



Senate Energy and Natural Resources Committee  
Testimony on SB 2168

North Dakota Game and Fish Department  
Scott Winkelman, Chief Game Warden  
January 23, 2025

Chairman Patten, Vice Chairman Kessel and members of the Senate Energy and Natural Resources Committee, my name is Scott Winkelman, Chief Game Warden of the North Dakota Game and Fish Department (Department). I am testifying today in opposition of SB 2168.

SB 2168 amends section 20.1-01-21 of the North Dakota Century Code (N.D.C.C.) and would make it illegal to hunt or pursue game within 440 yards of a building, occupied structure, or storage structure without the consent of the property owner. Currently, section 20.1-01-21 prohibits hunting upon the premises of another, within 440 yards of any occupied building.

SB 2168 would be a significant set-back to property rights. If passed, neighboring landowners would control hunting access on not only their land, but upon any other land within 440 yards of any building or structure. In many instances, landowners would need to ask for and receive permission to hunt their own land and non-landowners would need to receive permission from both the landowner and the neighboring landowners before legally being able to hunt. This bill would also require individuals to ask for and receive permission from neighboring landowners to hunt on all public lands, including Game and Fish Wildlife Management Areas and Private Land Open to Sportsmen (PLOTS) areas, that were within 440 yards of any building or structure. Passing this bill would negatively impact hunting land availability in a time where hunting access and opportunity are already diminishing. Hunters could also be put into situations where they may not even know they are within 440 yards of a structure due to terrain, weather, etc. and be in violation of the law without any knowledge or intent.

This bill would also essentially eliminate the ability for cities, counties, and the Game and Fish Department to work together to develop special herd or flock reduction hunts in urban areas where high wildlife numbers cause property damage for many homeowners. Currently the department holds these hunts for deer in south Bismarck, Mandan, Fargo, Minot, Watford City, and Portland and for turkey in Bismarck and Mandan.

Currently, N.D.C.C 20.1-01-21 protects the landowner where the hunting is occurring and other laws such as N.D.C.C 12.1-17-03 (Reckless Endangerment) and N.D.C.C 12.1-21-05 (Criminal Mischief) protect landowners and their structures without impacting property rights and reducing

the available areas for legal hunting. We believe that current law adequately protects individuals and their buildings without negatively impacting anyone's ability to hunt on their own property (including public land) or give hunting permission to anyone they choose.

The Department respectfully requests a DO NOT PASS on SB 2168.