



Legislative Update  
For the week ending March 7, 2008

The NHLRA is pleased that our members and partner organizations find the information in our weekly Legislative Updates useful and a guide to current legislative matters that affect our industry. When recipients chose to share this information, we find it helpful in allowing us to reach more individuals regularly. For those groups that do forward our updates to their constituents, please identify and accredit the NHLRA so we may be able to best serve those who would like more information, details and possible follow ups.

**EXPANDED GAMBLING:** The Senate Ways & Means Committee has voted 3-2 to recommend killing two proposals to expand gambling in New Hampshire. [SB 330](#) would allow video slot machines at the State's racetracks in Salem, Belmont, Hinsdale, and Seabrook. Meanwhile, [SB 306](#) would allow video slots at horse racetracks; hotels with at least 140 rentable rooms in Coos County; and at grand hotels with at least 195 rentable rooms and an 18-hole golf course in Coos County. The full Senate will vote on the bills next Thursday, March 13.

**CIGAR BARS:** The House passed [HB 1457](#) with amendment. As amended, the bill would allow smoking in cigar bars where more than 60 percent of total business income is derived from cigar-related products. A cigar bar is being defined as "an establishment that occupies exclusively an enclosed indoor space that is engaged in the retail sale of cigar products for consumption on the premises, or other legally acceptable places, and derives revenue from the sale of food, alcohol, and other beverages for consumption on the premises, prohibits entry to a person under the age of 18, and holds a tobacco retailers license." The bill also requires employers to have all employees working in cigar bars to sign a form which states the potential dangers of inhaling second-hand smoke and that the employee chooses to work in such cigar bar. Such forms are to be kept on file with the employee's records. The bill now goes to the Senate.

**TAVERN LICENSE:** A House Ways & Means subcommittee has voted 4-1 to recommend passage of [HB 432](#) with amendment. The bill would establish a new tavern license. This new license would not allow anyone under the age of 21 in the establishment. It would not require the sale of food. Any establishment with a lounge to restaurant capacity ratio of 3 to 1 would be required to obtain a tavern license. No one under the age of 21 could be employed. Proof of at least \$300,000 in liability insurance would be required. The amendment increases the proposed license fees from \$12,000 to \$15,000 for an establishment capable of seating less than 50 people; and from \$24,000 to \$30,000 for establishments that could seat 50 or more people. Full-service restaurant and cocktail lounge licenses would be tightened up by increasing the annual food sale requirements from \$75,000 to \$150,000. The amendment also clarifies that restaurants open less than 6 months per year would only need to meet a \$75,000 food sales minimum. The full Ways & Means Committee is scheduled to vote on the bill next Monday, March 10 at 9:30 am.

**ADVERTISING HAPPY HOURS:** The House passed [HB 1197](#). The bill would eliminate the current restrictions on advertising “happy hours.” Under current law, no liquor licensee can run advertising that references a “happy hour.” The licensee may, however, post a happy hour schedule within the premises, not in any view of the public way. This bill would enable liquor licensees to advertise happy hours in any manner they deem appropriate. The bill now goes to the Senate.

**UNEMPLOYMENT BENEFITS FOR PART-TIME WORKERS:** The Senate passed [SB 502](#) with amendment. The bill would enable workers who are laid off and only seeking part-time work to collect unemployment benefits. Under current law, only people who are searching for full-time work can collect unemployment benefits. Two amendments were added to the bill. The first makes it clear that any claim for unemployment benefits by someone only seeking part-time work shall be based on wages earned in part-time. This will prevent someone who has worked full-time and now wants to limit their work search to part-time from collecting benefits based on their full-time earnings. The other amendment sweetens this bill for employers by allowing the Commissioner of Employment Security to maintain the discount rate for employers when the Unemployment Trust Fund goes below certain statutory levels. NHLRA still has some concerns about the impact this bill will have on those that employ part-time workers. The bill now goes to the Senate Finance Committee for further review.

**LIQUOR LICENSES:** The House passed [HB 1177](#). The bill would eliminate the prohibition on liquor and wine manufacturers, liquor and wine vendors, and liquor and wine representatives having an interest in the business of a holder of an on-premise liquor license. The bill now goes to the Senate.

**ELIMINATING “AT-WILL” EMPLOYMENT:** The House killed [HB 1515](#), which would have prohibited an employer from terminating an employee without just cause. Under the bill, within 30 days after the termination, the employer would have been required to file with the NH Department of Employment Security a statement explaining the cause for termination. Failure to file such a report would have resulted in a \$2500 fine.

**PROHIBITING THE START OF SCHOOL UNTIL AFTER LABOR DAY:** The House voted to send [HB 1489](#) back to committee for further study. The bill would prohibit the start of public school until after Labor Day. This vote effectively defeats the bill for the 2008 Session.

**3% MEALS & ROOMS TAX REIMBURSEMENT:** The House Ways & Means Committee has voted 12-3 to recommend that the House kill [HB 1369](#), which would reduce the percentage amount our industry may retain as compensation for collecting the meals and rooms tax from 3% to 1.5%, up to a maximum of \$100 per month. Thanks to Nancy Henderson of the Sunset Hill House for doing an excellent job at the public hearing. The full House will vote on the bill on March 12.

**SINGLE LIQUOR COMMISSIONER:** The House Executive Departments & Administration Committee has voted 10-5 to recommend that [HB 1552](#) be studied further. The bill would replace the 3-member Liquor Commission with a single Liquor Commissioner. The full House will vote on the bill on March 12. If they agree to send the bill to further study, it will not come back for a vote this year.

**MUSICIANS CONSUMING BEVERAGES OR LIQUOR WHILE PERFORMING:** The House passed [HB 1242](#) with amendment. The bill attempts to clarify that musicians are not to be considered “employees” of an establishment and therefore not prohibited from consuming liquor while working. The bill makes it clear that as long as the musician does not meet the definition of employee as defined in RSA 275:4, II, they are not prohibited from consuming alcohol while working. The bill now goes to the Senate.

For more information on these or other governmental matters, feel free to contact NHLRA’s lobbyist, [Henry Veilleux](#) of Sheehan Phinney Capitol Group at 603-228-2370. You may also visit website of the [New Hampshire Lodging & Restaurant Association](#) or contact [Michelline Dufort](#) at 603-228-9585.

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