

# Bill as Introduced

HB 1503-FN - AS INTRODUCED

2010 SESSION

10-2562  
03/01

HOUSE BILL        ***1503-FN***

AN ACT            establishing a liquor license review board.

SPONSORS:        Rep. R. Holden, Hills 7; Rep. Eaton, Ches 2; Rep. Infantine, Hills 13; Rep. Kidder,  
Merr 1

COMMITTEE:       Commerce and Consumer Affairs

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ANALYSIS

This bill establishes a liquor license review board to conduct hearings in certain cases.

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

STATE OF NEW HAMPSHIRE

*In the Year of Our Lord Two Thousand Ten*

AN ACT                    establishing a liquor license review board.

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

1            1 New Section; Enforcement Proceedings and Penalties; Liquor License Review Board. Amend  
2 RSA 179 by inserting after section 57 the following new section:

3            179:57-a Liquor License Review Board.

4            I. Any person whose license has been revoked or suspended by the commission may request  
5 a rehearing pursuant to RSA 541 and may elect to have the rehearing conducted by the liquor license  
6 review board. The liquor license review board shall conduct a de novo review of all matters before it.  
7 Decisions of the liquor license review board shall be binding on the petitioner and the commission.

8            II. There is hereby established a liquor license review board. The board shall consist of one  
9 member appointed by the commission to represent the interests of law enforcement and 4 members  
10 appointed by the governor as follows: one on-premises licensee, one off-premises licensee, one  
11 wholesale distributor licensee, and one liquor and wine vendor licensee. Each member shall serve  
12 for 2 years and until a successor is appointed and qualified. The members of the board shall receive  
13 no compensation and shall not be entitled to reimbursement for expenses but shall be entitled to  
14 reimbursement for mileage at the same rate provided for state employees.

15           2 Effective Date. This act shall take effect January 1, 2011.

LBAO  
10-2562  
11/23/09

**HB 1503-FN - FISCAL NOTE**

AN ACT                    establishing a liquor license review board.

**FISCAL IMPACT:**

The Liquor Commission states this bill may increase liquor fund expenditures and decrease state general fund revenue by an indeterminable amount in FY 2011 and each year thereafter. There is no fiscal impact on county and local expenditures or revenue.

**METHODOLOGY:**

The Liquor Commission states this bill establishes a liquor license review board. The Commission states a de novo hearing will require a completely new hearing. The Commission assumes this bill will result in more hearings as licensees will want to have a hearing conducted by the liquor license review board, which is comprised of members of the industry. The Commission states there will be an indeterminable increase in the time and costs associated with the de novo hearings. Additionally, the Commission may have increased costs associated with providing administrative assistance to the liquor license review board. The Commission does not know how many de novo hearings will be held or what type, if any, administrative support it would need to provide the board to determine the exact fiscal impact of this bill on its expenditures. An increase in Liquor Commission expenditures may result in a decrease in funds transferred to the state general fund.

# Speakers



# Hearing Minutes

HOUSE COMMITTEE ON COMMERCE AND CONSUMER AFFAIRS

PUBLIC HEARING ON HB 1503-FN

**BILL TITLE:** establishing a liquor license review board.

**DATE:** January 14, 2010

**LOB ROOM:** 302      **Time Public Hearing Called to Order:** 1458

**Time Adjourned:** 1445

(please circle if present)

**Committee Members:** Reps. Butler, DeStefano, Kopka, McEachern, Hammond, Nord, Winters,  
Meader, Gidge, Schlachman, Keans, D. Flanders, Hunt, Quandt, Belanger, D. Flanders, R. Holden,  
Dowling, Headd, Nevins and Palfrey

**Bill Sponsors:** Reps. R. Holden, Eaton, Infantine and Kidder

TESTIMONY

\* Use asterisk if written testimony and/or amendments are submitted.

**Rep. Randolph Holden, prime sponsor** – Opened testimony on HB 1503 already working on amendments. Bill establishes an appeals process.

**Q: Rep. Sandra Keans** – How frequently do folks wind up in court?

**A:** Does not know; will look into.

**Q: Rep. Donna Schlachman** – Is this going to cost the state money?

**A:** The board shall receive no payment.

**Rep. Holden** – Working on modeling commission after the workers' compensation board.

**Q: Rep. Susi Nord** - What is the problem you are trying to fix?

**A:** Wants to ensure business community of the commission rules against a licensee; the next recourse is court. This is expensive. The commission would smooth out the process.

**Commissioner Bodi and Chief Eddie Edwards, NH State Liquor Commission** - Very strong opposition; finds no merit; bad idea. There is no compelling need. Vast majority of licensee comply with laws; last year we only had 1 licensee lose his license permanently. There is a review process in place and it works well. Vast number of licensees do a great job. This bill adds complexity; costs and is not necessary. We don't get that many problems. This would be labor intensive, cost intensive; we have other areas. We need to be focusing on rather than this bill. No need of it; no sense; not practical.

**Q: Rep. Joel Winters** – How many licenses have been suspended?



A: About 30 – 15 or serving minors and 15 for over serving; 3 actually lost their license; numbers are going down. 98% of our licenses comply with rule of law. We have highest compliance rate in the country. Only 2 reasons to lose license: selling to a minor or selling to a drunk.

Mike Sommers, NH LRA – Opposes the bill. The way it is written cost is prohibitive the way the bill is written. Rules have a group reviewing an issue of then reporting to their bosses. The whole issue needs further study; 3-day suspension of license can be very costly to a small business.

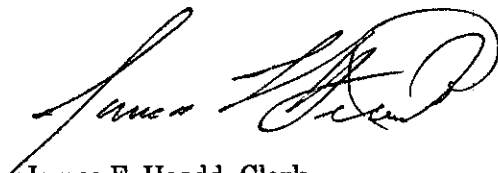
**Q: Rep. Stephen DeStefano** – Do your members want this board?

A: This does involve a small number, not a major issue; would like to see an appeals board that never got called upon.

Tricia Lucas, New Futures – Opposes the bill. Nonprofit organization that works to reducing underage alcohol problems. Effective enforcement works. This bill is premature. A forum has already been established in HB 2; a report should be forthcoming. Discussed cost of de novo hearing and appellate hearing

**Commissioner Bodi** – We do have an appeals process; the panel is objective. Losing a license is a difficult situation. The hospitality industry wants to make the system less stringent for them to operate.

Respectfully Submitted:



James F. Headd, Clerk

HOUSE COMMITTEE ON COMMERCE AND CONSUMER AFFAIRS

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**Bill Sponsors:** Reps. R. Holden, Eaton, Infantine and Kidder

TESTIMONY

\* Use asterisk if written testimony and/or amendments are submitted.

Rep Holden - opened Testimony of HB 1503

Already working on Amendments -

Bill establish an appeals process

Q Keans - how frequently do FOIA's  
wind up in court -

A - does not know - will look into

Q Schlachman - is the gov't cost the  
state money.

A - The Board shall receive no payment.

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HB 1503

Hilder - working toward modeling  
Commission after the Worker Comp  
Board.

Q Nord - what is the problem  
you are trying to fix

A - Wants to ensure fairness  
equality of the commission rules and  
a ~~license~~ - license the next recourse  
is court. - This is expensive  
The commission would smooth out the  
process -

2/3

Commission Bodi + Chief Edwards  
Very STRONG opposition  
Finds no MERIT  
BAD IDEA -

There is no compelling need  
Vast majority of licensees comply with  
law - but you've only had 1 licensee  
lose his license permanently -

There is a review process in place  
and it works well.

Vast # of licensees do a great job -  
This bill adds complexity - costs and  
is not necessary

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HB 1503

We don't get that many problems.

This will be labor intensive  
cost intensive - we have other areas  
we need to be focusing on ~~the~~ rather  
than the Bill -

No Need of it - No sense  
NOT practical.

Q Winters - How many licenses have  
been ~~suspended~~ suspended  
A - About 30 - 15 for serving  
minors - And 15 for over serving.  
3 actually lost their licenses  
they are going down -

98% of our licenses comply with  
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compliance Rate in the country

only 2 reasons to lose licen-  
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OR selly to a Drunk

PS 4

MIKE SOMMER - NH LRA  
opposes - Bill - The way it is  
written - cost is prohibitive to way  
the Bill is written - Rules ~~that~~  
have a group reviewing an issue of  
then reporting to their Bosses - the whole  
issue needs further study - 3 days suspension  
of license can be very costly to a small  
Business -

Q De STEFANO - do you members want  
this Board - ~~that~~

A - This does involve a small number  
not a major issue - would like to see  
an appeals Board that never got called  
upon -

#5

TRICIA LUCAS - Rep New Futures  
opposes the bill. - Non profit org  
that works to reducing underage  
alcohol problems - Effective enforcement  
works - This ~~is~~ Bill is premature -  
A Forum has already been established  
in HR 2 - Report should be forthcoming  
discussed cost of De Novo hearing at  
appellate ~~is~~ heavy -

5

Commission Bids - Re testing -  
We do have an appeals  
process - The panel is objective

losing a license is a difficult  
situation - The <sup>Hospitality</sup> industry wants to make  
the system less stringent for them to operate  
~~operate~~ -

# Voting Sheets

HOUSE COMMITTEE ON COMMERCE AND CONSUMER AFFAIRS

EXECUTIVE SESSION on HB 1503-FN

**BILL TITLE:** establishing a liquor license review board.

**DATE:** 1-26-10

**LOB ROOM:** 302

**Amendments:**

Sponsor: Rep. OLS Document #:

Sponsor: Rep. OLS Document #:

Sponsor: Rep. OLS Document #:

**Motions:** OTP, OTP/A, ITL, Interim Study (Please circle one.)

Moved by Rep.

Seconded by Rep.

Vote: (Please attach record of roll call vote.)

**Motions:** OTP, OTP/A, ITL, Interim Study (Please circle one.)

Moved by Rep. Holden

Seconded by Rep. Hunt

Vote: 14-5 (Please attach record of roll call vote.)

**CONSENT CALENDAR VOTE:** Consent of Regular (Circle One)

(Vote to place on Consent Calendar must be unanimous.)

**Statement of Intent:** Refer to Committee Report

Respectfully submitted,

Rep. James F. Headd, Clerk



HOUSE COMMITTEE ON COMMERCE AND CONSUMER AFFAIRS

EXECUTIVE SESSION on HB 1503-FN

BILL TITLE: establishing a liquor license review board.

DATE: 1-26-10

LOB ROOM: 302

Amendments:

Sponsor: Rep.

OLS Document #:

Sponsor: Rep.

OLS Document #:

Sponsor: Rep.

OLS Document #:

Motions: OTP, OTP/A, ITL, Interim Study (Please circle one.)

Moved by Rep.

*Holden*

Seconded by Rep.

*Hunt*

Vote: 14-5 (Please attach record of roll call vote.)

*Pass  
14-5*

Motions: OTP, OTP/A, ITL, Interim Study (Please circle one.)

Moved by Rep.

Seconded by Rep.

Vote: (Please attach record of roll call vote.)

CONSENT CALENDAR VOTE: Consent or Regular (Circle One)

(Vote to place on Consent Calendar must be unanimous.)

Statement of Intent: Refer to Committee Report

Respectfully submitted,

Rep. James F. Headd, Clerk

COMMERCE AND CONSUMER AFFAIRS

Bill #: HB1503-FN Title: 1101012 License Review Board

PH Date:      /      /     

Exec Session Date: 1 26 10

Motion: INTERIM STUDY Amendment #:     

MEMBER	YEAS	NAYS
Butler, Edward A, Chairman	✓	
Schlachman, Donna L, V Chairman	✓	
DeStefano, Stephen T		✓
Kopka, Angeline A		✓
Meador, David R	✓	
McEachern, Paul		✓
Hammond, Jill Shaffer	✓	
Nord, Susi	✓	
Winters, Joel F		✓
Keans, Sandra B	✓	
Gidge, Kenneth N		✓
Hunt, John B	✓	
Quandt, Matt J	✓	
Belanger, Ronald J	✓	
Flanders, Donald H	✓	
Holden, Rip	✓	
Dowling, Patricia A	✓	
Headd, James F, Clerk	✓	
Nevins, Chris F		
Palfrey, David J	✓	
	14	5
TOTAL VOTE:		

# Committee Report

**REGULAR CALENDAR**

**February 3, 2010**

**HOUSE OF REPRESENTATIVES**

**REPORT OF COMMITTEE**

**The Committee on COMMERCE AND CONSUMER  
AFFAIRS to which was referred HB1503-FN,**

**AN ACT establishing a liquor license review board.**

**Having considered the same, report the same with the  
recommendation that the bill be REFERRED FOR  
INTERIM STUDY.**

**Rep. Rip Holden**

**FOR THE COMMITTEE**

## COMMITTEE REPORT

Committee:	COMMERCE AND CONSUMER AFFAIRS
Bill Number:	HB1503-FN
Title:	establishing a liquor license review board.
Date:	January 27, 2010
Consent Calendar:	NO
Recommendation:	REFER TO COMMITTEE FOR INTERIM STUDY

### STATEMENT OF INTENT

The majority of the committee felt that this issue merits further study.  
Similar legislation currently in the Senate may effectively deal with this issue.

Vote 14-5.

Rep. Rip Holden  
FOR THE COMMITTEE

Original: House Clerk  
Cc: Committee Bill File

## **REGULAR CALENDAR**

### **COMMERCE AND CONSUMER AFFAIRS**

**HB1503-FN**, establishing a liquor license review board. **REFER TO COMMITTEE FOR INTERIM STUDY.**

Rep. Rip Holden for **COMMERCE AND CONSUMER AFFAIRS**. The majority of the committee felt that this issue merits further study.

Similar legislation currently in the Senate may effectively deal with this issue.

**Vote 14-5.**

HB 1503

From Rep. Rip Holden

The majority of the committee felt that this issue merits further study. Similar legislation currently in the Senate may effectively deal with this issue.

Carol, this is OK.

Ed

INTERIM STUDY  
COMMITTEE REPORT.

COMMITTEE: Commerce + Consumer Affairs

BILL NUMBER: HB 1505-TN

TITLE: Establishing a liquor license review  
Board.

DATE: October 26 2010

RECOMMENDED FOR FUTURE LEGISLATION

LSR No. \_\_\_\_\_

(If legislation is already  
filed, please list LSR no.)

NOT RECOMMENDED FOR FUTURE LEGISLATION

STATEMENT OF INTENT: (May be handwritten)

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COMMITTEE VOTE: 12-0 (Attach Committee Voting Sheet)

Rep. Ed Butler  
For the Committee



**Ebbs, Heather**

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**From:** EdoftheNotch@aol.com  
**Sent:** Tuesday, October 26, 2010 2:31 PM  
**To:** Ebbs, Heather  
**Subject:** HB 1503

Voted to not support.

This bill would create an independent review board to oversee the enforcement rulings for liquor license holders. SB181 created a commission, which is currently deliberating, to review this same issue, among others, and make recommendations to the legislature. Therefore HB1503 is not needed.

Ed

10/26/2010

**HOUSE COMMITTEE ON COMMERCE AND CONSUMER AFFAIRS**

**INTERIM STUDY**

**EXECUTIVE SESSION on HB 1503-FN**

**BILL TITLE:**      **establishing a liquor license review board.**

**DATE:**              October 26, 2010

**LOB ROOM:**        302

     **RECOMMENDED FOR FUTURE LEGISLATION**

LSR No. \_\_\_\_\_  
(If legislation is already filed, list LSR No.)

     **NOT RECOMMENDED FOR FUTURE LEGISLATION**

Moved by Rep. Butler

Seconded by Rep. Hunt

Vote: 12-0 (Please attach record of roll call vote.)

**Statement of Intent:**      Refer to Committee Report

Respectfully submitted,

Rep. James Headd, Clerk

HOUSE COMMITTEE ON COMMERCE AND CONSUMER AFFAIRS

INTERIM STUDY

EXECUTIVE SESSION on HB 1503-FN

BILL TITLE: establishing a liquor license review board.

DATE: October 26, 2010

LOB ROOM: 302

RECOMMENDED FOR FUTURE LEGISLATION

LSR No. \_\_\_\_\_  
(If legislation is already filed, list LSR No.)

NOT RECOMMENDED FOR FUTURE LEGISLATION

Moved by Rep. ~~DAVID~~ BUTLER

Seconded by Rep. ~~HUNT~~ HUNT

Vote: 12-0 (Please attach record of roll call vote.)

Statement of Intent: Refer to Committee Report

Respectfully submitted,

Rep. James Headd, Clerk

COMMERCE AND CONSUMER AFFAIRS

Bill #: HB 1503 Title: Establishing a new Review Board

PH Date:      /      /     

Exec Session Date: 10/26/10

Motion: NOT Move Forward

Amendment #:     

MEMBER	YEAS	NAYS
Butler, Edward A, Chairman	✓	
Schlachman, Donna L, V Chairman	✓	
DeStefano, Stephen T	✓	
Kopka, Angeline A	—	
Meador, David R	✓	
McEachern, Paul	—	
Hammond, Jill Shaffer	✓	
Nord, Susi	✓	
Winters, Joel F	—	
Keans, Sandra B	✓	
Gidge, Kenneth N	—	
Hunt, John B	✓	
Quandt, Matt J	—	
Belanger, Ronald J	—	
Flanders, Donald H	✓	
Holden, Rip	—	
Dowling, Patricia A	✓	
Headd, James F, Clerk	✓	
Nevins, Chris F	✓	
Palfrey, David J	—	

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