

LEGISLATIVE COMMITTEE MINUTES

SB84

Bill as Introduced

SB 84 - AS INTRODUCED

2021 SESSION

21-0271
11/08

SENATE BILL

84

AN ACT

adopting omnibus legislation relative to the posting of notices on land and relative to public bodies.

SPONSORS:

Sen. Reagan, Dist 17

COMMITTEE:

Election Law and Municipal Affairs

ANALYSIS

This bill adopts legislation relative to:

- I. The manner of posting on land and the criminal penalty for such posting.
- II. The manner of posting on land.
- III. Public bodies.

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty One

AN ACT adopting omnibus legislation relative to the posting of notices on land and relative to public bodies.

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

1 1 Sponsorship. This act consists of the following proposed legislation:

2 Part I: LSR 21-0271, relative to the manner of posting on land and the criminal penalty for such
3 posting, sponsored by Sen. Reagan, Prime/Dist. 17; Sen. Gannon, Dist. 23; Sen. French, Dist. 7; Sen.
4 Prentiss, Dist. 5; Rep. McGuire, Merr. 29; Rep. Bershtein, Rock. 2.

5 Part II: LSR 21-0273, relative to the manner of posting on land, sponsored by Sen. Reagan,
6 Prime/Dist. 17; Sen. Carson, Dist. 14; Sen. Gannon, Dist. 23; Sen. French, Dist. 7; Sen. Kahn, Dist.
7 10; Sen. Sherman, Dist. 24; Sen. Bradley, Dist. 3; Sen. Hennessey, Dist. 1; Sen. Prentiss, Dist. 5;
8 Rep. Seaworth, Merr. 20; Rep. McGuire, Merr. 29; Rep. Bershtein, Rock. 2.

9 Part III: LSR 21-0877, relative to public bodies, sponsored by Sen. Watters, Prime/Dist. 4; Sen.
10 Giuda, Dist. 2; Sen. Perkins Kwoka, Dist. 21; Rep. Notter, Hills. 21; Rep. Porter, Hills. 1; Rep.
11 Guthrie, Rock. 13; Rep. Chase, Straf. 18.

12 2 Legislation Enacted. The general court hereby enacts the following legislation:

13 PART I

14 Relative to the Manner of Posting on Land and the Criminal Penalty for Such Posting.

15 1 Unauthorized Entries; Prescribed Manner of Posting. Amend RSA 635:4 to read as follows:

16 635:4 Prescribed Manner of Posting. A person may post his *or her* land to prohibit criminal
17 trespass and physical activities by *either or both of the following*:

18 I. Posting signs of durable material with any words describing the physical activity
19 prohibited, such as "No Hunting or Trespassing", printed with block letters no less than 2 inches in
20 height[~~,-and with~~]. *Writing in* the name and address of the owner or lessee of such land *is*
21 *optional*. Such signs shall be posted not more than 100 yards apart on all sides and shall also be
22 posted at gates, bars and commonly used entrances. This section shall not prevent any owner from
23 adding to the language required by this section.

24 II. *Painting purple paint on trees, rocks, or posts in vertical lines of not less than 8*
25 *inches in length and not less than one inch in width, placed so that the mark is between 3*
26 *and 5 feet from the ground, and placed at locations no more than 100 yards apart on all*
27 *sides and at gates, bars, and commonly used entrances.*

28 2 Unauthorized Entries; Penalty. Amend RSA 635:5 to read as follows:

29 635:5 Penalty. Any person who is found removing, defacing or destroying any sign, poster,
30 *paint marks*, or property of another shall be guilty of a class B misdemeanor.

SB 84 - AS INTRODUCED

- Page 2 -

1 3 Effective Date. Part I of this act shall take effect 60 days after its passage.

2 PART II

3 Relative to the Manner of Posting on Land.

4 1 Unauthorized Entries; Prescribed Manner of Posting. Amend RSA 635:4 to read as follows:

5 635:4 Prescribed Manner of Posting. A person may post his *or her* land to prohibit criminal
6 trespass and physical activities by posting signs of durable material with any words describing the
7 physical activity prohibited, such as "No Hunting or Trespassing", printed with block letters no less
8 than 2 inches in height~~[-and with]~~. *Writing in* the name and address of the owner or lessee of such
9 land *is optional*. Such signs shall be posted not more than 100 yards apart on all sides and shall
10 also be posted at gates, bars and commonly used entrances. This section shall not prevent any
11 owner from adding to the language required by this section.

12 2 Effective Date. Part II of this act shall take effect 60 days after its passage.

13 PART III

14 Relative to Public Bodies.

15 1 New Section; Public Body. Amend RSA 53 by inserting after section 7 the following new
16 section:

17 53:8 Public Body. Every legislative body, governing body, board, commission, or committee of
18 any village district established under this chapter shall be deemed a "public body" under RSA 91-A
19 and shall be subject to all applicable provisions of that chapter.

20 2 Effective Date. Part III of this act shall take effect 60 days after its passage.

SB 84 - AS AMENDED BY THE SENATE

03/11/2021 0558s

2021 SESSION

21-0271

11/08

SENATE BILL **84**
AN ACT relative to village district public bodies.
SPONSORS: Sen. Reagan, Dist 17
COMMITTEE: Election Law and Municipal Affairs

AMENDED ANALYSIS

This bill provides that every legislative body, governing body, board, commission, or committee of any village district shall be deemed a "public body" under RSA 91-A and shall be subject to all applicable provisions of that chapter.

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.

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty One

AN ACT relative to village district public bodies.

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

1 1 New Section; Village Districts; Public Body. Amend RSA 52 by inserting after section 11-a the
2 following new section:

3 52:11-b Public Body. Every legislative body, governing body, board, commission, or committee of
4 any village district established under this chapter shall be deemed a "public body" under RSA 91-A
5 and shall be subject to all applicable provisions of that chapter.

6 2 Effective Date. This act shall take effect 60 days after its passage.

CHAPTER 118
SB 84 - FINAL VERSION

03/11/2021 0558s

2021 SESSION

21-0271
11/08

SENATE BILL **84**
AN ACT relative to village district public bodies.
SPONSORS: Sen. Reagan, Dist 17
COMMITTEE: Election Law and Municipal Affairs

AMENDED ANALYSIS

This bill provides that every legislative body, governing body, board, commission, or committee of any village district shall be deemed a "public body" under RSA 91-A and shall be subject to all applicable provisions of that chapter.

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.

CHAPTER 118
SB 84 - FINAL VERSION

03/11/2021 0558s

21-0271
11/08

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty One

AN ACT relative to village district public bodies.

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

1 118:1 New Section; Village Districts; Public Body. Amend RSA 52 by inserting after section 11-
2 a the following new section:

3 52:11-b Public Body. Every legislative body, governing body, board, commission, or committee of
4 any village district established under this chapter shall be deemed a "public body" under RSA 91-A
5 and shall be subject to all applicable provisions of that chapter.

118:2 Effective Date. This act shall take effect 60 days after its passage.

Approved: July 09, 2021
Effective Date: September 07, 2021

LBA
21-0856
Amended 6/7/21

**SB 86-FN FISCAL NOTE
AS AMENDED BY THE HOUSE (AMENDMENT #2021-0964h)**

AN ACT adopting omnibus legislation relative to planning and zoning.

FISCAL IMPACT: State County Local None

METHODOLOGY:

The Office of Legislative Budget Assistant states this bill, as amended by the House, has no fiscal impact on state, county and local expenditures or revenue.

AGENCIES CONTACTED:

None

Amendments

Sen. Watters, Dist 4
February 16, 2021
2021-0367s
11/05

Amendment to SB 84

1 Amend the bill by replacing Part III with the following:

2

PART III

3

Relative to Public Bodies.

4

1 New Section; Public Body. Amend RSA 52 by inserting after section 11-a the following new section:

5

6

52:11-b Public Body. Every legislative body, governing body, board, commission, or committee of any village district established under this chapter shall be deemed a "public body" under RSA 91-A and shall be subject to all applicable provisions of that chapter.

7

8

9

2 Effective Date. Part III of this act shall take effect 60 days after its passage.

UNAPPROVED

Amendment to SB 84

1 Amend the title of the bill by replacing it with the following:

2

3 AN ACT relative to village district public bodies.

4

5 Amend the bill by replacing all after the enacting clause with the following:

6

7 1 New Section; Village Districts; Public Body. Amend RSA 52 by inserting after section 11-a the
8 following new section:

9 52:11-b Public Body. Every legislative body, governing body, board, commission, or committee of
10 any village district established under this chapter shall be deemed a "public body" under RSA 91-A
11 and shall be subject to all applicable provisions of that chapter.

12 2 Effective Date. This act shall take effect 60 days after its passage.

Amendment to SB 84
- Page 2 -

2021-0558s

AMENDED ANALYSIS

This bill provides that every legislative body, governing body, board, commission, or committee of any village district shall be deemed a "public body" under RSA 91-A and shall be subject to all applicable provisions of that chapter.

Committee Minutes

SENATE CALENDAR NOTICE

Election Law and Municipal Affairs

Sen James Gray, Chair
Sen Regina Birdsell, Vice Chair
Sen Ruth Ward, Member
Sen Donna Soucy, Member
Sen Rebecca Perkins Kwoka, Member

Date: January 28, 2021

HEARINGS

Monday	02/01/2021	
(Day)	(Date)	
Election Law and Municipal Affairs	REMOTE	9:00 a.m.
(Name of Committee)	(Place)	(Time)
9:00 a.m. SB 84	adopting omnibus legislation relative to the posting of notices on land and relative to public bodies.	
9:20 a.m. SB 85-FN	establishing a broadband matching grant initiative and fund.	
10:00 a.m. SB 88	adopting omnibus legislation relative to broadband.	

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/97288468505>
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: US: 13126266799, 97288468505#, *780982# or 16465588656, 97288468505#, *780982#
4. Webinar ID: [972 8846 8505](https://www.zoom.us/j/97288468505)
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:

SB 84

Sen. Reagan

SB 85-FN

Sen. Bradley

Sen. Sherman

Sen. Gannon

Sen. Hennessey

Rep. Cushing

SB 88

Sen. Kahn

Sen. Cavanaugh

Sen. Ward

Sen. Giuda

Sen. Carson

Sen. Avard

Sen. Watters

Sen. Rosenwald

Rep. Umberger

Sen. Prentiss

Sen. Daniels

Sen. D'Allesandro

Rep. Marsh

Tricia Melillo 271-3077

James P. Gray
Chairman

Senate Election Law and Municipal Affairs Committee
Tricia Melillo 271-3077

SB 84, adopting omnibus legislation relative to the posting of notices on land and relative to public bodies.

Hearing Date: February 1, 2021

Members of the Committee Present: Senators Gray, Birdsell, Ward, Soucy and Perkins Kwoka

Members of the Committee Absent : None

Bill Analysis: This bill adopts legislation relative to:

- I. The manner of posting on land and the criminal penalty for such posting.
 - II. The manner of posting on land.
 - III. Public bodies.
-

Sponsors:
Sen. Reagan

Who supports the bill: Senator John Reagan, Senator Sharon Carson, Senator Bob Giuda, Kristina Snyder, Joan O'Brien, Carolyn Matthews, Rick Van de Poll, Margaret Hurley, James Glover, Pamela Michael, Derek Killam, Barry Taylor, Weldon Bosworth, John Hurley, Cynthia Glenn, Tom O'Brien, Chris Schadler, John Harrigan, Kathryn Doyle, Peter Endres, Emily Murphy, Marc Sutherland, Julia Sinclair, Robert Johnson, II, Leaf Seligman, Linda Rauter, Liz Herrick, Mary Barger, Matthew Plache, Marty Davis, Cynthia Armstrong, William Trently, Denise Muccioli, Paula Dunlavey, Sherry Bezanson, Nancy Plante, Ruth Isaks, Patricia Finos, BJ Wahl, Bob Switzer, Jean Slepian, Susan Thompson, Pam Freilich, Susan McDowell, Victor Chouinard, Linda Dionne, Rebecca Randolph, Thomas Randolph, Trois Moore, Suzanne Fournier, Catherine Joly, John Snyder

Who opposes the bill: Michael Blair, David Searles, Shane Keyes, Matthew Craig, Scott Brassard, Edward Cody, Daniel Gooden, Michael Dumont, Brandon LeBlanc, Jared Ciriello, Don Cutter, Diane Richardson, David Audet, Nicole Mattson, Patricia Snyder

Who is neutral on the bill: Patrick Hackley – Director, NH Division of Forest and Lands

Summary of testimony presented in support:

Senator John Reagan – Part I and II

- This is a constituent requested bill to change an oversight in the posting requirements.
- There are two parts, the second part allows using purple paint to post land boundaries.

Senator David Watters – Part III

- This part of the omnibus bill creates a new section under RSA 53, clarifying those public bodies that are subject to right to know.
- The language reads that every legislative body, governing body, board, commission, or committee of any village district established under this chapter shall be a public body under RSA 91 A.
- This arose because of difficulties getting certain village districts, in his district specifically, a water district, to post public meetings.
- Additionally, they were not allowing the public to see minutes or perhaps not keeping minutes at all.
- When the community went to the Secretary of State to look for help enforcing that, they found out that the statute was not clear.
- This bill will make it explicit that whatever kind of governing body you are, you are required to meet the rules under 91 A.

Summary of testimony presented in opposition: None

Neutral Information Presented:

Patrick Hackley – Director, NH Division of Forest and Lands

- They do not take a position on the bill but wanted to state some concerns from a land management point of view.
- They maintain over 1000 miles of boundaries in the state and some of that abuts lands that are posted.
- Regarding the purple boundary paint, it is a rare and uncommon practice for someone to denote posted land with purple paint.
- That is a practice that is done in the Midwest but is uncommon here and would not be easily recognized if this bill were to become law.
- Posted signs have served their purpose well and are well recognized. They can be easily added or removed as the landowner desires as opposed to permanent paint and marking.
- Communication is really helpful in the woods and there are times when hunters need to contact the land owner to retrieve game that may have been wounded or killed and landed on posted property.
- Sometimes temporary access is needed on posted land with the permission of the land owner for forestry operations or fighting forest fires. Having the name and contact information is very helpful.
- Senator Soucy asked if there is another recognized color that people should use or is the issue that it is paint being used to denote the posting.
 - Mr. Hackley answered that there is not a standard color for posted land. It is up to the landowner to decide what color they choose to paint their boundaries. Typically, it is yellow, red, or blaze orange and the state uses blue to denote their boundaries.
- Senator Soucy asked if the concern is then that the painting alone may not be recognized as a boundary posting.
 - Mr. Hackley replied that would be their point of concern.
- Senator Birdsell asked if it is correct that he is not in favor of the purple paint, but he is in favor of having contact information for the land owners.

- Mr. Hackley replied yes, that is correct. This bill would make having the contact information optional when currently, it is required and is good for communication.
- Senator Birdsell asked if he has seen any situation where the owner would not want their contact information posted.
 - Mr. Hackley replied that he has not seen that, but it is probably driven by a privacy issue. A hunter or his staff could easily go to the tax rolls and get the information they need but having it on the boundary sign is helpful.
- Senator Ward commented that a lot of trails are marked with yellow and depending on which kind of trail sometimes you will have a blue color or another color. If owners start using paint, the people should know so that they will recognize that it is for a border and not a trail. Additionally, she commented that if there is paint on a tree to mark a boundary when the tree falls down you do not see anything.
 - Mr. Hackley replied that is a concern which is why they have boundary line maintenance. In new England they have stone walls as well, but trees are the most common and easiest way to mark a boundary.

TJM

Date Hearing Report completed: February 5, 2021

Speakers

Election Law and Municipal Affairs Committee Testify List for Bill SB84 on 2021-02-01
 Support: 53 Oppose: 16 Neutral: 0 Total to Testify: 3

Name	Title	Representing	Position	Testifying
Reagan Senator John	An Elected Official	Myself SD #17	Support	Yes
Giuda Bob	An Elected Official	NH Senate District 2	Support	Yes
Snyder Kristina	A Member of the Public	Myself	Support	Yes
O'Brien Joan	A Member of the Public	Myself	Support	No
Matthews Carolyn L	A Member of the Public	Myself	Support	No
Van de Poll Rick	A Member of the Public	Myself	Support	No
Hurley Margaret	A Member of the Public	Myself	Support	No
Glover James	A Member of the Public	Myself	Support	No
michael pamela	A Member of the Public	Myself	Support	No
Killam Derek	A Member of the Public	Myself	Support	No

Taylor Barry	A Member of the Public	Myself	Support	No
BOSWORTH WELDON	A Member of the Public	Myself	Support	No
Hurley John	A Member of the Public	Myself	Support	No
Glenn Cynthia	A Member of the Public	Myself	Support	No
O'Brien Tom	A Member of the Public	Myself	Support	No
Schadler Chris	A Member of the Public	Chris Schadler	Support	No
Harrigan John	A Member of the Public	Myself	Support	No
Doyle Kathryn	A Member of the Public	Myself	Support	No
Endres Peter	A Member of the Public	Myself	Support	No
Murphy Emily	A Member of the Public	Myself	Support	No
Sutherland Marc	A Member of the Public	Myself	Support	No

Sinclair Julia	A Member of the Public	Myself NH Farm Bureau Federation	Support	No
Johnson II Robert	A Lobbyist		Support	No
Seligman Leaf	A Member of the Public	Myself	Support	No
Rauter Linda	A Member of the Public	Myself	Support	No
Herrick Liz	A Member of the Public	Myself	Support	No
Barger Mary	A Member of the Public	Myself	Support	No
Plache Matthew	An Elected Official	Carroll County	Support	No
Carson Sharon	An Elected Official	Senate District 14	Support	No
Davis Marty	A Member of the Public	Myself	Support	No
Marino Elizabeth	A Member of the Public	Myself	Support	No
Armstrong Cynthia	A Member of the Public	Myself	Support	No

Trently William	A Member of the Public	Myself	Support	No
Muccioli Denise	A Member of the Public	Myself	Support	No
DUNLAVEY Paula	A Member of the Public	Myself	Support	No
Bezanson Sherry	A Member of the Public	Sherry Bezanson- myself	Support	No
Plante Nancy	A Member of the Public	Myself	Support	No
Isaks Ruth	A Member of the Public	Myself	Support	No
Finos Patricia	A Member of the Public	Myself	Support	No
Wahl BJ	A Member of the Public	Myself	Support	No
Switzer Bob	A Member of the Public	Myself	Support	No
Slepian Jean	A Member of the Public	Myself	Support	No
Thompson Susan	A Member of the Public	Myself	Support	No

Freilich Pam	A Member of the Public	Myself	Support	No
McDowell Susan	A Member of the Public	Myself	Support	No
Chouinard Victor	A Member of the Public	Myself	Support	No
Dionne Linda	A Member of the Public	Voices of Wildlife in NH	Support	No
Randolph Rebecca	A Member of the Public	Myself	Support	No
Randolph Thomas	A Member of the Public	Myself	Support	No
Moore Trois	A Member of the Public	Myself	Support	No
Fournier Suzanne	A Member of the Public	Myself	Support	No
Joly Catherine	A Member of the Public	Myself	Support	No
snyder john	A Member of the Public	Myself	Support	No
Blair Michael	A Member of the Public	Myself	Oppose	No

Searles David	A Member of the Public	Myself	Oppose	No
Keyes Shane	A Member of the Public	Myself	Oppose	No
Craig Matthew	A Member of the Public	Myself	Oppose	No
Brassard Scott	A Member of the Public	Myself	Oppose	No
Cody Edward	A Member of the Public	Myself	Oppose	No
Gooden Daniel	A Member of the Public	Myself	Oppose	No
Dumont Michael	A Member of the Public	Myself	Oppose	No
Costello Emilie	A Member of the Public	Myself	Oppose	No
LeBlanc Brandon	A Member of the Public	Myself	Oppose	No
Ciriello Jared	A Member of the Public	Myself and fellow NH hunters	Oppose	No
Cutter don	A Member of the Public	Myself	Oppose	No

Richardson Diane	A Member of the Public	Myself	Oppose	No
Audet David	A Member of the Public	Myself	Oppose	No
Mattson Nicole	A Member of the Public	Myself	Oppose	No
snyder patricia	A Member of the Public	Myself	Oppose	No

Testimony

Tricia Melillo

From: tfr001@myfairpoint.net
Sent: Sunday, January 31, 2021 9:57 PM
To: Tricia Melillo
Subject: SB 84, written testimony

In regards to SB 84,

Our land is posted with the typical signs. We have had trespassers remove them, and go so far as to place them on the ground and defecate on them. This "purple paint" proposal would go far toward solving that kind of problem. We support this bill.

Thomas and Rebecca Randolph
Hancock, NH

voicesofwildlifeinnh@gmail.com



February 1, 2021

The Honorable James Gray
Chairman New Hampshire Senate Committee on Election Law and Municipal Affairs
Concord, New Hampshire

Re: Voices of Wildlife Supports SB84

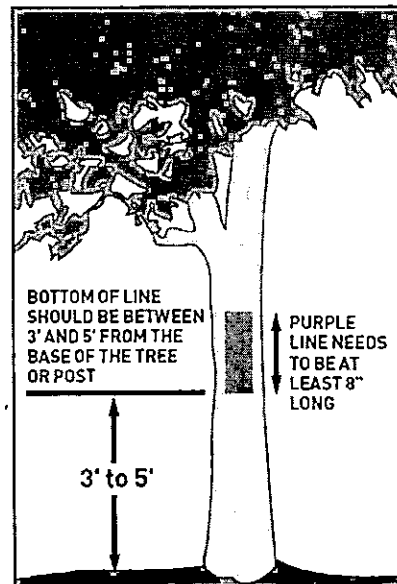
Dear Honorable Committee Chair and Committee Members,

The Voices of Wildlife in NH, a non-profit 501c4 registered in the state of NH, supports SB 84, a purple paint No Trespassing bill. Purple paint laws have been passed in many states. North Carolina called it the Landowner Protection Act when they passed it in 2011. A purple paint law was passed in Missouri in 1993. Since then, many states have passed purple paint laws, including Pennsylvania, Texas, Illinois, Florida, Idaho, Arkansas, Montana, Arizona, Kansas, Maine, and Indiana.

SB84 will give landowners protection from individuals using their land if that is what the landowner wants. Landowners will no longer need to put their name and address on signs, which will give landowners a layer of privacy. The owner can be easily found if needed, but it should not be as easy as seeing it on a sign at every 200 feet.

Sometimes signs are torn down or worn down from the weather. Paint is long-lasting, economical, and easier to apply. Foresters and conservation organizations recommend using paint instead of putting nails into trees. Please pass this bill that we feel is long overdue in New Hampshire.

Sincerely,
Linda Dionne
Voices of Wildlife in NH
PO Box 5802
Manchester, NH 03108
603-229-8677



Tricia Melillo

From: Cathy Joly <cathyjoly@gmail.com>
Sent: Saturday, January 30, 2021 10:23 AM
To: Tricia Melillo
Subject: SB84

Hello Tricia,

I heartily support this bill. As a landowner with 43 acres, I was walking not far from my house the other day when I spotted a hunting seat up high in one of my hemlock trees -- it is too close to be safe, too close to be legal. I do not have my land posted with signs because it is a big expense and also injurious to the trees. I am the Secretary of Temple's Conservation Commission, and when we researched trail markings last year, both foresters and conservation organizations recommended paint and discouraged nails. So this bill aligns with these professional recommendations.

Thank you kindly,
Cathy Joly

Tricia Melillo

From: Cordell Johnston <cjohnston@nhmunicipal.org>
Sent: Saturday, January 30, 2021 11:39 AM
To: James Gray; Regina Birdsell; Ruth Ward; Donna Soucy; Rebecca Perkins Kwoka
Cc: David Watters; John Reagan; Tricia Melillo
Subject: SB 84 -- omnibus legislation relative to posting notices on land and public bodies

Hello, committee members—

The Election Law & Municipal Affairs Committee is hearing SB 84 on Monday morning. We have no position on the bill, just a comment on part III.

RSA 91-A:1-a, VI, defines a public body as, among other things, “Any legislative body, governing body, board, commission, committee, agency, or authority of any county, town, municipal corporation, school district, school administrative unit, chartered public school, or other political subdivision.” Although it does not use the term “village district,” a village district is a political subdivision, so its legislative and governing bodies and various boards and committees are already covered; but if the legislature wants to emphasize that point by including a reference in the village district statute, that does not hurt. That may clarify the matter for any village district officials who are in doubt.

However, there is a drafting error in the bill. It would insert the new language in RSA 53, which is the statute governing unincorporated places. The language needs to go in the village district statute, which is RSA 52. There is no obvious place to put it, but I suggest inserting it as a new section 52:3-b. Or it could just go at the end of the chapter, as a new section 52:27. It really does not matter, so long as it goes in chapter 52, not chapter 53.

Please let me know if you have any questions or concerns. Thank you very much.

Cordell Johnston
Government Affairs Counsel
New Hampshire Municipal Association
25 Triangle Park Drive
Concord, NH 03301
603-230-3323

Tricia Melillo

From: Diane Richardson <workingclasscanine@msn.com>
Sent: Sunday, January 31, 2021 5:09 PM
To: James Gray; Regina Birdsell; Ruth Ward; Donna Soucy; Rebecca Perkins Kwoka; Tricia Melillo
Subject: Sb84

Dear committee

Please attach this to the bills permanent record

I am writing to urge you to vote no on SB84 regarding land posting

There is already a big issue with anti hunting activists and others ,posting land they do not own in an attempt to keep hunters out even when land owner has no issue

This bill will make it even easier for these people to do this activity Please vote no

Diane Richardson
Springfield



STATE OF NEW HAMPSHIRE
DEPARTMENT of NATURAL and CULTURAL RESOURCES
DIVISION of FORESTS and LANDS

172 PEMBROKE ROAD CONCORD, NEW HAMPSHIRE 03301
PHONE: (603) 271-2214 FAX: (603) 271-6488 WWW.NH.GOV/NHDFL

January 29, 2021

The Honorable James Gray, Chairman
New Hampshire Senate
Election Law and Municipal Affairs
State House, Room 100
Concord, NH 03302

Re: SB 84 - relative to the manner of posting on land; criminal penalty for such posting; public bodies.

Dear Chairman Gray and Members of the Committee:

Thank you for the opportunity to testify on **SB 84**, relative to adopting legislation relative to the manner of posting land and the criminal penalty for such posting. The Department of Natural and Cultural Resources, Division of Forests and Lands *does not take a position on* this bill as written but does have a few concerns.

The Division of Forests and Lands is the state agency charged with the execution of "all matters pertaining to forestry, forest management, and forestlands within the jurisdiction of the state." One of the Division's key responsibilities is to enforce state timber harvesting laws, including cases of timber trespass, and to manage forest fire protection programs and activities in cooperation with local municipalities.

The bill as proposed raises several concerns:

- Purple boundary paint to indicate "no trespassing" is an uncommon practice in the Northeast and is not widely recognized by the majority of landowners and forest visitors. Posted signs are well-recognized and can be easily added or removed as landowner desires or ownerships change, as opposed to essentially permanent paint marking.
- The landowners' name and address on posted signs *should* remain a requirement. Having landowners' contact info facilitates communication in the event:
 - Hunters need to contact the landowner in order to retrieve wounded or killed game.
 - Temporary access across posted property is needed for abutting forestry operations.
 - Access for fire control activities.
- There are well-established, time-tested standards for boundary marking used by licensed surveyors and foresters that are more effective than those proposed in this bill.

Thank you for the opportunity to provide these comments. If I can provide additional information, please don't hesitate to contact me.

Respectfully,

Patrick D. Hackley
Director, NH Division of Forests & Lands

cc: Sarah Stewart, Commissioner, DNCR

Tricia Melillo

From: Joan O'Brien <joanlobrien@yahoo.com>
Sent: Wednesday, February 10, 2021 7:56 PM
To: James Gray; Regina Birdsell; Ruth Ward; Donna Soucy; Rebecca Perkins Kwoka; Tricia Melillo
Subject: Support for SB 84 -- purple paint bill

Dear Members of the Senate Election Law and Municipal Affairs Committee,

I am writing in support of Senate Bill 84. I believe that allowing property owners to mark their boundaries using paint would be an efficient and effective alternative/addition to signs. On our property we have had to post the boundaries multiple times because the Tyvek-type signs do not hold up over time.

When I hike the conservation trails in my town, I rarely see a No Trespassing sign that includes a name and address. Either the homeowner purposefully left it off, or the letters have worn off. For the same reason people are reluctant to put their name on their mailbox, they may be reluctant to announce their name on their property boundaries. Those who need to contact property owners for official business can probably get that information from tax maps.

At least a dozen states have a purple paint law. Rust-oleum and Krylon both sell purple paint specifically for this purpose, so the practice is well known in many areas. It may be a new concept in New Hampshire, but it would be a useful tool that people would soon become familiar with.

Thank you for your consideration.

Joan O'Brien
Amherst, NH

Tricia Melillo

From: Kristina Snyder <khsnyder22@yahoo.com>
Sent: Monday, February 1, 2021 10:39 AM
To: Tricia Melillo
Subject: Fw: Testimony SB 84 Please consider this before your vote

Tricia,

I had your email wrong. This is written testimony for SB 84

----- Forwarded Message -----

From: Kristina Snyder <khsnyder22@yahoo.com>
To: Regina Birdsell <regina.birdsell@leg.state.nh.us>; rebecca.perkinswoka@leg.state.nh.us <rebecca.perkinswoka@leg.state.nh.us>; james.gray@leg.state.nh.us <james.gray@leg.state.nh.us>; donna.soucy@leg.state.nh.us <donna.soucy@leg.state.nh.us>; ruth.ward@leg.state.nh.us <ruth.ward@leg.state.nh.us>
Cc: trisha.melillo@leg.state.nh.us <trisha.melillo@leg.state.nh.us>
Sent: Monday, February 1, 2021, 10:30:49 AM EST
Subject: Testimony SB 84 Please consider this before your vote

Dear Election Law and Municipal Affairs Committee,

Unfortunately I was not able to find the link to participate in the hearing and give my testimony. I was extremely disappointed and could only helplessly watch as my name was called. Typical, as soon as the hearing closed, I found the link. I apologize for not participating in the hearing.

I hope that you will still heavily consider this written testimony before your vote on this very important bill.

We are landowners here in Chester, NH. It is every property owner's right to post their property. Currently, we have to go around the property and post signs to exercise our rights as property owners against trespass. This takes money for signs, effort, and we actually haul a ladder through the woods to try and put these signs as high up as possible. We have to put those signs up as high as possible because this decreases the likelihood of them being ripped down. Usually every year they are indeed ripped down or sometimes even shot. We pay for these signs and spend the time to put them up. Currently, all that anyone would have to do is rip down the signs and then they can claim to legally be on the property to hunt or put a tree stand, which is not what we the property owners and tax payers of the property want. In addition, to put nails in your trees posting these signs can cause stress that inhibits growth and increases the tree's vulnerability to disease. A property owner should not have to choose between harming their trees and posting their property. In addition, how would a disabled or physically not capable person do all of that work? It is almost discriminatory to expect an elderly landowner or physically disabled person to do that physical work to exercise their rights to post their property. I know for a fact of some instances of people that want to post but physically can't, they either have to rely on paying or asking other to help them, or just deal with the trespass.

Another drawback of the signs is the need to have a name and address written on them. Even if you use a permanent sharpie, the name fades off quickly even if the sign stays up. We have to go around and remark every sign almost every year. More onus on a private landowner that simply wants to exercise their right to post their property.

If there is purple paint on the trees, people can't then just simply cut a sign down and they can't make claims that the property is not posted. The trees are not affected. It is an easier process and lasts longer. Not all property has the owners on site and it decreases the time they have to spend posting. Again, it is a physically easier way to post your land and less discriminatory towards the elderly or physically disabled.

I have seen comments that perhaps activists against hunting might just go around painting trees. That is ridiculous and illegal. NH Fish & Game Department strongly encourages that hunters should always contact the landowner of the property they hunt on to increase landowner and hunter relations anyway. If a hunter were to ever have a question on whether property is posted correctly or accurately, every town has tax maps and any landowner can be found and contacted to verify. That is what they really should be doing in the first place. We do have ethical hunters contact us sometimes to ask if they can hunt our land even though it is posted, that is what NH Fish & Game encourages. If hunters see a land is posted by any method they can always and very easily track the landowner to inquire.

Several states have already adopted this purple paint law. This not something new, it is a smart approach to make posting easier for property owners. There also is no ambiguity. With the current law of posting via signs, I have seen discussion by hunters whether it is legal posting or not. Perhaps one sign was torn down or the ink faded? Can they hunt? Some say yes and some say no, with the purple paint there would be no question or doubt.

Adopting this law is sensible and a good tool for landowners. We here are tired of our signs being ripped down and our money and time being spent on these futile efforts. Give us a tool to make it easier. Nothing will change in the respects that it is up to rightful tax paying property owners whether they want to limit access to their property. Perhaps they want to use purple paint to also help delineate to deter illegal tree cutting as well and show the boundaries. Even with purple paint, if a landowner decides they want to allow a person they know to hunt on their property, they can always offer written permission. The purple paint just indicates that not just random hunters can access the property.

We were so pleased to see that this bill was introduced and had bi-partisan support. Property rights is an important issue and I know that a lot of people are exasperated by the ordeal of having to post within their rights, just to see those signs torn down. To reiterate, so many other states have already adopted purple paint laws, New Hampshire should be next.

Please vote yest to pass this bill and feel free to reply or call back with any questions.

Kristina Snyder
Chester, NH
(603)887-0339

February 2, 2021

The Honorable James Gray
Chairman New Hampshire Senate Committee on Election Law and Municipal Affairs
Concord, New Hampshire

Re: Please Vote to Pass SB84

Dear Honorable Committee Chair and Committee Members,

I am the constituent who asked Senator Reagan to submit this bill, SB 84. I could not attend the hearing yesterday morning because I had an appointment to get my vaccine. I was able to watch the hearing later, on youtube. I am the president of the Voices of Wildlife in NH and the organization has already written a comment to you.

This bill is important for many reasons. Hunters and hikers go on private property and litter for one thing. I am sure you have heard the horror stories about hikers littering during COVID. I have a friend who works as a ranger in the White Mountains, and she is so disgusted with the litter she needs to clean up after a busy hiking weekend. Landowners should not have to clean up the litter of others. Also, hunters go on private property and often get too close to homes, causing a safety issue.

It is easier to post with paint, is less harmful to the tree, and is more economical. Removing the requirement of putting names and addresses on signs give the landowner needed privacy. As the forester who testified stated, it is easy to find out from tax rolls the property owner if needed. But that information is not needed immediately by someone who may walk onto private property while out hiking or hunting. All they need to know at that time is that the land is posted, and trespassing is not allowed.

The bill allows for the landowner to use signs, purple paint, or a combination of both. If landowners prefer using signs, nothing will change for them. They can continue to use signs. They can continue to put their name and address on the sign if they want.

Many states already have this law that allows landowners to post No Trespassing using purple paint, including our neighboring state of Maine and another not too far south - Pennsylvania. I believe Missouri was the first state to enact a purple paint law in the early 90s, and many other states have followed. To my knowledge, none of these states are having any problems with this law.

Please vote to pass this bill and contact me with any questions. Thank You.

BTW, litter seems to be a steadily increasing problem. Something to think about for next year and if anyone does some legislation about it, please let me know. I would love to help and can put you in touch with my ranger friend.

Sincerely,
Linda Dionne
14 Nottingham Rd.
Raymond, NH 03077
603-895-2440

Subject: SB84 is problematic

Date: Mon, 1 Feb 2021 12:44:27 -0500

From: Thomas Flaherty <tflahertynh@gmail.com>

To: Ruth.Ward@leg.state.nh.us, ruthward@myfairpoint.net,
Keith.Erf@leg.state.nh.us, Gary Hopper <fourpickles@gsinet.net>, Leah
Chase <leahchase44@yahoo.com>

http://gencourt.state.nh.us/bill_status/billText.aspx?id=273

I hear the Senate will be hearing about SB84 soon.

This would eliminate some restrictions on posting land.

Essentially, it would make it very easy for activists and anti- hunters to illegally and fraudulently post land.

We see it out there today, where anti-hunters put up signs that are not valid, to keep hunters away. With SB84, it would be near impossible to tell whether a posting is real or not.

Today, the land owner must do the extra work to put their name and contact info on posted signs.

This is one law where the restrictions favor responsible use of public and unlisted lands. A very NH thing.

Tom Flaherty

Voting Sheets

**Senate Election Law
& Municipal Affairs Committee
EXECUTIVE SESSION RECORD
2021 Session**

Bill # SB 84

Hearing date: 2-1-2021

Executive Session date: 3/1/21

Motion of: OTP Vote: _____

Committee Member	Present	Made by	Second	Yes	No
Sen. Gray, Chair	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Birdsell, Vice Chair	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Ward	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Soucy	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Perkins-Kwoka	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Motion of: O367s Vote: 5-0

Committee Member	Present	Made by	Second	Yes	No
Sen. Gray, Chair	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Birdsell, Vice Chair	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Ward	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Soucy	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Perkins-Kwoka	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Motion of: Eliminate Part 1 + 2 Vote: 4-1

Committee Member	Present	Made by	Second	Yes	No
Sen. Gray, Chair	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Sen. Birdsell, Vice Chair	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Ward	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Soucy	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Perkins-Kwoka	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Reported out by: OTP/A BVWSV PKVG 5-0
Consent BVWV — BVWSV PKVG

Notes: Birdsell take out at.

Committee Report

STATE OF NEW HAMPSHIRE

SENATE

REPORT OF THE COMMITTEE
FOR THE CONSENT CALENDAR

Monday, March 1, 2021

THE COMMITTEE ON Election Law and Municipal Affairs

to which was referred **SB 84**

AN ACT

adopting omnibus legislation relative to the posting
of notices on land and relative to public bodies.

Having considered the same, the committee recommends that the Bill

OUGHT TO PASS WITH AMENDMENT

BY A VOTE OF: 5-0

AMENDMENT # 0558s

Senator Regina Birdsell
For the Committee

This bill, as amended, will create a new section under RSA 52 that clarifies those Public Bodies that are subject to Right to Know laws. In particular, the current statute is not clear about Village Districts and their responsibilities under RSA 91-A. The language in this legislation adds Village Districts to the list of Public Bodies.

Tricia Melillo 271-3077

General Court of New Hampshire - Bill Status System

Docket of SB84

Docket Abbreviations

Bill Title: (New Title) relative to village district public bodies.*Official Docket of SB84.:*

Date	Body	Description
1/26/2021	S	Introduced 01/06/2021 and Referred to Election Law and Municipal Affairs; SJ 3
2/9/2021	S	Remote Hearing: 02/01/2021, 09:00 am; Links to join the hearing can be found in the Senate Calendar; SC 9
3/3/2021	S	Committee Report: Ought to Pass with Amendment #2021-0558s , 03/11/2021; Vote 5-0; CC; SC 14
3/11/2021	S	Committee Amendment #2021-0558s , RC 23Y-1N, AA; 03/11/2021; SJ 7
3/11/2021	S	Ought to Pass with Amendment 2021-0558s, RC 23Y-1N, MA; OT3rdg; 03/11/2021; SJ 7
3/17/2021	H	Introduced (in recess of) 02/25/2021 and referred to Municipal and County Government HJ 4 P. 50
5/10/2021	H	Public Hearing: 05/10/2021 09:00 am Members of the public may attend using the following link: To join the webinar: https://www.zoom.us/j/93597701647 / Executive session on pending legislation may be held throughout the day (time permitting) from the time the committee is initially convened.
5/27/2021	H	Committee Report: Ought to Pass (Vote 17-2; CC) HC 26 P. 10
6/3/2021	H	Ought to Pass: MA VV 06/03/2021
7/7/2021	H	Enrolled (in recess of) 06/24/2021
7/7/2021	S	Enrolled Adopted, VV, (In recess 06/24/2021); SJ 20
7/13/2021	S	Signed by the Governor on 07/09/2021; Chapter 0118; Effective 09/07/2021

NH House

NH Senate

Other Referrals

Senate Inventory Checklist for Archives

Bill Number: SB 84

Senate Committee: ELMA

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 # 0367s - amendment # 0558s

___ - 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:

Committee Aide

Date

Senate Clerk's Office 