LEGISLATIVE COMMITTEE MINUTES

SB98

Bill as Introduced

SB 98-FN - AS INTRODUCED

2023 SESSION

23-0826
08/04

SENATE BILL ***98-FN***

AN ACT relative to delinquent payment of accounts by on premises and off premises licensees.

SPONSORS: Sen. Murphy, Dist 16; Rep. Potucek, Rock. 13

COMMITTEE: Commerce

ANALYSIS

This bill increases the total amount of delinquent payments by an on-premises or off-premises licensee that must be reported to the liquor commission.

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

SB 98-FN - AS INTRODUCED

23-0826
08/04

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty Three

AN ACT relative to delinquent payment of accounts by on premises and off premises licensees.

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

1 Alcoholic Beverages; Enforcement; Delinquent Payments. Amend RSA 179:13, I to read as follows:

I. Each holder of a wholesale distributor, brew pub, nano brewery, or beverage manufacturer license shall report to the commission the name and license number of any on-premises or off-premises licensee who is delinquent in making payment of accounts over a total of [~~$100~~] ***$250*** within 10 days, including Sundays and holidays, from the date of delivery of beverages on the premises of such on-premises or off-premises licensee or on the premises of a liquor/wine/beverage warehouser storing the beverages for an on-premises or off-premises licensee. Each holder of a wholesale distributor license, brew pub license, nano brewery license, beverage manufacturer license, or beverage vendor license shall report to the commission the name and license number of any holder of a wholesale distributor license who is delinquent in making payments of accounts within 30 days from the date of delivery of beverages on the premises of such holder of a wholesale distributor license. Such report to the commission shall include the amounts purchased and the dates when payments were due and shall be forwarded to the commission within 5 days after said accounts become delinquent, unless the fifth day of such period is a Sunday or holiday in which case the report shall be forwarded the day following such Sunday or holiday.

2 Alcoholic Beverages; Enforcement; Delinquent Payments. Amend RSA 179:13, III to read as follows:

III. The commission shall inform holders of beverage manufacturer licenses, beverage vendor licenses, brew pub licenses, nano brewery licenses, and wholesale distributor licenses of the names of licensees who are delinquent in making payments of a total amount of [~~$100~~] ***$250*** or more under the provisions of this section and no holder of a beverage manufacturer license, beverage vendor license, brew pub license, nano brewery license, or wholesale distributor license shall knowingly make any delivery of beverages to any licensee whose payments for purchases of beverages are reported as delinquent under this section. The commission may withhold names of delinquent licensees under circumstances in which there is a dispute over payments, an agreement to liquidate which has been approved by the commission, or other reason which the commission may deem proper.

3 Effective Date. This act shall take effect July 1, 2023.

LBA
23-0826
1/16/23

SB 98-FN- FISCAL NOTE
AS INTRODUCED

AN ACT relative to delinquent payment of accounts by on premises and off premises licensees.

FISCAL IMPACT:

Due to time constraints, the Office of Legislative Budget Assistant is unable to provide a fiscal note for this bill, **as introduced**, at this time. When completed, the fiscal note will be forwarded to the Senate Clerk's Office.

AGENCIES CONTACTED:

Liquor Commission

LBA
23-0826
Revised 1/24/23

SB 98-FN FISCAL NOTE
AS INTRODUCED

AN ACT relative to delinquent payment of accounts by on premises and off premises licensees.

FISCAL IMPACT: [ ] State [ ] County [ ] Local [X] None

METHODOLOGY:

The Office of Legislative Budget Assistant states this bill, as introduced, has no fiscal impact on state, county and local expenditures or revenue.

AGENCIES CONTACTED:

Liquor Commission

SB 98-FN - VERSION ADOPTED BY BOTH BODIES

2023 SESSION

23-0826
08/04

SENATE BILL ***98-FN***

AN ACT relative to delinquent payment of accounts by on premises and off premises licensees.

SPONSORS: Sen. Murphy, Dist 16; Rep. Potucek, Rock. 13

COMMITTEE: Commerce

ANALYSIS

This bill increases the total amount of delinquent payments by an on-premises or off-premises licensee that must be reported to the liquor commission.

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.

SB 98-FN - VERSION ADOPTED BY BOTH BODIES

23-0826
08/04

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty Three

AN ACT relative to delinquent payment of accounts by on premises and off premises licensees.

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

1 Alcoholic Beverages; Enforcement; Delinquent Payments. Amend RSA 179:13, I to read as follows:

I. Each holder of a wholesale distributor, brew pub, nano brewery, or beverage manufacturer license shall report to the commission the name and license number of any on-premises or off-premises licensee who is delinquent in making payment of accounts over a total of [~~$100~~] ***$250*** within 10 days, including Sundays and holidays, from the date of delivery of beverages on the premises of such on-premises or off-premises licensee or on the premises of a liquor/wine/beverage warehouser storing the beverages for an on-premises or off-premises licensee. Each holder of a wholesale distributor license, brew pub license, nano brewery license, beverage manufacturer license, or beverage vendor license shall report to the commission the name and license number of any holder of a wholesale distributor license who is delinquent in making payments of accounts within 30 days from the date of delivery of beverages on the premises of such holder of a wholesale distributor license. Such report to the commission shall include the amounts purchased and the dates when payments were due and shall be forwarded to the commission within 5 days after said accounts become delinquent, unless the fifth day of such period is a Sunday or holiday in which case the report shall be forwarded the day following such Sunday or holiday.

2 Alcoholic Beverages; Enforcement; Delinquent Payments. Amend RSA 179:13, III to read as follows:

III. The commission shall inform holders of beverage manufacturer licenses, beverage vendor licenses, brew pub licenses, nano brewery licenses, and wholesale distributor licenses of the names of licensees who are delinquent in making payments of a total amount of [~~$100~~] ***$250*** or more under the provisions of this section and no holder of a beverage manufacturer license, beverage vendor license, brew pub license, nano brewery license, or wholesale distributor license shall knowingly make any delivery of beverages to any licensee whose payments for purchases of beverages are reported as delinquent under this section. The commission may withhold names of delinquent licensees under circumstances in which there is a dispute over payments, an agreement to liquidate which has been approved by the commission, or other reason which the commission may deem proper.

3 Effective Date. This act shall take effect July 1, 2023.

LBA
23-0826
Revised 1/24/23

SB 98-FN- FISCAL NOTE
AS INTRODUCED

AN ACT relative to delinquent payment of accounts by on premises and off premises licensees.

FISCAL IMPACT: [ ] State [ ] County [ ] Local [X] None

METHODOLOGY:

The Office of Legislative Budget Assistant states this bill, as introduced, has no fiscal impact on state, county and local expenditures or revenue.

AGENCIES CONTACTED:

Liquor Commission

CHAPTER 144
SB 98-FN - FINAL VERSION

2023 SESSION

23-0826
08/04

SENATE BILL ***98-FN***

AN ACT relative to delinquent payment of accounts by on premises and off premises licensees.

SPONSORS: Sen. Murphy, Dist 16; Rep. Potucek, Rock. 13

COMMITTEE: Commerce

ANALYSIS

This bill increases the total amount of delinquent payments by an on-premises or off-premises licensee that must be reported to the liquor commission.

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.

CHAPTER 144
SB 98-FN - FINAL VERSION

23-0826
08/04

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty Three

AN ACT relative to delinquent payment of accounts by on premises and off premises licensees.

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

144:1 Alcoholic Beverages; Enforcement; Delinquent Payments. Amend RSA 179:13, I to read as follows:

I. Each holder of a wholesale distributor, brew pub, nano brewery, or beverage manufacturer license shall report to the commission the name and license number of any on-premises or off-premises licensee who is delinquent in making payment of accounts over a total of [~~$100~~] ***$250*** within 10 days, including Sundays and holidays, from the date of delivery of beverages on the premises of such on-premises or off-premises licensee or on the premises of a liquor/wine/beverage warehouser storing the beverages for an on-premises or off-premises licensee. Each holder of a wholesale distributor license, brew pub license, nano brewery license, beverage manufacturer license, or beverage vendor license shall report to the commission the name and license number of any holder of a wholesale distributor license who is delinquent in making payments of accounts within 30 days from the date of delivery of beverages on the premises of such holder of a wholesale distributor license. Such report to the commission shall include the amounts purchased and the dates when payments were due and shall be forwarded to the commission within 5 days after said accounts become delinquent, unless the fifth day of such period is a Sunday or holiday in which case the report shall be forwarded the day following such Sunday or holiday.

144:2 Alcoholic Beverages; Enforcement; Delinquent Payments. Amend RSA 179:13, III to read as follows:

III. The commission shall inform holders of beverage manufacturer licenses, beverage vendor licenses, brew pub licenses, nano brewery licenses, and wholesale distributor licenses of the names of licensees who are delinquent in making payments of a total amount of [~~$100~~] ***$250*** or more under the provisions of this section and no holder of a beverage manufacturer license, beverage vendor license, brew pub license, nano brewery license, or wholesale distributor license shall knowingly make any delivery of beverages to any licensee whose payments for purchases of beverages are reported as delinquent under this section. The commission may withhold names of delinquent licensees under circumstances in which there is a dispute over payments, an agreement to liquidate which has been approved by the commission, or other reason which the commission may deem proper.

144:3 Effective Date. This act shall take effect July 1, 2023.

Approved: June 30, 2023
Effective Date: July 01, 2023

Committee Minutes

SENATE CALENDAR NOTICE
Commerce

Sen Bill Gannon, Chair
Sen Denise Ricciardi, Vice Chair
Sen Daniel Innis, Member
Sen Donna Soucy, Member
Sen Shannon Chandley, Member

Date: January 19, 2023

HEARINGS

Tuesday	01/24/2023
(Day)	(Date)

Commerce	State House 100	9:00 a.m.
(Name of Committee)	(Place)	(Time)

9:00 a.m.	**SB 97-FN**	relative to the use of animals in product testing.
9:15 a.m.	**SB 98-FN**	relative to delinquent payment of accounts by on premises and off premises licensees.
9:30 a.m.	**SB 100**	relative to the payment of salaried employees.
9:45 a.m.	**SB 102**	relative to the Jones Act's effect on New Hampshire's heating and energy fuel market.
10:00 a.m.	**SB 99**	relative to the responsibilities of insurers in conducting reviews of the operations of administrators.
10:15 a.m.	**SB 101**	relative to penalties for violations of manufactured housing park sales requirements.

EXECUTIVE SESSION MAY FOLLOW

Sponsors:

SB 97-FN			
Sen. Watters	Sen. Soucy	Sen. Bradley	Sen. Altschiller
Sen. Chandley	Rep. Beaulieu	Rep. Burroughs	Rep. Read
SB 98-FN			
Sen. Murphy	Rep. Potucek		
SB 100			
Sen. Murphy			
SB 102			
Sen. Murphy	Rep. Polozov		
SB 99			
Sen. Ricciardi	Sen. Gannon	Rep. Hunt	
SB 101			
Sen. Avard	Sen. Carson		

Aaron Jones 271-2609

Bill M. Gannon
Chairman

Senate Commerce Committee

Aaron Jones 271-2609

SB 98-FN, relative to delinquent payment of accounts by on premises and off premises licensees.

Hearing Date: January 24, 2023

Time Opened: 9:21 a.m. **Time Closed:** 9:24 a.m.

Members of the Committee Present: Senators Gannon, Ricciardi, Innis and Chandley

Members of the Committee Absent : Senator Soucy

Bill Analysis: This bill increases the total amount of delinquent payments by an on-premises or off-premises licensee that must be reported to the liquor commission.

Sponsors:
Sen. Murphy Rep. Potucek

Who supports the bill: Senator Keith Murphy, Aidan Moore (NH Liquor Commission)

Who opposes the bill: No one

Who is neutral on the bill: None

Summary of testimony presented in support:

Senator Keith Murphy

- If a licensee does not pay their bill to a beer distributor within two weeks, their business is supposed to be reported to the NH Liquor Commission.
- Once reported, they are not supposed to receive any deliveries from distributors.
- If a licensee has not been reported to the Commission, a distributor is levied a fine.
- This bill would change the total amount of delinquent payments prior to a licensee being reported to $250, which Senator Murphy believed was approved by the distributors.
- **Senator Innis** said $250 seemed like a modest number.
    - **Senator Murphy** replied that he would have liked to have seen it higher; however, it had been the number approved by the distributors.

Summary of testimony presented in opposition: None

Neutral Information Presented: None

AJ
Date Hearing Report completed: January 24, 2023

Speakers

Senate Commerce Committee
SIGN-IN SHEET

Date: 01/24/2023 **Time:** 9:15 a.m.

SB 98-FN An ACT relative to delinquent payment of accounts by on premises and off premises licensees.

Name/Representing *(please print neatly)*

[redacted] Sen. Murphy	Support ☒	Oppose ☐	Speaking?	Yes ☒ No ☐
	Support ☐	Oppose ☐	Speaking?	Yes ☐ No ☐
	Support ☐	Oppose ☐	Speaking?	Yes ☐ No ☐
	Support ☐	Oppose ☐	Speaking?	Yes ☐ No ☐
	Support ☐	Oppose ☐	Speaking?	Yes ☐ No ☐
	Support ☐	Oppose ☐	Speaking?	Yes ☐ No ☐
	Support ☐	Oppose ☐	Speaking?	Yes ☐ No ☐
	Support ☐	Oppose ☐	Speaking?	Yes ☐ No ☐
	Support ☐	Oppose ☐	Speaking?	Yes ☐ No ☐
	Support ☐	Oppose ☐	Speaking?	Yes ☐ No ☐
	Support ☐	Oppose ☐	Speaking?	Yes ☐ No ☐
	Support ☐	Oppose ☐	Speaking?	Yes ☐ No ☐
	Support ☐	Oppose ☐	Speaking?	Yes ☐ No ☐
	Support ☐	Oppose ☐	Speaking?	Yes ☐ No ☐
	Support ☐	Oppose ☐	Speaking?	Yes ☐ No ☐
	Support ☐	Oppose ☐	Speaking?	Yes ☐ No ☐
	Support ☐	Oppose ☐	Speaking?	Yes ☐ No ☐
	Support ☐	Oppose ☐	Speaking?	Yes ☐ No ☐
	Support ☐	Oppose ☐	Speaking?	Yes ☐ No ☐
	Support ☐	Oppose ☐	Speaking?	Yes ☐ No ☐
	Support ☐	Oppose ☐	Speaking?	Yes ☐ No ☐
	Support ☐	Oppose ☐	Speaking?	Yes ☐ No ☐
	Support ☐	Oppose ☐	Speaking?	Yes ☐ No ☐

Senate Remote Testify

Commerce Committee Testify List for Bill SB98 on 2023-01-24

Support: 1 Oppose: 0

Name	Title	Representing	Position
Moore, Aidan	State Agency Staff	Liquor Commission	Support

Testimony

BDNH

Delivering choice, value and premium quality
SINCE 1934

January 24, 2023

Senate Commerce Committee
Room 100, New Hampshire State House
107 North Main Street
Concord, New Hampshire 03301

Re: SB98-FN

Chairman Gannon and members the Senate Commerce committee,

When the sponsors brought up this issue during the Fall, we surveyed all our member companies who agreed that the amount of $100 was no longer appropriate and agreed to support a statutory change.

To put things in context, $100 in 1983 represented approximately 12 cases of beer at wholesale pricing. In 2023, that might be more like $250, with some cases of high-end beer regularly priced at $50-$60 per case.

Given the challenges facing small businesses, the current rate of inflation and the changes to the industry over the past forty years, this update is a logical and practical change and BDNH members fully support the bill as introduced.

Please feel free to get in touch with any questions, comments or concerns.

Sincerely,

Scott Schaier
Executive Director

cc: Mark C. Armaganian, Director, NH Liquor Commission Division of Enforcement and Licensing

Voting Sheets

Senate Commerce Committee
EXECUTIVE SESSION RECORD
2023-2024 Session

Bill # SB 98-FN

Hearing date: 1/24/23

Executive Session date: 1/24/23

Motion of: OTP **Vote:** 5-0

Committee Member	Made by	Second	Yes	No
Sen. Gannon, Chair			✓	
Sen. Ricciardi, V-Chair		✓	✓	
Sen. Innis		✓	✓	
Sen. Soucy			✓	
Sen. Chandley	✓		✓	

Motion of: Consent **Vote:** 5-0

Committee Member	Made by	Second	Yes	No
Sen. Gannon, Chair		✓	✓	
Sen. Ricciardi, V-Chair		✓	✓	
Sen. Innis			✓	
Sen. Soucy	✓		✓	
Sen. Chandley			✓	

Motion of: _____ **Vote:** _____

Committee Member	Made by	Second	Yes	No
Sen. Gannon, Chair				
Sen. Ricciardi, V-Chair				
Sen. Innis				
Sen. Soucy				
Sen. Chandley				

Reported out by: Sen. Chandley

Notes: _____

Committee Report

STATE OF NEW HAMPSHIRE

SENATE

REPORT OF THE COMMITTEE
FOR THE CONSENT CALENDAR

Tuesday, January 24, 2023

THE COMMITTEE ON Commerce

to which was referred **SB 98-FN**

AN ACT relative to delinquent payment of accounts by on premises and off premises licensees.

Having considered the same, the committee recommends that the Bill

OUGHT TO PASS

BY A VOTE OF: 5-0

Senator Shannon Chandley
For the Committee

If an on-premises or off-premises licensee has become delinquent on paying their bill to a distributor within a two week period, they are required to be reported to the NH Liquor Commission. If a distributor has failed to report a licensee, they are subject to fines levied by the Commission. Given no opposition from the industry, this bill would increase the reporting requirement for delinquent payments from $100 to $250.

Aaron Jones 271-2609

FOR THE CONSENT CALENDAR

COMMERCE

SB 98-FN, relative to delinquent payment of accounts by on premises and off premises licensees.
Ought to Pass, Vote 5-0.
Senator Shannon Chandley for the committee.

If an on-premises or off-premises licensee has become delinquent on paying their bill to a distributor within a two week period, they are required to be reported to the NH Liquor Commission. If a distributor has failed to report a licensee, they are subject to fines levied by the Commission. Given no opposition from the industry, this bill would increase the reporting requirement for delinquent payments from $100 to $250.

General Court of New Hampshire - Bill Status System

Docket of SB98

Docket Abbreviations

Bill Title: relative to delinquent payment of accounts by on premises and off premises licensees.

Official Docket of **SB98.**:

Date	Body	Description
1/19/2023	S	**Introduced** 01/05/2023 and Referred to Commerce; **SJ 4**
1/19/2023	S	**Hearing:** 01/24/2023, Room 100, SH, 09:15 am; **SC 7**
1/24/2023	S	Committee Report: Ought to Pass, 01/26/2023; Vote 5-0; CC; **SC 7A**
1/26/2023	S	**Ought to Pass**: MA, VV; OT3rdg; 01/26/2023; **SJ 5**
3/20/2023	H	Introduced (in recess of) 03/16/2023 and referred to Commerce and Consumer Affairs
4/5/2023	H	Public Hearing: 04/12/2023 01:45 pm LOB 302-304
4/27/2023	H	Subcommittee Work Session: 05/03/2023 10:00 am LOB 302-304
5/3/2023	H	==RECESSED== Executive Session: 05/10/2023 10:00 am LOB 302-304
5/17/2023	H	==CONTINUED== Executive Session: 05/23/2023 10:00 am LOB 302-304
5/17/2023	H	Subcommittee Work Session: 05/30/2023 10:00 am LOB 302-304
5/17/2023	H	Public Hearing on non-germane Amendment **#2023-1892h**: 05/23/2023 10:30 am LOB 302-304
5/23/2023	H	Executive Session: 05/30/2023 11:00 am LOB 302-304
5/31/2023	H	Committee Report: Ought to Pass 05/30/2023 (Vote 19-0; CC)
6/8/2023	H	**Ought to Pass**: MA VV 06/08/2023 **HJ 15**
6/21/2023	H	Enrolled (in recess of) 06/15/2023 **HJ 16**
6/21/2023	S	Enrolled Adopted, VV, (In recess 06/15/2023); **SJ 20**
7/11/2023	S	Signed by the Governor on 06/30/2023; Chapter 0144; Effective 07/01/2023

NH House	NH Senate

Other Referrals

Senate Inventory Checklist for Archives

Bill Number: SB 98-FN **Senate Committee:** Commerce

Please include all documents in the order listed below and indicate the documents which have been included with an "X" beside

X Final docket found on Bill Status

Bill Hearing Documents: {Legislative Aides}

X Bill version as it came to the committee

X All Calendar Notices

X Hearing Sign-up sheet(s)

X Prepared testimony, presentations, & other submissions handed in at the public hearing

X Hearing Report

X Revised/Amended Fiscal Notes provided by the Senate Clerk's Office

Committee Action Documents: {Legislative Aides}

All amendments considered in committee (including those not adopted):

N/A - amendment # _____ ____ - amendment # _____

____ - amendment # _____ ____ - amendment # _____

X Executive Session Sheet

X Committee Report

Floor Action Documents: {Clerk's Office}

All floor amendments considered by the body during session (only if they are offered to the senate):

____ - amendment # _____ ____ - amendment # _____

____ - amendment # _____ ____ - amendment # _____

Post Floor Action: (if applicable) {Clerk's Office}

____ Committee of Conference Report (if signed off by all members. Include any new language proposed by the committee of conference):

____ Enrolled Bill Amendment(s)

____ Governor's Veto Message

All available versions of the bill: {Clerk's Office}

____ as amended by the senate ____ as amended by the house

X final version

Completed Committee Report File Delivered to the Senate Clerk's Office By:

Aaron James
Committee Aide

8/10/23
Date

Senate Clerk's Office AL