HB 46-FN - AS AMENDED BY THE SENATE

22Feb2023... 0371h
6Apr2023... 0915h
06/01/2023 2070s
06/01/2023 2069s

2023 SESSION

23-0173
04/10

HOUSE BILL ***46-FN***

AN ACT establishing a committee to study replacement of bail commissioners with court magistrates and relative to delinquent payment of accounts by on premises and off premises licensees and relative to electronic payments to employee debit cards.

SPONSORS: Rep. Harriott-Gathright, Hills. 10; Rep. Shurtleff, Merr. 15; Rep. Meuse, Rock. 37; Rep. DiLorenzo, Rock. 10; Rep. True, Rock. 9; Rep. T. Lekas, Hills. 38; Rep. Simpson, Rock. 33; Rep. Wilhelm, Hills. 40; Sen. Rosenwald, Dist 13

COMMITTEE: Criminal Justice and Public Safety

AMENDED ANALYSIS

This bill establishes a committee to study the use of court magistrates throughout the state court system to supplement or replace the current bail commissioner positions.

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

This bill also clarifies the obligations of employers using employee debit cards for payment of wages.

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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

AN ACT establishing a committee to study replacement of bail commissioners with court magistrates and relative to delinquent payment of accounts by on premises and off premises licensees and relative to electronic payments to employee debit cards.

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

1 Committee Established. There is established a committee to study replacement of bail commissioners with court magistrates..

2 Membership and Compensation.

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

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

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

II. Members of the committee shall receive mileage at the legislative rate when attending to the duties of the committee.

3 Duties. The committee shall evaluate whether bail commissioners should be replaced or supplemented by court magistrates and assess the following:

I. The benefits and problems with the current bail commissioner system;

II. The potential structure of a court magistrate system throughout the state courts;

III. Replacement of bail commissioners with court magistrates; and

IV. Supplementation of the bail commissioners with court magistrates.

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

5 Report. The committee 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, 2023.

6 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.

7 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.

8 Payment of Wages Electronic Payments to Employee Debit Cards. Amend RSA 275:43, I and II to read as follows:

I. Every employer shall pay all wages due to employees within 8 days after the expiration of the work week if the employee is paid on a weekly basis, or within 15 days after the expiration of the work week if the employee is paid on a biweekly basis, except when permitted to pay wages less frequently as authorized by the commissioner pursuant to paragraph IV or IV-a(a), on regular paydays designated in advance by the employer and at no cost to the employee:

(a) In lawful money of the United States;

(b) By electronic fund transfer;

(c) By direct deposit [~~with written authorization of the employee~~] to banks of the employee's choice;

(d) By a payroll card provided that the employer shall provide to the employee at least one free means to withdraw up to and including the full amount of the employee balance in the employee's payroll card or payroll card account during each pay period at a financial institution or

other location convenient to the place of employment. ***If an employee is unable to access their wages due to a technical or processing defect, the employer shall immediately provide the wages to the employee with either a replacement employee debit card, a check, a direct deposit, or cash. In such a situation, the employer shall be liable for late payment of wages whenever the replacement wages are provided after the designated pay day. If an employee debit card is lost, stolen, or damaged such that the funds are no longer accessible to the employee, the employer shall provide the employee with a replacement employee debit card within 24 hours of being notified.*** None of the employer's costs associated with a payroll card or payroll card account shall be passed on to the employee; or

(e) With checks on a financial institution convenient to the place of employment where suitable arrangements are made for the cashing of such checks by employees for the full amount of the wages due; provided, however, that [~~if an employer elects to pay employees as specified in subparagraphs (b), (c), or (d), the employer shall offer employees the option of being paid as specified in subparagraph (e), and further provided that~~] all wages in the nature of health and welfare fund or pension fund contributions required pursuant to a health and welfare fund trust agreement, pension fund trust agreement, collective bargaining agreement, or other agreement adopted for the benefit of employees and agreed to by the employer shall be paid by every such employer within 30 days of the date of demand for such payment, the payment to be made to the administrator or other designated official of the applicable health and welfare or pension trust fund.

II. If an employer offers its employees the option of receiving wages by a payroll card, the employer shall:

(a) Provide to the employee written disclosure in plain language of all the employee's wage payment options. The written disclosure shall state the terms and conditions of the payroll card account option, including, but not limited to, the requirements set forth in this section and a complete itemized list of all known fees that may be deducted from the employee's payroll card account by the employer or card issuer. The disclosure shall also state whether third parties may assess transaction fees in addition to the fees assessed by the employee's payroll card issuer or issuers. In no event shall the employer provide payment of wages to a payroll card that has an expiration date, unless the employer agrees to provide a replacement payroll card before the expiration date at no cost to the employee.

(b) Initiate payment of wages to an employee by electronic fund transfer to a payroll card account only after the employee has [~~voluntarily consented in writing to that method of payment. Consent to payment of wages by electronic fund transfer to a payroll card account shall not be a condition of hire or of continued employment. The written consent signed by the employee shall include the terms and conditions of the payroll card account option.~~] ***failed to provide bank information to enable direct deposit as specified in subparagraph I(c) within 14 calendar days of the employer's request. An employer that wishes to offer only electronic wage***

payment under subparagraphs I(c)-(d) shall advise employees that failure to provide bank information shall result in wage payments via payroll card.

(c) Provide written notice of any change to any of the terms and conditions of the payroll card or payroll card account, including but not limited to an itemized list of all fees that may have changed[~~, and obtain written assent from the employee that the employee voluntarily consents to receive wages to a payroll card or payroll card account subject to the changes~~]. The employer shall be responsible for any increase in fees charged to the employee before the employer provides written notice of such changes to the employee.

(d) Provide the employee the option to discontinue receipt of wages by a payroll card or payroll card account***, and instead to receive wages via direct deposit,*** at any time, without penalty to the employee.

9 Effective Date.

I. Sections 6-7 of this act shall take effect July 1, 2023.

II. Section 8 shall take effect 60 days after its passage.

III. The remainder of this act shall take effect upon its passage.

LBA
23-0173
Amended 4/12/23

HB 46-FN- FISCAL NOTE

AS AMENDED BY THE HOUSE (AMENDMENT #2023-0915h)

AN ACT establishing a committee to study replacement of bail commissioners with court magistrates.

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

METHODOLOGY:

This bill establishes a committee to study replacement of bail commissioners with court magistrates. The Office of Legislative Budget Assistant states this bill has no fiscal impact on state, county, and local expenditures or revenue.

AGENCIES CONTACTED:

None