

LEGISLATIVE COMMITTEE MINUTES

HB1475

Bill as
Introduced

HB 1475-FN - AS AMENDED BY THE HOUSE

16Feb2022... 0006h

2022 SESSION

22-2027

08/11

HOUSE BILL **1475-FN**

AN ACT relative to the enforcement authority of liquor enforcement officers.

SPONSORS: Rep. Trottier, Belk. 6; Rep. O'Hara, Belk. 9; Rep. Littlefield, Belk. 3

COMMITTEE: Criminal Justice and Public Safety

ANALYSIS

This bill extends the authority of liquor investigators in certain circumstances.

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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

AN ACT relative to the enforcement authority of liquor enforcement officers.

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

- 1 1 Liquor Laws; Enforcement. Amend RSA 179:59 to read as follows:
- 2 179:59 Prosecutions. The commission shall appoint liquor investigators whose primary function
- 3 shall be the proper prosecution of this title. The liquor investigators shall have **statewide**
- 4 **jurisdiction** [~~all the powers of the sheriff in any county~~], with reference to enforcement of all laws
- 5 either in cooperation with, or independently of, the officers of any county or town. The commission
- 6 shall have the primary responsibility for the enforcement of all liquor and beverage laws upon
- 7 premises where liquor and beverages are lawfully sold, stored, distributed, or manufactured. Any
- 8 person violating the provisions of any law may be prosecuted by the commission or any of its
- 9 investigators as provided in this section, or by county or city attorneys, or by sheriffs or their
- 10 deputies, or by police officials of towns.
- 11 2 Effective Date. This act shall take effect 60 days after its passage.

HB 1475-FN- FISCAL NOTE
AS INTRODUCED

AN ACT relative to the enforcement authority of liquor enforcement officers.

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	\$0	\$0	\$0
Expenditures	\$0	Indeterminable	Indeterminable	Indeterminable
<i>Funding Source:</i>	<input type="checkbox"/> General Fund	<input type="checkbox"/> Education	<input type="checkbox"/> Highway	<input checked="" type="checkbox"/> Other - Liquor

COUNTY:

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

LOCAL:

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

METHODOLOGY:

The Liquor Commission believes if this bill were to become law then there will be an increase in litigation for cases where a liquor investigator has either made an arrest for an offense outside of Title XIII or in cases where a liquor investigator assisted a law enforcement agency in an arrest for an offense outside of Title XIII. The Commission cannot estimate the cost to local or county prosecutors who will need to prepare briefs or take depositions or other actions where the authority of a liquor investigator is challenged by the defense.

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

AGENCIES CONTACTED:

Liquor Commission

LBA
22-2027
Amended 4/19/22

**HB 1475-FN FISCAL NOTE
AS AMENDED BY THE HOUSE (AMENDMENT #2022-0006h)**

AN ACT relative to the enforcement authority of liquor enforcement officers.

FISCAL IMPACT: State County Local None

METHODOLOGY:

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

AGENCIES CONTACTED:

Liquor Commission

HB 1475-FN - AS AMENDED BY THE HOUSE

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SPONSORS: Rep. Trottier, Belk. 6; Rep. O'Hara, Belk. 9; Rep. Littlefield, Belk. 3

HOUSE COMMITTEE: Criminal Justice and Public Safety *QTP/A 16-1 CONSENT*
SENATE JUDICIARY QTP 5-0 CONSENT

ANALYSIS

This bill extends the authority of liquor investigators in certain circumstances.

Explanation: Matter added to current law appears in ***bold italics***.
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3 shall be the proper prosecution of this title. The liquor investigators shall have **statewide**
4 **jurisdiction** ~~[all the powers of the sheriff in any county]~~, with reference to enforcement of all laws
5 ~~either~~ in cooperation with, ~~or independently of~~, the officers of any county or town. The commission
6 shall have the primary responsibility for the enforcement of all liquor and beverage laws upon
7 premises where liquor and beverages are lawfully sold, stored, distributed, or manufactured. Any
8 person violating the provisions of any law may be prosecuted by the commission or any of its
9 investigators as provided in this section, or by county or city attorneys, or by sheriffs or their
10 deputies, or by police officials of towns.
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Funding Source:	<input type="checkbox"/> General Fund	<input type="checkbox"/> Education	<input type="checkbox"/> Highway	<input checked="" type="checkbox"/> Other - Liquor

COUNTY:

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AGENCIES CONTACTED:

Liquor Commission

LBA
22-2027
Amended 4/19/22

**HB 1475-FN FISCAL NOTE
AS AMENDED BY THE HOUSE (AMENDMENT #2022-0006h)**

AN ACT relative to the enforcement authority of liquor enforcement officers.

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

METHODOLOGY:

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

AGENCIES CONTACTED:

Liquor Commission

CHAPTER 117
HB 1475-FN - FINAL VERSION

16Feb2022... 0006h

2022 SESSION

22-2027
08/11

HOUSE BILL

1475-FN

AN ACT

relative to the enforcement authority of liquor enforcement officers.

SPONSORS:

Rep. Trottier, Belk. 6; Rep. O'Hara, Belk. 9; Rep. Littlefield, Belk. 3

COMMITTEE:

Criminal Justice and Public Safety

ANALYSIS

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Explanation:

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CHAPTER 117
HB 1475-FN - FINAL VERSION

16Feb2022... 0006h

22-2027
08/11

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty Two

AN ACT relative to the enforcement authority of liquor enforcement officers.

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

- 1 117:1 Liquor Laws; Enforcement. Amend RSA 179:59 to read as follows:
2 179:59 Prosecutions. The commission shall appoint liquor investigators whose primary function shall
3 be the proper prosecution of this title. The liquor investigators shall have **statewide jurisdiction** [~~all the~~
4 ~~powers of the sheriff in any county~~], with reference to enforcement of all laws either in cooperation with, or
5 independently of, the officers of any county or town. The commission shall have the primary responsibility
6 for the enforcement of all liquor and beverage laws upon premises where liquor and beverages are
7 lawfully sold, stored, distributed, or manufactured. Any person violating the provisions of any law may be
8 prosecuted by the commission or any of its investigators as provided in this section, or by county or city
9 attorneys, or by sheriffs or their deputies, or by police officials of towns.
10 117:2 Effective Date. This act shall take effect 60 days after its passage.

Approved: May 27, 2022
Effective Date: July 26, 2022

Committee Minutes

SENATE CALENDAR NOTICE
Judiciary

Sen Sharon Carson, Chair
Sen Bill Gannon, Vice Chair
Sen Harold French, Member
Sen Rebecca Whitley, Member
Sen Jay Kahn, Member

Date: March 8, 2022

HEARINGS

Tuesday	03/15/2022	
(Day)	(Date)	
Judiciary	State House 100	1:00 p.m.
(Name of Committee)	(Place)	(Time)
1:00 p.m.	HB 1086-FN	relative to concealment of a cause of action.
1:15 p.m.	HB 1388-FN	relative to the unsolicited disclosure of an intimate image.
1:30 p.m.	HB 1461-FN	increasing penalties for littering.
1:45 p.m.	HB 1475-FN	relative to the enforcement authority of liquor enforcement officers.
2:00 p.m.	HB 1505-FN	establishing concurrent jurisdiction in juvenile matters with the U.S. Department of Defense for coordination with the military family advocacy program.

EXECUTIVE SESSION MAY FOLLOW

Sponsors:

HB 1086-FN

Rep. Abrami

HB 1388-FN

Rep. Nutting-Wong

Rep. Abbas

Rep. Rhodes

HB 1461-FN

Rep. Green

HB 1475-FN

Rep. Trottier

Rep. O'Hara

Rep. Littlefield

HB 1505-FN

Rep. Roy

Rep. Baldasaro

Jennifer Horgan 271-7875

Sharon M Carson
Chairman

Senate Judiciary Committee

Jennifer Horgan 271-7875

HB 1475-FN, relative to the enforcement authority of liquor enforcement officers.

Hearing Date: March 15, 2022

Time Opened: 1:56 p.m.

Time Closed: 1:59 p.m.

Members of the Committee Present: Senators Carson, Gannon, Whitley and Kahn

Members of the Committee Absent : Senator French

Bill Analysis: This bill extends the authority of liquor investigators in certain circumstances.

Sponsors:

Rep. Trottier

Rep. O'Hara

Rep. Littlefield

Who supports the bill: Representative O'Hara; Aidan Moore, NH Liquor Commission; Lt. Matt Culver, Liquor Enforcement

Who opposes the bill: No one

Summary of testimony presented in support:

Representative O'Hara

- This is a housekeeping bill.
- The bill will change the Liquor Commission's enforcement authority from 'the powers of the sheriff', which is a constitutionally elected position, to 'statewide jurisdiction'.
- The House was originally going to change it to State Police, but that would have limited the authority.
- The Commission was worried about more litigation for enforcement because it sounded like this was trying to limit the authority, but the bill states, "with reference to enforcement of all laws either in cooperation with, or independently of, the officers of any county or town"

Aidan Moore and Lt. Matthew Culver (State Liquor Commission)

- Representative Trottier had concerns about the current RSA 179:59 describing the enforcement powers of the Commission as that of the sheriff.
- Believes this change will satisfy those concerns, while keeping the needed authority in place.
- The Methodology in the Fiscal Note was written for when the bill was first introduced, and therefore is no longer accurate.

Summary of testimony presented in opposition:
None

jch
Date Hearing Report completed: March 18, 2022

Speakers

Senate Remote Testify

Judiciary Committee Testify List for Bill HB1475 on 2022-03-15

Support: 0 Oppose: 0

Voting Sheets

Senate Judiciary Committee
EXECUTIVE SESSION RECORD
2021-2022 Session

Bill # HB1475

Hearing date: _____

Executive Session date: _____

Motion of: OTP Vote: 5-0

Committee Member	Made by	Second	Yes	No
Sen. Carson, Chair	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Gannon, V-Chair	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. French	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Kahn	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Whitley	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Motion of: Consent Vote: 5-0

Committee Member	Made by	Second	Yes	No
Sen. Carson, Chair	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Gannon, V-Chair	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. French	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Kahn	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Whitley	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Motion of: _____ Vote: _____

Committee Member	Made by	Second	Yes	No
Sen. Carson, Chair	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Gannon, V-Chair	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. French	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Kahn	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Whitley	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Reported out by: Carson

Notes: housekeeping bill

Senate Finance Committee

EXECUTIVE SESSION

Bill # HB 1475-FW

Hearing date: N/A

Executive session date: 04/19/08

② Motion of: OTP

VOTE: 6-1 Rosenwald

<u>Made by</u> Daniels <input type="checkbox"/>	<u>Seconded</u> Daniels <input type="checkbox"/>	<u>Reported</u> Daniels <input type="checkbox"/>
<u>Senator:</u> Reagan <input checked="" type="checkbox"/>	<u>by Senator:</u> Reagan <input checked="" type="checkbox"/>	<u>by Senator:</u> Reagan <input type="checkbox"/>
Giuda <input type="checkbox"/>	Giuda <input type="checkbox"/>	Giuda <input type="checkbox"/>
Rosenwald <input type="checkbox"/>	Rosenwald <input type="checkbox"/>	Rosenwald <input type="checkbox"/>
D'Allesandro <input checked="" type="checkbox"/>	D'Allesandro <input checked="" type="checkbox"/>	D'Allesandro <input checked="" type="checkbox"/>
Morse <input type="checkbox"/>	Morse <input type="checkbox"/>	Morse <input type="checkbox"/>
Hennessey <input type="checkbox"/>	Hennessey <input type="checkbox"/>	Hennessey <input type="checkbox"/>

① Motion of: Giuda Amendment

VOTE: 3-4 *Fails!*
Rosenwald
Giuda
Daniels

<u>Made by</u> Daniels <input type="checkbox"/>	<u>Seconded</u> Daniels <input type="checkbox"/>	<u>Reported</u> Daniels <input type="checkbox"/>
<u>Senator:</u> Reagan <input type="checkbox"/>	<u>by Senator:</u> Reagan <input type="checkbox"/>	<u>by Senator:</u> Reagan <input type="checkbox"/>
Giuda <input checked="" type="checkbox"/>	Giuda <input type="checkbox"/>	Giuda <input type="checkbox"/>
Rosenwald <input type="checkbox"/>	Rosenwald <input checked="" type="checkbox"/>	Rosenwald <input type="checkbox"/>
D'Allesandro <input type="checkbox"/>	D'Allesandro <input checked="" type="checkbox"/>	D'Allesandro <input type="checkbox"/>
Morse <input type="checkbox"/>	Morse <input type="checkbox"/>	Morse <input type="checkbox"/>
Hennessey <input type="checkbox"/>	Hennessey <input type="checkbox"/>	Hennessey <input type="checkbox"/>

Committee Member

Senator Daniels, Chairman
 Senator Reagan, Vice-Chair
 Senator Giuda
 Senator Hennessey
 Senator Rosenwald
 Senator Morse
 Senator D'Allesandro

Present

Yes

No

Reported out by

<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Amendments: _____

Notes: _____

Committee Report

STATE OF NEW HAMPSHIRE

SENATE

REPORT OF THE COMMITTEE
FOR THE CONSENT CALENDAR

Wednesday, April 6, 2022

THE COMMITTEE ON Judiciary

to which was referred **HB 1475-FN**

AN ACT

relative to the enforcement authority of liquor
enforcement officers.

Having considered the same, the committee recommends that the Bill

OUGHT TO PASS

BY A VOTE OF: 5-0

Senator Sharon Carson
For the Committee

This bill is a housekeeping bill that will modify the authority of the Liquor Commission's investigators in certain circumstances, making the language a more appropriate reflection of their jurisdiction.

Jennifer Horgan 271-7875

FOR THE CONSENT CALENDAR

JUDICIARY

HB 1475-FN, relative to the enforcement authority of liquor enforcement officers.

Ought to Pass, Vote 5-0.

Senator Sharon Carson for the committee.

This bill is a housekeeping bill that will modify the authority of the Liquor Commission's investigators in certain circumstances, making the language a more appropriate reflection of their jurisdiction.

STATE OF NEW HAMPSHIRE
SENATE
REPORT OF THE COMMITTEE

Wednesday, April 20, 2022

THE COMMITTEE ON Finance

to which was referred **HB 1475-FN**

AN ACT

relative to the enforcement authority of liquor
enforcement officers.

Having considered the same, the committee recommends that the Bill

OUGHT TO PASS

BY A VOTE OF: 6-1

Senator Lou D'Allesandro
For the Committee

Deb Martone 271-4980

HB1475-FN

Bill Details

Title: relative to the enforcement authority of liquor enforcement officers.

Sponsors: (Prime) Trottier (R), O'Hara (R), Littlefield (R)

LSR Number: **22-2027**

General Status: **SIGNED BY GOVERNOR**

Chapter Number: **117**

House:

Committee: Criminal Justice and Public Safety

Due Out: 3/10/2022

Status: PASSED/ADOPTED WITH AMENDMENT

Senate:

Committee: Finance

Floor Date: 4/28/2022

Status: PASSED/ADOPTED

Bill Docket

Body	Description
H	Introduced 01/05/2022 and referred to Criminal Justice and Public Safety
H	Public Hearing: 01/14/2022 09:45 am LOB 202-204
H	Committee Report: Ought to Pass with Amendment # 2022-0006h (Vote 16-1; CC)
H	Ought to Pass with Amendment : MA VV 2022-0006h HJ 3
H	Amendment # 2022-0006h: AA VV 02/16/2022 HJ 3
S	Introduced 02/24/2022 and Referred to Judiciary: SJ 5
S	Hearing: 03/15/2022, Room 100, SH, 01:45 pm: SC 11
S	Committee Report: Ought to Pass, 04/14/2022; Vote 5-0; CC: SC 15
S	Ought to Pass: MA, VV; Refer to Finance Rule 4-5; 04/14/2022; SJ 8
S	Committee Report: Ought to Pass, 04/28/2022; SC 17
S	Ought to Pass: MA, VV; OT3rdg; 04/28/2022; SJ 10
S	Enrolled Adopted, VV, (In recess 05/12/2022); SJ 13
H	Enrolled (in recess of) 05/12/2022
H	Signed by Governor Sununu 05/27/2022; Chapter 117; 07/26/2022

Docket of HB1475

Docket Abbreviations

Bill Title: relative to the enforcement authority of liquor enforcement officers.*Official Docket of HB1475.:*

Date	Body	Description
12/3/2021	H	Introduced 01/05/2022 and referred to Criminal Justice and Public Safety
1/8/2022	H	Public Hearing: 01/14/2022 09:45 am LOB 202-204
2/3/2022	H	Committee Report: Ought to Pass with Amendment #2022-0006h (Vote 16-1; CC)
2/16/2022	H	Ought to Pass with Amendment : MA VV 2022-0006h HJ 3
2/23/2022	H	Amendment #2022-0006h: AA VV 02/16/2022 HJ 3
3/1/2022	S	Introduced 02/24/2022 and Referred to Judiciary; SJ 5
3/9/2022	S	Hearing: 03/15/2022, Room 100, SH, 01:45 pm; SC 11
4/6/2022	S	Committee Report: Ought to Pass, 04/14/2022; Vote 5-0; CC; SC 15
4/14/2022	S	Ought to Pass: MA, VV; Refer to Finance Rule 4-5; 04/14/2022; SJ 8
4/20/2022	S	Committee Report: Ought to Pass, 04/28/2022; SC 17
4/28/2022	S	Ought to Pass: MA, VV; OT3rdg; 04/28/2022; SJ 10
5/17/2022	S	Enrolled Adopted, VV, (In recess 05/12/2022); SJ 13
5/18/2022	H	Enrolled (in recess of) 05/12/2022
6/1/2022	H	Signed by Governor Sununu 05/27/2022; Chapter 117; 07/26/2022

NH House

NH Senate

Other Referrals

Senate Inventory Checklist for Archives

Bill Number: HB 1475-FN

Senate Committee: FINANCE

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

Final docket found on Bill Status

Bill Hearing Documents: (Legislative Aides)

Bill version as it came to the committee

All Calendar Notices

Hearing Sign-up sheet(s)

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

Hearing Report

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):

___ - amendment # ___ ___ - amendment # ___

___ - amendment # ___ ___ - amendment # ___

Executive Session Sheet

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

final version

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

Debra A. Martore
Committee Aide

06/15/22
Date

Senate Clerk's Office JM

Senate Inventory Checklist for Archives

Bill Number: HB 1475

Senate Committee: Judiciary

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Executive Session Sheet

Committee Report

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___ - amendment # _____ ___ - amendment # _____

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

___ Enrolled Bill Amendment(s)

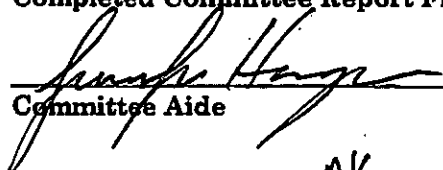
___ Governor's Veto Message

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

___ as amended by the senate ___ as amended by the house

___ final version

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


Committee Aide

8/12/22
Date

Senate Clerk's Office AK