner that is a trust, the trust, each trustee and each beneficiary of 25 percent or more of the trust.

(d) In the case of an owner that is a Limited Liability Company (“LLC”):

(1) Those members that have the right to receive upon dissolution, or have contributed, 25 percent or more of the LLC’s capital; and

(2) If managed by elected managers, all elected managers.

(e) In the case of an indirect owner, the parent owners of 25 percent or more of their subsidiary.

31 New Paragraph. Definitions. Amend RSA 399-D:2 by inserting after paragraph VIII the following new paragraph:

IX. “Publicly traded” means a company whose securities are traded on a securities exchange system approved and supervised by the Securities and Exchange Commission, including but not limited to the NYSE, AMEX, BSE, and NASDAQ. The term also includes a public reporting company that is subject to Sections 12 or 15(d) of the Securities Exchange Act of 1934.

32 License Application; Requirements; Investigations. Amend the introductory paragraph of RSA 399-D:5, II to read as follows:

II. To be considered for licensing, each person, firm, or corporation shall file with the department one verified application on a form prescribed by the commissioner. At a minimum, the application shall be in writing, setting forth the primary business address of the applicant, ***the applicant’s tax identification number***, the address of its principal office and all branch offices located or to be located within the state, and a list of the principals ***or indirect owners*** and the name of any person occupying a similar status or performing similar functions. Each principal ***and indirect owner shall provide his or her social security number and*** shall authorize the commissioner to conduct a background check. The applicant shall submit any other information that the commissioner may require including, but not limited to, the applicant’s form and place of organization, the applicant’s proposed method of doing business, qualifications, and business history of the applicant and those persons listed in the application, and the applicant’s financial condition and history. The applicant shall disclose if any injunction or administrative order has been issued against the applicant or any of its principals ***or indirect owners*** and whether the applicant or any of its principals ***or indirect owners*** have been convicted of a misdemeanor involving the lending industry or any aspect of the lending business or convicted of any felony. Each application shall designate the name and address of the manager or person in charge at each licensed location and shall contain other information required by rules adopted under this chapter. The applicant shall submit any other information that the commissioner may require. In addition:

33 License Application; Requirements; Investigations. Amend RSA 399-D:5, II(f) to read as follows:

(f) Unless the applicant is a publicly traded corporation, the department shall complete a background investigation and criminal history records check on the applicant’s principals and any person in a similar position or performing similar functions. If the applicant is a subsidiary, the department shall complete a background investigation and criminal history records check on ~~[the principals of each equity owner of 10 percent or more of the applicant unless such equity owner is a publicly traded corporation]~~ ***individuals who are indirect owners***.

34 Licensee’s Duties. Amend RSA 399-D:15, VII to read as follows:

VII. Persons licensed under this chapter are under a continuing obligation to update information on file with the commissioner. If any information filed with the commissioner becomes materially inaccurate, the licensee shall promptly submit to the commissioner an amendment to its application records that will correct the information on file with the commissioner. An amendment shall be considered to be filed promptly if the amendment is filed within 30 days of the event that required the filing of the amendment. ***Certain significant events as defined by rule shall be reported to the department in writing within 10 calendar days.***

35 New Chapter; Licensing of Money Transmitters. Amend RSA by inserting after chapter 399-F the following new chapter:

CHAPTER 399-G LICENSING OF MONEY TRANSMITTERS

399-G:1 Definitions. In this chapter:

I. “Authorized delegate” means a person a licensee designates to provide money transmission services on behalf of the licensee.

II. “Commissioner” means the bank commissioner.

III. “Department” means the banking department.

IV. “Direct owner” means any person, including individuals, that owns, beneficially owns, has the right to vote, or has the power to sell or direct the sale of 10 percent or more of the applicant or licensee.

V. “Indirect owner” means, with respect to direct owners and other indirect owners in a multilayered organization:

(a) In the case of an owner that is a corporation, each of its shareholders that beneficially owns, has the right to vote, or has the power to sell or direct the sale of, 25 percent or more of that corporation;

(b) In the case of an owner that is a partnership, all general partners and those limited and special partners that have the right to receive upon dissolution, or have contributed, 25 percent or more of the partnership’s capital;

(c) In the case of an owner that is a trust, the trust, each trustee, and each beneficiary of 25 percent or more of the trust;

(d) In the case of an owner that is a limited liability company (LLC), (1) those members that have the right to receive upon dissolution, or have contributed, 25 percent or more of the LLC’s capital, and (2) if managed by elected managers, all elected managers ; and

(e) In the case of an indirect owner, the parent owners of 25 percent or more of their subsidiary.

VI. “Licensee” means a person duly licensed by the commissioner under this chapter.

VII. “Monetary value” means a medium of exchange, whether or not redeemable in money.

VIII. “Money transmission” means engaging in the business of selling or issuing payment instruments or stored value, or receiving money or monetary value for transmission to another location.

IX. “Payment instrument” means any electronic or written check, draft, money order, traveler’s check, or other electronic or written instrument or order for the transmission or payment of money or monetary value, sold or issued to one or more persons, whether or not negotiable. The term does not include a credit card voucher, letter of credit, or instrument that is redeemable by the issuer in goods or services.

X. “Person” means an individual, corporation, business trust, estate, trust, partnership, association, 2 or more persons having a joint or common interest, or any other legal or commercial entity however organized.

XI. “Principal” of the applicant or licensee means an owner with 10 percent or more ownership interest in the applicant or licensee, a corporate officer, director, member, general and limited liability partner, limited partner with 10 percent or more ownership interest, trustee, beneficiary of 10 percent or more of the trust that owns the applicant or licensee, senior manager, and any person occupying similar status or performing similar functions.

XII. “Principal office” means the main office location of a person required to be licensed under this chapter.

XIII. “Publicly traded” means a company whose securities are traded on a securities exchange system approved and supervised by the Securities and Exchange Commission, including but not limited to the NYSE, AMEX, BSE, and NASDAQ. The term also includes a public reporting company that is subject to sections 12 or 15(d) of the Securities Exchange Act of 1934.

XIV. “Stored value” means monetary value that is evidenced by an electronic record.

399-G:2 Application of Chapter.

I. This chapter authorizes the banking department to regulate persons that engage in the business of money transmission.

II. Any money transmitted under the provisions of this chapter shall be further governed by any other applicable laws of the state of New Hampshire.

III. Notwithstanding any provisions to the contrary, nothing within this chapter shall restrict the right of the attorney general to enforce the provisions of RSA 358-A:2, XIII, regarding the issuance and terms of stored value cards which are gift certificates as defined by RSA 358-A:1, IV-a.

IV. Persons subject to or licensed under this chapter shall abide by applicable federal laws and regulations, the laws and rules of this state, and the orders of the commissioner. Any violation of such law, regulation, or rule is a violation of this chapter.

V. Licensing in the state of New Hampshire under this chapter does not constitute a finding that the commissioner has passed in any way upon the merits or qualifications of such person or that the commissioner has recommended or given approval to any person. It is unlawful to make, or cause to be made, to any prospective purchaser, customer, or client any representation inconsistent with the provisions of this paragraph.

VI. Any license or registration fee required by this chapter shall be paid before a license or registration becomes effective.

399-G:3 License Required. Any person not exempt under RSA 399-G:4 that, in its own name or on behalf of other persons, engages in the business of money transmission shall obtain a license from the banking department.

399-G:4 Exemptions. The provisions of this chapter shall not apply to:

I. Any bank, trust company, savings and loan association, profit sharing and pension trust, credit union, thrift company, insurance company, or receivership, which may be chartered by this state or any other state or by any agency of the United States.

II. The United States or any department, instrumentality, or agency thereof.

III. A state, county, city, or any other governmental agency or governmental subdivision of a state.

IV. Electronic funds transfer of governmental benefits for a federal, state, county, or governmental agency by a contractor on behalf of the United States or a department, agency, or instrumentality thereof, or a state or governmental subdivision, agency, or instrumentality thereof.

V. Retailers issuing stored value credits or gift cards.

VI. Other persons not within the intent of this chapter as the commissioner may designate by rule or order.

399-G:5 License Application; Requirements; Investigation.

I. To be considered for licensing, each person shall complete and file with the department one verified application prescribed by the commissioner. At a minimum, the application shall state the primary business address of the applicant, the applicant's tax identification number, the address of its principal office and all authorized delegates located or to be located within the state, and a list of the principals of the applicant. Each principal and indirect owner shall provide their social security number and shall authorize the commissioner to conduct a background check. The applicant shall submit any other information that the commissioner may require including, but not limited to, the applicant's form and place of organization, the applicant's proposed method of doing business, the qualifications and business history of the applicant and those persons listed in the application, and the applicant's financial condition and history. The applicant shall disclose whether the applicant or any of its principals or indirect owners has ever been issued or been the subject of an injunction or administrative order, has ever been convicted of a misdemeanor involving the financial services industry or any aspect of the financial services business or has ever been convicted of any felony.

II.(a) The license issued for the licensee's principal place of business shall be referred to as a "principal office license." Each additional authorization to conduct business issued for money transmission occurring in a location in this state that is separate from the licensee's principal place of business shall be referred to as an "authorized delegate registration." If the applicant desires to transmit money in more than one location, the commissioner, upon favorable action on the applicant's principal office license, shall issue an "authorized delegate registration" for each location where the business of money transmission is to be conducted.

(b) Each license application shall be accompanied by a nonrefundable application fee of \$500 for each principal office and \$25 for each authorized delegate registration, up to a maximum annual fee of \$4,000. Sums collected under this chapter shall be payable to the state treasurer as restricted revenue and credited to the appropriation for the commissioner, consumer credit administration division.

(c) Each applicant shall submit detailed financial information sufficient for the commissioner to determine the applicant's ability to conduct the business of a money transmitter with financial integrity. The

application shall include a statement of net worth in all cases and an applicant shall demonstrate and maintain a positive net worth computed in accordance with generally accepted accounting principles. Net worth statements provided in connection with a license application under this section shall be subject to review and verification during the course of any examination or investigation conducted under the authority of RSA 399-G:13. Each money transmitter applicant shall post a continuous surety bond in the amount of \$100,000. The surety bond shall be payable to the state of New Hampshire and the bank commissioner of the state of New Hampshire for the benefit of any person who is damaged by any violation of this chapter and shall be conditioned upon the licensee's compliance with each provision of this chapter. Surety bonds shall include a provision requiring the surety to give written notice to the commissioner 20 days in advance of the cancellation or termination of the bond. Every bond shall provide that no recovery may be made against the bond unless the state makes a claim for recovery or the person brings suit naming the principal within 6 years after the act upon which the recovery or suit is based. The obligations of the surety shall survive the bankruptcy, insolvency, liquidation, or reorganization of the licensee, including, without limitation, any bankruptcy, insolvency, liquidation, or reorganization commenced by or against the licensee under any applicable state or federal law, including the United States Bankruptcy Code.

(d) Unless the applicant is a publicly traded corporation, the department shall complete a background investigation and criminal history records check on the applicant's principals and any person in a similar position or performing similar functions. If the applicant is a subsidiary, the department shall complete a background investigation and criminal history records check on individuals who are indirect owners.

(e) The persons described in subparagraph (d) shall submit to the department a notarized criminal history records release form, as provided by the New Hampshire division of state police, which authorizes the release of the person's criminal records, if any. The person shall submit with the release form a complete set of fingerprints taken by a qualified law enforcement agency or an authorized employee of the banking department. In the event that the first set of fingerprints is invalid due to insufficient pattern, a second set of fingerprints is necessary in order to complete the criminal history records check. If, after 2 attempts, a set of fingerprints is invalid due to insufficient pattern, the department may, in lieu of the criminal history records check, accept police clearances from every city, town, or county where the person has lived during the past 5 years.

(f) The department shall submit the criminal history records release form to the New Hampshire division of state police, which shall conduct a criminal history records check through its records and through the Federal Bureau of Investigation. Upon completion of the background investigation, the division of state police shall release copies of the criminal conviction records to the department. The department shall maintain the confidentiality of all criminal history records information received pursuant to this paragraph.

(g) The department may require the applicant or licensee to pay the actual costs of each background investigation and criminal history records check.

III. Every applicant for licensing under this chapter shall file with the commissioner, in such form as the commissioner prescribes by rule, irrevocable consent appointing the commissioner to receive service of any lawful process in any non-criminal suit, action, or proceeding against the applicant or the applicant's successor, executor, or administrator which arises under this chapter or any rule or order under this chapter after the consent has been filed, with the same force and validity as if served personally on the person filing the consent. A person who has filed such a consent in connection with a previous application need not file another. Any other person who engages in conduct regulated by this chapter shall be deemed to have appointed the commissioner as its agent. Service may be made by leaving a copy of the process in the office of the commissioner along with \$5, but is not effective unless:

(a) The plaintiff, who may be the attorney general in a suit, action, or proceeding instituted by him or her, forthwith sends a notice of the service and a copy of the process by registered mail to the defendant or respondent at such person's last address on file with the commissioner; and

(b) The plaintiff's affidavit of compliance with this paragraph is filed in the case on or before the return day of the process, if any, or within such further time as the court allows.

IV. Upon the applicant's filing of the complete application and payment of the required fee, the commissioner shall have, in accordance with RSA 541-A:29, up to 120 days to investigate and determine whether the applicant's financial resources, experience, personnel, and record of past or proposed conduct warrant the public's confidence and the issuance of a license.

V. The commissioner may license or register individuals or firms by means of or through the facilities of a national organization which facilitates registration and licensing on a nationwide basis.

399-G:6 License and Registration Grant.

I. If the commissioner determines that the applicant meets the requirements of this chapter, then the commissioner shall issue a license and or registrations permitting the applicant to engage in the business of money transmission in accordance with the laws of this state.

II. Each license issued under the provisions of this chapter shall state the name and address of the principal office of the licensee. Each registration issued under the provisions of this chapter shall state the name and address of the authorized delegate location for which that registration is issued.

III. If a licensee is a person other than a natural person, the license issued to it shall entitle all officers, directors, members, partners, trustees, and employees of the licensee to engage in the business of money transmission; provided that one officer, director, member, partner, employee, or trustee of such person shall be designated in the license as the individual to be contacted for purposes of this chapter.

IV. If the licensee is a natural person, the license shall entitle all employees and authorized delegates of the licensee to engage in the business of money transmission.

V. A license or registration issued under this chapter shall not be transferable or assignable between persons without obtaining the approval of the commissioner before the assignment or transfer.

VI. Money transmitters, who sell or issue payment instruments or stored value, or receive money or monetary value for transmission to another location shall be liable to customers for the amount of money as well as any fees paid by the customer and received by the money transmitter, authorized delegate or person acting on his or her behalf, if the money fails to reach its intended recipient unless transmission to the recipient is prohibited by law.

399-G:7 License Denial; Appeal.

I. If the commissioner determines that the applicant fails to meet the requirements of this chapter, the commissioner shall immediately, in writing, notify the applicant of that determination.

II. Applicants may appeal a license denial in accordance with RSA 541-A and rules of the commissioner adopted thereunder.

III. Applicants may petition the department for a rehearing in accordance with RSA 541 if the decision in an appeal conducted pursuant to paragraph II affirms a denial of a license application.

399-G:8 License or Registration Term; Renewal.

I. Each license or registration shall remain in force until it has been surrendered, revoked, or suspended, or expires in accordance with the provisions of this chapter. Each license or registration shall expire on December 31 of each calendar year.

II. If a person holds a valid license or registration under this section and is in compliance with this chapter and the rules thereunder, such licensee may renew the license or registration by paying the required fee to the banking department on or before December 1 for the ensuing year that begins on January 1. Failure to renew the license or registration shall result in the license or registration terminating on December 31.

III. A renewal fee of \$500 for the principal office license and \$25 for each authorized delegate registration, up to a maximum annual fee of \$4,000, shall be submitted with the application for license renewal.

IV. No application for renewal shall be denied without reasonable cause and the right of appeal pursuant to RSA 541-A and RSA 541.

399-G:9 License Posting. It shall be unlawful to engage in the business of money transmission without a conspicuously posted license in the licensee's principal place of business within this state or a conspicuously posted registration in each of the licensee's authorized delegate offices within this state.

399-G:10 Change in Name; Ownership; Location.

I. No licensee shall conduct the business of a money transmitter under a trade or other name that is different from the name stated in its principal office license without immediately notifying the commissioner, who shall then amend the license and any registrations accordingly.

II. A licensee shall submit written notification to the department of the addition or deletion of a principal and shall provide the name and address of each new principal no later than 30 days after such change. Each new principal shall authorize the commissioner to conduct a background check. The commissioner shall investigate management and ownership changes including, but not limited to, each principal's qualifications and business history. The licensee shall disclose any injunction or administrative order that has been issued against the principal and whether the principal has been convicted of a misdemeanor involving the money transmission industry or any aspect of the money transmission business or convicted of any felony, prior to the commissioner's approval of such change.

III. Licensees shall provide written notice to the department of any change in location or closing of any office no later than 30 business days following the effective date of such change of location or closing. In the case of an emergency, as determined by the commissioner, a licensee may close a registered authorized delegate office and provide notice of the closure to the department within 2 business days. Failure to comply with the provisions of this paragraph shall be sufficient cause for license revocation or denial of license renewal applications.

IV. Persons licensed under this chapter are under a continuing obligation to update information on file with the commissioner. If any information filed with the commissioner becomes materially inaccurate, the licensee shall promptly submit to the commissioner an amendment to its application that will correct the information on file with the commissioner. An amendment shall be considered filed promptly if the amendment is filed within 30 days after the event that requires the filing of the amendment. Certain significant events as defined by rule shall be reported to the department in writing within 10 calendar days.

399-G:11 License Surrender.

I. A licensee who ceases to engage in the business of a money transmitter at any time during a license year for any cause, including but not limited to bankruptcy, license revocation, or voluntary dissolution, shall surrender such license and office registrations, if any, in person or by registered or certified mail to the commissioner within 15 calendar days of such cessation of business, and shall cause to be published in a newspaper of general circulation in the licensee's market area a notice to such effect. The commissioner shall adopt rules, in accordance with RSA 541-A, relative to such notice.

II. Withdrawal of the surrendered license and office registrations, if any, shall become effective 30 days after receipt by the commissioner or within such shorter period of time as the commissioner may determine, unless a revocation or suspension proceeding is pending when the license is surrendered or a proceeding to revoke or suspend or to impose conditions upon the withdrawal is instituted within 30 days after the license is surrendered. If a proceeding is pending or instituted, withdrawal becomes effective at such time and upon such conditions as the commissioner by order determines. The commissioner may nevertheless institute a revocation or suspension proceeding under RSA 399-G:18 within one year after withdrawal became effective and may enter a revocation or suspension order as of the last date on which the license was effective.

III. Failure to comply with the provisions of this section and rules adopted under this section shall be cause for denial of future license applications and the imposition of penalties under RSA 399-G:21.

399-G:12 Record Keeping.

I. The licensee shall maintain such records as will enable the department to determine whether the licensee's business is in compliance with the provisions of this chapter and the rules adopted pursuant to this chapter. Such records shall be maintained and made available for examination at the licensee's principal office or its authorized delegate location or the office of its New Hampshire agent for a period of at least 5 years or longer if the commissioner prescribes a period by rule. Licensees may maintain photocopies, microfilm, or microfiche copies of original documents.

II. Those licensees that maintain their files in another state are required to return the files to their principal New Hampshire office or the office of their New Hampshire agent for examination no later than 21 calendar days after being requested to do so by the department. Failure to provide files and documents shall subject a licensee to a fine of \$50 per day for each day after 21 days the files and documents are not produced. Failure to provide files and documents within 60 days after being requested to do so by the department, shall be sufficient cause for license revocation, suspension, or denial.

III. A licensee shall keep and use business records in such form and at such location as the commissioner shall by rule determine. The records shall enable the commissioner to determine whether the licensee is complying with the provisions of this chapter, any rules adopted under it, and any other law, rule, or regulation.

applicable to the conduct of the business for which it is licensed under this chapter. The rules may contain provisions for records to be recorded, copied, or reproduced by any process which accurately reproduces or forms a durable medium for reproducing the original record or document, or in any other form or manner authorized by the commissioner. Nothing in this section shall be construed to permit any licensee to destroy original records or documents. Each licensee shall preserve all such business records for as long a period as the commissioner shall prescribe by rule.

399-G:13 Examinations.

I. The department may examine the business affairs and records of any licensee or any other person, whether licensed or not, as it deems necessary to determine compliance with this chapter and the rules adopted pursuant to it. In determining compliance, the department may examine the books, accounts, records, files, and other documents or matters of any licensee or person. The department shall have the power to subpoena witnesses and administer oaths in any adjudicative proceedings, and to compel, by subpoena duces tecum, the production of all books, records, files, and other documents and materials relevant to its investigation.

II. For the purpose of discovering violations of this chapter, the banking department may examine, during business hours, the records of any licensee and of any person by whom any such loan is made, whether such person shall be licensed to act, or claim to act, as principal, agent, or other representative, or under, or without the authority of this chapter; and for that purpose, the banking department shall have access to the books, papers, records, files, and vaults of all such persons. The banking department shall also have authority to examine, under oath, all persons whose testimony it may require relative to such loans or business.

III. The affairs and records of every licensee shall be subject at any time to such periodic, special, regular, or other examination by the banking department with or without notice to the licensee. All books, papers, files, related material, and records of assets of the licensee shall be subject to the banking department's examination.

IV. Any agent of the department may make a thorough examination into the business affairs of each licensee and shall report any violations of law, rule, or standard business practice to the department.

V. The expense of examination shall be chargeable to and paid by the licensee. The procedure for such payment shall be the same as for payments by institutions for cost of examinations under RSA 383:11, except when the principal office of the licensee or person is located outside of this state and the department has determined that the examination must be conducted at that out-of-state location, the actual cost of travel, lodging, meals and other expenses of examination personnel employed in making examinations, shall be chargeable to and paid by such licensee or person in addition to the per diem charge for examination personnel set forth in RSA 383:11.

VI. The commissioner may, in his or her discretion, accept all or a part of a report of examination of a money transmitter, certified to by the regulatory supervisory official of another state. To avoid unnecessary duplication of examinations, the commissioner, insofar as he or she deems it practicable in administering this section, may cooperate with the regulators of other states, the Federal Trade Commission, other federal regulators, or their successors in conducting examinations and investigations.

VII. Every person being examined, and all of the officers, directors, employees, agents, and representatives of such person shall make freely available to the commissioner or his or her examiners, the accounts, records, documents, files, information, assets, and matters in their possession or control relating to the subject of the examination and shall facilitate the examination.

VIII. Upon receipt of a written report of examination, the licensee shall have 30 days or such additional period as the commissioner for good cause may allow, to review the report, recommend any changes, and set forth in writing the remedial course of action the licensee will pursue to correct any reported deficiencies outlined in the report.

IX. If requested by the person examined, within the period allowed in paragraph VIII, or if deemed advisable by the commissioner without such request, the commissioner shall hold a closed hearing relative to the report and shall not file the report in the department until after such closed hearing and issuance of his or her order thereon. If no such closed hearing has been requested or held, the examination report, with such modifications as the commissioner deems proper, shall be accepted by the commissioner and filed upon expiration of the review period provided for in paragraph VIII.

X. All reports pursuant to this section shall be privileged and exempt from the requirements of RSA 91-A. The comments and recommendations of the examiner shall also be exempt.

399-G:14 Annual Report.

I. Each licensee shall file, under oath, an annual report with the banking department on or before February 1 each year concerning operations for the preceding year or license period ending December 31 upon the form prescribed by the department.

II. A person who surrenders, withdraws, or does not renew a license shall file the annual report as required in paragraph I, notwithstanding the fact that he or she is not licensed on the date that the report is due.

III. Each licensee shall also file, under oath, its financial statement with the commissioner within 90 days from the date of its fiscal year end. The financial statement shall be prepared in accordance with generally accepted accounting principles with appropriate note disclosures. A money transmitter's financial statement shall include a balance sheet, income statement, statement of changes in owners' equity, a cash flow statement, and a statement of net worth. If the financial statement filed under this section is not audited, a certification statement shall be attached and signed by an authorized officer of the licensee. The certification statement shall state that the financial statement is true and accurate to the best of the officer's belief and knowledge.

IV. The department shall publish its analysis of the information required in the licensee's annual report as a part of the commissioner's annual report.

V. Any money transmitter failing to file either the annual report or the financial statement required by this section within the time prescribed may be required to pay to the banking department a penalty of \$25 for each calendar day the annual report or financial statement is overdue up to a maximum penalty of \$2,500 per report or statement.

VI. In addition to the annual report and financial statement, the banking department may require such additional regular or special reports as it may deem necessary to the proper supervision of licensees under this chapter.

VII. Any officer, owner, manager, or agent of any licensee and any person controlling or having a contract under which he or she has a right to control such a licensee, whether exclusively or otherwise, and any person with executive authority over or in charge of any segment of such a licensee's affairs, shall reply promptly in writing, or in other designated form, to any written inquiry from the commissioner requesting a reply. The commissioner may require that any communication made to him or her under this section be verified.

399-G:15 Money Laundering Reports.

I. Licensees shall file with the commissioner copies of all reports required by federal currency reporting, record keeping, and suspicious transaction reporting requirements as set forth in 31 U.S.C. section 5313, 31 C.F.R. part 103, and other federal and state laws pertaining to money laundering with regards to money transmission transactions in this state.

II. The timely filing of a complete and accurate report required by paragraph I with the appropriate federal agency is compliance with the requirements of this section, unless the commissioner notifies the licensee that reports of this type are not being regularly and comprehensively transmitted by the federal agency to the commissioner.

399-G:16 Advertising. No licensee or other person shall advertise, print, display, publish, distribute, or broadcast, or permit to be advertised, printed, displayed, published, distributed, or broadcast in any manner whatsoever, any statement or representation with regard to the rates, terms, or conditions for money transmission under the provisions of this chapter which is false, misleading, or deceptive.

399-G:17 Consumer Inquiries.

I. Consumer complaints naming licensees under this chapter, which are filed in writing with the office of the commissioner, shall be forwarded via certified or registered mail to the licensee for response within 10 days of receipt by the department. Licensees shall, within 30 days after receipt of such complaint, send a written acknowledgment thereof to the consumer and the banking department. Not later than 60 days following receipt of such complaint, the licensee shall conduct an investigation of the complaint and either:

(a) Make appropriate corrections in the account of the consumer and transmit to the consumer and the banking department written notification of such corrections, including documentary evidence thereof; or

(b) Transmit a written explanation or clarification to the consumer and the banking department which sets forth, to the extent applicable, the reasons why the licensee believes its actions are correct, including copies of documentary evidence thereof.

II. A licensee who fails to respond to consumer complaints as required by this section within the time prescribed shall pay to the commissioner the sum of \$50 for each day such response is overdue. For purposes of this section, the date of transmission shall be the date such response is received by the commissioner.

III.(a) Licensees which, because of extenuating circumstances beyond the control of the licensee, are unable to comply with the time frames prescribed in this section, may make written request to the commissioner for a waiver of such time frames. Waivers shall not be granted or considered unless the request for the waiver:

(1) Is received by the banking department within 50 days following the licensee's receipt of the complaint;

(2) Specifies the reason for the request; and

(3) Specifies a date certain by which the licensee shall comply with the provisions of this section.

(b) Requests for waivers shall be either granted or denied within 5 days of receipt by the banking department.

399-G:18 License Revocation; Suspension.

I. The commissioner may issue an order requiring a person to whom any license has been granted or any person under the commissioner's jurisdiction to show cause why the license should not be revoked, suspended, or penalties imposed, or both, for violations of this chapter. The order shall give reasonable notice of the opportunity for a hearing and shall state the reasons for the issuance of the order. The commissioner may by order summarily postpone or suspend any license or application pending final determination of any order to show cause, or other order, or of any other proceeding under this section, provided the commissioner finds that the public interest would be irreparably harmed by delay in issuing such order. Upon the entry of the order, the commissioner shall promptly notify the respondent, applicant, or licensee that the order has been entered and of the reasons for the order and that within 10 calendar days after receipt of a written request the matter will be scheduled for hearing. Valid delivery of such order shall be by hand or certified mail at the last known principal office of the licensee, or respondent, to an officer, director, 5 percent or more owner, member, partner, or legal representative of the licensee or respondent. If the person to whom an order to show cause or other order is issued fails to request a hearing within 30 calendar days of receipt or valid delivery of the order and no hearing is ordered by the commissioner, then such person shall be deemed in default, and the order shall, on the thirty-first day, become permanent, and shall remain in full force and effect until and unless later modified or vacated by the commissioner, for good cause shown. A hearing, if requested shall be scheduled not later than 10 calendar days after the written request for such hearing is received by the commissioner, after which and within 20 calendar days from the date of the hearing the commissioner shall enter an order making such disposition of the matter as the facts require. If the licensee or respondent fails to request a hearing within 30 calendar days of receipt or valid delivery of such order or fails to appear at a hearing after being duly notified, or cannot be located after a reasonable search, such person shall be deemed in default and the proceeding may be decided against the person upon consideration of the order to show cause or other order, the allegations of which may be deemed to be true. The commissioner may by order, upon due notice and opportunity for hearing, assess penalties or deny, suspend, or revoke a license or application if it is in the public interest and the applicant, respondent, or licensee, any partner, officer, member, or director, any person occupying a similar status or performing similar functions, or any person directly or indirectly controlling the applicant, respondent, or licensee:

(a) Has violated any provision of this chapter or rules thereunder;

(b) Has not met the standards established in this chapter;

(c) Has filed an application for licensing which as of its effective date, or as of any date after filing in the case of an order denying effectiveness, was incomplete in any material respect or contained any statement which was, in light of the circumstances under which it was made, false or misleading with respect to any material fact;

- (d) Has made a false or misleading statement to the commissioner or in any reports to the commissioner;
- (e) Has made fraudulent misrepresentations, has circumvented or concealed, through whatever subterfuge or device, any of the material particulars or the nature thereof required to be stated or furnished to a consumer under the provisions of this chapter;
- (f) Is the subject of an order entered within the past 5 years by this state, any other state, or federal regulator denying, suspending, or revoking licenses or registration;
- (g) Is permanently, preliminarily, or temporarily enjoined by any court of competent jurisdiction from engaging in or continuing any conduct or practice involving any aspect of money transmission, lending, or collection activities;
- (h) Is not qualified on the basis of such factors as experience, knowledge, and financial integrity;
- (i) Has engaged in dishonest or unethical practices in the conduct of the business of money transmission;
- (j) Has violated applicable federal laws or rules thereunder;
- (k) Has made an unsworn falsification under RSA 641:3 to the commissioner; or
- (l) For other good cause shown.

II. The banking department may, upon due notice and opportunity for a hearing, suspend any license for a period not exceeding 30 days, pending investigation by the banking department.

III. Any license revocation, license suspension, or unfavorable action by the banking department on a license shall further comply with the provisions of RSA 541-A:30.

IV. The banking department may take action for immediate suspension of a license, pursuant to RSA 541-A:30, III.

V. If a licensee is a partnership, association, corporation, or entity however organized, it shall be sufficient cause for the suspension or revocation of a license that any officer, director, or trustee of a licensed association or corporation or any member of a licensed partnership has so acted or failed to act in behalf of said licensee as would be cause for suspending or revoking a license to such party as an individual.

VI. If the commissioner finds that any licensee or applicant for license is no longer in existence or has ceased to do business as a money transmitter, or cannot be located after reasonable search, the commissioner may by order revoke the license, impose penalties, or deny the application. The commissioner may deem abandoned and withdraw any application for licensure made pursuant to this chapter, if any applicant fails to respond in writing within 180 calendar days to a written request from the commissioner requesting a response. Such request shall be sent via certified mail to the last known address of the applicant that is on file with the commissioner.

399-G:19 Violations.

I. The department may issue and serve upon any licensee or person over whom it has jurisdiction a complaint setting forth charges whenever the department is of the opinion that the licensee or person is violating or has violated any provision of this chapter or any rule or order under this chapter.

II. The department may issue a cease and desist order against any person who it has reasonable cause to believe is in violation of the provisions of this chapter or any rule or order under this chapter. Delivery of such order shall be by hand or registered mail at the principal office of the person. The order shall be calculated to give reasonable notice of the rights of the person to request a hearing on the order and shall state the reasons for the entry of the order. A hearing shall be held not later than 10 days after the request for such hearing is received by the commissioner. Within 20 days of the date of the hearing the commissioner shall issue a further order vacating the cease and desist order or making it permanent. All hearings shall comply with RSA 541-A. If the person to whom a cease and desist order is issued fails to appear at the hearing after being duly notified, such person shall be deemed in default, and the proceeding may be determined against him or her upon consideration of the cease and desist order, the allegations of which may be deemed to be true. If the person to whom a cease and desist order is issued fails to request a hearing within 30 calendar days of receipt of such order, then such person shall likewise be deemed in default, and the order shall, on the thirty-first day, become permanent, and shall remain in full force and effect until and unless later modified or vacated by the commissioner, for good cause shown.

399-G:20 Administration by Commissioner; Rulemaking.

I. The commissioner shall administer and enforce the provisions of this chapter.

II. Pursuant to RSA 541-A, the commissioner may adopt such rules as he or she deems necessary to the administration and enforcement of this chapter. Such rules shall be consistent with the provisions of this chapter, and may include, but shall not be limited to, the following:

- (a) The application form for licensees required under RSA 399-G:5.
- (b) The form of license issued to licensees under RSA 399-G:6.
- (c) Annual reports required by RSA 399-G:14.
- (d) Personal disclosure statements to meet the requirements of RSA 399-G:5.
- (e) Fees to be charged to cover the reasonable costs of copying documents and producing reports.

III. The commissioner may prepare, alter, or withdraw such forms as are necessary to comply with the provisions of this title.

IV. The commissioner may issue, amend, or rescind such orders as are reasonably necessary to carry out the provisions of this chapter.

V. The commissioner may, for good cause shown, abate all or a portion of delinquency penalties assessed under this chapter.

VI. All actions taken by the commissioner pursuant to this chapter shall be taken only when the commissioner finds such action necessary or appropriate to the public interest or for the protection of consumers and consistent with the provisions of this chapter.

VII. In adopting rules, preparing forms, setting standards, and in performing examinations, investigations, and other regulatory functions authorized by the provisions of this chapter, the commissioner may cooperate, and share information pursuant to confidentiality agreements, with regulators in this state and with regulators in other states and with federal regulators, in order to implement the policy of this chapter in an efficient and effective manner and to achieve maximum uniformity in the form and content of applications, reports, and requirements for money transmitters, where practicable.

399-G:21 Penalty.

I. Any person who violates any provision of this chapter shall be guilty of a misdemeanor for each violation if a natural person, or guilty of a felony for each violation if any other person.

II. Any person who knowingly violates any rule or order of the commissioner may, upon notice and opportunity for hearing, except where another penalty is expressly provided, be subject to license suspension or revocation, or imposition of an administrative fine not to exceed \$2,500 for each violation in lieu of or in addition to suspension or revocation.

III. Any person who negligently violates any rule or order of the commissioner may, upon notice and opportunity for hearing, except where another penalty is expressly provided, be subject to license suspension, revocation, or denial, including the forfeiture of any application fee, or the imposition of an administrative fine not to exceed \$1,500 for each violation, in lieu of or in addition to suspension or revocation.

IV. Any person who, either knowingly or negligently, violates any provision of this chapter may, upon notice and opportunity for hearing, and in addition to any such other penalty provided for by law, be subject to license suspension, revocation or denial, including forfeiture of any application fee, or an administrative fine not to exceed \$2,500, or both. An administrative action or fine may be imposed in addition to any criminal or civil penalties imposed.

V. Every person who directly or indirectly controls a person liable under this section, every partner, principal executive officer, or director of such person, every person occupying a similar status or performing a similar function, every employee of such person who materially aids in the act constituting the violation, and every licensee or person acting as a common law agent who materially aids in the acts constituting the violation, either knowingly or negligently, may, upon notice and opportunity for hearing, and in addition to any other penalty provided for by law, be subject to license suspension, revocation, or denial, including the forfeiture of any application fee, or the imposition of an administrative fine not to exceed \$2,500, or both. An administrative action or fine may be imposed in addition to any criminal or civil penalties imposed. No per-

son shall be liable under this paragraph who shall sustain the burden of proof that such person did not know, and in the exercise of reasonable care could not have known, of the existence of facts by reason of which the liability is alleged to exist.

399-G:22 Records and Filings.

I. A document is filed when it is received by the commissioner. If any filing deadline date falls on a weekend or on a New Hampshire state or federal legal holiday, the due date shall be automatically extended to the next business day following such weekend or holiday.

II. Electronic filings, when received by the commissioner, are deemed filed, are prima facie evidence that a filing has been duly authorized and made by the signatory on the application or document, are admissible in any civil or administrative proceeding under this chapter, and are admissible in evidence in accordance with the rules of superior court in any action brought by the attorney general under this chapter.

III. A licensee may maintain its records in electronic format if, upon request, the licensee provides the commissioner with:

- (a) A full explanation of the programming of any data storage or communications systems in use; and
- (b) Information from any books, records, electronic data processing systems, computers, or any other information storage system in the form requested by the commissioner.

36 Definitions. Amend RSA 399-A:1, X to read as follows:

X. "Payday loan" means a small, short-maturity loan on security, ***regardless of cancel ability under Regulation E and regardless of any other law that may govern this transaction, in the form,*** of:

- (a) A check;
- (b) Any form of assignment of an interest in the account of an individual or individuals at a depository institution; ~~[or]~~
- (c) Any form of assignment of income payable to an individual or individuals; ***or***
- (d) ***Any payment authorization that allows a person to debit the account of an individual or individuals at a depository institution.***

37 Banking Department; Positions Established. The following classified positions are hereby established in the banking department:

- I. One bank examiner trainee, labor grade 21.
- II. One program specialist I, labor grade 19.
- III. One paralegal II, labor grade 19.

38 Effective Date.

- I. Section 35 of this act shall take effect January 1, 2007.
- II. The remainder of this act shall take effect 60 days after its passage.

2006-1885s

AMENDED ANALYSIS

This bill makes certain changes relative to licenses for first mortgage bankers, brokers, pawnbrokers, and money lenders.

This bill requires the banking commission to license money transmitters.

This bill was requested by the banking department.

Transportation and Interstate Cooperation

April 19, 2006

2006-1902s

06/09

Amendment to HB 1176

Amend subparagraph I(b) of section 2 of the bill by replacing it with the following:

- (b) Two members of the senate, appointed by the president of the senate.

Amend the bill by replacing section 3 with the following:

3 Duties. The committee shall review and recommend revisions, updates, and purges of all New Hampshire statutes covering railroad operation, rights of way, property rights, and such other railroad statutes as the committee may find relevant.

Banks and Insurance

April 18, 2006

2006-1865s

01/03

Amendment to HB 1192

Amend RSA 416-A:8-a, I as inserted by section 10 of the bill by replacing it with the following:

I. Compensation by a title insurance company of an attorney who is licensed to practice for services actually rendered in connection with a real estate transaction, regardless of whether such attorney represents a client in such real estate transaction.

2006-1865s

AMENDED ANALYSIS

This bill makes certain changes in the insurance laws relative to property and casualty insurance.

Senate Executive Departments and Administration

April 19, 2006

2006-1929s

01/05

Amendment to HB 1220

Amend subparagraph I(b) of section 2 of the bill by replacing it with the following:

(b) Two members of the senate, appointed by the president of the senate.

Capital Budget

April 18, 2006

2006-1870s

10/09

Amendment to HB 1343

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

AN ACT relative to the duties of the council on resources and development, and making bonded appropriations to the department of environmental services and the New Hampshire veterans' home.

Amend the bill by inserting after section 6 the following and renumbering the original section 7 to read as 10:

7 Department of Environmental Services; Capital Appropriation; Bonds Authorized.

I. The sum of \$610,000 is hereby appropriated to the department of environmental services for the fiscal year ending June 30, 2007 for the purpose of completing the department of environmental services e-permitting database. The appropriation is in addition to any other sums appropriated to the department and shall be nonlapsing.

II. To provide funds for the appropriation made in paragraph I, the state treasurer is hereby authorized to borrow upon the credit of the state not exceeding the sum of \$610,000 and for said purpose may issue bonds and notes in the name of and on behalf of the state of New Hampshire in accordance with RSA 6-A. Payments of principal and interest on the bonds and notes shall be made from the general fund of the state.

8 Veterans Home; Capital Appropriations. The following sums are appropriated to the New Hampshire veterans' home for the following purposes:

I. Recreation room storm repairs	\$ 36,000
Less federal	<u>-27,000</u>
Net state appropriation	\$ 9,000
II. Recreation room renovation	\$ 257,100
Less federal	<u>-167,115</u>
Net state appropriation	\$ 89,985

9 Bonds Authorized. To provide funds for the appropriations made in section 8 of this act, the state treasurer is hereby authorized to borrow upon the credit of the state not exceeding the sum of \$98,985 and for said purpose may issue bonds and notes in the name of and on behalf of the state of New Hampshire in accordance with RSA 6-A. Payments of principal and interest on the bonds and notes shall be made from the general fund of the state.

2006-1870s

AMENDED ANALYSIS

This bill:

I. Requires the council on resources and development to give advice, rather than approval, prior to the disposal of state-owned lands.

II. Removes the binding effect of the council's recommendations relative to coordination of member agencies.

III. Requires the council to provide the legislature and governor and council with copies of the council's meeting minutes.

IV. Requires the New Hampshire housing finance authority to obtain the approval of the long-range capital planning and utilization committee, with advice from the council on resources and development, and final approval by the governor and council, prior to the transfer of lands under the surplus lands housing program.

V. Makes a bonded appropriation to the department of environmental services for completing the e-permitting database.

VI. Makes a bonded capital appropriation to the New Hampshire veterans' home for repairs and renovations.

Public and Municipal Affairs

April 12, 2006

2006-1823s

08/09

Amendment to HB 1435

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

AN ACT relative to the emergency plan for service animals and establishing a commission to study the evacuation and housing of animals during an emergency.

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

1 New Paragraph; Emergency Services, Communications, and Management; Service Animal Evacuation Plan. Amend RSA 21-P:37 by inserting after paragraph V the following new paragraph:

VI. To prepare a comprehensive plan and program for the evacuation of hearing ear dogs, guide dogs, search and rescue dogs, and other service animals, as defined in RSA 167-D.

2 New Section; State Policy for Service Animals. Amend RSA 21-P by inserting after section 37 the following new section:

21-P:37-a State Policy for Service Animals. In cases of emergency, it shall be the policy of the state that service animals shall not be separated from the persons they serve. Every effort shall be made to keep service animals and the persons they serve together, and all appropriate state emergency planning and state sponsored emergency training shall be based on such assumptions.

3 Commission Established. There is established a commission to study the evacuation and housing of animals during an emergency.

4 Membership and Compensation.

I. The members of the commission shall be as follows:

(a) Three members of the house of representatives, appointed by the speaker of the house of representatives.

(b) Three members of the senate, appointed by the president of the senate.

(c) One member of the New Hampshire Humane Society, appointed by such organization.

(d) One member of the Humane Society of the United States, appointed by such organization.

(e) One member of the American Society for the Prevention of Cruelty to Animals, appointed by such organization.

(f) One member from the department of safety, division of emergency services, communications, and management, appointed by the commissioner of the department of safety.

(g) The commissioner of the department of agriculture, markets, and food, or designee.

(h) The state veterinarian, or designee.

(i) One member from the Concord Area Chapter of the American Red Cross, appointed by such organization.

II. Legislative members of the commission shall receive mileage at the legislative rate when attending to the duties of the commission.

5 Duties. The commission shall:

I. Define "domestic pet."

II. Develop a comprehensive plan for the evacuation and housing of domestic pets in cases of emergency.

III. Establish guidelines for evacuation and housing of livestock in cases of emergency.

IV. Give detailed protocol for coordination of state and non-profit agencies in gathering, organizing, housing, and reclaiming of animals in cases of emergency.

6 Chairperson; Quorum. The members of the commission shall elect a chairperson from among the members. The first meeting of the commission shall be called by the first-named house member. The first meeting of the commission shall be held within 45 days of the effective date of this section. Four members of the commission shall constitute a quorum.

7 Report. The commission shall report its findings and any recommendations for proposed legislation to the speaker of the house of representatives, the president of the senate, the house clerk, the senate clerk, the governor, and the state library on or before November 1, 2006.

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

2006-1823s

AMENDED ANALYSIS

This bill authorizes the director of the division of emergency services, communications, and management to prepare a plan for service animals to be evacuated in the event of an emergency. The bill states that in cases of emergency it is state policy that service animals not be separated from the persons they serve.

This bill also establishes a commission to study the evacuation and housing of animals in case of an emergency.

Sen. Letourneau, Dist. 19

April 18, 2006

2006-1874s

03/09

Amendment to HB 1448

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

AN ACT relative to the applicability of drivers' license revocations for drugs or alcohol involvement and relative to the medical/vision advisory board.

Amend the bill by inserting after section 1 the following and renumbering the original section 2 to read as 3:

2 Repeal. 2005, 123:2 and 2005, 123:3, I, relative to repealing the medical/vision advisory board, are repealed.

2006-1874s

AMENDED ANALYSIS

This bill modifies the applicability of certain provisions of the statute requiring drivers' license revocations or denials for drugs or alcohol involvement. This bill also repeals the prospective repeal of the medical/vision advisory board.

Transportation and Interstate Cooperation
April 19, 2006
2006-1901s
06/09

Amendment to HB 1470

Amend the bill by replacing section 1 with the following:

1 Special Permit Fees. Amend RSA 266:22, I-IV to read as follows:

I. Each permit for either over-length, over-width or over-height or any combination thereof, \$[5] **6**;

II. Each permit for vehicle and load over-weight, fee based on the following schedule: vehicle and load over registered weight but not exceeding 50,000 pounds, \$[5] **5.50**; 50,001 pounds to 60,000 pounds, \$[6] **6.50**; 60,001 pounds to 70,000 pounds, \$[7] **7.50**; 70,001 pounds to 80,000 pounds, \$[8] **8.50**; 80,001 pounds to 90,000 pounds, \$[9] **9.50**; 90,001 pounds to 100,000 pounds, \$[10] **10.50**; and for each additional 10,000 pounds \$2 shall be added to the above rate;

III. Provided a special permit may be issued to a person to cover all types of moves made within a radius of 100 miles from the person's home location for a fee of \$[50] **60** for each unit. Permits issued under the provisions of this paragraph may be issued for such time as the commissioner of transportation may determine.

IV. Provided further that a special annual permit may be issued to a person to cover all types of moves for a fee of \$[100] **115** for each unit. Each permit issued under the provisions of this paragraph shall be issued for one year;

Health and Human Services
April 18, 2006
2006-1883s
01/09

Amendment to HB 1555

Amend paragraph I of section 2 of the bill by inserting after subparagraph (n) the following new subparagraphs:

(o) A representative of the Professional Firefighters of New Hampshire, appointed by such association.

(p) A representative of the New Hampshire Health Care Association, appointed by such association.

Energy and Economic Development
April 19, 2006
2006-1892s
03/10

Amendment to HB 1758

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

AN ACT classifying bio-oil, bio synthetic gas, and biodiesel as renewable energy sources and relative to taxation of renewable generation facilities.

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

1 Limited Electrical Energy Producers; Definitions; Bio-Oil, Bio Synthetic Gas, and Biodiesel Added. Amend RSA 362-A:1-a, I to read as follows:

I. "Bio-oil" means a liquid renewable fuel derived from vegetable oils, animal fats, wood, straw, forestry byproducts, or agricultural byproducts using noncombustion thermal, chemical, or biological processes, including, but not limited to, distillation, gasification, hydrolysis, or pyrolysis, but not including anaerobic digestion, composting, or incineration.

I-a. "Bio synthetic gas" means a gaseous renewable fuel derived from vegetable oils, animal fats, wood, straw, forestry byproducts, or agricultural byproducts using noncombustion thermal, chemical, or biological processes, including, but not limited to, distillation, gasification, hydrolysis, or pyrolysis, but not including anaerobic digestion, composting, or incineration.

I-b. "Biodiesel" means a renewable diesel fuel substitute that is composed of mono-alkyl esters of long chain fatty acids, is derived from vegetable oils or animal fats, and meets the requirements of the American Society for Testing and Materials (ASTM) specification D6751.

I-c. “Cogeneration facility” means a facility which produces electric energy and other forms of useful energy, such as steam or heat, which are used for industrial, commercial, heating, or cooling purposes.

2 Limited Electrical Energy Producers; Definitions; Small Power Production Facility; Bio-Oil, Bio Synthetic Gas, and Biodiesel Added. Amend RSA 362-A:1-a, X to read as follows:

X. “Small power production facility” means a facility which produces electric energy solely by the use, as a primary energy source, of biomass, waste, renewable resources, **bio-oil, bio synthetic gas, biodiesel**, or any combination thereof and which has a power production capacity which, together with any other facility located at the same site, as determined by the commission, is not greater than 30 megawatts.

3 Renewable Energy; Bio-Oil, Bio Synthetic Gas, and Biodiesel Added. Amend RSA 374-F:3, V(f)(3) to read as follows:

(3) For purposes of subparagraph (f), “renewable energy” means geothermal energy, tidal or wave energy, wind energy, solar thermal energy, photovoltaic energy, landfill gas energy, hydro energy, biomass energy, **energy generated from bio-oil, bio synthetic gas, and biodiesel as defined in RSA 362-A:1-a, I, I-a, and I-b**, or combusted municipal waste energy where mercury emissions are reduced to an emission rate of 0.028 milligrams per dry standard cubic meter or less corrected to 7 percent oxygen by volume on a dry basis, or at least 85 percent control efficiency.

4 Land Use Planning; Utility Structures; Reference Changed. Amend RSA 674:30, IV to read as follows:

IV. Except for small power production facilities, as defined in RSA 362-A:1-a, X, and cogeneration facilities, as defined in RSA 362-A:1-a, [F] **I-c**, owned and operated by a New Hampshire franchised utility, small power production facilities and cogeneration facilities shall not be considered to be public utilities under this section and may not petition the public utilities commission for an exemption from the operation of any regulation under this subdivision.

5 Revenue Administration; Duties of Commissioner; Reference Added. Amend RSA 21-J:3, XIII to read as follows:

XIII. Equalize annually by May 1 the valuation of the property as assessed in the several towns, cities, and unincorporated places in the state including the value of property exempt pursuant to RSA 72:37, 72:37-b, 72:39-a, 72:62, 72:66, [and] 72:70, **and 72:74** by adding to or deducting from the aggregate valuation of the property in towns, cities, and unincorporated places such sums as will bring such valuations to the true and market value of the property, and by making such adjustments in the value of other property from which the towns, cities, and unincorporated places receive taxes or payments in lieu of taxes as may be equitable and just, so that any public taxes that may be apportioned among them shall be equal and just. In carrying out the duty to equalize the valuation of property, the commissioner shall follow the procedures set forth in RSA 21-J:9-a.

6 Property Tax Exemption; Adoption Procedure; Reference Added. Amend the introductory paragraph of RSA 72:27-a, I to read as follows:

I. Any town or city may adopt the provisions of RSA 72:28, RSA 72:29-a, RSA 72:35, RSA 72:37, RSA 72:37-b, RSA 72:38-b, RSA 72:39-a, RSA 72:62, RSA 72:66, [or], RSA 72:70, **or RSA 72:74** in the following manner:

7 Definitions; Reference Added. Amend RSA 72:29, VI to read as follows:

VI. For purposes of RSA 72:28, 29-a, 30, 31, 32, 33, 35, 36-a, 37, 37-a, 37-b, 38-a, 39-a, 62, 66, [and], 70, **and 74**, the ownership of real estate, as expressed by such words as “owner,” “owned,” or “own,” shall include those who have equitable title or the beneficial interest for life in the subject property.

8 Application for Tax Exemption; Reference Added. Amend the introductory paragraph of RSA 72:33, I to read as follows:

I. No person shall be entitled to the exemptions or tax credits provided by RSA 72:28, 29-a, 30, 31, 32, 35, 36-a, 37, 37-a, 37-b, 38-b, 39-b, 62, 66, [and] 70, **and 74** unless the person has filed with the selectmen or assessors, by April 15 preceding the setting of the tax rate, a permanent application therefor, signed under penalty of perjury, on a form approved and provided by the commissioner of revenue administration, showing that the applicant is the true and lawful owner of the property on which the exemption or tax credit is claimed and that the applicant was duly qualified upon April 1 of the year in which the exemption or tax credit is first claimed, or, in the case of financial qualifications, that the applicant is duly qualified at the time of application. The form shall include the following and such other information deemed necessary by the commissioner:

9 Appeal from Refusal to Grant; Reference Added. Amend RSA 72:34-a to read as follows:

72:34-a Appeal From Refusal to Grant Exemption, Deferral, or Tax Credit. Whenever the selectmen or assessors refuse to grant an applicant an exemption, deferral, or tax credit to which the applicant may be entitled under the provisions of RSA 72:23, 23-d, 23-e, 23-f, 23-g, 23-h, 23-i, 23-j, 23-k, 28, 29-a, 30, 31, 32, 35, 36-a, 37, 37-a, 37-b, 38-a, 38-b, 39-a, 39-b, 41, ~~[42;]~~ 62, 66, ~~[or]~~ 70, **or 74** the applicant may appeal in writing, on or before September 1 following the date of notice of tax under RSA 72:1-d, to the board of tax and land appeals or the superior court, which may order an exemption, deferral, or tax credit, or an abatement if a tax has been assessed.

10 New Subdivision; Exemption for Renewable Generation Facilities. Amend RSA 72 by inserting after section 72 the following new subdivision:

Exemption for Renewable Generation Facilities

72:73 Definition of Renewable Generation Facility. In this subdivision, "renewable generation facility" means a facility which produces electric energy for resale solely by the use, as a primary energy source, of geothermal, hydro, wind, solar, or biomass energy, or any combination thereof.

72:74 Exemption for Renewable Generation Facilities; Procedure for Adoption. Each city and town may adopt under RSA 72:27-a an exemption from the assessed value, for property tax purposes, for persons owning real property which is equipped with a renewable generation facility.

72:75 Application for Exemption. Applications for exemptions under RSA 72:74 shall be governed by the provisions of RSA 72:33, 72:34, and 72:34-a.

72:76 Payment in Lieu of Taxes.

I. The owner of a renewable generation facility and the municipality in which the facility is located may enter into a voluntary agreement to make a payment in lieu of taxes.

II. When negotiating a voluntary agreement to make a payment in lieu of taxes, the owner and the municipality shall negotiate in good faith and give due consideration to all factors that may be relevant to determining a fair payment.

III. A renewable generation facility subject to a payment in lieu of taxes under this section shall remain subject to the laws governing the utility property tax under RSA 83-F.

IV. If a municipality that contains more than one school district receives a payment in lieu of taxes under this section, the proceeds shall be prorated to the districts in the same manner as local taxes are prorated to the districts.

V. The collection procedures in RSA 80 may be used to enforce a voluntary agreement to make a payment in lieu of taxes authorized by this section.

VI. No voluntary agreement entered into under this section shall be valid for more than 5 years without renewal by the parties.

11 Applicability. Nothing in this act shall affect any agreement entered into under RSA 362-A:6 between a qualifying facility and a city, town, or village district for payment in lieu of taxes which was in existence on March 1, 1997.

12 Effective Date.

I. Sections 5-11 of this act shall take effect April 1, 2006.

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

2006-1892s

AMENDED ANALYSIS

This bill specifies that bio-oil, bio synthetic gas, and biodiesel are renewable energy sources for certain purposes.

This bill also allows municipalities to adopt a property tax exemption for property with a renewable generation facility and establishes procedures for the owners of such facilities to make payments in lieu of taxes.

HEARINGS

MONDAY, APRIL 24, 2006

FINANCE, Room 100, SH

Sen. Morse (C), Sen. Boyce (VC), Sen. Gatsas, Sen. Clegg, Sen. Green, Sen. Odell, Sen. D'Allesandro, Sen. Larsen
Immediately Following the Ways & Means & Finance Informational Meeting
EXECUTIVE SESSION ON PENDING LEGISLATION

TUESDAY, APRIL 25, 2006

CAPITAL BUDGET, Room 100, SH

Sen. Clegg (C), Sen. D'Allesandro (VC), Sen. Boyce, Sen. Johnson, Sen. Morse Sen. Green

10:15 a.m. **HB 2006**, (New Title) relative to the state 10-year transportation improvement plan, the exemption of highway projects from eminent domain, improvements on the FE Everett Turnpike/I-293 and certain segments of N.H. 101, and a bridge crossing the Merrimack.

EXECUTIVE SESSION MAY FOLLOW

ENVIRONMENT AND WILDLIFE, Room 103, LOB

Sen. Johnson (C), Sen. Gallus (VC), Sen. Barnes, Sen. Eaton, Sen. Hassan

1:00 p.m. **EXECUTIVE SESSION ON PENDING LEGISLATION**

HEALTH AND HUMAN SERVICES, Room 101, LOB

Sen. Martel (C), Sen. Kenney (VC), Sen. Gallus, Sen. Bragdon, Sen. Estabrook, Sen. Fuller Clark

10:15 a.m. **HB 1274**, relative to certain disclosures to the department of health and human services.

10:40 a.m. **HB 1427**, (New Title) relative to guiding principles for developmentally disabled services.

11:10 a.m. **HB 1437**, establishing a committee to study the effects of current state and federal laws on illegal drugs and the possession and use of such drugs.

11:40 a.m. **HB 1546**, (New Title) relative to patient information.

EXECUTIVE SESSION MAY FOLLOW

JUDICIARY, Room 103, SH

Sen. Foster (C), Sen. Clegg (VC), Sen. Odell, Sen. Letourneau, Sen. Roberge, Sen. Gottesman

11:15 a.m. **EXECUTIVE SESSION ON PENDING LEGISLATION**

1:00 p.m. **HB 298**, relative to consolidating statutes relating to driving while intoxicated.

1:15 p.m. **HB 459**, (New Title) relative to access to criminal records and enhanced 911 system records.

1:30 p.m. **HB 1377**, relative to certain mandatory minimum sentences.

1:45 p.m. **HB 1386**, relative to exceptions to the prohibition on carrying and selling knives.

2:00 p.m. **HB 1480**, amending the provisions relative to registration of criminal offenders.

EXECUTIVE SESSION MAY FOLLOW

WEDNESDAY, APRIL 26, 2006

EXECUTIVE DEPARTMENTS AND ADMINISTRATION, Room 102, LOB

Sen. Kenney (C), Sen. Flanders (VC), Sen. Barnes, Sen. Boyce, Sen. Fuller Clark, Sen. Larsen

1:00 p.m. **HB 1351**, relative to the rulemaking process.

- 1:20 p.m. **HB 1526**, relative to the composition of the medical review subcommittee of the medical review board.
- 1:40 p.m. **HB 1521**, (New Title) relative to the membership of the juvenile parole board.
- 2:00 p.m. **HB 1589**, establishing a committee to study the feasibility of using certain state-owned buildings as transition housing for 17-year olds and 18-year olds who are ready to leave foster care or the youth development center.
- 2:20 p.m. **HB 1523**, relative to certain rulemaking authority of the commissioner of environmental services.

EXECUTIVE SESSION MAY FOLLOW

FINANCE, Room 100, SH

- Sen. Morse (C), Sen. Boyce (VC), Sen. Gatsas, Sen. Clegg, Sen. Green, Sen. Odell, Sen. D'Allesandro, Sen. Larsen
- 10:30 a.m. **HB 1626-FN-A**, (New Title) relative to appropriations for the expenses of certain departments of the state.

EXECUTIVE SESSION MAY FOLLOW

PUBLIC AND MUNICIPAL AFFAIRS, Room 103, SH

- Sen. Roberge (C), Sen. Hassan (VC), Sen. Barnes, Sen. Kenney, Sen. Martel, Sen. Burling
- 10:30 a.m. **EXECUTIVE SESSION ON PENDING LEGISLATION**

TRANSPORTATION AND INTERSTATE COOPERATION, Room 101, LOB

- Sen. Letourneau (C), Sen. Morse (VC), Sen. Flanders, Sen. Martel, Sen. Burling, Sen. Estabrook
- 8:30 a.m. **HB 1530**, naming the road to the supreme court and the administrative office of the courts Charles Doe Drive and naming the campus of the supreme court and the administrative office of the courts Charles Doe Place.
- 9:00 a.m. **HB 1295**, (New Title) requiring notification regarding brake shift interlock and key positions by automobile dealers to consumers.

EXECUTIVE SESSION MAY FOLLOW

WAYS AND MEANS, Room 103, SH

- Sen. D'Allesandro (C), Sen. Clegg (VC), Sen. Boyce, Sen. Gallus, Sen. Odell
- 1:00 p.m. **EXECUTIVE SESSION ON PENDING LEGISLATION**

MEETINGS

FRIDAY, APRIL 21, 2006

JOINT LEGISLATIVE COMMITTEE ON ADMINISTRATIVE RULES (RSA 541-A:2)

9:00 a.m. Rooms 306-308, LOB Regular Meeting

RIGHT TO KNOW OVERSIGHT COMMISSION (RSA 91-A:11)

10:00 a.m. Room 202, LOB Regular Meeting

JOINT LEGISLATIVE HISTORICAL COMMITTEE (RSA 17-I:1)

11:00 a.m. Room 103, SH Information Meeting

MONDAY, APRIL 24, 2006

OIL FUND DISBURSEMENT BOARD (RSA 146-D:4)

9:00 a.m. Room 305, LOB Regular Meeting

JOINT MEETING SENATE WAYS & MEANS AND SENATE FINANCE

10:00 a.m. Room 100, SH Joint information Session
All Senators are invited to attend
a presentation on revenues.

LOW-INCOME ELECTRIC ASSISTANCE PROGRAM REVIEW COMMITTEE (SB 228, Chapter 298:4, Laws of 2005)

10:00 a.m. Room 209, LOB Regular Meeting

TUESDAY, APRIL 25, 2006

PROCUREMENT METHODS FOR PUBLIC WORKS PROJECTS BY STATE AND LOCAL GOVERNMENT AGENCIES (HB 157, Chapter 132:1, Laws of 2005)

10:00 a.m. Room 307, LOB Regular Meeting

FRIDAY, APRIL 28, 2006

ASSESSING STANDARDS BOARD (RSA 21-J:14-a)

9:30 a.m. NH Department of Revenue Administration
57 Regional Drive, Training Room Regular Meeting

FISCAL COMMITTEE OF THE GENERAL COURT (RSA 14:30-a)

9:00 a.m. Rooms 210-211, LOB Regular Meeting

9:00 a.m. Rooms 210-211, LOB Audits:
State of New Hampshire
Highway Fund Financial
Statements
For the Fiscal Year Ended
June 30, 2005
State of New Hampshire
Comprehensive Annual
Financial Report
For the Year Ended
June 30, 2005

MONDAY, MAY 1, 2006

DEVELOPMENTAL DISABILITY WAITLIST FUND ALLOCATION OVERSIGHT COMMITTEE (RSA 171-A:1-c)

10:00 a.m. Room 205, LOB Regular Meeting

COMMISSION TO STUDY THE STATE PARK SYSTEM (SB 5, Chapter 276:1, Laws of 2005)

10:30 a.m.	Room 100, SH	Subcommittee Work Session
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COMMISSION TO STUDY THE STATE PARK SYSTEM (SB 5, Chapter 276:1, Laws of 2005)

11:00 a.m.	Room 100, SH	Committee Work Session
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TUESDAY, MAY 2, 2006**STATE VETERANS ADVISORY COMMITTEE (RSA 115-A:2, VI)**

5:00 p.m.	American Legion Post 79 35 W. Brook St. Manchester, NH	Regular Meeting
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WEDNESDAY, MAY 3, 2006**ADVISORY COMMITTEE ON EDUCATION OF CHILDREN/STUDENTS WITH DISABILITIES (RSA 186-C:3-b)**

4:00 p.m.	Room 15 Department of Education 101 Pleasant St. Concord, NH	Regular Meeting
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FRIDAY, MAY 5, 2006**JOINT LEGISLATIVE COMMITTEE ON ADMINISTRATIVE RULES (RSA 541-A:2)**

9:00 a.m.	Room 306, LOB	Continued Regular Meeting
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PUBLIC HIGHER EDUCATION STUDY COMMITTEE (RSA 187-A:28-a)

9:30 a.m.	Mountain view Room 3 rd Floor Young Student Center Keene State College	Campus Tour
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MONDAY, MAY 8, 2006**NH LAND AND COMMUNITY HERITAGE AUTHORITY BOARD OF DIRECTORS (RSA 227-M:4)**

9:00 a.m.	CDFA Board Room 14 Dixon Avenue Concord, NH	Regular Meeting
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COMMISSION TO STUDY ISSUES RELATIVE TO THE COMPREHENSIVE SHORELAND PROTECTION ACT (SB 83, Chapter 209:1, Laws of 2005)

10:00 a.m.	Room 305, LOB	Regular Meeting
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BOARD OF MANUFACTURED HOUSING (RSA 205-A:25)

1:00 p.m.	Room 201, LOB	Regular Meeting
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GUARDIAN AD LITEM BOARD (RSA 490-C:1)

1:00 p.m.	Room 102, LOB	Regular Meeting
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FRIDAY, MAY 12, 2006**ASSESSING STANDARDS BOARD (RSA 21-J:14-a)**

9:30 a.m.	NH Department of Revenue Administration 57 Regional Drive, Training Room	Regular Meeting
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HEALTH AND HUMAN SERVICES OVERSIGHT COMMITTEE (RSA 126-A:13)

10:00 a.m.	Room 205, LOB	Regular Meeting
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EMERGENCY MANAGEMENT SYSTEM JOINT LEGISLATIVE OVERSIGHT COMMITTEE (RSA 21-P:51)

1:00 p.m.	Room 205, LOB	Regular Meeting
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MONDAY, MAY 15, 2006

WINNIPESAUKEE RIVER WATERSHED ADVISORY COMMITTEE (RSA 483-D:2)

9:00 a.m. Room 103, SH Update Meeting

FRIDAY, MAY 19, 2006

JOINT LEGISLATIVE COMMITTEE ON ADMINISTRATIVE RULES (RSA 541-A:2)

9:00 a.m. Room 306, LOB Regular Meeting

MONDAY, MAY 22, 2006

LEGISLATIVE ETHICS COMMITTEE (RSA 14-B:2)

10:30 a.m. Room 100, SH Regular Meeting

WEDNESDAY, MAY 26, 2006

ASSESSING STANDARDS BOARD (RSA 21-J:14-a)

9:30 a.m. NH Department of Regular Meeting
 Revenue Administration
 57 Regional Drive, Training Room

FRIDAY, JUNE 2, 2006

JOINT LEGISLATIVE COMMITTEE ON ADMINISTRATIVE RULES (RSA 541-A:2)

9:00 a.m. Room 306, LOB Continued Meeting

WEDNESDAY, JUNE 7, 2006

ADVISORY COMMITTEE ON EDUCATION OF CHILDREN/STUDENTS WITH DISABILITIES (RSA 186-C:3-b)

4:00 p.m. Room 12 Department of Education Regular Meeting
 101 Pleasant St.
 Concord, NH

FRIDAY, JUNE 9, 2006

ASSESSING STANDARDS BOARD (RSA 21-J:14-a)

9:30 a.m. NH Department of Regular Meeting
 Revenue Administration
 57 Regional Drive, Training Room

PUBLIC HIGHER EDUCATION STUDY COMMITTEE (187-A:28-a)

9:30 a.m. Granite State College Campus Tour
 8 Old Suncook Road
 Concord, NH

MONDAY, JUNE 12, 2006

COMMISSION TO STUDY ISSUES RELATIVE TO THE COMPREHENSIVE SHORELAND PROTECTION ACT (SB 83, Chapter 209:1, Laws of 2005)

10:00 a.m. Room 305, LOB Regular Meeting

GUARDIAN AD LITEM BOARD (RSA 490-C:1)

1:00 p.m. Room 102, LOB Regular Meeting

FRIDAY, JUNE 16, 2006

JOINT LEGISLATIVE COMMITTEE ON ADMINISTRATIVE RULES (RSA 541-A:2)

9:00 a.m. Room 306, LOB Regular Meeting

FRIDAY, JUNE 23, 2006

ASSESSING STANDARDS BOARD (RSA 21-J:14-a)

9:30 a.m.

NH Department of
Revenue Administration
57 Regional Drive, Training Room

Regular Meeting

FRIDAY, JUNE 30, 2006

JOINT LEGISLATIVE COMMITTEE ON ADMINISTRATIVE RULES (RSA 541-A:2)

9:00 a.m.

Room 306, LOB

Continued Meeting

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FISCAL NOTE ADDITIONS AND UPDATES HAVE BEEN AMENDED TO THE BILLS ON THE WEB SITE AND ARE AVAILABLE IN THE SENATE CLERK'S OFFICE FOR THE FOLLOWING 2006 BILLS.

SENATE BILLS: 22, 103, 107, 110, 175, 131, 225, 232, 249, 262, 268, 276, 278, 279, 280, 281, 282, 284, 288, 289, 290, 296, 297, 298, 300, 301, 303, 305, 306, 307, 309, 310, 311, 313, 314, 316, 317, 325, 339, 342, 346, 350, 352, 353, 354, 355, 356, 357, 358, 359, 361, 363, 367, 368, 371, 372, 373, 374, 375, 377, 378, 379, 380, 381, 384, 385, 386, 392, 401, 402, 403, 406

HOUSE BILLS: 76, 100, 234, 317, 325, 345, 347, 349, 380, 489, 515, 638, 645, 653, 657, 669, 678, 689, 718, 719, 1128, 1167, 1182, 1215, 1221, 1222, 1223, 1231, 1274, 1331, 1337, 1407, 1419, 1426, 1427, 1436, 1455, 1459, 1463, 1464, 1465, 1468, 1489, 1578, 1595, 1609, 1612, 1624, 1626, 1631, 1648, 1656, 1657, 1679, 1683, 1681, 1697, 1711, 1713, 1718, 1741, 1744, 1747, 1765, 1767, 1768

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NOTICES

In the very near future, the Statehouse Cafeteria dining room will be set up as a "Wi-Fi HotSpot." Anyone using an 802.11 wireless compatible device (laptop or PDA) will be able to access the Internet for free during the hours that the cafeteria dining room is open. Unlike other areas of the Statehouse complex, where an Encryption Key must be used, the Cafeteria will offer open access. This new HotSpot will be set up on a separate network so that the legislative network will remain secure. This was made possible through joint efforts of House and Senate leadership under the guidance of Stan Kelly, Manager of the Statehouse Information Systems.

Theodore L. Gatsas, Senate President

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NH GENERAL COURT

MAIL RECEIPT POLICY

No legislative employee shall accept hand delivered mail that does not include a complete return address clearly displayed on the envelope. Any legislative employee responsible for opening hand delivered mail shall secure the envelope to the contents.

Legislative employees that accept and distribute mail for their department, shall not accept mail hand delivered from any person not employed by the General Court to be distributed to numerous members or staff, unless authorized by the Chief of Staff(s).

Theodore L. Gatsas, Senate President

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TUESDAY, APRIL 25, 2006

Presentation: Taking the "Bite" out of Bug-Borne Disease: Surveillance, Control, and Prevention of Eastern Equine Encephalitis, West Nile Virus, and Lyme Disease in NH

All General Court members are cordially invited to attend a presentation on April 25th from 12-1:00PM in Conference Rooms 1&2, H. Taylor Caswell, Jr. Physicians' Office Bldg, Littleton Hospital, Littleton, NH. The presenter is Jason Stull, DVM, State Public Health Veterinarian, NH Dept. of Health and Human Services and Assistant Clinical Professor, University of New Hampshire. This lecture will : 1) Provide a background on Eastern Equine Encephalitis (EEE), West Nile Virus (WNV), & Lyme disease, 2) Discuss the historic human and animal impacts of these diseases in New Hampshire, 3) Identify key measures for control and prevention, and 4) Discuss effective ways to best communicate risk and prevention methods to the public. This presentation is part of the 2005-2006 Public Health Grand Round series and is co-sponsored by the University of New Hampshire's Masters in Public Health Program, the NH Public Health Association, and Littleton Hospital. To register for this event, please call or email Chris Hamann by April 24th at 862-2733 or chris.hamann@unh.edu. Lunch vouchers will be provided to the first 40 registrants.

Senator Iris W. Estabrook

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WEDNESDAY, APRIL 26, 2006

The Osteoporosis Education and Prevention Council invites all legislators and staff to our annual osteoporosis education event on **Wednesday, April 26, 2006 from 11:00 am-1:30 pm at the Upham Walker House**. Stop in for yogurt and other healthy snacks that will make a great lunch! Exhibits and educational material will also be available.

Senator Sylvia B. Larsen

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THURSDAY, APRIL 27, 2006

All Senators and staff are invited to the bi-ennial Health Screening Day presented by Health Services. This event will be held in rooms, 305,306,307 and 308 of the LOB on Thursday, April 27th from 9:00 A.M. to 1:00 P.M. Have your blood pressure taken, blood sugar tested, spine screened, balance assessed, eyes and throat checked. Get some stress reduction hints and even a short massage, plus much more. Got questions? Bring them to our participating professionals for quick and up to date information. Looking forward to seeing all of you.

Senator André Martel

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TUESDAY, MAY 9, 2006

The New Hampshire National Guard Legislative Open House Tuesday, May 9, 2006 from 3:30 p.m. - 5:00 p.m. Concord Armory, Pembroke Rd, Concord, NH.

Senator Robert E. Clegg, Jr.

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WEDNESDAY, MAY 17, 2006

Save the date! On Wednesday, May 17th, the New Hampshire Women's Lobby will hold its annual Spring Celebs 2006 Awards. Celebration is at the Concord City Auditorium (Green and Prince Streets) from 4:30 p.m. - 6:30 p.m. We hope you'll plan to join us as we honor legislators and citizens making a difference for women and families in the Granite State.

Senator Sylvia B. Larsen

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FRIDAY, JUNE 2, 2006

The 33rd Annual Bill White Memorial Legislative Golf Tournament is scheduled for Friday, June 2, 2006 at the Waukegan Golf Course, Meredith, NH. The entry fee for this annual tournament is \$85.00 per person which includes greens fee, cart, barbecue dinner and prizes.

Registration is at 7:30 a.m. and the shotgun start is scheduled for 9:00 a.m. The format is "Captain and Crew".

Sign-up as a foursome or sign-up by yourself in order to be placed in a foursome.

A maximum of 100 players will be allowed. Please note that payment must be made upon registration. There will be no exceptions to this rule! Cancellation must occur two weeks prior to the tournament date to receive a full fee refund.

Return your entry and payment no later than May 15th to Sandra Anderson at the LOB Lobby Desk. Checks should be made payable to Sandra Anderson.

Theodore L. Gatsas, Senate President

33rd Annual Bill White Memorial Golf Tournament

Waukegan Golf Course
Meredith, NH

Name: 1. _____
2. _____
3. _____
4. _____

Telephone: _____ Amount Enclosed: _____

SENATE SCHEDULE

Thursday, April 20, 2006	Deadline for Policy Committees to report on all House money bills
Thursday, May 4, 2006	Deadline for Policy Committees to report on all House non-money bills
Thursday, May 11, 2006	Last day to FORM Committees of Conference
Thursday, May 18, 2006	Last day to SIGN Committee of Conference Reports
Wednesday, May 24, 2006	Last day to ACT on Committee of Conference Reports
Monday, May 29, 2006	Memorial Day (State Holiday)
Tuesday, July 4, 2006	Independence Day (State Holiday)

VISITORS CENTER SCHEDULE - APRIL

DATE	TIME	GROUP	Grade/Size
April 21	9:30/11:00 SH/SC	Deerfield Elementary	4/75
April 21	12:30	Tuftonboro School	4/27
April 21	2:30	Sugar Hill Retirement Community – Wolfboro	Adults /15
April 24	10:30	Ray School – Hanover	4/45
April 25	9:30	John Fuller School – North Conway	4/40
April 25	11:00	Canaan Elementary School	4/40
April 26	9:30/11:00 SH/HM	Towle Elementary School – Newport	4/80
April 27	10:30	Ray School – Hanover	4/45
April 28	10:00/11:30 SH/HM	Seminary Hill School – West Lebanon	4/75