

REGULAR CALENDAR

March 7, 2022

HOUSE OF REPRESENTATIVES

REPORT OF COMMITTEE

The Majority of the Committee on Commerce and Consumer Affairs to which was referred HB 1583-FN,

AN ACT relative to locations and days of operation of state liquor stores. Having considered the same, report the same with the following amendment, and the recommendation that the bill OUGHT TO PASS WITH AMENDMENT.

Rep. John Hunt

FOR THE MAJORITY OF THE COMMITTEE

**MAJORITY
COMMITTEE REPORT**

Committee:	Commerce and Consumer Affairs
Bill Number:	HB 1583-FN
Title:	relative to locations and days of operation of state liquor stores.
Date:	March 7, 2022
Consent Calendar:	REGULAR
Recommendation:	OUGHT TO PASS WITH AMENDMENT 2022-0838h

STATEMENT OF INTENT

As introduced, this bill changes the regulation on places of operation of state liquor stores and allows state liquor stores to be open on Easter. The committee amendment replaces the original bill and removes references to any one holiday. The current law allows the Liquor Commission to open on holidays with the agreement from the state employees already, so removing actual days from the statutes seems more appropriate.

Vote 17-1.

Rep. John Hunt
FOR THE MAJORITY

Original: House Clerk
Cc: Committee Bill File

REGULAR CALENDAR

Commerce and Consumer Affairs

HB 1583-FN, relative to locations and days of operation of state liquor stores. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. John Hunt for the **Majority** of Commerce and Consumer Affairs. As introduced, this bill changes the regulation on places of operation of state liquor stores and allows state liquor stores to be open on Easter. The committee amendment replaces the original bill and removes references to any one holiday. The current law allows the Liquor Commission to open on holidays with the agreement from the state employees already, so removing actual days from the statutes seems more appropriate. **Vote 17-1.**

Original: House Clerk
Cc: Committee Bill File

REGULAR CALENDAR

March 7, 2022

HOUSE OF REPRESENTATIVES

REPORT OF COMMITTEE

The Minority of the Committee on Commerce and Consumer Affairs to which was referred HB 1583-FN,

AN ACT relative to locations and days of operation of state liquor stores. Having considered the same, and being unable to agree with the Majority, report with the following resolution: RESOLVED, that it is INEXPEDIENT TO LEGISLATE.

Rep. Max Abramson

FOR THE MINORITY OF THE COMMITTEE

MINORITY COMMITTEE REPORT

Committee:	Commerce and Consumer Affairs
Bill Number:	HB 1583-FN
Title:	relative to locations and days of operation of state liquor stores.
Date:	March 7, 2022
Consent Calendar:	REGULAR
Recommendation:	INEXPEDIENT TO LEGISLATE

STATEMENT OF INTENT

As introduced, the bill proposed to allow a liquor store to be opened within 200 feet of a "church, chapel, or parish house," but said nothing about temples, mosques, nor synagogues. As amended, the bill would allow New Hampshire State Liquor & Wine Outlets to open "at any time" on Thanksgiving, Easter Sunday, or even Christmas, hallowed days for families from across the country return home to enjoy a quiet day of thanks, prayer, and reflection. The committee was then informed that liquor store managers aren't able to find people willing to work on Easter Sunday, Thanksgiving, or Christmas, anyway, and that it would probably cost more to open a store than to meet the almost non-existent demand for Easter Sunday sales when churches, chapels, and parish houses are full. The Ten Commandments tell us to "[h]onor the Sabbath and keep it holy." The NHGOP Platform offers that "[w]e believe that traditional families are the foundation of strong communities, and that family life best nurtures love of country, faith in God, morality and concern for others." An improbable and negligible amount of state revenue did not seem reason enough to open up liquor stores on the holiest of days, nor to disturb the quiet enjoyment of families who might not see each other the more hectic 362 days a year. The minority therefore felt that the holidays used to commemorate the birth of our country, the birth of our Savior, and the holiest and most hopeful of all days should not be given up for the expediency of alcoholics who fail to plan ahead or want to get liquored up right before the mayhem of Black Friday, yet turn their nose up at those beer and wine sellers in the private sector who already cater to this negligible demand.

Rep. Max Abramson
FOR THE MINORITY

Original: House Clerk
Cc: Committee Bill File

REGULAR CALENDAR

Commerce and Consumer Affairs

HB 1583-FN, relative to locations and days of operation of state liquor stores. **INEXPEDIENT TO LEGISLATE.**

Rep. Max Abramson for the **Minority** of Commerce and Consumer Affairs. As introduced, the bill proposed to allow a liquor store to be opened within 200 feet of a "church, chapel, or parish house," but said nothing about temples, mosques, nor synagogues. As amended, the bill would allow New Hampshire State Liquor & Wine Outlets to open "at any time" on Thanksgiving, Easter Sunday, or even Christmas, hallowed days for families from across the country return home to enjoy a quiet day of thanks, prayer, and reflection. The committee was then informed that liquor store managers aren't able to find people willing to work on Easter Sunday, Thanksgiving, or Christmas, anyway, and that it would probably cost more to open a store than to meet the almost non-existent demand for Easter Sunday sales when churches, chapels, and parish houses are full. The Ten Commandments tell us to "[h]onor the Sabbath and keep it holy." The NHGOP Platform offers that "[w]e believe that traditional families are the foundation of strong communities, and that family life best nurtures love of country, faith in God, morality and concern for others." An improbable and negligible amount of state revenue did not seem reason enough to open up liquor stores on the holiest of days, nor to disturb the quiet enjoyment of families who might not see each other the more hectic 362 days a year. The minority therefore felt that the holidays used to commemorate the birth of our country, the birth of our Savior, and the holiest and most hopeful of all days should not be given up for the expediency of alcoholics who fail to plan ahead or want to get liquored up right before the mayhem of Black Friday, yet turn their nose up at those beer and wine sellers in the private sector who already cater to this negligible demand.

Original: House Clerk

Cc: Committee Bill File

Amendment to HB 1583-FN

1 Amend the title of the bill by replacing it with the following:

2

3 AN ACT relative to days of operation of state liquor stores.

4

5 Amend the bill by replacing all after the enacting clause with the following:

6

7 1 Sunday and Holiday Openings. Amend RSA 177:5 to read as follows:

8 177:5 Sunday and Holiday Openings. Notwithstanding any other provision of law, the
9 commission may, in its discretion, open for business on any Sunday or legal holiday any state liquor
10 store located on a main route where traffic is heavy[; ~~provided, however, that no state liquor store
11 may be opened for business at any time on Easter or Thanksgiving day, whenever appointed, and
12 Christmas day~~]. Although full-time employees shall be given the option of working, no such
13 employee shall be required to work on such days. The commission may employ part-time employees,
14 subject to the rules of the director of personnel, to staff stores open on Sundays or holidays. Any full-
15 time employee who works on such days shall be paid 1-1/2 times the employee's regular rate of pay
16 for the actual number of hours worked.

17 2 Effective Date. This act shall take effect 60 days after its passage.

Amendment to HB 1583-FN
- Page 2 -

2022-0838h

AMENDED ANALYSIS

This bill authorizes the liquor commission to open certain state liquor stores on Sundays or legal holidays.



2022 SESSION

Commerce and Consumer Affairs

Bill #: HB1583 Motion: OTPA AM #: _____ Exec Session Date: 3/3/22

<u>Members</u>	<u>YEAS</u>	<u>Nays</u>	<u>NV</u>
Hunt, John B. Chairman	17		
Potucek, John M. Vice Chairman	1		
Osborne, Jason M.	2		
Ammon, Keith M. Clerk	3		
Abramson, Max		1	
Ham, Bonnie D.	4		
Depalma IV, Joseph <i>Acton</i>	5		
Greeson, Jeffrey	6		
Johnson, Dawn M.	7		
Terry, Paul A.	8		
Bartlett, Christy D.	9		
Abel, Richard M.	10		
Herbert, Christopher J.			
Van Houten, Constance	11		
Fargo, Kristina M.	12		
Weston, Joyce	13		
Beaulieu, Jane E. <i>Tanner</i>	14		
Burroughs, Anita D.	15		
McAleer, Chris R.	16		
TOTAL VOTE:	17	1	



2022 SESSION

Commerce and Consumer Affairs

Bill #: HB 583 Motion: OTP AM #: 838h Exec Session Date: 3/3/22

<u>Members</u>	<u>YEAS</u>	<u>Nays</u>	<u>NV</u>
Hunt, John B. Chairman	17		
Potucek, John M. Vice Chairman	1		
Osborne, Jason M.	2		
Ammon, Keith M. Clerk	3		
Abramson, Max	4	1	
Ham, Bonnie D.	4		
Depalma IV, Joseph <i>Acton</i>	5		
Greeson, Jeffrey	6		
Johnson, Dawn M.	7		
Terry, Paul A.	8		
Bartlett, Christy D.	9		
Abel, Richard M.	10		
Herbert, Christopher J.			
Van Houten, Constance	11		
Fargo, Kristina M.	12		
Weston, Joyce	13		
Beaulieu, Jane E. <i>Tanner</i>	14		
Burroughs, Anita D.	15		
McAlear, Chris R.	16		
TOTAL VOTE:	17	1	

HOUSE COMMITTEE ON COMMERCE AND CONSUMER AFFAIRS

SUBCOMMITTEE WORK SESSION on HB 1583-FN

BILL TITLE: relative to locations and days of operation of state liquor stores.

DATE: 2/24/22

Subcommittee Members: Reps. Hunt, Potucek, ~~Abramson~~, Van Houten and Beaulieu
Greerson

Comments and Recommendations:

MOTIONS: OTP, OTP/A, ITL, Retained (1st Yr), Interim Study (2nd Yr)
(Please circle one)

Moved by Rep. Potucek Seconded by Rep. Hunt AM Vote: 5-0

Adoption of Amendment # ~~8880A~~ 2846

Moved by Rep. Potucek Seconded by Rep. Hunt Vote: 5-0

_____ Amendment Adopted _____ Amendment Failed

MOTIONS: OTP, OTP/A, ITL, Retained (1st Yr), Interim Study (2nd Yr)
(Please circle one)

Moved by Rep. _____ Seconded by Rep. _____ AM Vote: _____

Adoption of Amendment # _____

Moved by Rep. _____ Seconded by Rep. _____ Vote: _____

_____ Amendment Adopted _____ Amendment Failed

Respectfully submitted,

Rep. [Signature]
Subcommittee Chairman/Clerk

HOUSE COMMITTEE ON COMMERCE AND CONSUMER AFFAIRS

SUBCOMMITTEE WORK SESSION on HB 1583-FN

BILL TITLE: relative to locations and days of operation of state liquor stores.

DATE: February 24, 2022

Subcommittee Members: Reps. Hunt, Potucek, Greeson, Van Houten and Beaulieu

Comments and Recommendations:

MOTIONS: OUGHT TO PASS WITH AMENDMENT

Moved by Rep. Potucek

Seconded by Rep. Hunt

AM Vote: 5-0

Amendment # 2022-0284h

Moved by Rep. Potucek

Seconded by Rep. Hunt

Vote: 5-0

Respectfully submitted,

Rep. John Hunt
Subcommittee Chairman

HOUSE COMMITTEE ON COMMERCE AND CONSUMER AFFAIRS

PUBLIC HEARING ON HB 1583-FN

BILL TITLE: (New Title) relative to days of operation of state liquor stores.

DATE: March 7, 2022

LOB ROOM: 302-304 **Time Public Hearing Called to Order:** 10:04 a.m.

Time Adjourned: 10:25 a.m.

Committee Members: Reps. Hunt, Potucek, Ammon, Ham, Greeson, Johnson, Terry, Bartlett, Abel, Weston, Beaulieu, Burroughs and McAleer

Bill Sponsors:
Rep. Horrigan

TESTIMONY

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

Rep Timothy Horrigan - Strafford 6

- Different religions have different dates for Easter, no set definition of when is Easter
- Liquor stores are not to be within 200 feet of a church
- Liquor commission should be free to locate the stores where they choose
- Same rights as any retail tenant
- It is an unnecessary restriction

Rep Greeson -

Question - Why aren't liquor stores permitted within 200 ft of a school? I guess schools are different from retail and churches? Churches don't have children?

Answer - Of course they do.

Rep Burroughs -

Question - The commission could enable liquor stores to open on Easter Day. Would all of them have to be open?

Answer - On a case by case basis. They have staffing issues like any other retail outlet. They may not have enough staff.

Question - do you think there will be problems finding employees? Do you think there will be pressure on employees to work on a religious holiday?

Answer - I don't know. I do have one friend that works for the liquor commission and he seems happy.

Rep Hunt -

Question - did you say there is a danger for kids walking by a liquor store?

Answer - I may have said that. There is danger putting schools near any large retail establishment.

Rep Burroughs -

Question - Does this include synagogues and mosques?

Answer - The law includes places of worship which would include any religion, all houses of worship, and any religion.

Aiden Moore - Liquor Commission

- Not opening stores on Easter is a business decision to allow employees to be with their families on a traditional holiday.
- Sunday is a voluntary work day bargained under the collective bargaining agreement

- It is a possibility that grievances would be filed under
- None of our facilities are located within 200 feet of any religious building or school

Rep Hunt -

Question - If we remove Easter, it doesn't require you to be open on Easter, if we remove it from the statute, correct?

Answer - Correct

Question - If the state employees don't want to come to work, you could just say you are not open on Easter?

Answer - We don't see a strong rationale to change the law. We've worked hard on the current statute.

Question - We don't plan to have big expansion, except for maybe marijuana stores, correct? Answer - There may be some contraction of the number of stores based on a number of factors. I don't think we will see an expansion soon.

Rep Potucek -

Question - Might this cause other folks with other ethnicities on their holidays? Say we have a person who celebrates Ramadan or another holiday, might this cause a problem if they are required to work on their holidays?

Answer - I'm not sure I can answer. I'm not sure what other holidays are celebrated by other religions. What makes this somewhat distinctive is that Easter is almost always on a Sunday and Sundays are voluntary stores for employees. It is a business decision to keep open stores that have a high probability of profitability on Sunday.

Rep Greeson - The muslim holiday of Ramadan is not a single day. Easter is a single day and always on a Sunday. Just like Chanukah is not a single day.

Rep Hunt - Passover is.

Rep Beaulieu -

Question - I represent Manchester. There is one property owner who owns all the liquor stores in Manchester. Is there an RFP for people to come in and say they would like to have a liquor store on their property?

Answer - There is a team to evaluate locations for their profitability. I can put you in touch with members of the commission that could better answer that question.

Respectfully submitted,



Rep Keith Ammon

House Remote Testify

Commerce and Consumer Affairs Committee Testify List for Bill HB1583 on 2022-01-27

Support: 1 Oppose: 2 Neutral: 0 Total to Testify: 0

Export to Excel

<u>Name</u>	<u>City, State</u> <u>Email Address</u>	<u>Title</u>	<u>Representing</u>	<u>Position</u>	<u>Testifying</u>	<u>Non-Germane</u>	<u>Signed Up</u>
ploszaj, tom	Center Harbor, NH tom.ploszaj@gmail.com	An Elected Official	Myself	Oppose	No	No	1/21/2022 2:26 PM
Peternel, Catherine	Wolfeboro, NH katypeternel@pm.me	A Member of the Public	Myself	Oppose	No	No	1/23/2022 8:49 AM
Anastasia, Patti	LONDONDERRY, NH patti.anastasia@gmail.com	A Member of the Public	Myself	Support	No	No	1/27/2022 2:56 PM

HB 1583-FN - AS INTRODUCED

2022 SESSION

22-2424
08/04

HOUSE BILL ***1583-FN***

AN ACT relative to locations and days of operation of state liquor stores.

SPONSORS: Rep. Horrigan, Straf. 6

COMMITTEE: Commerce and Consumer Affairs

ANALYSIS

This bill changes the regulation on places of operation of state liquor stores and allows state liquor stores to be open on Easter.

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.

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty Two

AN ACT relative to locations and days of operation of state liquor stores.

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

1 1 State Stores; Locations. Amend RSA 177:1 to read as follows:

2 177:1 State Stores. The commission may lease, purchase, and equip, in the name of the state,
3 such stores, state-owned warehouses, supplies as defined in RSA 21-I:11, II(a), and other materials,
4 goods, and services as are necessary for, incidental to, or related to the operation of the liquor
5 commission retail and wholesale operations. The commission may lease, in the name of the state,
6 space in state stores for the purpose of installing automated teller machines. No newly established
7 state store shall be operated within 200 feet of any public or private school[, ~~church, chapel, or~~
8 ~~parish house~~].

9 2 Temporary State Stores. Amend RSA 177:1-a to read as follows:

10 177:1-a Temporary State Stores. The commission may lease, rent, and equip, in the name of the
11 state, stores or space in buildings such as airports or shopping malls and in large venues such as
12 racetracks, temporary stores for the sale or promotion of liquor or related products as are necessary
13 to carry out the provisions of this chapter, except that no such store shall be operated within 200 feet
14 of any public or private school[, ~~church, chapel, or parish house~~]. The liquor commission shall report
15 quarterly to the fiscal committee of the general court on the status of temporary stores.

16 3 Sunday and Holiday Openings. Amend RSA 177:5 to read as follows:

17 177:5 Sunday and Holiday Openings. Notwithstanding any other provision of law, the
18 commission may, in its discretion, open for business on any Sunday or legal holiday any state liquor
19 store located on a main route where traffic is heavy; provided, however, that no state liquor store
20 may be opened for business at any time on [~~Easter or~~] Thanksgiving day, whenever appointed, and
21 Christmas day. Although full-time employees shall be given the option of working, no such employee
22 shall be required to work on such days. The commission may employ part-time employees, subject to
23 the rules of the director of personnel, to staff stores open on Sundays or holidays. Any full-time
24 employee who works on such days shall be paid 1-1/2 times the employee's regular rate of pay for the
25 actual number of hours worked.

26 4 Effective Date. This act shall take effect 60 days after its passage.

**HB 1583-FN- FISCAL NOTE
AS INTRODUCED**

AN ACT relative to locations and days of operation of state liquor stores.

FISCAL IMPACT: State County Local None

STATE:	Estimated Increase / (Decrease)			
	FY 2022	FY 2023	FY 2024	FY 2025
Appropriation	\$0	\$0	\$0	\$0
Revenue	\$0	\$1,000,000	\$1,000,000	\$1,000,000
Expenditures	\$0	\$48,000	\$48,000	\$48,000
Funding Source:	<input checked="" type="checkbox"/> General Fund	<input type="checkbox"/> Education	<input type="checkbox"/> Highway	<input checked="" type="checkbox"/> Other - Liquor

METHODOLOGY:

This bill changes the regulation on places of operation of state liquor stores and allows state liquor stores to be open on Easter.

The NH Liquor Commission provided the following information concerning the fiscal impact of this bill:

- The Commission does not operate any stores located within 200 feet of a church, chapel, or parish house. The proposed change in sections 1 and 2 of the bill would have no fiscal impact.
- Regarding the change which would allow liquor stores to operate on Easter Sunday, the Commission provided the following estimates:
 - o The total gross revenue generated on a Sunday in March or April is approximately \$1 million.
 - o In March and April of 2021, the average personnel cost for stores open on Sunday was approximately \$48,000.

Any balance remaining in the Liquor Fund after paying all expenses of the commission is deposited in the general fund.

It is assumed that any fiscal impact would occur after FY 2022.

AGENCIES CONTACTED:

Liquor Commission