

HB 610-FN - AS AMENDED BY THE SENATE

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

2021 SESSION

21-0545
11/04

HOUSE BILL

610-FN

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

SPONSORS: Rep. Hunt, Ches. 11

COMMITTEE: Commerce and Consumer Affairs

AMENDED ANALYSIS

This bill:

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

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

III. Adjusts fees for filings by state chartered institutions.

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

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

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

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

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

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

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Explanation: Matter added to current law appears in ***bold italics***.
Matter removed from current law appears ~~[in brackets and struckthrough.]~~
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

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STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty One

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

II. Each licensee shall file, under oath, its financial statement ~~[with the commissioner]~~ *through the Nationwide Multistate Licensing System and Registry* 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 and, unless excepted by an order from the commissioner for hardship reasons, shall be audited by an independent certified public accountant. The financial statement shall include or be accompanied by a calculation that reflects the fiscal year's average daily outstanding money transmissions as defined by RSA 399-G:1, IV in United States dollars. A money transmitter's financial statement shall include:

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

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

IV. Any money transmitter failing to file either the ~~[annual]~~ *call* 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]~~. *The penalty shall be* \$25 for each calendar day the ~~[annual]~~ *call* report or financial statement is overdue up to a maximum penalty of **\$625 per call report or** \$2,500 per ~~[report or]~~ *financial* statement.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

383-A:6-609 Fee Schedule.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Policies Relating to Nursing Mothers

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

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

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

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

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

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

275:79 Notification of Policies.

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

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

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

275:80 Sufficient Space.

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

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

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

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

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

275:81 Reasonable Break Period.

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

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

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

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

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

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

Housing and Conservation Planning Program

4-C:38 Definitions. In this subdivision:

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

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

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

1 IV. “Program” means the housing and conservation planning program.

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

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

11 I. Eligible applicants shall include:

12 (a) Municipalities; or

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

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

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

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

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

22 This phase includes:

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

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

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

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

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

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

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

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

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

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

(2) Adopting the revised master plan.

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

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

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

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

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

II. Each phase shall require that:

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

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

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

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

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

I. The application process.

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

III. Reporting requirements by municipalities.

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

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

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

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

9 III. The advisory board shall consist of:

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

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

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

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

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

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

17 (1) The New Hampshire housing finance authority.

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

19 (3) The current use board.

20 (4) The land and community heritage authority.

21 (5) The New Hampshire Municipal Association.

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

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

25 (8) Housing Action New Hampshire.

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

27 (10) The New Hampshire Preservation Alliance.

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

29 (12) Plan NH.

30 (13) New Hampshire Association of Realtors.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

24 I. In this section:

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

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

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

36 (2) Structured care management.

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

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(4) Modification of treatment as appropriate.

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

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

415:18-ff Group Coverage for Collaborative Care.

I. In this section:

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

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

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

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

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

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

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

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

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

15 36 Effective Date.

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

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

HB 610-FN- FISCAL NOTE

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

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

Sections 1 through 28:

FISCAL IMPACT

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

AGENCIES CONTACTED:

Banking Department

Sections 29 and 30:

FISCAL IMPACT: ☒ State ☐ County ☒ Local ☐ None

STATE:	Estimated Increase / (Decrease)			
	FY 2021	FY 2022	FY 2023	FY 2024
Appropriation	\$0	\$0	\$0	\$0
Revenue	\$0	\$0	\$0	\$0
Expenditures	\$0	Indeterminable Increase	Indeterminable Increase	Indeterminable Increase
Funding Source:	☒ General ☐ Education ☐ Highway ☒ Other - Various Government Funds			

LOCAL:

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

METHODOLOGY:

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

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

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

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

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

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

AGENCIES CONTACTED:

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

Section 31:

FISCAL IMPACT: ☒ State ☐ County ☐ Local ☐ None

STATE:	Estimated Increase / (Decrease)			
	FY 2021	FY 2022	FY 2023	FY 2024
Appropriation	\$0	\$0	\$0	\$0
Revenue	\$0	\$0	\$0	\$0
Expenditures	\$0	Indeterminable Increase	Indeterminable Increase	Indeterminable Increase
Funding Source:	☒ General	☐ Education	☐ Highway	☐ Other

COUNTY:

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

LOCAL:

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

METHODOLOGY:

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

AGENCIES CONTACTED:

Office of Strategic Initiatives

Section 32:

FISCAL IMPACT: ☒ State ☒ County ☒ Local ☐ None

STATE:	Estimated Increase / (Decrease)			
	FY 2021	FY 2022	FY 2023	FY 2024
Appropriation	\$0	\$0	\$0	\$0
Revenue	\$0	Indeterminable	Indeterminable	Indeterminable
Expenditures	\$0	Indeterminable	Indeterminable	Indeterminable
Funding Source:	☒ General ☐ Education ☒ Highway ☒ Other- NH Insurance Department Assessment, Premium Tax Revenue, Various Government Funds			

COUNTY:

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

LOCAL:

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

METHODOLOGY:

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

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

AGENCIES CONTACTED:

Insurance Department