

Floor Amendment to SB 225-FN

1 Amend RSA 293-A:3.05(e) as inserted by section 32 of the bill by replacing it with the following:

2
3 (e) A corporation described in subsection (a)(1) may be exempted from the requirements
4 of RSA Title 35 and not be subject to regulation by the New Hampshire bank commissioner if it
5 complies with the following:

6 (1) The corporation which intends to become an unregulated exempt family trust
7 company shall apply to the banking department as a fully-regulated family trust company charter
8 according to the provisions of RSA 383-A:3-305;

9 (2) The entity shall be required to operate as a regulated family trust company for
10 an initial 18-month period, with a full examination conducted by the banking department no sooner
11 than one year of commencing operations. If the family trust company receives a composite rating
12 greater than a minimum rating, as determined in rules of the bank commissioner, at any time
13 following one year of commencing operations it may apply for a change of business plan under RSA
14 383-C:8-801 and request permission to convert its status to an unregulated, exempt family trust
15 company. A rating greater than the minimum determined by the bank commissioner must be
16 achieved for the banking department to be able to consider the request. If the minimum rating is
17 not achieved, the entity shall continue to operate as a fully-regulated family trust company and
18 accept examinations on the 18-month cycle until the minimum rating is achieved. Upon
19 subsequently achieving a composite rating which is greater than the minimum, the family trust
20 company may then file an application to convert to an exempt family trust company.

21 (3) Once conversion from a regulated family trust company to an exempt family
22 trust company has been approved by the bank commissioner, the banking department shall have no
23 jurisdiction over, supervisory authority, or responsibility for the condition or performance of the
24 exempt family trust company unless the department receives information that causes it to believe
25 that the entity is conducting unlicensed banking activities, such as providing services to the general
26 public.

27
28 Amend RSA 304-C:22-a(e) as inserted by section 33 of the bill by replacing it with the following:

29
30 (e) A limited liability company described in subsection (a)(1) may be exempted from the
31 requirements of RSA Title 35 and not be subject to regulation by the New Hampshire bank

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1 commissioner if it complies with the following:

2 (1) The limited liability company which intends to become an unregulated exempt
3 family trust company shall apply to the banking department as a fully-regulated family trust
4 company charter according to the provisions of RSA 383-A:3-305;

5 (2) The entity shall be required to operate as a regulated family trust company for
6 an initial 18-month period, with a full examination conducted by the banking department no sooner
7 than one year of commencing operations. If the family trust company receives a composite rating
8 greater than a minimum rating, as determined in rules of the bank commissioner, at any time
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15 subsequently achieving a composite rating which is greater than the minimum, the family trust
16 company may then file an application to convert to an exempt family trust company.

17 (3) Once conversion from a regulated family trust company to an exempt family
18 trust company has been approved by the bank commissioner, the banking department shall have no
19 jurisdiction over, supervisory authority, or responsibility for the condition or performance of the
20 exempt family trust company unless the department receives information that causes it to believe
21 that the limited liability company is conducting unlicensed banking activities, such as providing
22 services to the general public.