LEGISLATIVE COMMITTEE MINUTES

HB1583

Bill as Introduced

HB 1583-FN - AS AMENDED BY THE HOUSE

15Mar2022... 0838h

2022 SESSION

22-2424 08/04

HOUSE BILL

1583-FN

AN ACT

relative to days of operation of state liquor stores.

SPONSORS:

Rep. Horrigan, Straf. 6

COMMITTEE:

Commerce and Consumer Affairs

AMENDED ANALYSIS

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

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

15Mar2022... 0838h

22-2424 08/04

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty Two

AN ACT

1

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relative to days of operation of state liquor stores.

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

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

2 Sunday and Holiday Openings. Notwithstanding any other provision of law, the 3 commission may, in its discretion, open for business on any Sunday or legal holiday any state liquor store located on a main route where traffic is heavy[; provided, however, that no state liquor store 4 5 may be opened for business at any time on Easter or Thanksgiving day, whenever appointed, and 6 Christmas day . Although full-time employees shall be given the option of working, no such 7 employee shall be required to work on such days. The commission may employ part-time employees, 8 subject to the rules of the director of personnel, to staff stores open on Sundays or holidays. Any fulltime employee who works on such days shall be paid 1-1/2 times the employee's regular rate of pay 10 for the actual number of hours worked.

2 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:

[X] State

[] County

[] Local

[] None

	Estimated Increase / (Decrease)				
STATE:	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:	General Fund	Education [] Highway [X]	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

HB 1583-FN FISCAL NOTE AS AMENDED BY THE HOUSE (AMENDMENT #2022-0838h)

AN ACT

relative to days of operation of state liquor stores.

FISCAL IMPACT:

[X] State

[] County

[] Local

[] None

	Estimated Increase / (Decrease)				
STATE:	FY 2022	FY 2023	FY 2024	FY 2025	
Appropriation	\$0	\$0	\$0	\$0	
Revenue	\$0	Indeterminable Increase	Indeterminable Increase	Indeterminable Increase	
Expenditures	\$0	In excess of \$48,000	In excess of \$48,000	In excess of \$48,000	
Funding Source:	[X] General Liquor Fund	[] Education		[X]Other	

METHODOLOGY:

This bill authorizes the Liquor Commission to open certain state liquor stores on Easter, Thanksgiving day and Christmas day. The bill does not require the Commission to open stores on these holidays and leaves the decision to open stores on these days to the Commission. Liquor stores are not currently open on these dates.

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

- The total gross revenue generated on a Sunday in March or April is approximately \$1 million.
- In March and April of 2021, the average personnel cost for stores open on Sunday was approximately \$48,000.
- The Commission does not currently open stores on Thanksgiving or Christmas so there is no comparable sales data to provide estimates.
- Liquor sales on days leading up to Thanksgiving and Christmas are robust. The
 Commission indicates it is unknown if opening store on these holidays would increase
 sales, or simply shift sales from the days leading up to Thanksgiving day and Christmas
 day.
- The Commission is unable to determine if additional sales revenue would offset the additional operating costs to open the stores.

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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

HB 1583-FN - AS AMENDED BY THE HOUSE

15Mar2022... 0838h

2022 SESSION

22-2424 08/04

HOUSE BILL

1583-FN

AN ACT

relative to days of operation of state liquor stores.

SPONSORS:

Rep. Horrigan, Straf. 6

COMMITTEE:

Commerce and Consumer Affairs OTP/A

SENATE COMMERCE

AMENDED ANALYSIS

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

Explanation:

Matter added to current law appears in bold italics.

Matter removed from current law appears [in brackets and struckthrough.]

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15Mar2022... 0838h

22-2424 08/04

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty Two

AN ACT

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relative to days of operation of state liquor stores.

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

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

2 177.5 Sunday and Holiday Openings. Notwithstanding any other provision of law, the 3 commission may, in its discretion, open for business on any Sunday or legal holiday any state liquor 4 store located on a main route where traffic is heavy[; provided, however, that no state liquor store 5 may be opened for business at any time on Easter or Thanksgiving day, whenever appointed, and 6 Christmas day]. Although full-time employees shall be given the option of working, no such 7 employee shall be required to work on such days. The commission may employ part-time employees, 8 subject to the rules of the director of personnel, to staff stores open on Sundays or holidays. Any full-9 time employee who works on such days shall be paid 1-1/2 times the employee's regular rate of pay 10 for the actual number of hours worked.

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

HB 1583-FN- FISCAL NOTE AS AMENDED BY THE HOUSE (AMENDMENT #2022-0838h)

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relative to days of operation of state liquor stores.

FISCAL IMPACT:

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[] County

[] Local

[] None

	Estimated Increase / (Decrease)					
STATE:	FY 2022	FY 2023	FY 2024	FY 2025		
Appropriation	\$0	\$0	\$0	\$0		
Revenue	\$0	Indeterminable Increase	Indeterminable Increase	Indeterminable Increase		
Expenditures	\$0	In excess of \$48,000	In excess of \$48,000	In excess of \$48,000		
Funding Source:	[X] General Liquor Fund	[] Education	[] Highway	[X] Other		

METHODOLOGY:

This bill authorizes the Liquor Commission to open certain state liquor stores on Easter, Thanksgiving day and Christmas day. The bill does not require the Commission to open stores on these holidays and leaves the decision to open stores on these days to the Commission. Liquor stores are not currently open on these dates.

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

- The total gross revenue generated on a Sunday in March or April is approximately \$1 million.
- In March and April of 2021, the average personnel cost for stores open on Sunday was approximately \$48,000.
- The Commission does not currently open stores on Thanksgiving or Christmas so there is no comparable sales data to provide estimates.
- Liquor sales on days leading up to Thanksgiving and Christmas are robust. The
 Commission indicates it is unknown if opening store on these holidays would increase
 sales, or simply shift sales from the days leading up to Thanksgiving day and Christmas
 day.
- The Commission is unable to determine if additional sales revenue would offset the additional operating costs to open the stores.

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

HB 1583-FN FISCAL NOTE AS AMENDED BY THE HOUSE (AMENDMENT #2022-0838h)

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relative to days of operation of state liquor stores.

FISCAL IMPACT:

[X]State

[] County

[] Local

[] None

	Estimated Increase / (Decrease)					
STATE:	FY 2022		FY 2023	FY 2024	FY 2025	
Appropriation	9	\$0	\$0	\$0	\$0	
Revenue		\$0	Indeterminable Increase	Indeterminable Increase	Indeterminable Increase	
Expenditures		\$0	In excess of \$48,000	In excess of \$48,000	In excess of \$48,000	
Funding Source:	[X] General Liquor Fund	W.	[] Education	[] Highway	[X] Other	

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- The total gross revenue generated on a Sunday in March or April is approximately \$1 million.
- In March and April of 2021, the average personnel cost for stores open on Sunday was approximately \$48,000.
- The Commission does not currently open stores on Thanksgiving or Christmas so there is no comparable sales data to provide estimates.
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 Commission indicates it is unknown if opening store on these holidays would increase
 sales, or simply shift sales from the days leading up to Thanksgiving day and Christmas
 day.
- The Commission is unable to determine if additional sales revenue would offset the additional operating costs to open the stores.

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

Committee Minutes

SENATE CALENDAR NOTICE Commerce

Sen Harold French, Chair Sen Bill Gannon, Vice Chair Sen Jeb Bradley, Member Sen Donna Soucy, Member Sen Kevin Cavanaugh, Member

Rep. Post

Aaron Jones 271-4063

Date: March 23, 2022

HEARINGS

		HEARINGS
	Tuesday	03/29/2022
	(Day)	(Date)
Commerce		State House 100 9:00 a.m.
(Name of Co	ommittee)	(Place) (Time)
9:00 a.m.	HB 1039	relative to the definition of "beverage manufacturer retail outlet" certain liquor licenses and fees.
9:10 a.m.	HB 1558	relative to insurance holding companies.
9:20 a.m.	HB 1559	relative to laws administered by the insurance department.
9:30 a.m.	HB 1583-FN	relative to days of operation of state liquor stores.
9:40 a.m.	HB 1613-FN	relative to certain liquor manufacturers.
	EX	ECUTIVE SESSION MAY FOLLOW
Sponsors: HB 1039 Rep. Hunt HB 1558 Rep. Hunt HB 1559 Rep. Bartlett HB 1583-FN Rep. Horrigan HB 1613-FN	Rep. Hunt	Rep. Potucek
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Rep. Deshaies

Harold F. French

Chairman

Rep. Harvey-Bolia

Senate Commerce Committee

Aaron Jones 271-4063

HB 1583-FN, relative to days of operation of state liquor stores.

Hearing Date:

March 29, 2022

Time Opened:

9:31 a.m.

Time Closed:

9:39 a.m.

Members of the Committee Present: Senators French, Gannon, Bradley, Soucy

and Cavanaugh

Members of the Committee Absent: None

Bill Analysis:

This bill authorizes the liquor commission to open certain state

liquor stores on Sundays or legal holidays.

Sponsors:

Rep. Horrigan

Who supports the bill: Representative Timothy Horrigan, Representative John Potucek, Representative John Hunt, Joseph Brown

Who opposes the bill: Representative Lisa Post

Who is neutral on the bill: Mark Armaganian (NHLC)

Summary of testimony presented in support:

Representative Timothy Horrigan

- If this bill were passed, liquor stores could be open any day of the year including on Easter, Christmas, and Thanksgiving. However, they do not have to be open on those days if they chose not to be.
- Representative Horrigan said he wanted the liquor stores to be profitable and serve as many consumers as possible.
- It may be helpful to restaurants or caterers that are open on the days that liquor stores are currently closed.
- In addition to serving locals, state liquor stores also serve travelers from out-ofstate.
- Senator Gannon asked if there were a projected increase in revenue from outof-state customers.
 - o Representative Horrigan said the fiscal note for the original bill projected that liquor stores would make \$1 million if they were open on

Easter. He believed revenue would be more if they were open for the other two holidays; however, there could be fewer customers despite people traveling.

- Senator Gannon asked if staffing problems were anticipated.
 - o Representative Horrigan said they have faced similar issues like other retailers and wholesalers. Currently, liquor stores are open 10:00am to 5:00pm every Sunday, so Representative Horrigan believed they could work out any issues that arise from this change. From his understanding, the liquor stores have a fairly content workforce.
- Senator Gannon asked if an employee could use a religious exemption on Easter or Christmas.
 - o **Representative Horrigan** replied that he did not know, but he has heard nothing to indicate that the Commission is not one of the best employers in the state.
- Senator Cavanaugh said the bill states, "Although full-time employees shall be given the option of working, no such employee shall be required to work on such day. [...] Any full-time employee who works on such days shall be paid 1-1/2 times the employee's regular rate of pay...". He hoped the Commission stuck to this promise.

Representative John Hunt

- After a conversation between himself and the Chairman of the Liquor Commission, they realized the original bill just needed to have all of the holidays removed from it.
- Representative Hunt said this bill would simply reaffirm the policy of the Commission that volunteers are needed to work on holidays. If no employee would like to work, then a store would remain closed.
- Senator Bradley asked if the Chairman indicated which stores, particularly if ones on highways, are likely to take advantage of this change.
 - Representative Hunt replied obviously. In existing statute, stores can be open if they are located near high traffic roads or highways. Representative Hunt said this provision would not be changed by this bill. In their conversation, Representative Hunt said they did not want to forget the I-95 corridor where people from Maine share their money with NH.

Summary of testimony presented in opposition: None

Neutral Information Presented: None

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Date Hearing Report completed: March 30, 2022

Speakers

Senate Commerce Committee SIGN-IN SHEET

Date: 03/29/2022

Time: 9:30 a.m.

HB 1583-FN An ACT relative to days of operation of state liquor stores.

Name/Representing (please print neatly)					
REDJOHN POTUCER - RECK-6	Support	Oppose	Speaking?	Yes	No.
Pep. Tinothy Horrisa	Support	Oppose	Speaking?	Yes	No
Rop John D Horis	Support	Oppose	Speaking?	Yes	No
MARK ARMATANASA ALUKC	Support	Oppose	Speaking?	Yes	No
A Sa Cy Post Rep. Paring Spin.	Support	Oppose	Speaking?	Yes	Ŏ.Z
Republic Harven-Bolia	Support	Oppose "	Speaking?	Yes (源
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ĺ	Support	Oppose	Speaking?	Yes	No

Senate Remote Testify

Commerce Committee Testify List for Bill HB1583 on 2022-03-29 Support: 2 Oppose: 0

NameTitleRepresentingBrown, JosephA Member of the PublicMyselfHorrigan, Rep. TimothyAn Elected OfficialStrafford 6

Support Support

Position

Voting Sheets

Senate Commerce Committee

EXECUTIVE SESSION RECORD

2021-2022 Session

	HP 1283-FN
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Senate Finance Committee

EXECUTIVE SESSION

Hearing date: $\frac{N/N}{N}$ Executive session date: $\frac{N}{N}$	74/2/22	- 6 Dall
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<u>Committee Member</u> Senator Daniels , Chairman	Present Yes	No Reported out by
Senator Reagan, Vice-Chair		ä ä
Senator Giuda		
Senator Hennessey		
Senator Rosenwald		
Senator Morse		
Senator D'Allesandro		
Amendments:		
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Notes:	<u>.</u>	· · · · · · · · · · · · · · · · · · ·

Committee Report

STATE OF NEW HAMPSHIRE

SENATE

REPORT OF THE COMMITTEE

Tuesday, March 29, 2022

THE COMMITTEE ON Commerce

to which was referred HB 1583-FN

AN ACT

relative to days of operation of state liquor stores.

Having considered the same, the committee recommends that the Bill

OUGHT TO PASS

BY A VOTE OF: 4-1

Senator Kevin Cavanaugh For the Committee

Aaron Jones 271-4063

COMMERCE

HB 1583-FN, relative to days of operation of state liquor stores.

Ought to Pass, Vote 4-1.

Senator Kevin Cavanaugh for the committee.

STATE OF NEW HAMPSHIRE

SENATE

REPORT OF THE COMMITTEE

Tuesday, April 12, 2022

THE COMMITTEE ON Finance

to which was referred HB 1583-FN

AN ACT

relative to days of operation of state liquor stores.

Having considered the same, the committee recommends that the Bill

IS INEXPEDIENT TO LEGISLATE

BY A VOTE OF: 5-2

Senator Gary Daniels For the Committee

Deb Martone 271-4980

General Court of New Hampshire - Bill Status System

Docket of HB1583

Docket Abbreviations

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

Official Docket of HB1583.:

Date	Body	Description
12/21/2021	Н	Introduced 01/05/2022 and referred to Commerce and Consumer Affairs
1/27/2022	Н	Public Hearing: 01/27/2022 10:00 a.m. LOB302-304
2/15/2022	Н	Subcommittee Work Session: 02/24/2022 01:15 pm LOB 302-304
2/23/2022	Н	==CANCELLED== Subcommittee Work Session: 03/02/2022 01:15 pm LOB 302-304
3/3/2022	Н	Executive Session: 03/03/2022 1:15 p.m. LOB302-304
3/9/2022	Н	Majority Committee Report: Ought to Pass with Amendment #2022-0838h (NT) (Vote 17-1; RC)
3/9/2022	Н	Minority Committee Report: Inexpedient to Legislate
3/15/2022	Н	Amendment #2022-0838h; AA VV 03/15/2022 HJ 6
3/15/2022	Н	Ought to Pass with Amendment 2022-0838h: MA DV 275-58 03/15/2022 HJ 6
3/22/2022	S	Introduced 03/17/2022 and Referred to Commerce; SJ 6
3/23/2022	S	Hearing: 03/29/2022, Room 100, SH, 09:30 am; SC 13
3/29/2022	S	Committee Report: Ought to Pass, 03/31/2022; SC 13A
3/31/2022	S	Ought to Pass: RC 16Y-8N, MA; Refer to Finance Rule 4-5; 03/31/2022; SJ 7
4/13/2022	S	Committee Report: Inexpedient to Legislate, 04/21/2022; SC 16
4/21/2022	S	Inexpedient to Legislate, RC 13Y-11N, MA === BILL KILLED ===; 04/21/2022; SJ 9

NH House	NH Senate

Other Referrals

Senate Inventory Checklist for Archives

Bill Number: HB 1583-FW Senate Committee: FIWANCE
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}
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 06/15/22 Committee Aide Date
Committee Aide Date
Senate Clerk's Office

Senate Inventory Checklist for Archives

Bill Number: HO 1583-FN Senate Committee:
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}
All Calendar Notices Hearing Sign-up sheet(s) Prepared testimony, presentations, & other submissions handed in at the public hearing Hearing Report
Hearing Sign-up sheet(s)
Prepared testimony, presentations, & other submissions handed in at the public hearing
Hearing Report
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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 propose by the committee of conference):
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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:
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Committee Aide Date
Senate Clerk's Office HV