**HB 146-FN - AS INTRODUCED**

2023 SESSION

23-0101
08/10

HOUSE BILL ***146-FN***

AN ACT relative to the closure of state liquor stores.

SPONSORS: Rep. Leishman, Hills. 33; Sen. Rosenwald, Dist 13

COMMITTEE: Commerce and Consumer Affairs

---

ANALYSIS

This bill requires the liquor commission to obtain the prior approval of the fiscal committee of the general court before closing a state liquor store.

- - - - - - - - - - - - - - - - - - - - - - - - - - - - - - - - - - - - - - - - - - - - - - - - - - - - - - - - - - - - - - - - - - - -

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

**HB 146-FN - AS INTRODUCED**

23-0101
08/10

STATE OF NEW HAMPSHIRE

*In the Year of Our Lord Two Thousand Twenty Three*

AN ACT relative to the closure of state liquor stores.

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

1 Closing of State Stores; Fiscal Committee Approval. Amend RSA 177:2, I to read as follows:

I. The commission may***, with the prior approval of the fiscal committee of the general court,*** close any state liquor store to improve profitability and efficiency. In determining net operating profit or loss, the commission shall adhere to generally accepted accounting principles for both revenues and expenses and shall include an allocation for indirect costs. All information regarding a decision to close any state liquor store shall be made available, by the commission, to the public upon request. The commission shall provide public notice 30 days prior to closing any state liquor store. The commission shall ***also*** submit a report of state liquor store closings to the fiscal committee of the general court when store closings occur.

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

LBA
23-0101
12/8/22

**HB 146-FN- FISCAL NOTE**
**AS INTRODUCED**

AN ACT relative to the closure of state liquor stores.

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

| | Estimated Increase / (Decrease) | | | |
|---|---|---|---|---|
| **STATE:** | **FY 2023** | **FY 2024** | **FY 2025** | **FY 2026** |
| **Appropriation** | $0 | $0 | $0 | $0 |
| **Revenue** | $0 | Indeterminable Decrease | Indeterminable Decrease | Indeterminable Decrease |
| **Expenditures** | $0 | $0 | $0 | $0 |
| ***Funding Source:*** | [ ] General [ ] Education [ ] Highway [ X ] Other - Liquor Fund | | | |

**METHODOLOGY:**

This bill requires the liquor commission to obtain the prior approval of the fiscal committee of the general court before closing a state liquor store. The Liquor Commission makes the follow statements concerning the fiscal impact of the bill:

- The bill adds a procedural step that will slow the process of store closures, renovations, lease signings, relocations, and consolidations and would delay the Commission's ability to act quickly in the best interest of the State.
- If approval is not granted to close a store, it could cause the Commission to continue to operate an unprofitable store or a store that is less profitable than one at a potential new relocation.
- If approval is not granted or delayed by the fiscal committee, the Commission could miss the opportunity to sign a lease at a more profitable location because of the uncertainty.
- One of the reasons for store closures and consolidations is the limited number of employees available to the Commission. The Commission is not able to open new locations without closing or consolidating locations in order to have adequate staffing at the new location.
- The Commission assumes the bill would result in a significant loss of state revenue, however the Commission is not able to estimate the amount of potential decrease.

**AGENCIES CONTACTED:**

Liquor Commission

**CONSENT CALENDAR**

**February 2, 2023**

**HOUSE OF REPRESENTATIVES**

**REPORT OF COMMITTEE**

**The Committee on Commerce and Consumer Affairs to which was referred HB 146-FN,**

**AN ACT relative to the closure of state liquor stores.**

**Having considered the same, report the same with the following resolution: RESOLVED, that it is**

**INEXPEDIENT TO LEGISLATE.**

**Rep. Jane Beaulieu**

**FOR THE COMMITTEE**

Original: House Clerk
Cc: Committee Bill File

# COMMITTEE REPORT

| | |
|---|---|
| Committee: | **Commerce and Consumer Affairs** |
| Bill Number: | **HB 146-FN** |
| Title: | **relative to the closure of state liquor stores.** |
| Date: | **February 2, 2023** |
| Consent Calendar: | **CONSENT** |
| Recommendation: | **INEXPEDIENT TO LEGISLATE** |

## STATEMENT OF INTENT

The Commerce and Consumer Affairs Committee believes that obtaining the prior approval of the Fiscal Committee before closing a state liquor store would be financially burdensome and would lead to a general court committee micro managing the liquor commission of NH.

Vote 19-1.

Rep. Jane Beaulieu
FOR THE COMMITTEE

Original: House Clerk
Cc: Committee Bill File

**CONSENT CALENDAR**

Commerce and Consumer Affairs

**HB 146-FN,** relative to the closure of state liquor stores. **INEXPEDIENT TO LEGISLATE.** Rep. Jane Beaulieu for Commerce and Consumer Affairs. The Commerce and Consumer Affairs Committee believes that obtaining the prior approval of the Fiscal Committee before closing a state liquor store would be financially burdensome and would lead to a general court committee micro managing the liquor commission of NH. **Vote 19-1.**

Original: House Clerk
Cc: Committee Bill File

# SIGN UP SHEET

To Register Opinion If Not Speaking

Bill # HB 146-FN Date 1/12/23

Committee Commerce

** Please Print All Information **

| Name | Address | Phone | Representing | (check one) Pro | Con |
|---|---|---|---|---|---|
| David Emond | STODDARD | | Sponsor | ✓ | |
| AIDAN MOORE | STOKES ST. | 603-931-0222 | NHLC | | ✓ |
| | | | | | |
| | | | | | |
| | | | | |

# House Remote Testify

Commerce and Consumer Affairs Committee Testify List for Bill HB146 on 2023-01-12

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

Export to Excel

**HOUSE COMMITTEE ON COMMERCE AND CONSUMER AFFAIRS**

**PUBLIC HEARING ON HB 146-FN**

**BILL TITLE:** **relative to the closure of state liquor stores.**

**DATE:** **January 12, 2023**

**LOB ROOM:** **302-304** **Time Public Hearing Called to Order:** **10:00 a.m.**

**Time Adjourned:** **10:30 a.m.**

**Committee Members: Reps. Hunt, Ammon, Beaulieu, Osborne, Potucek, Terry, Post, Cole, Porcelli, Thackston, L. Walsh, Burroughs, Herbert, McAleer, Vincent, Calabro, Filiault, Gibbs, Spier and J. Sullivan**

**Bill Sponsors:**
**Rep. Leishman** **Sen. Rosenwald**

**TESTIMONY**

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

*Rep Easton presented for Rep Leishman
- Fiscal Committee meets every single month
- Committee needs foresight, legitimacy, and logic
- Fiscal soundness
- Fiscal Committee needs to approve
- What is the time line for approval
- Fiscal Committee can quickly approve or disapprove

*Rep McGuire - Supports
- 30 day public notices
- Who really participates in these meetings
- Fiscal Committee monitors matters of the state liquor stores

Question - Rep Burroughs - If the store is unprofitable, should it remain open?

Question - Chairman Hunt - What about efficiencies?

Question - Enable them to conduct a profitable business - Legislative should have some control.

Tina Demers
- Since 1990 the Commission has submitted a quarterly report
- Indirect cost plan
- 2015 - Reports after the closure one month
- 30 days prior to closure, a public notice is posted in the store to be closed
- Competition is fierce and will be in the future
- Real Estate market is tough
- Opportunities come up quickly
- Landlord participation
- Landlord pays set-up
- 18-24 months in planning
- They report to the Fiscal Committee already
- 50% of business is cross border sales
- RSA176.3 - Optimize profits etc. Run an efficient operation

*Jim Demers - Wine and Spirit Brokers Assn - Sppose

- The liquor stores are profitable with the current statutes

HOUSE COMMITTEE ON COMMERCE AND CONSUMER AFFAIRS

# SUBCOMMITTEE WORK SESSION on HB 146-FN

**BILL TITLE:** relative to the closure of state liquor stores.

**DATE:** February 1, 2023

**Subcommittee Members:** Reps. Hunt, Beaulieu, Osborne, Potucek, L. Walsh, Burroughs, Vincent and J. Sullivan

**Comments and Recommendations:**

**MOTIONS:** **INEXPEDIENT TO LEGISLATE**

Moved by Rep. Rep. Beaulieu Seconded by Rep. Rep. Potucek Vote: 8-0

Respectfully submitted,

Rep. John Hunt
Subcommittee Chairman

**HOUSE COMMITTEE ON COMMERCE AND CONSUMER AFFAIRS**

**EXECUTIVE SESSION on HB 146-FN**

**BILL TITLE:** relative to the closure of state liquor stores.

**DATE:** February 2, 2023

**LOB ROOM:** 302-304

**MOTIONS: INEXPEDIENT TO LEGISLATE**

Moved by Rep. Beaulieu Seconded by Rep. Potucek Vote: 19-1

**CONSENT CALENDAR: YES**

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

Respectfully submitted,

Rep Jane Beaulieu, Clerk

STATE OF NEW HAMPSHIRE
OFFICE OF THE HOUSE CLERK

1/5/2023 1:24:24 PM
Roll Call Committee Registers Report

2023 SESSION

## Commerce and Consumer Affairs

Bill #: 146 Motion: ITL AM #: _____ Exec Session Date: 2-2-23

| Members | YEAS | Nays | NV |
|---|---|---|---|
| Hunt, John B. Chairman | ✓ | | |
| Ammon, Keith Michael Vice Chairman | ✓ | | |
| Osborne, Jason M. | ✓ | | |
| Potucek, John M. | ✓ | | |
| Terry, Paul A | ✓ | | |
| Post, Lisa C.M. | ✓ | | |
| Cole, Brian D | ✓ | | |
| Porcelli, Susan M | ✓ | | |
| Thackston, Dick H | ✓ | | |
| Walsh, Lilli M | ✓ | | |
| Burroughs, Anita D. | ✓ | | |
| Herbert, Christopher J. | ✓ | | |
| Beaulieu, Jane E. Clerk | ✓ | | |
| McAleer, Chris R. | ✓ | | |
| Vincent, Kenneth S. | ✓ | | |
| Calabro, Karen E | ✓ | | |
| Filiault, Shaun M | | ✓ | |
| Gibbs, Merryl | ✓ | | |
| Spier, Carry | ✓ | | |
| Sullivan, Jared | ✓ | | |
| **TOTAL VOTE:** | 19 | 1 | |