

LEGISLATIVE COMMITTEE MINUTES

HB218

Bill as Introduced

HB 218 - AS AMENDED BY THE HOUSE

8Apr2021... 0256h

2021 SESSION

21-0246
05/08

HOUSE BILL

218

AN ACT

repealing RSA 320 relative to hawkers and peddlers and RSA 321 relative to itinerant vendors.

SPONSORS:

Rep. Yokela, Rock. 33

COMMITTEE:

Executive Departments and Administration

AMENDED ANALYSIS

This bill repeals RSA 320, relative to hawkers and peddlers, and repeals RSA 321, relative to itinerant vendors.

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

HB 218 - AS AMENDED BY THE HOUSE

8Apr2021... 0256h

21-0246
05/08

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty One

AN ACT repealing RSA 320 relative to hawkers and peddlers and RSA 321 relative to itinerant vendors.

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

- 1 1 Powers and Duties of Towns; Regulation of Hawkers, Peddlers and Vendors; Cross Reference
2 to RSA 321 Removed. Amend the introductory paragraph of RSA 31:102-a to read as follows:
3 31:102-a Hawkers, Peddlers and Vendors. The governing board of a city, town or village district
4 may adopt, by ordinance or regulation, provisions for the licensure and regulation of itinerant
5 vendors, hawkers, peddlers, traders, farmers, merchants, or other persons who sell, offer to sell, or
6 take orders for merchandise from temporary or transient sales locations within a town or who go
7 from town to town or place to place within a town for such purposes. Any person who violates any
8 provision of such ordinance or regulation shall be guilty of a class B misdemeanor, and each
9 continuing day of violation after notice shall constitute a separate offense. A city, town, or village
10 district shall be specifically prohibited, however, from licensing or regulating a candidate for public
11 office in the process of obtaining signatures on nomination papers, who seeks to have the candidate's
12 name placed on the ballot for the state general election by submitting nomination papers under RSA
13 655:40. Provisions adopted under this section [~~shall be in addition to any requirements imposed by~~
14 ~~the state under either RSA 320 or RSA 321 and~~] may include, but shall not be limited to:
15 2 Repeal. The following are repealed:
16 I. RSA 320, relative to hawkers and peddlers.
17 II. RSA 321, relative to itinerant vendors.
18 3 Effective Date. This act shall take effect 60 days after its passage.

Committee Minutes

SENATE CALENDAR NOTICE
Executive Departments and Administration

Sen Sharon Carson, Chair
Sen John Reagan, Vice Chair
Sen Denise Ricciardi, Member
Sen Kevin Cavanaugh, Member
Sen Suzanne Prentiss, Member

Date: April 14, 2021

HEARINGS

Wednesday	04/21/2021	
(Day)	(Date)	
Executive Departments and Administration	REMOTE 000	9:00 a.m.
(Name of Committee)	(Place)	(Time)
9:00 a.m. HB 72	relative to ratification of amendments to the state building code and state fire code.	
9:15 a.m. HB 85	relative to using Atlantic Standard Time in New Hampshire.	
9:30 a.m. HB 130	relative to administration by the retirement system of certain health care premium deductions.	
9:45 a.m. HB 186	repealing certain inactive committees and revising the membership or duties of certain committees, councils, and boards.	
10:00 a.m. HB 218	repealing RSA 320 relative to hawkers and peddlers and RSA 321 relative to itinerant vendors.	

Committee members will receive secure Zoom invitations via email.

Members of the public may attend using the following links:

1. Link to Zoom Webinar: <https://www.zoom.us/j/94468229006>
2. To listen via telephone: Dial (for higher quality, dial a number based on your current location): 1-301-715-8592, or 1-312-626-6799 or 1-929-205-6099, or 1-253-215-8782, or 1-346-248-7799, or 1-669-900-6833
3. Or iPhone one-tap: +13126266799,,94468229006# or +19292056099,,94468229006#
4. Webinar ID: [944 6822 9006](https://www.zoom.us/j/94468229006)
5. To view/listen to this hearing on YouTube, use this link:
<https://www.youtube.com/channel/UCjBZdtriRnQdmg-2MPMiWrA>
6. To sign in to speak, register your position on a bill and/or submit testimony, use this link:
<http://gencourt.state.nh.us/remotecommittee/senate.aspx>

The following email will be monitored throughout the meeting by someone who can assist with and alert the committee to any technical issues: remotesenate@leg.state.nh.us or call (603-271-6931).

EXECUTIVE SESSION MAY FOLLOW

Sponsors:

HB 72

Rep. McGuire

Rep. Pearl

Rep. DeLemus

HB 85

Rep. Yokela

Rep. Hill

HB 130

Rep. Schuett

HB 186

Rep. Ebel

HB 218

Rep. Yokela

Rep. McWilliams

Rep. True

Rep. Mason

Rep. Yakubovich

Rep. P. Schmidt

Rep. Heath

Rep. Pitre

Rep. T. Lekas

Rep. A. Lekas

Rep. McGuire

Sen. Rosenwald

Rep. Edwards

Rep. Ankarberg

Rep. Schultz

Rep. S. Pearson

Sen. Carson

Cameron Lapine 271-2104

Sharon M Carson
Chairman

Senate Executive Departments and Administration Committee

Cameron Lapine 271-2104

HB 218, repealing RSA 320 relative to hawkers and peddlers and RSA 321 relative to itinerant vendors.

Hearing Date: April 21, 2021

Time Opened: 10:36 a.m.

Time Closed: 10:40 a.m.

Members of the Committee Present: Senators Reagan, Ricciardi, Cavanaugh and Prentiss

Members of the Committee Absent: Senator Carson

Bill Analysis: This bill repeals RSA 320, relative to hawkers and peddlers, and repeals RSA 321, relative to itinerant vendors.

Sponsors:
Rep. Yokela

Who supports the bill: Ross Connolly (Americans for Prosperity – New Hampshire), Representative Josh Yokela (Rockingham – District 33), Representative Carol McGuire (Merrimack – District 29), Elliot Axelman, Representative Jason Osborne (Rockingham – District 4), and Representative Erica Layon (Rockingham – District 6).

Who opposes the bill: Elizabeth Sargent (NH Association of Chiefs of Police), Doug Hackett, John Parsons, John Drury, Brian Levesque, Tara Laurent (Greenland Police Department), David Noyes, Joel Dolan, Christopher Connelly, Anthony Bean Burpee, Charles Pelton, Michael Bagan, Christine Maille, Robin Vogt, Jeff Sprankle, David Goldstein, Gary Fisher, Timothy Carpenter, Steven Russo, Jeanne McFadden, Mark Chase, Benjamin Sargent, Gregory Patten, Daniel Doudi, Joseph Hoebeke (Hollis Police Department), Brendan LaFlamme (Hollis Police Department), James Maloney (Hollis Police Department), and Victoria Lapointe.

Who is neutral on the bill: None.

Summary of testimony presented in support:

Representative Tony Lekas

Hillsborough – District 37

- Representative Lekas is not the prime sponsor of HB 218, but did write the House

Committee Report. He said that HB 218 would eliminate the State license for hawkers, peddlers, and itinerant vendors. He said that the Committee heard from Deputy Secretary of State David Scanlon that there has never been an investigation into one of these licenses and there have never been a use made of the bonds that are posted. He said that the Secretary of State does not do anything with these licenses. Rep. Lekas said that even if someone checks the box on the license form that says they are a felon, they will still receive the license.

- Rep. Lekas said that municipalities maintain the authority to create their own licenses for hawkers, peddlers, and itinerant vendors.
- Rep. Lekas said that Deputy Secretary of State Scanlon had no objection to eliminating these licenses, as they serve no purpose.
- Rep. Lekas said that most people who do this work are poorer people, trying to make a living. He said that they should not be burdened further by needing a license from the State.

Ross Connolly

Americans for Prosperity – New Hampshire

- Mr. Connolly said that RSA 320 and RSA 321 are unnecessary regulations, creating an additional barrier to local entrepreneurs. He said that while the State license is removed, local licenses and regulations still exist.
- Mr. Connolly said that cities and towns make their own regulations and all enforcement is at the local level.
- Mr. Connolly said that RSA 320 and RSA 321 do nothing to protect public safety and, instead, make life more difficult.

Summary of testimony presented in opposition: None.

Neutral Information Presented: None.

cml
Date Hearing Report completed: April 22, 2021

Speakers

Senate Remote Testify

Executive Departments and Administration Committee Testify List for Bill HB218 of Support: 6 Oppose: 24 Neutral: 0 Total to Testify: 3

<u>Name</u>	<u>Email Address</u>	<u>Phone</u>	<u>Title</u>	<u>Representing</u>	<u>Position</u>	<u>Testifying</u>
Connolly, Ross	rconnolly@afphq.org	603.530.1151	A Lobbyist	Americans for Prosperity New Hampshire	Support	Yes
Yokela, Josh	josh.yokela@leg.state.nh.us	603-722-0501	An Elected Official	Rockingham 33	Support	Yes
Lekas, Tony	Rep.Tony.Lekas@gmail.com	603.305.5726	An Elected Official	Hillsborough 37	Support	Yes
McGuire, Carol	Not Given	Not Given	An Elected Official	Merrimack 29	Support	No
Sargent, Elizabeth	esargent@sheehan.com	603-568-0213	A Lobbyist	NH Association of Chiefs of Police	Oppose	No
Hackett, Doug	doug.hackett@cornishnh.net	603.359.3943	A Member of the Public	Myself	Oppose	No
Parsons, John	Not Given	Not Given	A Member of the Public	Myself	Oppose	No
Drury, John	jdrury@farmingtonpd.com	603.755.2731	A Member of the Public	Myself	Oppose	No
Levesque, Brian	blevesque@merrimacknh.gov	603.860.4478	A Member of the Public	Myself	Oppose	No
Laurent, Tara	tlaurent@greenlandpd.us	603.431.4624	A Member of the Public	Greenland Police Department	Oppose	No
Noyes, David	pdchief@wvpublicsafety.com	603.236.4732	A Member of the Public	Myself	Oppose	No
Dolan, Joel	Not Given	Not Given	A Member of the Public	Myself	Oppose	No
Connelly, Christopher	Not Given	Not Given	A Member of the Public	Myself	Oppose	No
Bean Burpee, Anthony	Not Given	Not Given	A Member of the Public	Myself	Oppose	No
Pelton, Charles	Not Given	Not Given	A Member of the Public	Myself	Oppose	No
Bagan, Michael	mbagan@grotonnh.org	603.530.1000	A Member of the Public	Myself	Oppose	No
maill, christine	Not Given	Not Given	A Member of the Public	Myself	Oppose	No
Axelman, Elliot	alu.axelman@gmail.com	732.674.2355	A Member of the Public	Myself	Support	No
Vogt, Robin	robin.w.vogt@gmail.com	(603) 969-57	A Member of the Public	Myself	Oppose	No
Sprankle, Jeff	jsprankle@merrimacknh.gov	603.420.1871	A Member of the Public	Myself	Oppose	No

4/21/2021

Senate Remote Testify

Goldstein, David	dgoldstein@franklinnh.org	16039989782	A Member of the Public	Myself	Oppose	No
Fisher, Gary	Not Given	Not Given	A Member of the Public	Myself	Oppose	No
Carpenter, Timothy	Not Given	Not Given	A Member of the Public	Myself	Oppose	No
Russo, Steven	Not Given	Not Given	A Member of the Public	Myself	Oppose	No
McFadden, Jeanne	Not Given	Not Given	A Member of the Public	Myself	Oppose	No
Chase, Mark	mchasecpd@metrocast.net	603.253.9756	A Member of the Public	Myself	Oppose	No
Sargent, Benjamin	Not Given	Not Given	A Member of the Public	Myself	Oppose	No
Douidi, Daniel	ddouidi@bedfordnh.org	Not Given	A Member of the Public	Myself	Oppose	No
LAPOINTE, VICTORIA	Not Given	Not Given	A Member of the Public	Myself	Oppose	No
Layon, Erica	erica.layon@leg.state.nh.us	603.479.9595	An Elected Official	Myself	Support	No

Voting Sheets

**Senate Executive Departments and
Administration Committee
EXECUTIVE SESSION RECORD
2021 Session**

Bill # HB 218

Hearing date: 4-21-21

Executive Session date: 5-19-21

Motion of: Re-Refer Vote: 5-0

Committee Member	Present	Made by	Second	Yes	No
Sen. Carson, Chair	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Reagan, Vice Chair	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Ricciardi	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Cavanaugh	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Prentiss	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Motion of: Consent Vote: 5-0

Committee Member	Present	Made by	Second	Yes	No
Sen. Carson, Chair	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Reagan, Vice Chair	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Ricciardi	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Cavanaugh	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Prentiss	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Motion of: _____ Vote: _____

Committee Member	Present	Made by	Second	Yes	No
Sen. Carson, Chair	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Reagan, Vice Chair	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Ricciardi	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Cavanaugh	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Prentiss	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Reported out by: Sen. Carson

Notes: _____

**Senate Executive Departments and
Administration Committee**
EXECUTIVE SESSION RECORD
2021 Session

Bill # HB218

Hearing date: _____

Executive Session date: _____

Motion of: ITK Vote: 5-0

Committee Member	Present	Made by	Second	Yes	No
Sen. Carson, Chair	/			/	
Sen. Reagan, Vice Chair	/	/		/	
Sen. Ricciardi	/		/	/	
Sen. Whitley	/			/	
Sen. Rosenwald	/			/	

Motion of: Consent Vote: 5-0

Committee Member	Present	Made by	Second	Yes	No
Sen. Carson, Chair	/			/	
Sen. Reagan, Vice Chair	/	/		/	
Sen. Ricciardi	/		/	/	
Sen. Whitley	/			/	
Sen. Rosenwald	/			/	

Motion of: _____ Vote: _____

Committee Member	Present	Made by	Second	Yes	No
Sen. Carson, Chair					
Sen. Reagan, Vice Chair					
Sen. Ricciardi					
Sen. Whitley					
Sen. Rosenwald					

Reported out by: S.C.

Notes: _____

Committee Report

STATE OF NEW HAMPSHIRE

SENATE

REPORT OF THE COMMITTEE
FOR THE CONSENT CALENDAR

Wednesday, May 19, 2021

THE COMMITTEE ON Executive Departments and Administration

to which was referred **HB 218**

AN ACT

repealing RSA 320 relative to hawkers and
peddlers and RSA 321 relative to itinerant vendors.

Having considered the same, the committee recommends that the Bill

BE RE-REFERRED TO COMMITTEE

BY A VOTE OF: 5-0

Senator Sharon Carson
For the Committee

This bill repeals RSA 320, relative to hawkers and peddlers, and repeals RSA 321, relative to itinerant vendors. It was brought to the Committee's attention that there may be potential problems with repealing the statutes involved. Rereferring HB 218 will allow for conversations to take place to ensure that there is clarity and that there are no unintended consequences to the repeal of RSA 320 and RSA 321.

Cameron Lapine 271-2104

FOR THE CONSENT CALENDAR

EXECUTIVE DEPARTMENTS AND ADMINISTRATION

HB 218, repealing RSA 320 relative to hawkers and peddlers and RSA 321 relative to itinerant vendors.

Re-refer to Committee, Vote 5-0.

Senator Sharon Carson for the committee.

This bill repeals RSA 320, relative to hawkers and peddlers, and repeals RSA 321, relative to itinerant vendors. It was brought to the Committee's attention that there may be potential problems with repealing the statutes involved. Rereferring HB 218 will allow for conversations to take place to ensure that there is clarity and that there are no unintended consequences to the repeal of RSA 320 and RSA 321.

STATE OF NEW HAMPSHIRE

SENATE

REPORT OF THE COMMITTEE
FOR THE CONSENT CALENDAR

Wednesday, December 15, 2021

THE COMMITTEE ON Executive Departments and Administration

to which was referred **HB 218**

AN ACT

repealing RSA 320 relative to hawkers and
peddlers and RSA 321 relative to itinerant vendors.

Having considered the same, the committee recommends that the Bill

IS INEXPEDIENT TO LEGISLATE

BY A VOTE OF: 5-0

Senator Sharon Carson
For the Committee

This bill repeals RSA 320, relative to hawkers and peddlers, and repeals RSA 321, relative to itinerant vendors. Based on legislation heard and considered in other committees, the Committee felt that HB 218 was not necessary.

Chantell Wheeler 271-4151

Docket of HB218

Docket Abbreviations

Bill Title: (New Title) repealing RSA 320 relative to hawkers and peddlers and RSA 321 relative to itinerant vendors.

Official Docket of HB218.:

Date	Body	Description
1/4/2021	H	Introduced (in recess of) 01/06/2021 and referred to Executive Departments and Administration HJ 2 P. 39
1/27/2021	H	Public Hearing: 02/04/2021 02:15 pm Members of the public may attend using the following link: To join the webinar: https://www.zoom.us/j/99659562277 / Executive session on pending legislation may be held throughout the day (time permitting) from the time the committee is initially convened.
3/17/2021	H	Majority Committee Report: Ought to Pass with Amendment #2021-0256h (Vote 10-9; RC) HC 18 P. 44
3/17/2021	H	Minority Committee Report: Inexpedient to Legislate
4/8/2021	H	Amendment #2021-0256h : AA VV 04/08/2021 HJ 6 P. 66
4/8/2021	H	Ought to Pass with Amendment 2021-0256h: MA DV 202-165 04/08/2021 HJ 6 P. 66
4/13/2021	S	Introduced 04/08/2021 and Referred to Executive Departments and Administration; SJ 12
4/14/2021	S	Remote Hearing : 04/21/2021, 10:00 am; Links to join the hearing can be found in the Senate Calendar; SC 20
5/19/2021	S	Committee Report: Rereferred to Committee, 05/27/2021; Vote 5-0; CC; SC 25
5/27/2021	S	Rereferred to Committee, MA, VV; 05/27/2021; SJ 17
12/16/2021	S	Committee Report: Inexpedient to Legislate; Vote 5-0; CC; 01/05/2022; SC 49
1/5/2022	S	Inexpedient to Legislate, MA, VV === BILL KILLED ===; 01/05/2022; SJ 1

NH House

NH Senate

Other Referrals

Senate Inventory Checklist for Archives

Bill Number: HB 218

Senate Committee: ED & A

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:

Cameron M. Lapine
Committee Aide

7/20/01
Date

Senate Clerk's Office AK