

**CONSENT CALENDAR**

**March 4, 2022**

**HOUSE OF REPRESENTATIVES**

**REPORT OF COMMITTEE**

**The Committee on Municipal and County Government  
to which was referred HB 1267,**

**AN ACT relative to municipal authority for road and  
sidewalk closure. Having considered the same, report  
the same with the following resolution: RESOLVED,  
that it is INEXPEDIENT TO LEGISLATE.**

**Rep. Richard Lascelles**

**FOR THE COMMITTEE**

Original: House Clerk

Cc: Committee Bill File

## COMMITTEE REPORT

Committee:	Municipal and County Government
Bill Number:	HB 1267
Title:	relative to municipal authority for road and sidewalk closure.
Date:	March 4, 2022
Consent Calendar:	CONSENT
Recommendation:	INEXPEDIENT TO LEGISLATE

### STATEMENT OF INTENT

The committee felt that the experience of municipalities recently allowing various businesses to expand onto the sidewalk in front of their business was almost universally positive. This bill would restrict similar expansions in the future.

Vote 16-0.

Rep. Richard Lascelles  
FOR THE COMMITTEE

Original: House Clerk  
Cc: Committee Bill File

## **CONSENT CALENDAR**

Municipal and County Government

**HB 1267**, relative to municipal authority for road and sidewalk closure. **INEXPEDIENT TO LEGISLATE.**

Rep. Richard Lascelles for Municipal and County Government. The committee felt that the experience of municipalities recently allowing various businesses to expand onto the sidewalk in front of their business was almost universally positive. This bill would restrict similar expansions in the future. **Vote 16-0.**

Original: House Clerk

Cc: Committee Bill File

**HOUSE COMMITTEE ON MUNICIPAL AND COUNTY GOVERNMENT**

**EXECUTIVE SESSION on HB 1267**

**BILL TITLE:** relative to municipal authority for road and sidewalk closure.

**DATE:** February 28, 2022

**LOB ROOM:** 301 - 303

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

Moved by Rep. Lascelles

Seconded by Rep. Ayer

Vote: 16-0

**CONSENT CALENDAR: YES**

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

Respectfully submitted,

Rep John MacDonald, Clerk





2022 SESSION

Municipal and County Government

Bill #: 1267 Motion: ITL AM #: \_\_\_\_\_ Exec Session Date: 2/28/22

<u>Members</u>	<u>YEAS</u>	<u>Nays</u>	<u>NV</u>
	16		
Dolan, Tom Chairman			
Piemonte, Tony Vice Chairman <i>Lascelles</i>	1		
MacDonald, John T. Clerk	2		
Tripp, Richard P.	3		
Guthrie, Joseph A.	4		
Lascelles, Richard W. <i>Johnson</i>	5		
McBride, Everett P.			
Melvin, Charles R.	6		
Ayer, Paul F.	7		
Pauer, Diane	8		
Maggiore, Jim V.	9		
<del>Treleaven, Susan GS</del>			
Gilman, Julie D.	10		
<del>Stavis, Laurel</del>			
Mangipudi, Latha D.	11		
Vann, Ivy C.	12		
Klee, Patricia S. <i>Perez</i>	13		
Gallager, Eric B.	14		
Rung, Rosemarie	15		
<b>TOTAL VOTE:</b>	16	0	

HOUSE COMMITTEE ON MUNICIPAL AND COUNTY GOVERNMENT

PUBLIC HEARING ON HB 1267

**BILL TITLE:** relative to municipal authority for road and sidewalk closure.

**DATE:** January 20, 2022

**LOB ROOM:** 301 - 303

**Time Public Hearing Called to Order:** 11:00 a.m.

**Time Adjourned:** 11:20 a.m.

**Committee Members:** Reps. Piemonte, J. MacDonald, Guthrie, Lascelles, McBride, Melvin, Ayer, Pauer, Maggiore, Gilman, Stavis, Vann, Klee, Gallager and Rung

**Bill Sponsors:**

Rep. Yokela

TESTIMONY

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

**Rep. Josh Yokela** - Prime sponsor of the bill. When towns ask for money for roads, they don't ask the people if they want the roads shut down for prior approval. Seeking to give the towns people some say in deciding. The purpose for roads is for traveling. How long roads are to be closed.

Rep. Rung: Are governing boards the ones that make the decision? ANS: Usually town managers grant those permits. The town should be the people to grant the closure.

Rep. Gallager: I live in a city. Warrant articles are for towns not cities. Would this apply to cities? ANS: Yes.

Rep. Vann: What is the problem we are trying to solve? ANS: The closure of roads is taking money from the people. It is a fraud.

Rep. Maggiore: You need to declare the road and sidewalks that are to be closed. We would have to state the roads to be closed. ANS: That is correct. The town's people should be able to use the roads that they paid for.

**Katherine Heck, NH Municipal Association** - Opposes the bill. RSA 32:10, municipal budget law. Governing body can make the decisions.

Rep. Vann: You keep me from driving on the road? ANS: I am not sure what the sponsors intent is.

Respectfully submitted,

Rep. John MacDonald  
Clerk





# House Remote Testify

## Municipal and County Government Committee Testify List for Bill HB1267 on 2022-01-20

Support: 4 Oppose: 21 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>
Pimentel, Rod	Henniker, NH Rod.pimentel@leg.state.nh.us	An Elected Official	Myself	Oppose	No	No	1/15/2022 11:49 AM
Hamer, Heidi	Manchester, NH heidi.hamer@leg.state.nh.us	An Elected Official	Myself	Oppose	No	No	1/16/2022 8:47 AM
Wazir, Safiya	Concord, NH S.wazir@leg.state.nh.us	An Elected Official	Myself and my constituents	Oppose	No	No	1/17/2022 7:33 AM
Glass, Jonathan	Cornish, NH jglass1063@gmail.com	A Member of the Public	Myself	Oppose	No	No	1/17/2022 10:32 AM
Kudlik, Cindy	Grafton, NH CindyKudlik@protonmail.com	An Elected Official	Myself	Oppose	No	No	1/17/2022 11:39 AM
Oxenham, Lee	Plainfield, NH leexenham@comcast.net	An Elected Official	Myself	Oppose	No	No	1/17/2022 1:51 PM
Ballentine, John	Nashua, NH mikeb@btine.com	A Member of the Public	Myself	Oppose	No	No	1/17/2022 5:39 PM
Dontonville, Roger	Enfield, NH rdontonville@gmail.com	An Elected Official	Myself	Oppose	No	No	1/17/2022 6:11 PM
Dontonville, Anne	Enfield, NH Ardontonville@gmail.com	A Member of the Public	Myself	Oppose	No	No	1/17/2022 8:06 PM
Oxenham, Evan	Plainfield, NH evan.oxenham@gmail.com	A Member of the Public	Myself	Oppose	No	No	1/17/2022 10:10 PM
Cahill, Michael	Newarket, NH michael.cahill@leg.state.nh.us	An Elected Official	Myself	Oppose	No	No	1/18/2022 9:56 AM
Tucker, Katherine	Wilmot, NH katherine.s.tucker@valley.net	A Member of the Public	Myself	Oppose	No	No	1/18/2022 1:30 PM
Robinson, Ellis	Grantham, NH EllisMMRobinson@gmail.com	A Member of the Public	Myself	Oppose	No	No	1/18/2022 5:33 PM

Vallone, Mark	Epping, NH nhatlasman@comcast.net	An Elected Official	Myself	Oppose	No	No	1/19/2022 8:57 AM
Altschiller, Debra	Stratham, NH debra.altschiller@leg.state.nh.us	An Elected Official	Myself	Oppose	No	No	1/19/2022 11:13 AM
Doherty, David	Pembroke, NH ddoherty0845@gmail.com	A Member of the Public	Myself	Oppose	No	No	1/19/2022 3:46 PM
Findley, Sally	Grantham, NH findley.se@gmail.com	A Member of the Public	Myself	Oppose	No	No	1/20/2022 10:46 AM
Kuemmerle, Nancy	Enfield, NH nkuemmerle@une.edu	A Member of the Public	Myself	Oppose	No	No	1/20/2022 1:30 PM
Lane, Connie	Concord, NH nhlanes@comcast.net	An Elected Official	Merrimack District 12	Oppose	No	No	1/20/2022 4:09 PM
levesque, cassandra	Barrington, NH cassandra.levesque@leg.state.nh.us	An Elected Official	Myself	Oppose	No	No	1/20/2022 7:42 PM

HB 1267 - AS INTRODUCED

2022 SESSION

22-2192  
11/04

HOUSE BILL            **1267**

AN ACT                relative to municipal authority for road and sidewalk closure.

SPONSORS:            Rep. Yokela, Rock. 33

COMMITTEE:          Municipal and County Government

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ANALYSIS

This bill requires cities and towns to grant power to their governing board to shut down public roads and sidewalks for recreation or parades, and permits cities and towns to revoke that power.

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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 municipal authority for road and sidewalk closure.

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

1 1 Legislative Findings. The general court find that municipal budgets have a purpose listed for  
2 the sum to be raised from taxes, and that raising taxes for one purpose and then allowing use of  
3 those funds for another purpose is fraudulent. Furthermore, the general court finds that the  
4 taxpayers in a community should have a say in determining whether and to what extent travel  
5 within their community is interrupted, and taxpayers may wish for community events to be held in  
6 recreation areas so as to limit any interference on travel within the community.

7 2 Powers and Duties of Towns; Street Fairs. Amend RSA 31:100 to read as follows:

8 31:100 Street Fairs.

9 *I. Interference with the intended use of roads and streets for uses other than*  
10 *maintenance and safety is prohibited without the passage of a warrant article that grants*  
11 *the selectmen of a town or governing body of a city [may] power to grant a license in writing to any*  
12 *person or persons to use and occupy a portion of any street or sidewalk specified in such warrant*  
13 *article, as may be designated in general or in specific terms, for the purpose of conducting thereon*  
14 *street fairs or other community events, including but not limited to the sale of merchandise by*  
15 *commercial retailers, or by community associations conducting street fairs or other promotions.*  
16 *Such licenses may include the right to encumber the designated area with boxes, shelves, stands and*  
17 *other devices useful in conducting such sales and shall be issued for not in excess of 3 consecutive*  
18 *business days. Licenses may also be subject to such other terms and conditions, to be expressed in*  
19 *the license, as the public convenience and safety may require. Warrant articles granting the*  
20 *power to the governing body pursuant to this section shall include:*

21 (a) *The specific dates or maximum number of days or hours per year travel on*  
22 *the road and/or sidewalk may be interrupted for uses other than maintenance or safety.*

23 (b) *The road and/or sidewalk which are to be granted the exemption.*

24 (c) *If the exemption is perpetual or time-limited.*

25 *II. The power granted under a warrant article may be revoked by passage of a*  
26 *warrant article stating the road(s) and/or sidewalk(s) and the date of the end of the power*  
27 *granted.*

28 3 Games, Amusements, and Athletic Exhibitions; Parades. Amend RSA 286:2 to read as follows:

29 286:2 Theatricals; Parades; Meetings. No theatrical or dramatic representation shall be  
30 performed or exhibited, and no parade or procession upon any public street or way, and no open-air  
31 public meeting upon any ground abutting thereon, shall be permitted, unless *the power to grant a*

HB 1267 - AS INTRODUCED

- Page 2 -

- 1 *license has been adopted for that public street or way pursuant to RSA 31:100, and* a special
- 2 license therefor shall first be obtained from the selectmen of the town, or from a licensing committee
- 3 for cities hereinafter provided for.
- 4 4 Effective Date. This act shall take effect 60 days after its passage.