

**2017 SENATE ENERGY AND NATURAL RESOURCES**

**SB 2225**

# 2017 SENATE STANDING COMMITTEE MINUTES

## Energy and Natural Resources Committee Fort Lincoln Room, State Capitol

SB 2225  
2/3/2017  
Job # 27881

- Subcommittee  
 Conference Committee

Committee Clerk Signature



**Explanation or reason for introduction of bill/resolution: Relating to criminal trespass and hunting on private land; relating to the posting of lands.**

### Minutes:

Attch#1=Sen. Schaible,	Attch#2=Trevor Graff,
Attch#3=Kayla Pulvermacher,	Attch#4=Greg Daws,
Attch#5=Darrel Oswald,	Attch#6=Allen Lund,
Attch#7=Jacob Odermann,	Attch#8=John Weinand,
Attch#9=Doug Hille,	Attch#10=Marty Visto,
Attch#11=Mike McEnroe,	Attch#12=Rachel Bush,
Attch#13=Eric Lindstrom,	Attch#14=Grady Thorsgard,
Attch#15=Bill Helpfrey,	Attch#16=Robert Gregoire,
Attch#17=Terry Steinwand,	Attch#18=Sara Otte Coleman,
Attch#19=Beacky Graner,	Attch#20=Jennifer Skjob,
Attch#21=Scott Heit,	Attch#22=Weston & Michael Berg,
Attch#23=Scott Bachmeier;	Attch#24= Greg Hanson,
Attch#25=Sarah Lovas	

**Chairwoman Unruh:** Call attendance. All committee members present. Welcome to all of you. We have lots of people here, so we will have one hour for those supporting SB 2225 and one hour for those testifying in opposition. We do not do neutral testimony in this committee.

**Sen. Schaible:** I am here to introduce SB 2225, the Trespass Bill. (see Attch #1) (7.50)

**Sen. Bowman, Dist 39, (8.00-12:10):** We are probably the biggest county where most of the hunters visit. I am not an anti-hunter. I have hunted all my life. Game & Fish has been out to my place and use our horses to count antelope. We have had a good working relationship. Over time things change. As you see people who misuse and some cases, really misuse private property rights. Why do you have to wreck it for everybody else? E.g.-Two years ago we were going to look at some cattle during antelope season. Land is posted. We go ask the people who are hunting, did you have permission to hunt here? Oh, yes, I called the land owner this morning, he says. Guess what; the landowner was sitting alongside of me. That is what is bad, when you don't ask. Most people, out there, will allow you to hunt and you build a relationship with these people. Over time, you become part of a family. Not everybody's like that. I have gotten a lot of e mails, and respect everybody for their opinion, because we all love to hunt. As you get older and you understand what property rights and



ownership of property is all about, you change. It would be no different than if you lived in Bismarck, and the class B basketball tournament was going on, and I came and camped out in your yard, without asking you. How would you like that; waking up in the morning and see all the people. What are you doing here, you would ask? Same difference when you out on your land and someone is hunting without permission. Do not know where this is going to end. We have all the hunting group and they will be here to oppose this like crazy. But that is not good for us either. We need to find something that bonds us together, for the ultimate purpose of respect, and the privilege to hunt. It will be the best thing that can happen to ND for a long time. I thought 'A Hunter Permitted' sign is a great thing. We do not want it to get worse. I signed on to this bill 25 years ago. Your committee has a big task, Chairwoman Unruh.

**Rep Jim Schmidt**, Dist 31. :(12.13-15.38) I am a land owner that has land on both sides of Hwy 1806. I live 15 minutes from the protest area. I have received some of the "enjoyment" of the effort. I have a road that goes from Hwy 1806 to my house, and it's a mile long. When I come home at night, and I live alone, my greatest fear is that in that road will be three or four cars of individuals who are out of control. I have no idea what to do. That occurred one evening. I decided to let them do their thing, because I was afraid of retribution. I was afraid if I pressed charges, that I had to prove that my land was posted. I consulted with Morton County Sheriff and he told me to make sure it is posted, and make sure you have something across your road. I did that with the help of my neighbors. I put a pipe on my driveway, welded it together with angle iron, and put a cable across it. They would drive around that and use my road as an outhouse, garbage can, and as a party spot. I do not believe this is about a once in a life time event. I do not believe it is about what's wrong. I do not believe it is about what is right. I believe it is about law. I believe it's about law and the rights created by the creator. I believe it about law and the privileges granted by the government. I believe it is about law and the active protest that has brought forth vulnerability of the laws that seek to protect the rights of private property, while offering opportunity to the privilege of trespass. I believe it's about the laws of burden of proof residing of he who has the privilege of trespass. Not he who has the rights of property. I believe it is as if that existing law unintentionally has turned a right into a privilege; and a privilege into a right. If it is the fundamental reason for government to protect peoples to retain natural rights. And it fails to do so, and forfeits its reason for existence. I believe SB 2225 works towards that foundation, and would appreciate your support of it.

**Daryl Lies**, ND Farm Bureau: (15.55-22.35) We stand in support. This is not an anti-hunter bill. As land and property owners participate in those very sportsman and hunting activities, that those who live in more urban and city areas of ND. We share those same values out on the land. It is a respect bill. It is a safety bill, and a private property rights bill. Protection of private property and property rights, is essential to making sure that individual freedoms are secured in our state and country. Respect is a sportsman to sportsman respect bill, not just land owner and hunter. We as property owners, are members of Farm Bureau, enjoy the outdoors. We want to share the outdoors with others. We run into issues as sportsmen ourselves, with respect issues from sportsmen to sportsmen. Safety, knowing who is on our land, the time they are on our land, is very important. For the safety of our property, at times our livestock, our families, and the sportsmen. Safety included in that, maybe to make people aware of surroundings that may be out there as our weather changes, etc. Private property rights are a very fundamental basics of ND and our county. It must be protected, and make



sure that those rights are inherent. Rep Schmidt said it very well. We seem to have been moving towards a privilege becoming a right. And a right being stated as a privilege. Some argue we have had this law since state hood. But we have had a lot of laws over the years, that we have modernized, because of societal change. Societal change is why I believe we are here today. Not about the protest, but the protests brought to light and put it on a bigger stage, the issue that we face infringing on private property rights. It is not the new norm, but it is something we have to deal with now in ND. We thought we were once sheltered from; we no longer are. What we thought was a coastal issue, no longer is. The issue will continue. Hunter-landowner relationships can be very rewarding. The fact that we have to put a sign to claim a right, to tell people we have a right to property is counter intuitive to an inherent right. This is not about putting someone at a disadvantage. This is about creating an opportunity for relationships. Being solution minded, I visited with Game and Fish and wildlife groups and a few groups on our side, too. We have some members concerned about how will we be identified, if we want land owners to come on our land. I gave an assurance to them that we want a solution to all these things, but we want out inherent property rights. We will work with to identify our members that wish to have their land open in conjunction with the wildlife organizations, ND Game and Fish, to provide signage and I.D. those folks to the openness of the land which truly secures and preserves the private property right, but yet allows that opportunity for our friends, our sportsmen, from our cities and towns. This is a relationship bill, truly. This is an anti-bad guy bill, not anti-hunter bill.

**Larry Kinev**, I am representing myself and the Independent Beef Assoc. of ND: I am a live cattle producer. I am in it for the money. I operate land for a living to support my family and my community. The land I operate is my home. This is the biggest single factor that I want people to understand here today. My land is a mile from I 94 and 50 square miles of desolate county. I am home every day most days. It is my home. My kids and grandkids run there and is part of who we are. We handle resource, land. We use light and rain to produce cattle and a byproduct of what we do, is a natural resource, which is wildlife. The better job I do, the less I take off the land, the more I leave for everyone else. Wheat I leave for the next generation is very important to me. The house I live in means nothing. We live on the land, and it is your home. When I produce that natural resource that is wildlife, which appears to be a big deal today, we share that. I think it is an inherent right to share that resource. Do you have the right to come into my home, uninvited, for use of that resource? No. Change is inevitable. Adapt and adjust. You are dealing with my home. (22.59-26.30)

**Trevor Graff**, ND Stockman's Assoc.: (see Attch#2) We have 3000 members.

**Kayla Pulvermacher**: (see Attch#3) I am here representing members of Farmer Union. We support SB 2225. We have long believed that land should be posted. (32.09)

**Graig Daws** : (See Attch#4) (32.07-37.20) Live by Grand Forks, ND. We have always posted land for hunting without permission. We never will let hunter on unless they change their ways. We use posting to meet and greet hunters.

**Darrell Oswald**, ND Ag Coalition, Vice-Chair: (see Attch#5) (37.42-39.30).

**Mary Graner**: (39.22-42.20) I live 10 miles from the protest site right now. I am here as a concerned parent. I have two teenage daughters that are in high school rodeo. They grab



their horses and run out on the prairie and ride and ride. What happens if they come upon some hunters that do not have the best intentions and find these teenage girls out there. It is a big concern, because we do not know who is out on the land at the time. We do not know where they are from., what their background is; know nothing about them. E.g- We were coming home from church and here was an old grandpa with couple of grandkids. They had been hunting in the Graner Park land. We asked them what they were doing. They said they were trying to find turkeys. I told them we had lots of turkeys, and you are welcome to visit our place any time. We love to have youth deer hunter come on our land. This is not an anti-hunting bill. We need to realize that ND has changed, especially with the protest. Just getting into the capital, now, we have to worry about who is getting in and all the added security. We have to worry about who is on our land. What are their intentions. We ran into a case last year, where some guy, comes on to our place with a motorcycle, looking for antler sheds. He had no permission and we had no idea who he was. We have cattle in different pastures at different times of the year. We need to know who is hunting where; a safety concern. We pay the taxes on the land, we pay for the upkeep on the land, we assume the liability insurance on the land. If this should go public, then we should get some help with that. We don't own a boat. If I wanted to go fishing, do I have the right to go down to the boat dock and grab someone's boat and take my kids fishing? People expect that their private property is private. We bought it, we paid for it, and we pay the taxes. When people do come in and ask, most hunters we say yes to. It creates communication and dialogue with the hunters. Lot of times we receive gift cards, etc., because they do appreciate being let onto our land. I hope you pass this bill.

**Allen Lund**, Selfridge, ND: (see Atch#6) (42.24-43.57) I am here in support SB 2225.

**Jacob Odermann**: I live in Billings County, south of Belfield, ND. (see Atch#7). In the spring of 2014, is when I decided something had to be done, and why I very much support SB 2225. (44.02-48.11)

**John Weinand**: (see Atch#8) I am a farmer from Hazen, ND and president of ND Grain Growers Assoc. (NDGGA). (48.15-49.52)

**Doug Hille**: (see Atch#9) I ranch SW of Bismarck. It is about safety for myself and my family and the animals that the good Lord gave us to take care of. It is about the respect of another person's private property rights and about my and other's property rights. I am an avid hunter.

**Kenny Graner**: (52.45-54.13) I am a farmer/rancher south of Mandan in Morton County. I am in favor of SB 2225. As a rancher, we have a tool box and we run across our land every day and need to dip into our tool box. We need to fix things. On tool I carry at my side is a pliers. I believe that SB 2225 is a tool to correct a statute that is unwarranted, unjust, and unconstitutional. I believe our ND Legislature should look at the tool that they have in their tool box. Article 1, declaration of rights, section 21; "no privileges shall be granted which may not be altered, revoked, or repealed by the legislative assembly; nor shall any citizen or class of citizens be granted privileges or immunities which upon the same terms be granted to all citizens'. Thank you



**Jered Ernst:** St. Anthony, ND. (54.30-56.05) This is not an anti-hunting bill. I have hunted since I was very little. We spend lots of time putting up no hunting signs that people rip them down and say they have not seen them. I have had people tell me that they contacted my deceased father-in-law, and he gave them permission. With all the things that are available today, there is a way to find the land owner. If you ask and let us know you are there, we tell you yes or no and I will give you a reason why. Maybe others are hunting already, or I may have livestock in the area, or because I may be doing activities there at that time. This bill needs to be passed to protect the land owners and to establish stronger relationships and land owners.

**Marty Vistor:** (see Attch#10) (56.18-1.01.25) My family and I own 3000 acres in Dickey County.

**Troy Coons,** NW Landowners Assoc: (1.02.36-1.02.45) We represent 500 farm and ranch families and property owners. We relate to all of the stories already brought forward this morning. It is an inherent right, when you own property, that there would have to be a request to be on the property.

**Frank Klein,** Dickinson, ND: I agree 100% with Daryl from Farm Bureau. I support SB 2225.

**Chairwoman Unruh:** That wraps up testimony in support; we will begin those in opposition.

**Michael McEnroe,** ND Wildlife Federation: (see Attch #11) (1.03.47-1.09.31) This bill will not stop the bad hunters.

**Carel Two Eagle:** I am representing the Grassroots People. I believe trespass is a huge problem. I have been hunting since I was 10 years old. I am Morton County landowner. I feel we need teeth to this bill by adding enforcement. I have faced a loaded gun many times. (1.09.33-1.13.40)

**Rachel Bush,** Dickinson, ND: (see Attch #12) (1.13.50-1.17.20). I am representing myself. I am a sportswomen and a mother. Pease do not pass.

**Tom Bair:** I am odd duck in the room. I am here for myself. I own a ranch in Oliver and a farm in Burke County. I am against this bill. I want people to use my land. I use to not post any of the land, but now my kid wants to be a deer hunter, so we post the ranch in Oliver County. Not a problem. He can decide who and who does not get access. The ranch in Burke County is a great waterfowl hunting area. I want hunter to use that resource. When the snow geese are there, I want some dad to take his son out there. Those do dads with electronics are not reliable. If you look my land up, it has my dad's name and he has been dead for 7 years. Not much luck finding Bruce Bair. Urge a do not pass on this bill. (1.18.59)

**Greg Hanson,** Fargo, ND: (1.18.56-1.21.00) I am opposed to SB 2225. It does nothing to control trespass but has negative effects. I do not respect the slob hunter. Law enforcement say the only way to prosecute is they have to see the trespasser. Otherwise it is your word against theirs. I carry plat books and a cell phone when I hunt. If it is posted, it is less than 50% that I am not able to contact the owner. Most allow us to hunt geese. I understand why people are frustrated with the slob hunter, but the situation will not get resolved with SB2225.



**Eric Lindstrom**, National Manager of Ag. Policy, Ducks Unlimited, Inc.: (see Atatch#13) (1.21.14-1.26.20) Support current law and do not pass SB 2225.

**Grady Thorsgard**: (1.26.35-1.28.13) (see atatch#14) I farm and raise cattle in Grand Forks County.

**Todd Anderson**: (1.28.20-1.32.00) Here for myself. I am an avid waterfowl hunter. It is unique, because you do not know where you are going to hunt until 5 minutes before dark. Land posted or not, we always try and get permission. Because of the 12 turn around, sometime that is impossible. The change in the trespass law, really forecloses a tremendous amount of hunting opportunities. I would not be able to hunt anymore. It is important to know what the statute does. This does not impair property rights of landowner. It is a statute that provides a rebuttable presumption for criminal prosecution on a trespass charge. People have been convicted of trespass on land that involved posted land. They have every right to tell people they cannot be on their land as land owners.

**Dale Keller**:(1.32.06-1.33.09) I represent myself. I own land and am a hunter. I post my land for two reasons; to keep people off, and let people on. I think changing this option for me, is wrong. The fathers and sons that ask me to hunt, maybe will not do that anymore. The electronic are only as good as the updates. I find they are not updated, and we have to spend money to get the electronics.

**Bill Helphrey**, ND Bowhunter's Assoc:(see Atatch#15) We are asking for a do not pass. We feel that the language makes the bill too all-encompassing and could be negative fallout. We think committee should seek legal advice before they act on the bill. We are not against the posting portion of SB2225 because we think people should just freely go on people's land. No way. Property owner have rights, and the right to keep people from trespassing on their land is one of their rights. The property owner has the right to know who is on their land; where and when. He handed a plot map. He also handed out a news article. (1.34.12-1.42.19)

**John Denveny** (? name-he did not sign in) Delta Waterfall: We have all seen a horrible thing happen in our community over the past year. Our friends in Morton County has had their lives disrupted, their private property rights violated, and some suffered significant damages to their property. We are empathetic to what they have endured. We want real solutions to protect them from future occurrences. I am here to represent lawful hunters who understand the incredible privilege it is to hunt on the private land of our state's farmer and ranchers. We in the sportsmen community, show the same distain for trespassers as affected land owners do. We think SB 225 is too blunt an instrument to deal with the action of a few bad people. The average number of trespass reported to Game and Fish is 108 annually. In the nine years provided by Game and Fish, in 22% of the cases where Game and Fish had the case to take to court, the landowner declined to prosecute. We urge a do not pass.

**Darrell Belisle**, Turtle Lake, ND (1.45.30-1.48.35) I am not a landowner. If I was, I would post it. There is a lot of misbehaving and trespassing that is not getting convicted. I have heard lots of different cases today. If you take away the sign I use for reference than what. My friend says I can hunt any time on his vast acres. Without the signs I may end up on my



neighbor's land, and he does not like anyone. I put myself at risk, and I say I won't put up with it and stop hunting. Tourism department will suffer. My grandkid will not know how to enjoy the outdoors. Thanks for listening.

**Foster R. Hager**, Cass County Wildlife: He gave a history lesson starting in 1939. (1.48.45-1.51.22) We need to make this bill into a study.

**Robert Gregoire**, Bismarck, ND (see Atch#16) (1.55.44-1.56.05) Explained Century Code. Please remove section 5.

**Gary Mashing**, Bismarck, ND: (1.56.11-1.57.50) I am a retired law enforcement officer. I do not agree with this bill in its original form, I understand what the landowners have said and I agree with Sen Bowman. We need to look for solutions because a man's property is his home. I suggest that you put more teeth in the law. Instead of class B, make it a class A misdemeanor. The court has the opportunity to sanction them. I have seen what people do to other people's property. When you do have a charge on someone, and you need a witness; the landowner will not follow through and testify. They need to help law enforcement to bring it forward. This comes from a state's attorney friend; the number one trespass complaint is neighbor versus neighbor. Not always a hunting issue. We need to all work together.

**Larry Knoblich**: I am here for myself. (1.59.41-2.01.58) He told a long story. Slob hunters are going to be stupid not matter what. You can't legislate morals and good sportsmanship.

**Paul Henderson**, (2.05.15-2.08.08) I am from NE part of ND. I have a farm and am a member of a lot of the groups that are for SB 2225. I ask you vote against this bill. There was talk of unintended consequences with this bill. We looked at the economic time we are in. Agriculture is challenged and oil is also. Tourism will be affected by this bill. We have a new governor. He says let's try to give the people of ND, through technology, a way to make this an easier process. Maybe we should move this into a study. Making the intent of the farmer and landowner easier. Looking at software so we can do this on a smart phone. High emotion often makes for bad law and I understand the protestor issue, too. Urge a do not pass.

**Terry Steinwand**, Director Game and Fish: (see Atch#17) (2.08.30-2.13.22)

**Sen. Armstrong**: Have we ever looked at a block management program in ND?

**Terry**: Yes. We have a number of years ago. In western ND it might work. There are larger of units and blocks of land under one ownership. In northeast, it does not work. Eastern Montana has huge blocks, so it works there.

**Sen. Schaible**: Do you have a position on the electronics?

**Terry**: I had a conversation with Sen. Wanzek on that a couple weeks ago. It intrigues me. IT has potential, but what if Don knows Bob's land is extremely good. Too easy to enter Bob's land and say no one can hunt because Don only wants to hunt there; and in reality, Bob did not do it. Problem

**Sen. Schaible**: Reverse that, and it is electronically posted, open. Someone wants their land accessible to hunting.

**Terry**: There need to be relationships. I would want to talk about that a bit. It has potential, but have heard from many people is I do not want to be bothered. I do not want to post. Why would they then go one a web amendment say we will post it open.



**Sen. Schaible:** That is exactly the point. If they don't want to be bothered, but they don't mind their land to be open and they post it open, electronically, it is now open and available for all to see. Wouldn't it be direct contact for everybody? Solve the problem

**Terry:** We would have to think that through. Kind of cyber security measure.

**Sen. Armstrong:** I am going the low tech route. This is because of trespassers. If the first person tears down the sign, then the second can't be found guilty. Have you ever looked at the low tech route, like some southern states have by putting a purple post up and landowners don't have to do every year. Some states have a purple topped fence post is a non-trespassing sign. Have you ever looked at that?

**Terry:** No. That is as intriguing as Sen. Schaible's plan. It would be possible. The laws have been relaxed over the years.

**Sen. Armstrong:** The difference between charge and conviction is a long and winding road. We see some of that occurring right now. How our laws are written, make it difficult to get the second person, if you don't catch the first person who tears down the sign.

**Terry:** Absolutely agree.

**Chairwoman Unruh:** That wraps up our testimony. Agency, come up.

**Sara Otte Coleman,** Director of Tourism Dept.: (see Attch#18)

**Chairwoman Unruh:** Hearing on SB 2225 is closed.

The following left testimony on table and did not testify:

Attch#19 = Becky Graner

Attch#20 = Jennifer Skjod

Attch#21 = Scott Heit

Attch#22 = Weston & Michael Berg

Attch#23 = Scott Bachmeier

Attch#24 = Greg Hanson

Attch#25 = Sara Lovas

(Weston Berg and Greg Hanson were the only ones to sign registration sheet)

# 2017 SENATE STANDING COMMITTEE MINUTES

Energy and Natural Resources Committee  
Fort Lincoln Room, State Capitol

SB 2225  
2/10/2017  
Job #28218

- Subcommittee  
 Conference Committee

Committee Clerk Signature

*Pam Dever*

**Explanation or reason for introduction of bill/resolution: Relating to criminal trespass & hunting on private land; relating to the posting of lands.**

**Minutes:**

Committee work

**Chairwoman Unruh:** Let's look at SB 2225. Discussion?

**Sen. Schaible:** I have amendments that are not done yet. I would like to offer these.

**Chairwoman Unruh:** We will put that on hold until amendments done. Close this discussion.



# 2017 SENATE STANDING COMMITTEE MINUTES

## Energy and Natural Resources Committee Fort Lincoln Room, State Capitol

SB2225  
2/16/2017  
Job #28448

- Subcommittee  
 Conference Committee

Committee Clerk Signature



**Explanation or reason for introduction of bill/resolution: Relating to criminal trespass and hunting on private land; relating to the posting of lands.**

**Minutes:**

Committee work

**Chairwoman Unruh:** Take up SB2225.

**Sen. Armstrong:** I am concerned that a ton of counties want to get into his program if implemented. We do not want to do things before we really know how well it works, in reality. I understand the idea, but I think we need to limit it.

**Chairwoman Unruh:** I think some language that allows up to five counties seems reasonable to me.

**Sen. Armstrong:** It will make the sportsmen more comfortable, I know that. It will be better for the program if it is smaller, more contained group. Hard if you deal with a mass amount of acreage. We want it done right. I do not know how much support this will get at the county level. I am concerned there may be too much.

**Sen. Schaible:** I do not disagree with you. Limiting it is fine. Whenever we add more factors to this, we are raising concerns and questions. That is why I did not do that. I want this to pass and go forward. More you limit the more you see opposition. We need it small enough to get a good sample and a good product. Leaving it to the governor, that would be taken into consideration. I believe he is a tech person.

**Sen. Oban:** My comfort level would be better if we got established that we get things on line. And not going to having all land posted. I represent an urban district. I represent hunters and landowners. I think getting away from Plot and Plat books would be good and going on line.

**Chairwoman Unruh:** Good points.

**Sen. Cook:** I'd feel more comfortable with three counties. You could have different posting rules for a different season. Post for pheasants and open for ducks. Deer will be our best test because they are throughout ND. Start with three and then evaluate in two years and maybe go to 10 counties or scrap it all together, depending what happens.

**Sen. Roers:** I agree. Every county will have a different emphasis on control. I am from duck and goose country. I am thinking that three may be a bit small. I lean towards the 5 counties.

**Sen. Schaible:** See why I did not put a number in there. This is good discussion. I just want to try something. The idea is more important.

**Sen. Armstrong:** Need to come to compromise in this issue. Will be a rural/urban issue no matter what.

**Vice Chair Kreun:** My district is in the greenway. I got lots of e-mails from hunters. Around Grand Forks County I did get comments from landowners, as well. Both sides like this compromise so that was encouraging to me. Maybe let Game and Fish take a look and see which counties are best to pick out where the most usage would be. I agree with Sen. Schaible that we do not want to pin it down too tight.

**Sen. Schaible:** (9.45) That is why I put it under the governor. He will have lots of input into how he wants to do this.

**Sen. Cook:** Sen. Schaible should get a big badge of courage for bring this up and working on this. We have not discussed the slob hunter. They will still exist. This software will only be used by the good hunter. The slob hunter will still not use it and still causing problems. It will be a nice tool for the good hunters. Five is OK just so we do have a cap.

**Sen. Schaible:** We are going to have bad apples no matter what we do. The confusion whether it is nor is not posted will be clearer. Both sides want to get rid of slob hunters.

**Chairwoman Unruh:** Are we OK?

**Sen. Schaible:** Should I also include in my amendment that we would limit up to 5 counties only and county approval. I have always suggested that Morton County be one of the counties.

**Sen. Armstrong:** It's fine.

**Sen. Cook:** Let's keep this a hunting test.

**Chairwoman Unruh:** Closed.



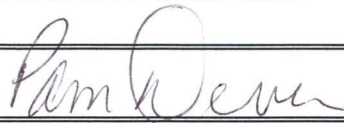
# 2017 SENATE STANDING COMMITTEE MINUTES

## Energy and Natural Resources Committee Fort Lincoln Room, State Capitol

SB2225  
2/17/2017  
Job#28490

- Subcommittee  
 Conference Committee

Committee Clerk Signature



**Explanation or reason for introduction of bill/resolution: Relating to criminal trespass and hunting on private land; relating to the posting of lands.**

**Minutes:**

Committeework seeAttch#1=Sen Schaible

**Called the committee to order. All committee members present.**

**Chairwoman Unruh:**

**Sen. Schaible:** I do have the amendments but it does not have the price. I am waiting for IT. All the price would say, \$250,000 out of the Heritage Fund to fund this project.(see Att #1) I am waiting for this. I handed out the Christmas Tree so we can see changes. We are creating a pilot program up to 5 counties and they have to sign off on it. Jan 15, 2019 it starts, they can electronic register this as land open or closed and no trespassing. Landowners can provide information if they want to. If the land is not designated by the landowner, it is considered closed. There are reporting requirements to Legislative Management. This is what we talked about yesterday.

**Sen. Schaible:** I move the amendment 17.0902.01001. **Sen. Armstrong:** I second.

**Sen. Schaible:** I would rather wait. We will have to further amend.

**Sen. Roers:** We were talking about this being a pilot program. This will go out to the media and no one can see that. Shouldn't we have some language in here referencing that?

**Sen. Schaible:** If that helps.

**Sen. Roers:**

**Sen. Cook:** I would point to the effect and expiration date and that tells me it is a pilot program.

**Sen. Schaible:** We can add, creation of a pilot program in line 5 or line 6.

**Chairwoman Unruh:** Line 6? OK.

**Sen. Schaible:** I reconsider the amendment.

**Chairwoman Unruh:** We will wait for the financial information.

**Adjourned.**

**2017 SENATE STANDING COMMITTEE MINUTES**

**Energy and Natural Resources Committee**  
Fort Lincoln Room, State Capitol

SB2225  
2/17/2017  
Job#28504

- Subcommittee
- Conference Committee

Committee Clerk Signature *Pam Dever*

**Explanation or reason for introduction of bill/resolution: Relating to criminal trespass and hunting on private land; relating to the posting of lands.**

**Minutes:**

Committee work

**Chairwoman Unruh:** Talk about SB2225 again.

**Sen. Schaible:** I added on line 6.

**Chairwoman Unruh:** Maybe we should work with Morgan to get the right amendment.

**Back to order.**

**Chairwoman Unruh: Sen. Schaible:** Are you ready? Let's vote on the original amendment before changing it.

**Sen. Schaible:** I move a DO PASS on amendment 17.0902.01001.

**Sen. Armstrong:** I second.

**Chairwoman Unruh:** Roll call was taken: YES 6 NO 0 -1-absent

**Amendment passed.**

**Sen. Schaible:** Here is new amendment with the changes we already discussed. Adding the money and words creating a pilot program.

**Sen. Schaible:** I move a DO PASS on new amendment **Sen. Roers** : I second.

**Chairwoman Unruh:** Any discussion? Roll call was taken.

YES 6 NO 0 -1-absent New amendment PASSED.

**Chairwoman Unruh:** We have SB2225 as amended before us. Wait for Sen. Cook to get here. Any discussion?

**Sen. Schaible:** I move a DO PASS as amended. Vice Chair Kreun: I second.

Roll call was taken: YES 6 NO 1 -0-absent

SB 2225 was Passed as amended

**Sen. Schaible** will carry the bill



PROPOSED AMENDMENTS TO SENATE BILL NO. 2225

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for and Act to to create and enact a new section to chapter 20.1-01 of the North Dakota Century Code, relating to the creation of a posted land register; to provide a report to the legislative management; and to provide an expiration date.

**BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

**SECTION 1.** A new section to chapter 20.1-01 of the North Dakota Century Code is created and enacted as follows:

**Posted land register - Report.**

1. Notwithstanding section 20.1-01-17, the department, in cooperation with the information technology department, shall develop and implement an electronic register and digital application of all posted land in up to five counties selected by the governor by January 15, 2019. A county selected by the governor for participation in the electronic register may not be included in the register unless the board of county commissioners of the county approves of the county's participation within thirty days of notification by the governor of the selection.
2. The electronic register must:
  - a. Designate land open for hunting;
  - b. Designate land closed to hunting, with no trespassing; and
  - c. Allow landowners to provide contact information to prospective hunters.
3. If land located in a selected county is not designated in the electronic register as open for hunting, the land is considered closed to hunting without permission from the landowner.
4. The department shall provide a report to the legislative management during the 2019-20 interim regarding the progress of the electronic register.

**SECTION 2. EXPIRATION DATE.** This Act is effective through July 31, 2021, and after that date is ineffective."

Renumber accordingly

17.0902.01000

Sixty-fifth  
Legislative Assembly  
of North Dakota

INTERN DRAFT AMENDMENT IN ADDITION TO SB 2225 LC 1001

Page 5, line 6, after "register" insert "pilot program"

Page 5, line 22, insert:

**SECTION 2. APPROPRIATION.** There is appropriated from special funds derived from the heritage fund, a sum of \$250,000, or so much of the sum as may be necessary, to the game and fish department to cover the cost of North Dakota information technology, for the purpose of creating a posted land register pilot program, including public information about the program, for the biennium beginning July 1, 2017, and ending June 30, 2019.

Re-number accordingly



PROPOSED AMENDMENTS TO SENATE BILL NO. 2225

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for and Act to to create and enact a new section to chapter 20.1-01 of the North Dakota Century Code, relating to the creation of a posted land register; to provide a report to the legislative management; to provide an appropriation to the game and fish department for defraying the cost of North Dakota information technology; and to provide an expiration date.

**BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

**SECTION 1.** A new section to chapter 20.1-01 of the North Dakota Century Code is created and enacted as follows:

**Posted land register - Pilot program - Report.**

1. Notwithstanding section 20.1-01-17, the department, in cooperation with the information technology department, shall develop and implement an electronic register and digital application of all posted land in up to five counties selected by the governor by January 15, 2019. A county selected by the governor for participation in the electronic register may not be included in the register unless the board of county commissioners of the county approves of the county's participation within thirty days of notification by the governor of the selection.
2. The electronic register must:
  - a. Designate land open for hunting;
  - b. Designate land closed to hunting, with no trespassing; and
  - c. Allow landowners to provide contact information to prospective hunters.
3. If land located in a selected county is not designated in the electronic register as open for hunting, the land is considered closed to hunting without permission from the landowner.
4. The department shall provide a report to the legislative management during the 2019-20 interim regarding the progress of the electronic register.

**SECTION 2. APPROPRIATION.** There is appropriated from special funds derived from the heritage fund, the sum of \$250,000, or so much of the sum as may be necessary, to the game and fish department for the purpose of defraying the cost of North Dakota information technology necessary to create a posted land register pilot program, for the biennium beginning July 1, 2017, and ending June 30, 2019.

**SECTION 3. EXPIRATION DATE.** This Act is effective through July 31, 2021, and after that date is ineffective."

Renumber accordingly

OK  
2/17/17  
2 of 2



**2017 SENATE STANDING COMMITTEE  
 ROLL CALL VOTES  
 BILL/RESOLUTION NO. SB 2225**

Senate Energy and Natural Resources Committee

Subcommittee

Amendment LC# or Description: 17.0902.0/001

- Recommendation:  Adopt Amendment  
 Do Pass     Do Not Pass     Without Committee Recommendation  
 As Amended     Rerefer to Appropriations  
 Place on Consent Calendar  
 Other Actions:  Reconsider     \_\_\_\_\_

Motion Made By Sen Schaible    Seconded By Sen Armstrong

Senators	Yes	No	Senators	Yes	No
Chair Jessica Unruh	/		Sen. Erin Oban	/	
Vice Chair Curt Kreun	/				
Sen. Kelly Armstrong	/				
Sen. Dwight Cook	ARB				
Sen. Jim Roers	/				
Sen. Don Schaible	/				

Total (Yes) 6    No -0-

Absent -1-absent

Floor Assignment \_\_\_\_\_

If the vote is on an amendment, briefly indicate intent:

*Amend. passed*

Date: 2-17-17  
 Roll Call Vote #: "Enter Vote #" 2

**2017 SENATE STANDING COMMITTEE**  
**ROLL CALL VOTES** SB 2225  
**BILL/RESOLUTION NO.**

Senate Energy and Natural Resources Committee

Subcommittee

Amendment LC# or Description: Add \$250,000 from Heritage Fund to pay for pilot program & line 5 - create a pilot program  
*Sect. 2 - line 2*

Recommendation:  Adopt Amendment  
 Do Pass     Do Not Pass     Without Committee Recommendation  
 As Amended     Rerefer to Appropriations  
 Place on Consent Calendar

Other Actions:  Reconsider     and further amend

Motion Made By Sen. Schaible    Seconded By Sen. Roers

Senators	Yes	No	Senators	Yes	No
<u>Chair Krumm</u>	/		<u>Sen. Oban</u>	/	
<u>Vice Chair Krewen</u>	/				
<u>Sen. Armstrong</u>	/				
<u>Sen. Cook</u>	AB				
<u>Sen. Roers</u>	/				
<u>Sen. Schaible</u>	/				

Total (Yes) 6    No 0

Absent -1-

Floor Assignment \_\_\_\_\_

If the vote is on an amendment, briefly indicate intent:

*New amendment passed*



Date: 2-19-17  
 Roll Call Vote #: 3

**2017 SENATE STANDING COMMITTEE  
 ROLL CALL VOTES SB 2225  
 BILL/RESOLUTION NO.**

Senate Energy and Natural Resources Committee

Subcommittee

Amendment LC# or Description: 1,0902 .01002

Recommendation:  Adopt Amendment  
 Do Pass  Do Not Pass  Without Committee Recommendation  
 As Amended  Rerefer to Appropriations  
 Place on Consent Calendar  
 Other Actions:  Reconsider

*as further amended*

Motion Made By Sen Schaible Seconded By Sen. Kreun

Senators	Yes	No	Senators	Yes	No
Chair Jessica Unruh	/		Sen. Erin Oban		/
Vice Chair Curt Kreun	/				
Sen. Kelly Armstrong	/				
Sen. Dwight Cook	/				
Sen. Jim Roers	/				
Sen. Don Schaible	/				

Total (Yes) 6 No 1

Absent -0-

Floor Assignment Sen. Schaible

If the vote is on an amendment, briefly indicate intent:

**REPORT OF STANDING COMMITTEE**

**SB 2225: Energy and Natural Resources Committee (Sen. Unruh, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 1 NAYS, 0 ABSENT AND NOT VOTING). SB 2225 was placed on the Sixth order on the calendar.

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for and Act to to create and enact a new section to chapter 20.1-01 of the North Dakota Century Code, relating to the creation of a posted land register; to provide a report to the legislative management; to provide an appropriation to the game and fish department for defraying the cost of North Dakota information technology; and to provide an expiration date.

**BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

**SECTION 1.** A new section to chapter 20.1-01 of the North Dakota Century Code is created and enacted as follows:

**Posted land register - Pilot program - Report.**

1. Notwithstanding section 20.1-01-17, the department, in cooperation with the information technology department, shall develop and implement an electronic register and digital application of all posted land in up to five counties selected by the governor by January 15, 2019. A county selected by the governor for participation in the electronic register may not be included in the register unless the board of county commissioners of the county approves of the county's participation within thirty days of notification by the governor of the selection.
2. The electronic register must:
  - a. Designate land open for hunting;
  - b. Designate land closed to hunting, with no trespassing; and
  - c. Allow landowners to provide contact information to prospective hunters.
3. If land located in a selected county is not designated in the electronic register as open for hunting, the land is considered closed to hunting without permission from the landowner.
4. The department shall provide a report to the legislative management during the 2019-20 interim regarding the progress of the electronic register.

**SECTION 2. APPROPRIATION.** There is appropriated from special funds derived from the heritage fund, the sum of \$250,000, or so much of the sum as may be necessary, to the game and fish department for the purpose of defraying the cost of North Dakota information technology necessary to create a posted land register pilot program, for the biennium beginning July 1, 2017, and ending June 30, 2019.

**SECTION 3. EXPIRATION DATE.** This Act is effective through July 31, 2021, and after that date is ineffective."

Renumber accordingly



**2017 TESTIMONY**

**SB 2225**

SB 2225  
2-3-17

AH #1  
pg 1

Carry for 2225

Good morning Chairwomen Unruh and committee members, for the record I am Senator Donald Schaible, District 31. I am here to day to introduce you to SB 2225 which has been has been labeled the trespass bill. First I would like to go through the bill and then explain the reasons why.

The language in Section 1 Subsection 2 line 17 "that the individual is not licensed or privileged to be" in other words have permission to be is the total substance of this bill.

Sub Section 3 is removed because it would no longer be needed.

The balance of the changes in the bill adjust current language to coincide with the changes in Section 1,

The repealed section is included below.

**20.1-01-18. Hunting on posted land and trapping on private land without permission unlawful - Penalty.**

No person may hunt or pursue game, or enter for those purposes, upon legally posted land belonging to another without first obtaining the permission of the person legally entitled to grant the same. No person may enter upon privately owned land for the purpose of trapping protected fur-bearing animals without first gaining the written permission of the owner or operator of that land. A person who violates this section is guilty of a class B misdemeanor for the first offense and a class A misdemeanor for a subsequent offense within a two-year period.

I bring this bill before you today not as anti-hunting measure but as a property rights issue. This issue has been debated for centuries and I not sure that it will ever be resolved. The issue of property right has been going on long before we were a state or a country for that matter.

original



SP 2225  
2/3/17  
Atch #1  
pg 2

One would think that if you owned property that you would not have to put up signs saying that you own the property and you don't want people entering without permission. It seems to me that idea should be implied and the current system that we use is backwards.

The importance of this has become very apparent with the ongoing protest that we are witnessing south of Mandan. The sad thing is that most of us had just had to witness this, where some have to live in this nightmare. I hope you can imagine having your lives turned upside down, being terrorized, threatened and in a constant state of fear. Also consider that the only recourse you may have for someone that is trespassing, is based on the fact that the land is correctly posted.

I have heard from the company that is in the middle of this and they continue with the fact that trespassing was and still is a significant public safety concern that puts landowners, workers and law enforcement and their property at risk. Over the course of the protest, they have had to purchase thousands of signs to post their property. Individuals were tearing down posted signs on a daily basis. This company was forced to assign someone whose full-time job it was in the heart of the protest was to replace posted signs on private property every day. To assume this activity will be isolated to this single incident is wishful thinking for I sure we will see protest of energy development all over the state in the future.

I did not bring this bill forward as an anti-hunting bill, and I truly cherish the hunting privilege that we all share here in North Dakota. But I have to admit that hunting is a privilege and the personal property rights should not be trumped by a sport that is so very popular. Many have suggested that this law would ruin hunting in this state. And I would suggest that the opposite should be true. It is pretty hard to have a good working relationship if you don't even know whom the land owner is. The idea that you cannot find out who the owner is seems to me to be less of an argument than what it was just a few years ago. With plat maps, google, and electronics sold in most hunting stores, that provide apps that not only provide maps, but provide land owners names and contact information. We could even consider a register that would list land that would be considered open to walkers and sportsmen and women.

SB 2225  
2/3/17  
Attach # 1  
Pg 3

There are solutions to create a better relationship between landowner and hunters. The argument that you cannot find the land owner is still not a good reason to enter someone property. To assume that not posting is permission is only something that is used in hunting. I wonder how that would work is someone wanted to camp, bird watch or any other reason to go private property in urban areas and believe that they have that right just because there are no signs.

I heard some arguments that land owners that want their land open and don't want to be bothered by hunters. First I would say that not only do landowners have the burden of informing people that they want to know who is on their land, they are also are just as bothered if they do post their land. I believe it would be much more effective if landowners would post the land that they want to be open to sportsman which this would produce much better relationships and eliminate a lot of confusion. It was also suggested that by changing this law will ruin hunting in this state and turning hunting into a rich man's sport. I would have to respond that if the only thing that is going to protect or advance hunting opportunities in this state is by hunting on private property that is not posted, I would say we are working at this the wrong way. Hunting opportunities are only available by access to hunting property and if the largest portion of that is owned by private individuals, I would think that better relationships with landowners would be necessary. Support of personal property rights would be a good start.

Probably the most convincing argument to change the posting requirement is the recourse landowners have even it they find a trespasser. The first thing that has to happen is that you must prove that the land is correctly posted. If for any reason it is not, the chances of getting a conviction is very small. We have seen some of these high profile names being released because of just these reasons. The current system that we are using is an infringement of personal property rights. These rights should not be taken advantage of just because of privileges of sportsman and women. People should feel safe on their own property and should have reasonable recourse if some breaks the law. For these reasons I would ask for a favorable consideration to SB 2225.



Memo: Posting statutes

<http://scholarship.law.duke.edu/cgi/viewcontent.cgi?article=1238&context=dj>

SB 2225  
2/3/17  
Link to full article #1  
pg 4

As of 2013—**twenty-nine states require posting to exclude hunters.**

Twenty-four of these states require posting by statutes that pertain explicitly to hunting. Of these twenty-four states, *nine require posting only for unenclosed/uncultivated land*; the theory in these states is that enclosed/cultivated land is already “posted” and that agriculture should be spared the depredations of hunters. Three states, while lacking statutes specifically requiring that landowners post to exclude hunters, have general trespass statutes requiring that landowners post to exclude people from private land for any reason including to exclude hunters. **Thus, twenty-seven of the twenty-nine states that require posting do so by statute.**

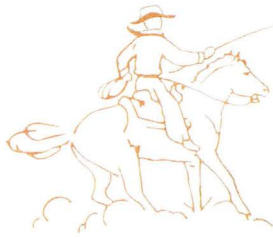
Although the other states that require posting, Maine and Louisiana, lack statutes that apply to posting, in both states courts nevertheless presume that unposted land is open to hunters. The remaining twenty-one states, which do not require posting, all have statutes requiring hunters to obtain landowner permission before hunting on private land. Three of these states require that permission be written. All twenty-one of these states require permission for entry onto any kind of private land, enclosed or unenclosed, developed or undeveloped.

ALASKA STAT. § 11.46.350 (Michie 2002); ARIZ. REV. STAT. ANN. § 17-304 (West Supp. 2004); ARK. CODE ANN. § 18-11-403 (Michie 2003); CAL. FISH & GAME CODE § 2016 (West 1998); FLA. STAT. ANN. § 810.09 (West Supp. 2004); IDAHO CODE § 36-1602 (Michie 2002); KAN. STAT. ANN. § 32-1013 (2000); MASS. ANN. LAWS ch. 131, § 36 (Law. Co-op. 2001); MICH. COMP. LAWS ANN. § 324.73102 (West 1999); MINN. STAT. ANN. § 97B.001 (West Supp. 2004); MISS. CODE ANN. § 49-7-79 (2003); NEV. REV. STAT. ANN. 503.240 (Michie 1995); N.H. REV. STAT. ANN. § 635:4 (1996); N.J. STAT. ANN. § 23:7-1 (West 1997); N.M. STAT. ANN. § 17-4-6 (Michie 1995); N.Y. ENVTL. CONSERV. LAW § 11-2113 (McKinney 1997); N.C. GEN. STAT. § 14-159.6 (2003); N.D. CENT. CODE § 20.1-01-18 (2002); OKLA. STAT. ANN. tit. 29, § 5-202 (West Supp. 2005); OR. REV. STAT. § 498.120 (2003); R.I. GEN. LAWS § 11-44-4 (2002); UTAH CODE ANN. § 23-20-14 (2003); VT. STAT. ANN. tit. 10, § 5201 (1997); W. VA. CODE ANN. § 20-2-7 (Michie 2002). Alaska’s posting statute, ALASKA STAT. § 11.46.350, although general in nature, specifically permits landowners to post “no hunting” signs, so this Note includes it among the twenty-four states with posting statutes specific to hunting. The same is true for New Hampshire’s statute, N.H. REV. STAT. ANN. § 635:4. Under Oklahoma’s posting statute, posting is not required for land “occupied” by the resident. OKLA. STAT. ANN. tit. 29, § 5-202. Oregon’s statute seemingly goes further and does not even mention posting as a means to delineate a landowner’s property—it requires, for example, a wire or hedge. OR. REV. STAT. § 498.120. Notwithstanding this language, however, it is almost certain that posting would count as such a means. See *O’Brien v. Eugene Chem. Exps., Inc.*, 664 P.2d 1106, 288–90 (Or. App. 1983) (holding that posting is a means to mark one’s property boundaries). This Note does not address the laws of the District of Columbia because the District is quite small and presumably has little land available for hunting.

The **remaining twenty-one states, which do not require posting, all have statutes requiring hunters to obtain landowner permission before hunting on private land.**<sup>65</sup> Three of these states require that permission be written.<sup>66</sup> All twenty-one of these states require permission for entry onto any kind of private land, enclosed or unenclosed, developed or undeveloped.



North Dakota  
**STOCKMEN'S ASSOCIATION**



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SB 2225  
2-3-2017  
Attach #2  
pg 1

North Dakota Stockmen's Association  
Testimony on ~~HB 1348~~ SB 2225  
Feb. 3, 2017

For

Good morning, Chairman Unruh and Senate Energy and Natural Resources Committee members. For the record, my name is Trevor Graff and I represent the North Dakota Stockmen's Association, an 87-year-old cattle producers' trade organization representing more than 3,000 members.

We rise in enthusiastic support of SB 2225, which reasserts the property rights of the owners of North Dakota ag lands. The Stockmen's Association has long-standing policy that supports legislation or the other legal action that would initiate a no-trespass law on ag lands.

The NDSA is founded on the belief that the right to own and enjoy the use of private property is the cornerstone to a free society and it firmly opposes any infringement of its lawful use. North Dakota's current law infringes on private property rights – requiring those who own and care for the land and pay the taxes on it to post the land in order to keep others off it or to know who is accessing it. Additionally, the burden, time and cost of posting signs is placed squarely on the landowner and, if the signs don't follow the strictly prescribed protocol in statute, he or she does not receive the property rights protection they seek. The landowner also pays for the insurance to cover the property.

The concept we are discussing today in SB 2225 is not a novel one. Neighboring Minnesota and South Dakota have similar laws already on the books for ag lands in those states. Moreover, other classes of property in North Dakota, like residential and commercial, for instance, are not required to sign in order to have a say in who is allowed there or not, which is an inequity.

For us, this is a fundamental private property rights issue. For us, it is not about hunting or other outdoor recreation activities in our state. In fact, our members are landowners, and in many cases, they are sportsmen and women themselves. We appreciate the hunting heritage of our state and the value of an adequate harvest to keep disease issues in check and limit depredation problems stemming from an overpopulation of wildlife species. That hunting heritage can still be achieved with the passage of SB 2225. The bill is not designed to eliminate access, but rather to reassert the private property rights of landowners and to help them develop a relationship with those who want access for their recreational purposes. Interactions between landowners and those seeking access are relationship-building opportunities and, arguably, will lead to increased access. As many of our members indicate, the reasons they post are to know who is on their land and also to provide some helpful advice about the places that will provide the most success. In this age of technology, there are multiple resources available to assist those who are looking for the owners of property, ranging from old-school plat maps and county atlases to sophisticated internet-based apps for your phone.

The Stockmen's Association believes that protecting private property rights is paramount, and SB 2225 is long overdue and goes a long way in ensuring that protection.

We respectfully ask for your favorable consideration of SB 2225.

original





SB 2225  
2-3-17  
Attch #3  
pg 1

**February 3, 2017**  
**SB 2225**  
**Senate Energy and Natural Resources Committee**

Chairman Unruh and members of the Committee,

My name is Kayla Pulvermacher and I'm here to represent the members of North Dakota Farmers Union. We support SB 2225.

SB 2225 establishes protections for North Dakota landowners. Our members have had longstanding policy in favor of a state law that mandates all private land should be considered "posted," as they rigorously support the property rights of landowners. They have long held the belief that they should not be held responsible for accidents occurring as a result of trespassing on their property, and believe that SB 2225 will safeguard them from such a liability.

I can take any questions that you may have.



SB 2225  
2/3/17  
AH #4  
pg 1

Committee members:

First of all I would like to thank you for your time and attention today. I am here to testify in support of SB2225.

My name is Greg Daws and I own and operate a farm near Michigan ND in Nelson County. We live 55 miles due west of Grand Forks and about 40 miles west of the GF Air Force Base. We usually experience fairly high hunter pressure during the waterfowl and deer seasons.

Our family has always posted the land for NO HUNTING without PERMISSION but not because we don't like hunters unless they belong to Ducks Unlimited or Delta Waterfowl. They don't get permission and probably never will unless they change their ways. We welcome the rest of the hunters but use the posting as a way to meet and have a dialogue with the hunters. We use it as a way to limit the number of hunters on any given day or on a particular field. I also have 8 grandchildren of which 4 love to hunt every chance they can so they get first chance. The other 4 are not old enough but they all have Red Ryder BB guns.

We use the face to face meeting as a way to have a discussion about ag policy and issues. I always ask how many ducks is enough and I have yet to have someone answer that question. But I really would like to know the answer. We tell them where we have alfalfa and winter wheat planted so they don't drive on the frosted or frozen plants. We talk about the flooded roads and water management problems we have. We tell them what happens to the rodent population when Delta Waterfowl comes in and traps all of the predators in an area. Often we know where there are birds that they do not even know about and we will direct them to go check it out. We ask them to not go into the pasture where the cattle are. We ask them not to just pull over on the side of the road blocking it for farm machinery. The posting of land can be a very useful and enlightening for both parties. I have made some life long friends because of posting and the face to face meeting it creates.



SB 2225  
2/2/17  
AH #4  
pg 2

It was taking our family 2 full days every year to properly post our land. It would cost about \$100 for signs and up to \$100 for posts using paper posters. We then switched to high quality permanent signs. Signs and posts cost \$1287 the first time plus the same 2 days. We first used all white sign because they were less expensive but we still got the "I DID NOT SEE THEM" response so we switched to the reflective orange signs which are more expensive. WE are approaching \$2500 in expenses for signs now. I have brought a few examples of what we now get and it is 20-25 signs per year that we replace. My last order this fall was \$450.

I do not feel we should have to deal with this on going issue and expense every year. The sportsman say it is just a few bad apples but I am getting sick of dealing with this year after year. I truly believe that if SB 2225 was passed it would promote more face to face meeting and better relations. Using my property for hunting is not a right it is a privilege and you earn that privilege by asking permission.



P.O. Box 1091  
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(701) 355-4458  
FAX (701) 223-4645

**VOTING MEMBERS**

- Ameriflax
- Independent Beef Association of ND
- Milk Producers Association of ND
- Minn-Dak Farmers Cooperative
- ND Ag Aviation Association
- ND Agricultural Assn.
- ND Ag Consultants
- ND Agri-Women
- ND Barley Council
- ND Corn Growers Association
- ND Corn Utilization Council
- ND Crop Improvement & Seed Association
- ND Dairy Coalition
- ND Dry Bean Council
- ND Dry Edible Bean Seed Growers Association
- ND Elk Growers
- ND Ethanol Council
- ND Farm Credit Council
- ND Farmers Union
- ND Grain Dealers Association
- ND Grain Growers Association
- ND Irrigation Association
- ND Lamb & Wool Producers
- ND Oilseed Council
- ND Pork Producers Council
- ND Soybean Growers Association
- ND Stockmen's Association
- ND Wheat Commission
- Northern Canola Growers Association
- Northern Plains Potato Growers
- Northern Pulse Growers Association
- Northwest Landowners Association
- Red River Valley Sugarbeet Growers
- U.S. Durum Growers Association

**NON-VOTING MEMBERS**

- BNSF Railway Company
- Ellingson Companies
- Garrison Diversion Conservancy District
- ND Association of Ag Educators
- ND Association of Soil Conservation Districts
- ND Beef Commission
- ND Department of Ag
- ND Soybean Council
- ND State Seed Commission
- NDSU Agricultural Affairs

**Testimony of Darrell Oswald  
North Dakota Ag Coalition Vice-Chairman  
In Support of SB 2225**

SB 2225  
2/3/17  
Att # 5  
POL

Chairman Unruh and members of the committee, my name is Darrell Oswald, and I am here today as the vice-chairman of the North Dakota Ag Coalition. The Ag Coalition has provided a unified voice for North Dakota agricultural interests for over 30 years. Today, we represent more than 40 statewide organizations and associations that represent specific commodities or have a direct interest in agriculture. Through the Ag Coalition, our members seek to enhance the climate for North Dakota's agricultural producers.

The Ag Coalition takes a position on a limited number of issues, brought to us by our members, that have significant impact on North Dakota's producers and agriculture industry.

The Ag Coalition stands in support of SB 2225 as the bill reinstates landowner's private property rights by removing the requirement to post land to keep uninvited individuals off private property. Agricultural landowners are not anti-hunting as many ag land owners are hunters. There are other avenues for determining where hunters can hunt including websites, phone apps, and asking property owners for permission.

The ND Ag Coalition encourages your support of SB 2225, which gives the landowner the right to determine who is allowed on property without having to post it.



February 3, 2017

Mr Chairman:

FOY

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AH #6  
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Members of the committee:

My name is Allen Lund. I own and manage a ranch near Selfridge, ND.

I stand in favor of Senate Bill 2225.

As I understand it, this bill would require individuals to gain permission before entering private property and would assess penalties on individuals who failed to do so.

As I also understand, North Dakota's current law allows individuals the right to access land that is not posted with NO TRESPASSING signs.

I have some problems with this current law. Private property means private property. Webster's Dictionary describes private as "not for the public". This makes sense to me. My land is not for public access unless I grant permission.

A no trespassing sign under current law is only good until someone decides to tear it down and throw it in the ditch.

I'm sure there will be plenty of opposition to this bill, and most of the opposition will use hunting as an excuse.

To me, this is a private property rights issue and has nothing to do with hunting. There have been very few cases when I have turned hunters away from my land, who had the courtesy of asking permission.

Very simple. Ask and the gates will be opened.

Allen Lund  
1967 Hwy 24  
Selfridge, ND 58568

phone 701-422-3747

For Bill original

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pg 1

**Testimony, North Dakota Senate  
Energy and Natural Resources Committee  
Presented: February 3, 2017 – 9:00 a.m.  
Presented by: Jacob Odermann**

Madam Chair, members of the committee. My name is Jacob Odermann. I live in Billings County north of Belfield. I am a fourth generation North Dakota rancher. I am also an avid hunter and I see first hand the need for a relationship between the land, the wildlife and the people who harvest the wildlife.

Today, I testify in support of SB 2225 because of many personal experiences but especially one that took place in the spring of 2014, an experience I believe is not isolated to our ranch. This experience highlighted just how big of a problem we currently have with the law regarding posting of private land.

I was getting ready to put our cow-calf pairs onto their spring pasture, which has a substantial prairie dog infestation, on this particular late April or early May day. I went down into a bottom on the Green River to repair fence damaged by the spring runoff. I was in the riverbed for roughly 20-30 minutes and as I drove out of the bottom I heard a pop.

Thinking it was my ATV, I continued to drive to the next portion of damaged fence but when I shut off the ATV I heard two more pops. I looked around to see what the sound was. Up on the hill I saw two individuals in our pasture shooting in my direction.

I proceeded to drive up the hill, approached the two individuals and asked them if they had permission--already knowing the answer. One of the shooters informed me he did not need permission because the land wasn't posted. I informed him that the pasture was indeed posted as I

**OVER**



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had put up the sign myself. He rudely informed me that there was no name on the sign, therefore it wasn't legally posted and he could be there regardless of the posted sign. I politely asked them to leave and, to their credit, they did shortly after our conversation.

Our family philosophy about hunting on our land is to allow access to hunters but we require written permission to hunt. We also ask that if at all possible before you come out to hunt you give us a call. This way you can let us know where you'll be at and we can let you know if we'll have anything going on in that pasture or field. Had these gentlemen had permission they'd have most likely known that I would be going around the fence and they would not have almost shot me.

It was calving season, the last thing on my mind was "is everything posted". I have two young sons. What if they had been in that pasture that day? What if one of those bullets didn't hit it's intended mark? Does the blame then fall on me for the tragedy because I didn't update my weathered posted sign in February or March? Why is the onus on my family to protect our property?

I think it is bad public policy to invite an attitude of entitlement, and that is what current law does. If land is not posted, hunters feel as if that private property is open to all and that they can just help themselves. Is there any other law in the North Dakota century code that invites its citizens to help themselves to someone else's private property?

Life is about relationships. Current law does nothing to promote the cultivation of new relationships with landowners. I ask you to remember that hunting is a privilege; owning property is a right. Some of my families' closest friendships go back to a knock on the door or the ringing of a telephone to see about the privilege of hunting permission. I invite the legislature to promote a respect for private property and the cultivation of healthy long-term relationships with landowners and the hunting public. SB 2225 will start us on the path to both. I ask for your support of SB 2225.

I would be happy to answer any questions you may have.

For Bill  
John Weinand

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**North Dakota Grain Growers Association  
Testimony on SB 2225  
Senate Energy and Natural Resources  
Committee  
February 3, 2017**

Chairwoman Unruh, members of the Senate Energy and Natural Resources Committee, for the record my name is John Weinand, I am a diversified family farmer from Hazen, North Dakota. I am also President of the North Dakota Grain Growers Association (NDGGA). I appear before you today in support of SB 2225.

Chairwoman Unruh, members of the Senate Energy and Natural Resources Committee, NDGGA has a long history of supporting North Dakota agriculture's landowner rights. The land is our factory; it is literally our bread and butter. Encroachment of those landowner rights by those who would willingly trespass on our land has long been the wrong approach in North Dakota policy. SB 2225 seeks to correct that inequity and that is why our Association is in support of this legislation.

Chairwoman Unruh, you are well aware that I am an avid hunter. As such I respect the rights of the sportsmen and sportswoman of this state to engage in hunting in our state. Hunting has a rich tradition and a proud heritage in North Dakota. That said, is it too much to ask of those who engage in their sport to request permission of those who own the private property on which they are hunting? I own land, I hunt, and I ask permission; that's how it ought to be. That's courteous, that's fair, and it ought to be the law.

Chairwoman Unruh, members of the Senate Energy and Natural Resources Committee, SB 2225 is a common-sense landowner rights bill. As landowner rights continue to be infringed upon, this shift in public policy is timely and it is needed. Therefore the North Dakota Grain Growers Association supports SB 2225 and we urge the Committee to give it a Do Pass recommendation.

original

*NDGGA provides a voice for wheat and barley producers on domestic policy issues – such as crop insurance, disaster assistance and the Farm Bill – while serving as a source for agronomic and crop marketing education for its members.*



2/3/2017

Notes for legislative testimony

Key words

Safety, Respect, Private property rights, I am a hunter.

INTRODUCTION Doug Hille, Rancher 30 miles sw of Bismarck on heart river breaks, remote, rough beautiful, fragile with limited road access. We bought our ranch in 1989. I am here to support SB2225.

I am an outdoors person, I ride horse for pleasure, and have ridden in Minnesota, south Dakota, and many places in North Dakota. And as when hunting, I either have permission, or ride public land. We have hosted several endurance rides, and fund raising rides for St Judes hospital. I used to have time to fish, I hunt pheasant, grouse, partridge, but deer hunting is my passion. One of my core management philosophies is you cannot have a healthy operation without a healthy wildlife population. With the current difficult winter, we are home to somewhere between 300-500 pheasants, and 30 huns, in our feedlot and feed storage areas. I have built a stock dam with fish and wildlife to enhance waterfowl and upland game nesting. We no till all our cropland, and leave lots of residue for soil health, which is also great wildlife habitat. We plant many acres of cover crop and leave some standing over winter. We provided over 250 hunter days of recreation in 2016, to people who respect my personal property rights and ask to hunt. We usually have 1 or 2 youth hunters a year get their first deer. We have not, and at this time do not plan to charge anyone to hunt. Deer, coyote, pheasant, grouse, prairie dogs, ducks, geese, antelope (when we had a season), and rattlesnakes are hunted on our ranch. We ask that bird hunters do not shoot Hungarian partridge. We host hunters from as far away as, California, Michigan and Wyoming each year. We have had guests from all over the united states in past years. Some have become good friends, and come back each year, some help work cattle, some help fix fence, some buy us lunch or invite us to their places for meals, some invite us to their hunting camp and make us a meal and entertain us for an evening, and of course some give us gifts, none of it is required. We schedule hunters as they request, All we ask is that they respect our property, and know where they can hunt.

I restrict access to unharvested crops, and areas where cattle are located. All guests are told to respect the neighbor's property rights(many gates to the neighbors are not posted due to access only thru posted land) and I have terminated hunting privledges to a few who have not honored this request, and abused my neighbors private property rights.

We operate approx. 6000 acres of ranch and farm land. We have over 50 miles of fence to maintain, and not a clue on total number of gates. It costs money and time to put up and maintain approx. 40 signs. Signs are checked and replaced, as needed, 3 times a year, labor day weekend, opening of pheasant season, and opening of deer season. To cover the perimeter gates is about 4 hours and 30 miles on the honda. I resent the fact that it costs me time and money to protect my personal property rights with signs. A good hailstorm, cattle chewing on signs, and occasional trespasser may destroy signs mid season and require replacement. Many times even signs do not keep hunters out. How safe do you think we feel when we are checking or moving cattle and come over a hill only to meet a couple of prairie dog hunters in the pasture with my cattle. Yes I believe they can tell the difference between a cow and a prairie dog, but how safe is it for my wife, family grandkids, or friends helping when rogue hunters come onto the property? During deer season, we, including the dogs, all wear orange vests to check or move

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livestock, we have found on more than one occasion hunters in a pasture with our cattle. Their excuse, we wounded a deer, or we crossed a fence and did not see a gate. I do not understand why I need to bear the cost and time to post every gate on my property to protect my personal property rights. I do get a certain amount of pleasure seeing their vehicle with very low tires.

We are cursed with having approx. 5 miles of DAPL right of way cross property that we lease. In 2015 when they started to survey, I was harassed by several surveys and landmen saying they did not need permission to be on my operation, I resorted to carrying a pistol on the 4 wheeler, and opened up the tool box twice before certain people would leave. These people have no respect for personal property rights. Starting late august, when we started encountering protestors, of 2016 I have had a weapon in every vehicle I drive including the tractor, combine, semi, 4 wheeler, pickup and car. Carrying loaded weapons is not safe, but I found just having a weapon in sight will get my point across. If we had the law 2255 in place with decent support, maybe there would be more penalty, and more respect for property rights. And I would certainly feel a higher level of safety.

I urge support of 2255. Most states have a similar law. This bill will not stifle hunting for good sportsmen. And may prevent someone like me from going to fee hunting. Currently the states attorney and law enforcement have little time and put forth very little effort to punish offenders. If I charge for hunting, I can then file a civil suit against a trespassing hunter. Recovering damages because they are reducing my income.

I believe this stronger law will make for a safer and better hunting experiences for good sportsmen who truly respect landowners rights and hunt to hunt, not to butcher. Yes I agree it may take effort to contact landowners, but in our area, most land is posted, and that same effort is needed to be a good legal hunter.

Thank you for your consideration, most landowners would greatly appreciate this law.



Marty Visto - Dakes, ND

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Thirty-five years ago when I first really began to enjoy hunting, I would never have believed that I would be standing here today to testify on SB2225 to change the posting statutes of ND and to restore and protect private property rights. But the last decade has seen an enormous decline, in not only respect, but also in safety, when it comes to my private land. It is my belief that the time has come to require owner permission to access any private property within North Dakota.

When I was in high school and college, hunting was a priority activity for me and several of my friends. For myself and the people I hunted with, respect for private property and safety was of paramount importance. We actually poured over our hunting proclamation detailing the laws, rules and regulations of hunting, so that we would be sure to follow the law to the best of our ability. Which was strange for me and my hunting friends, because this was when, as a teenager, we had the least respect for the law. And we sometimes succumbed to temptation. But, not with a gun; and never when hunting. And we never had any trouble with the owners of private lands in my area, whether the land was posted or not.

I have been taught to treat other people's private property as I would like my private property to be treated. And this is so true, because, there is a way that I would like to be treated when it comes to the land that I own; with respect, and by following all of the state laws and regulations.

My family and I own 3000 acres of prime hunting ground in Dickey County next to the James River. Because of our no-till farming practices, my land supports 3-5 times the amount of pheasants and other wildlife than my neighbor's land. Up to 4 or 5 years ago, I have seldom posted my land, being grateful that I can help provide people with land for them to hunt.

My residence is right in the corner of a quarter-section of property that I own; next to a main gravel road and to a prairie trail section line. Immediately behind my house, next to the prairie trail section line, I have defined an area of about 8-10 acres that contain wetlands, grasslands, and tree shelterbelts as my own personal wildlife refuge. My family and I have very much enjoyed watching deer, geese, pheasants, and ducks; not to mention the raccoons, gophers, and an occasional fox or coyote. As to the skunks, well not so much! I have to draw the line somewhere.

First starting about 10 years ago, I have now had to stop what I was doing eight different times to drive out and tell hunters to get off of my private property. These hunters were in my personal back yard wildlife refuge within 500 feet of the house. State statute says the following: "No person may hunt or pursue game upon the premises of another, within 440 yards (1320 feet or 1/4 mile) of any occupied building, without consent of the person occupying such building." There has been several occasions now where shot from a shotgun has peppered the house and we frequently find BB's on our deck. This should not even be possible given the state law. And it didn't matter that I have all of the rest of my land not posted, open to public hunting. Since the wildlife frequents the area around my house and since it is easy, that is where people choose to hunt, no matter what the law says.

What is worse is that these situations are becoming increasingly confrontational. I have been told that I do not own the animals that reside on my property (true) and that I cannot hog them all to myself. I have been called selfish to want to keep hunters away from my private property immediately behind my house. My wife refuses to even confront these hunters anymore because of their attitude and that fact

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that they are carrying guns. I have been told that the government pays me and that I have no right to tell people to leave. That hunting wildlife is their national right that, I guess, seemingly trumps all other rights and state laws. I once, foolishly, told one person that I was going to come to his house tomorrow morning and hunt in his backyard. He told me threateningly that "his home was private property" and that if I step into his backyard, it would be over his dead body. And, all the while, he is holding a shotgun, while not pointed at me, in a very intimidating manner. It is at the point that I no longer will confront these people who have absolutely no respect for me or for state laws without myself also being armed. Granted, this is a small number within the hunting community, but it has been growing to where I am having 4-5 incidents with hunters every year.

The other major problem has been the total disregard to parking to hunt. Vehicles are left in the middle of the road, sometimes with the doors open. Four wheel drive pickups and SUV's are parked so that they don't even have two wheels in the grass beside the gravel road. There have been many examples where vehicles are parked on the road within a few hundred feet of the access approach for the field that they are hunting in. And I realize that it may seem that road has little traffic, but that doesn't mean that the road isn't used, especially when harvest and hunting season coincide. Nothing frustrates me more than when I have to wait and interrupt my work so that people can recreate on their day off. I have had a suburban slam on its brakes, stop in the very middle of the gravel road, and have all four doors fly open and hunters jump out with guns while my loaded semi grain truck is coming up behind them. As many of you may know, it is a little more difficult to stop a loaded truck than a suburban.

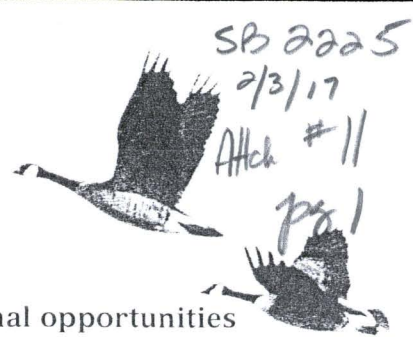
So today, there seems to be a growing divide amongst two groups of hunters. The one group, in my experience are either out of state hunters or from some distance away, is very respectful, always asking to hunt on my private property. They ask about where would be the best place to park, what the boundaries are, if there are existing crops to be aware of, and they frequently return with gifts that reflect their home state. My favorite has been different cheeses from Wisconsin, and locally produced wine and wild rice from Minnesota. The other group though, does not respect either my private property or the existing laws of North Dakota. They frequently are hunting on roads next to posted land, park in a way that blocks traffic; totally disregard or knock posted signs over; and hunt too close to residences without permission. All of these actions are illegal by our existing state statutes. And these actions are becoming more frequent with each passing year. The only recourse for me and my neighbors has been to post everything that we own. And so, I almost never allow hunting on my land even if I am asked. There have been just too many times that myself, my private property, and the current state laws have been disregarded.

The passage of SB2225 would not irreparably harm hunting. Twenty-two states already have statutes that require affirmative consent to hunt; and another 20 states require consent to hunt enclosed or cropped land; and there is no evidence that hunting is unreasonably difficult in any of those states. And my experience shows that the "respectful" hunters have no problem coming and asking to hunt already. The only hunters that this will affect are the ones that make up the bulk of the problem and their erroneous belief that their "right" to hunt supersedes all other rights and existing laws.



# North Dakota Wildlife Federation

Ensuring abundant wildlife, wildlife habitat, and access to wildlife recreational opportunities



*against original*

**TESTIMONY OF MICHAEL McENROE  
NORTH DAKOTA WILDLIFE FEDERATION  
SENATE BILL 2225  
ENERGY AND NATURAL RESOURCES COMMITTEE  
FEBRUARY 3, 2017**

Madam Chairwoman Unruh and Members of the Senate Energy and Natural Resources Committee:

For the record, I am Mike McEnroe representing the 1,400 members of the North Dakota Wildlife Federation. While I don't speak for the 80,000 North Dakota sportsmen and women who enjoy hunting in our State, I would say our views are representative of many of them.

The North Dakota Wildlife Federation has hosted six "Future of Hunting in North Dakota" conferences between 2012 and 2016. Habitat and access were consistently identified as the two key factors in maintaining the quality hunting that North Dakotans pursue. We believe SB 2225 will drastically decrease access in North Dakota.

As introduced by supporters, SB 2225 is proposed to reduce or eliminate problems landowners have had with hunters hunting on posted land without permission. We believe that if passed, this bill will have the opposite result. A very small number of hunters hunt on posted land without permission. Irresponsible hunters and violations will not decrease if private land is deemed off limits to hunting without permission.



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Numbers from the Game and Fish Department (2008-2016) show that the Department handles approximately 100 complaints annually for hunting without permission. There probably some 80,000 hunters, and probably over one million hunter-days afield annually. This is not meant to minimize any problem that an individual landowner or farmer/rancher has had, but to illustrate that overall our sportsmen and women are pretty well behaved.

In addition to the Class B misdemeanor penalties associated with trespass, the penalty for conviction for hunting on posted land without permission is loss of hunting privileges for one year in North Dakota and 40 other states. This is a severe penalty and likely is somewhat responsible for our high hunter compliance rates. I believe the additional penalty of hunting privileges loss was asked for by sportsmen to police their own ranks.

On the other hand, SB 2225 eliminates all private land whether posted or unposted from hunting access unless the owner/operator can be found and permission obtained.

Finding the owner of posted land is difficult these days. Finding the owner of unposted land should SB 2225 pass, will be even more difficult. It is estimated that some 50-65 % of private land is rented or operated by someone other than the owner. Many landowners do not live near the property or even in state.

A friend of mine from South Dakota commented on SB 2225. South Dakota passed a No Trespass law in 1973. Many people thought it would improve landowner-hunter relations. It didn't! Quite the opposite; landowner-hunter relations became worse. Landowners resented the more frequent interruptions and request for permission to hunt. It reduced the number of resident hunters; it restricted predator hunting and it increased leasing and commercial hunting operations.



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The Federation prefers a more positive approach. This past fall we produced these "Ask before you Enter" signs to provide to landowners. The signs provide the owner/operator's name and contact information. They are aluminum and permanent so they do not have to be replaced each fall. We believe this approach promotes landowner-hunter relations and improves access.

Nothing in SB 2225 improves better access, promotes better landowner-hunter relations, or is good for our rural communities that benefit from a robust fall hunting economy.

The North Dakota Wildlife Federation respectfully asks for a Do Not Pass vote on SB 2225.

I will stand for any questions the Committee may have.

Testimony of Rachel Bush  
A North Dakota Sportswoman Dickinson, ND  
SB 2225  
Energy and Natural Resources Committee  
February 3, 2017

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against

Madam Chair and Members of the Senate Energy and Natural Resources Committee:

For the record, my name is Rachel Bush and I am resident of Dickinson, ND. I am an avid hunter, wife, and mother. I hunt public land, private land, and land enrolled in the PLOTS program. I cannot speak for all women hunters, wives or mothers, but I can share with you why I hunt, why I want to ensure my daughter has the same opportunities, and why I oppose SB 2225. I didn't come today bec' I thought this was an anti-hunting bill.

I've been hunting since I was 8. I have continued for several reasons. One being the cathartic nature of simultaneously pursuing game for sport and respecting it at the same time. However, the one that created a lifelong hunter, the one that kept me active and engaged as a hunter in those years after I moved away from home, those years before I settled with family, was having a place to go and pursue my passion.

I've read comments regarding SB 2225 that indicate it will create no additional barriers to access for hunters with all the technology and access to smart phones we have these days. I disagree with that. With the current law I've put a lot of miles on scouting for hunting, only to find the place where the birds are has a posted sign on it. That's OK. I am OK with knocking on doors and picking up the phone, but on more than one occasion I find the land is held by a trust and there is no name tied to it, or there is no phone number in the local phone book and cell numbers are not listed in there, or you call the name in the plat book only to discover that person passed away 6 months ago. My point is that if SB 2225 passes the main starting point, a posted sign, to gain access and develop good hunter-landowner relations to ask permission to hunt private land, has been eliminated. This matters to me, because as my daughter starts to join me on more and more hunts and as she's building her first impression of what hunting is, I only see SB 2225 creating barriers and discouragement for her.

Access has and always will be an important issue for sportsmen and women. SB 2225 will not remove the "bad apples" it will only restrict access and raise barriers for new hunters ensuring we have fewer in the future. I want my daughter to have the opportunity to learn what it means to build relationships with landowners, she's a city kid. She's not going to grow up on a farm like her mom did, but I still want her to have the same reasonable expectation that she will be able to gain access to private land to hunt, if she chooses.

I respectfully ask for a DO NOT PASS vote on SB 2225.

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**Ducks Unlimited, Inc.**

*oppose*

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**To: North Dakota Senate Energy and Natural Resources Committee**  
**From: Eric Lindstrom, National Manager of Ag. Policy, Ducks Unlimited, Inc.**  
**RE: Testimony on SB2225**  
**Date: Friday, February 3, 2017**

Good morning, Madam Chair, and distinguished members of the committee. My name is Eric Lindstrom, National Manager of Agriculture Policy for Ducks Unlimited, and I'm here today testifying on behalf of our 6,000 grassroots members in North Dakota and more than 1 million supporters nationwide. As an avid hunter and someone who greatly appreciates the generous access opportunities that ND landowners provide, I'd also like to offer a few personal perspectives as well.

Ducks Unlimited is a science-based habitat conservation organization focused on conserving wetlands for waterfowl, wildlife and people. While our membership is largely comprised of sportsmen and women, our habitat work in North Dakota and elsewhere simply could not succeed without our strong partnerships with farmers and ranchers. Therefore, we strongly support private property rights and pride ourselves on working hand-in-hand with landowners to conserve habitat, improve working farms and ranches and promote increased access for sportsmen and women.

Hunting, fishing and outdoor recreation are part of our fabric and who we are as a state. But, quality hunting depends on access and maintaining those strong relationships between hunters and landowners is absolutely critical. Our world class hunting and fishing opportunities are truly the envy of others and are a significant economic driver for our state. Tourism in North Dakota is largely comprised of hunting and fishing activities and accounts for over 13% of the state's gross product, making it the third largest industry next to oil & gas and agriculture.<sup>1</sup>

Unfortunately, we've seen a general decline in nationwide hunter numbers over the past 35 years. From 2006-2011, North Dakota saw the 2<sup>nd</sup> worst (next to Maryland) drop-off in resident hunter participation in the nation from 86,000 to 50,000 participants.<sup>2</sup> While this is a complex issue, one factor often cited as a primary reason for active hunter drop off is lack of quality places to hunt.<sup>3</sup> Simply put, hunting success largely depends on quality habitat and access. Since North Dakota is more than 90% privately owned, we have a long history of hunters and landowners working together in harmony. It's a mutual respect that's pretty special and something we hold dear in this state.

<sup>1</sup> North Dakota Tourism Impact Fact Sheet 2016-  
<http://www.ndtourism.com/sites/default/master/files/pdf/TourismImpact2016.pdf>

<sup>2</sup> Exploring Recent Increases in Hunting and Fishing Participation -  
[http://asafishing.org/uploads/Hunting\\_and\\_Fishing\\_Participation\\_Report\\_2013.pdf](http://asafishing.org/uploads/Hunting_and_Fishing_Participation_Report_2013.pdf)

<sup>3</sup> Highlights of Key Recruitment and Retention Research: Hunting Heritage Action Plan Project  
[http://huntingheritage.org/sites/default/files/hunting\\_rr\\_report\\_research\\_highlights.pdf](http://huntingheritage.org/sites/default/files/hunting_rr_report_research_highlights.pdf)

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But, it's important to note that very few trespass violations actually occur where hunters violate trespass laws for hunting purposes. In fact, according to North Dakota Game and Fish Department, only 0.1 percent of hunters (108 avg. annual incidences over each of the past 9 years out of total of approx. 80,000 resident and non-resident sportsmen) are cited for trespass complaints or violations. And, that small percentage doesn't reflect the multiple days spent afield.

We believe that those actions by a "few" should be addressed to the full extent of the law, but they certainly don't represent the vast majority of law-abiding sportsmen and women out there.

In summary:

- Even though current law allows hunters to access unposted land, we strongly encourage all hunters to seek out landowner permission whether it's posted or unposted.
- We're concerned this proposed legislation could be a "solution in search of a problem" with many potential unintended consequences.
- Let's look for ways to work together, not drive wedges, and build stronger alliances between our sportsmen and agricultural community.
- Let's focus on the real issues like providing more incentives and programs to our farmers and ranchers to conserve habitat, work to increase public access and sustain our state's wildlife populations and rich hunting traditions.
- Access is only good if we have healthy populations to hunt, and quality places to hunt and sustain them.

**For these reasons, we would respectfully ask this committee to support current law and give SB2225 a DO NOT PASS recommendation.**

Thank you for your time and service to the people of North Dakota, and I would be happy to take any questions if time allows.



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From: Grady Thorsgard [gradythorsgard@gmail.com](mailto:gradythorsgard@gmail.com)  
Subject: Posting land  
Date: Feb 2, 2017, 1:30:50 PM  
To: Grady Thorsgard [gradythorsgard@gmail.com](mailto:gradythorsgard@gmail.com)

*against*

I Grady Thorsgard farm and raise cattle in Grand Forks county. I realize I do not know anything about the problems ranchers with large pastures in western ND may have. In GF county and many other counties in eastern ND each section is divided into four 160 acre fields. Very often each quarter is owned by a different person and also farmed by a different farmer. Many of the owners live out of state. There are maps showing who owns the land but not the name of who farms it. The owners phone number or address is not readily available.

Many hunters stop and ask to hunt where I live but the land we farm is spread out over 30 miles and much of it with someone else's name on it. The majority of hunters who are not fortunate enough to own hunting land of their own drive around until they find a shelterbelt or slew that looks like good hunting . If they chase up a deer but do not get a shot or wound it the deer will most likely go to another owners land. If the land is not posted he can go after it or If the land is posted with a name and ph number he can try to get permission to go after it. A popular event in Northwood is the annual coyote hunt. I believe this law would put an end to this event. I have farmed in the same area for 50 years and do not remember any problems caused by hunters

Sent from my iPhone

*original*

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Pg 1

Senate bill 2225, 2017

Good Morning Madam Chairwoman, members of the committee.

My name is Bill Helphrey and I am the Government/Conservation Director for the ND Bowhunters Association.

We are asking you for a do-not-pass recommendation on this bill.

This two-part bill first deals with Criminal Trespass. Knowledgeable individuals I have spoken with about this bill feel the language needs clarification. It is felt that the language makes the bill too all encompassing and the possible negative fallout from the bill is unknown. I suggest the committee request some legal advice on this first portion before acting on this bill.

The second portion of the bill deals with hunting on posted land.

We are not against the posting portion of this bill because we think people should be able to freely go onto another person's property whenever they feel like it. On the contrary, property owners have rights and the right to keep people from trespassing is one of those rights. A property owner has the right to know who is on their property and why they are there.

At this time, property owners have the option of posting their land if they want people to stay off, or, not posting if they do not care if people venture upon their property. There may be a difference in the property owner's feelings if the property is perhaps a harvested grain field or a pasture with live stock on it.

In the past, posting signs needed to be updated annually. This was an undue burden on the landowner and the law was changed to ease the posting effort. Under current law, the posted sign only needs a legible name on it. Once a sign is put up it is good indefinitely.

**Without the posters with contact names on them, finding the contact person to ask permission is virtually impossible.** It is not unusual for landowners to own land that is broken up into pieces that are scattered across the area. In some cases, the landowners do not even live in North Dakota.

original



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Look at this plat from Mercer County, Twp 142N-R88W. This is one Township, 6 miles by 6 miles, 36 square miles. Only one section, or one square mile, is owned in it's entirety by a single individual. The other 35 sections have as many as four owners.

Some who support this bill may say the all-land-is-posted concept works in places like Montana and Wyoming. It might. However, the land in Montana and Wyoming is usually contiguous in nature and the landowner usually lives on that land which makes the task of asking permission a lot easier.

Landowners in states like Montana and Wyoming, more likely than not, are not as bothered by people looking for places to hunt as the amount of public land open to everyone in those states is much greater than in North Dakota. Wyoming has 55.9% public land which is open to everyone, Montana has 37.5% public land which is open to everyone, and North Dakota only 9.1% public land.

I would like to share this article from the Bismarck Tribune with you. I am not going to stand here and read it to you, but I would like to point out a few passages.

How damaging to that influx of 642.9 million dollars annually would the passage of this bill be?

Trespassers will trespass, posted land or not. For those who are willing to treat landowner's property with respect and ask permission, the only practical tool they have for locating the owner is that posted sign with a name on it. Don't take that away.

Please recommend a do-not-pass on this bill.

What are your questions of me?





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Attach #15

pg 4

From  
Bill Halphrey

Mark, Chuck and Neil Haus spend four days every year hunting the North Dakota prairies.

# Long way from home

Hunters travel from far away to experience the open lands of N. Dakota

JENNY SCHLECHT  
Bismarck Tribune

The sun shone to the east, and the geese and cranes were circling around from the northwest. They just weren't landing where the Haus brothers wanted them.

The brothers, Mark, Chuck and Neil, were set up last week near the Kidder County-Stutsman County line in a patch of grass surrounded by their decoys and 4-year-old yellow lab, Rex. It was close to 10 a.m., and after bagging a pair of Canada geese, they were ready to move on for the day. But the brothers from the St. Cloud, Minn., area weren't discouraged. It's hard to be discouraged when on vacation.

"You don't do anything else," Neil Haus said about the brothers' annual hunting trip to North Dakota. "You just hunt."

Just as the Haus brothers make a trip every fall down Interstate 94 to hunt birds on North Dakota's prairies, thousands of others from places near and far arrive to try their hand at any number of the state's hunting seasons. The influx boosts small-town businesses and helps retailers weather the slow patch from summer to Christmas, said Mike Rud, a co-chair of Hunting Works for North Dakota and executive director of the North Dakota Retail Association.

Mark Haus was the first of the brothers to head west. He used to hunt in the Bismarck area but has been stopping in Stutsman County for the past eight seasons after hearing about the quality duck hunting in that area. For the past six years, Chuck Haus has come, too, while Neil Haus has come for three. Neil Haus explained that the area is situated on the "migration route" for multiple northern birds, giving them a variety of hunting experiences in a few days.

They're away from home for five days, hunting for four of them. The ability to do nothing but hunt makes the trip a highlight of their year.

"And our wives aren't here," Mark Haus said as his brothers laughed nervously.

Rud said word-of-mouth brings hunters to the state; slick advertising campaigns aren't necessary.

"We don't really have to promote hunting in North Dakota because it promotes itself," he said. "North



The Haus brothers bring Rex, a 4-year-old yellow lab, on their North Dakota hunting adventures.



Mark Haus, left, was the first of his brothers to make annual voyages to North Dakota. Neil Haus has been coming with him for the past three years.

**"We don't really have to promote hunting in North Dakota because it promotes itself. North Dakota has become a destination point."**

Mike Rud, co-chair of Hunting Works for North Dakota and executive director of the North Dakota Retail Association

Dakota has become a destination point."

Mark Haus said the variety of potential game birds to encounter in North Dakota is part of the attraction, but it's also about having land open to hunting. Federal and state

lands are plentiful, and having the opportunity to hunt on land that isn't posted provides more opportunities, Chuck Haus said.

According to statistics from the North Dakota Department of Tourism, 39,947 non-residents hunted small game in the state in

2013. Another 3,641 participate in deer firearm hunting, 2,826 in deer archery hunting and 2,500 in furbearer hunting. The department pegged the direct expenditures for all hunting and fishing in the state at \$642.9 million and said non-resident hunters spend more than \$100 per day in the state.

The Haus brothers try to keep their expenditures down. They dine on sandwiches they pack or when they're in the field, and, at night, they make duck and goose chili or sloppy joes. But they do stay at a hunting lodge, and they are some expenses they can avoid.

"We go through plenty of gas," Chuck Haus said.

The tourism department lists Minnesota, Wisconsin, Colorado, Michigan, Montana, South Dakota, Illinois and Iowa as the states with the most non-resident licenses in 2013. Rud said sitting at an airport in the state can be surprising throughout the year with the amount of camouflage and orange getting on and off planes.

"It's really nice to have the influx of people coming into the state," he said.

That helps the small towns, as the people in the small towns want to show the hunters a good time, he said.

"We roll out the red carpet for them," he said.

Reach Jenny Schlecht at 701-595-0425 or jenny.schlecht@bismarcktribune.com.



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Attch #16  
pg 1

Against

Feb 3, 2017

RE: SB 2225 / Remove Section 5 of the Bill

North Dakota Senators of the Energy and Natural Resources Committee. I am Robert Gregoire Jr. I reside at 1650 Cologne Dr., Bismarck, ND. 58504

I have been hunting in ND for over 50 years and have appreciated the privilege to be able to enjoy many of those adventures with friends. I have hunted birds and big game and have asked for permission to hunt on posted land on some of those hunts. Many landowners just want to know who is hunting on their land. Section 5 of this bill contains no consideration for the thousands of ND Sportsmen and women who really do care about landowners and obey "NO TRESPASSING" signs. Section 5 makes me think of the old saying don't throw the baby out with the bath water.

The current ND Century Code 20.1-01-17 that governs posting of land has served both landowners and sportsmen and women for as long as I can recall. The current situation facing sportsmen is that about 40 % of the land is rented or leased by a 2<sup>nd</sup> party and if that decision maker cannot be found on plat maps or expensive electronic programs it gets very difficult to find someone to ask for access permission. Add to that the fact that most farmers and ranchers use cell phones for communication and those numbers are not readily available in phone books. These two obstacles are big impediments to Sportsmen who are for example; scouting for geese and after finding geese would certainly like to visit with the land owner to ask for permission. A poster makes that a lot easier especially if a phone # is also on the poster.

The current posting law helps designate private land boundaries where private and public land adjoin which has helped and would continue to help Sportsmen identify where they can hunt and not hunt. There are many confusing areas where these lands mix and examples are: Lake Sakakawea shore land, Lake Tschida, the Badlands, along Missouri River to mention a few I am familiar with. By removing private land posting the property lines will get more confusing and may lead to unintended problems.

original



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ND Sportsmen and women realize that posting of land requires time and effort and we appreciate that but feel the benefits are important to all.

I have <sup>RS</sup>~~no~~ <sup>RS</sup> problem with the first four Sections of Sen. Schaible's Bill <sup>RS</sup> if Section 5 is removed but if Section 5 is retained and passed I predict that unintended serious cases of trespassing will occur. Therefore, I strongly urge the removal of Section 5 from this bill and leave the Century Code continue as it has been regarding posting of private land.

Let's preserve some of the spirit in "Welcome to North Dakota" alive and well instead of "Auto Posting" all private land by decree.

Robert P Gregoire Jr.  
1650 Cologne Dr.  
Bismarck, ND 58504



Senate Energy and Natural Resources Committee  
Testimony on SB 2225

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CP/psk

North Dakota Game and Fish Department  
Terry Steinwand, Director  
February 3, 2017

pan-  
make copy

Madam Chair Unruh and members of the Senate Energy and Natural Resources Committee, my name is Terry Steinwand, and I am the Director of the North Dakota Game and Fish Department. First, I have to say that the Department absolutely supports private property rights and the ability of landowners, large and small, to control who can enter their property. While this bill wouldn't change that right in North Dakota, it would dramatically change the manner in which sportsmen and women in this state determine whether or not they could legally hunt a particular piece of land.

North Dakota's Constitution, Article XI, Section 27 reads, "Hunting, trapping and fishing and the taking of game and fish are a valued part of our heritage and will be forever preserved for the people and managed by law and regulation for the public good." This language was added to North Dakota's constitutional language in the year 2000 as a means to protect all of us against the anti-hunting movement. Hunting actually consists of two parts—access and reasonable opportunity for success. This bill affects the issue of access.

There have been surveys conducted on a national level to determine the participation level of hunting across the United States over the years. Results of these surveys show that hunting participation has declined, and is continuing to decline, across the nation—and the number one reason stated for that decline is a lack of access. As usual, North Dakota seems to buck the national trend in participation, but we have seen variable hunting participation depending on the quality and quantity of birds and deer.

As you all know, the Department is truly a user funded agency, with operating funds being derived from hunting and fishing license sales as well as federal funds from sales on hunting and fishing equipment. The Department believes that passage of this bill would negatively affect hunting participation across the state by making it more difficult to gain access to private land and therefore drive down license sales. It could result in the dramatic decline in a generation of hunters. In comparison, this has occurred in the past with resident waterfowl hunters. In the early 1980's, there was an overhaul of federal waterfowl regulations that made them more complex and, in concert with drought conditions and lower waterfowl, cut resident waterfowl hunters almost in half. Resident waterfowl hunter numbers have never recovered and continue to be about half of what they were 30 years ago.

I've never received so many e-mails and phone calls on a particular piece of legislation than I have on this one, residents and non-residents alike. And, when you try to balance the private

original



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property rights of landowners with a public trust resource, issues as this will periodically arise. Many hunters across the state, as well as some non-resident hunters, are concerned that if this bill passes, the manner in which they've been hunting for decades will come to an end.

While there will always be issues between some hunters and landowners, there has been what some would call a truce over the past number of years. This has the potential to be the largest wedge driven between hunters and landowners that has ever occurred in North Dakota. I've had some discussion with individuals in South Dakota saying that this issue occurred with our southern neighbor, and 40 years later the wound still hasn't healed. I certainly hope this doesn't occur in North Dakota. We support the rights of landowners and also support the rights of hunters, and will continue to facilitate the relationship between the two.

I respectfully recommend a DO NOT PASS on SB 2225.



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**DEPARTMENT OF COMMERCE TESTIMONY ON SB 2225  
FEBRUARY 3, 2017, 9:00 A.M.  
SENATE ENERGY AND NATURAL RESOURCES COMMITTEE  
SENATOR JESSICA UNRUH, CHAIR**

**SARA OTTE COLEMAN – DIRECTOR – TOURISM DIVISION, ND DEPARTMENT OF COMMERCE**

Madam Chair and members of the committee, my name is Sara Otte Coleman and I am the Director of the Tourism Division for the North Dakota Department of Commerce. I am here to provide background in regards to the impact SB 2225 may have on revenue generated from hunting in North Dakota. As you all know, hunting is an important part of our culture here in North Dakota one that brings families together and creates annual traditions. Hunting also motivates significant travel to our state and within our borders. Hunting brings in new revenue to our state. As of January 6, 2017 North Dakota Game and Fish reports that 45,581 licenses have been sold to nonresidents for the 2016-17 season. Most of these hunters hail from Minnesota and Wisconsin, where individuals need permission to hunt on agricultural land even if it is not posted. The law is the same in the majority of South Dakota with the exception of a small area in the Black Hills and Montana's law also requires hunters to get permission whether posted or not. This gives North Dakota a competitive advantage in attracting these visitors and their dollars. Prospective nonresident hunters have informed us it is much more attractive to hunt in states where posting is required. When signs are present, it is also less likely hunters will inadvertently trespass and we are told the requirement is a valuable tool for landowner/sportsmen relations.

The Tourism Division focuses on non-resident travelers as our mission is to create new wealth for the state of North Dakota. Nonresident hunters' direct expenditures associated with hunting were estimated to be \$46 million in 2011-12 that number is closer to \$56 million today. Rural communities rely on the dollars these out-of-town hunters spend to improve and sustain their businesses. Research from 2011-12 shows that urban non-resident small game and urban resident upland hunters directly spend over \$24 million dollars each in rural areas.

The North Dakota Game and Fish Department has done great work providing publicly accessible hunting lands through their Private Lands Open to Sportsmen or PLOTS program. These lands provide a dual benefit of improved hunting access and habitat. However, research shows that the majority of both residents and nonresidents primarily hunt on private land. The question must be asked, will this change push people onto already heavily pressured, publicly accessible hunting lands if they are not able to easily locate landowners or hunt unposted lands and will they hunt less or quit hunting altogether?

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In a story a visitor shared last year, he recalled about 8 years ago, when he came across nice upland bird habitat on land that was posted with a “no hunting or trespassing” sign. He took the name and number off the sign and contacted the landowner. He was given the location of the farmhouse and agreed to meet the landowner there. The hunter was informed that the reason the land was posted was that the landowner was a bow hunter and posted it only for the protection of the resident deer population and he was fine with this visitor hunting pheasant. The two developed a very close friendship and he now stays at the farm and enjoys taking his friends out to the local restaurants when he travels to hunt.

On a personal note, I don't even want to know how many gallons of fuel my sons burned this year in pursuit of their passion for hunting. The waterfowl they were seeking were hard to predict and they spent many Friday evenings scouting and calling land owners. These are the same two who have the responsibility of posting our farm and ranch land each year, so I personally see both sides of this issue. It's not often you get 17-year-old boys to commit to dinner out with Mom and Dad on a Friday night, let alone stay for two hours, but a few weeks ago that is exactly what we did-and this bill dominated the conversation. There isn't an easy answer, but I encourage you to consider the economic affect this will have on businesses, rural communities and the state's coffers at a time when we need travel and tourism, our state's third largest industry.

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AH #19  
PS1

Testimony in SUPPORT of SB 2225 (February 3, 2017)

Madam Chairman Unruh and Members of the Energy and Natural Resources Committee, my name is Becky Graner. I am from rural Morton County, near Huff. I am here testifying in support of Senate Bill 2225.

SB 2225 removes a loop hole that criminals use to avoid prosecution when trespassing. I have heard comments that landowners should just post their land, why is that so hard, it doesn't take any time at all. Well that depends on how much land one owns, the terrain and the amount of time/ supplies that one needs to place a post and a sign every 880 yards if the land is NOT enclosed with a fence. Sadly, it takes FAR FAR less time for trespassers to tear down the sign. SB 2225 solves the problem with "improperly" posted private property as an excuse to avoid prosecution.

Yes, we will still have trespassers, but no longer will they be able to use the excuse that they did not see (or in some cases look for or worse removed) the no trespassing signs.

I am an avid photographer. I know all my neighbors and they know me. Yet, I would NEVER consider entering their private property without calling and asking. Even having been granted "life time" permission to walk through their pastures, I still call or text every time I go across any fence to let them know I am there, what I am doing, and how long I will be there. It is called building a respectful relationship with the landowner.

You may hear that this bill has been brought forth due to the emotions related to dealing with protesters. In my nearly 40 years as a landowner, nothing is more emotional than people having access to the ND outdoors for one's favorite sport or hobby. That access will remain unchanged. All the outdoor enthusiast needs to do is ASK. The argument against SB 2225 often starts with: But how will I know who to ask if there is not a sign? Landowners can be found using an old fashioned method called searching the county plat book, or by using an online service such as <https://www.huntinggpsmaps.com/> . The cost of an online service is nearly equal to the amount of gas burned up looking for somewhere that doesn't have a no hunting sign. Just as a bit of work is required to prepare for one's favorite outdoor activity, a bit of prep work solves the problem of finding somewhere to hunt, hike, photograph, paint, picnic, fish, trap, or any of the other countless activities we enjoy in the great ND outdoors.

Thank you,

*original*

Becky Graner 5265 Hwy 1806 Mandan, ND 58554 701-663-0310 [bgraner@ceas.coop](mailto:bgraner@ceas.coop)

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SB 2225  
Left on table  
not brought up  
during testimony

Becky Graker

SB 2225

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pg 2

## ARTICLE I DECLARATION OF RIGHTS

**Section 1.** All individuals are by nature equally free and independent and have certain inalienable rights, among which are those of enjoying and defending life and liberty; acquiring, possessing and protecting property and reputation; pursuing and obtaining safety and happiness; and to keep and bear arms for the defense of their person, family, property, and the state, and for lawful hunting, recreational, and other lawful purposes, which shall not be infringed.

**Section 2.** All political power is inherent in the people. Government is instituted for the protection, security and benefit of the people, and they have a right to alter or reform the same whenever the public good may require.

**Section 3.** The free exercise and enjoyment of religious profession and worship, without discrimination or preference shall be forever guaranteed in this state, and no person shall be rendered incompetent to be a witness or juror on account of his opinion on matters of religious belief; but the liberty of conscience hereby secured shall not be so construed as to excuse acts of licentiousness, or justify practices inconsistent with the peace or safety of this state.

**Section 4.** Every man may freely write, speak and publish his opinions on all subjects, being responsible for the abuse of that privilege. In all civil and criminal trials for libel the truth may be given in evidence, and shall be a sufficient defense when the matter is published with good motives and for justifiable ends; and the jury shall have the same power of giving a general verdict as in other cases; and in all indictments or informations for libels the jury shall have the right to determine the law and the facts under the direction of the court as in other cases.

**Section 5.** The citizens have a right, in a peaceable manner, to assemble together for the common good, and to apply to those invested with the powers of government for the redress of grievances, or for other proper purposes, by petition, address or remonstrance.

**Section 6.** Neither slavery nor involuntary servitude, unless for the punishment of crime, shall ever be tolerated in this state.

**Section 7.** Every citizen of this state shall be free to obtain employment wherever possible, and any person, corporation, or agent thereof, maliciously interfering or hindering in any way, any citizen from obtaining or enjoying employment already obtained, from any other corporation or person, shall be deemed guilty of a misdemeanor.

**Section 8.** The right of the people to be secure in their persons, houses, papers and effects, against unreasonable searches and seizures shall not be violated; and no warrant shall issue but upon probable cause, supported by oath or affirmation, particularly describing the place to be searched and the persons and things to be seized.

**Section 9.** All courts shall be open, and every man for any injury done him in his lands, goods, person or reputation shall have remedy by due process of law, and right and justice administered without sale, denial or delay. Suits may be brought against the state in such manner, in such courts, and in such cases, as the legislative assembly may, by law, direct.

**Section 10.** Until otherwise provided by law, no person shall, for a felony, be proceeded against criminally, otherwise than by indictment, except in cases arising in the land or naval



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forces, or in the militia when in actual service in time of war or public danger. In all other cases, offenses shall be prosecuted criminally by indictment or information. The legislative assembly may change, regulate or abolish the grand jury system.

**Section 11.** All persons shall be bailable by sufficient sureties, unless for capital offenses when the proof is evident or the presumption great. Excessive bail shall not be required, nor excessive fines imposed, nor shall cruel or unusual punishments be inflicted. Witnesses shall not be unreasonably detained, nor be confined in any room where criminals are actually imprisoned.

**Section 12.** In criminal prosecutions in any court whatever, the party accused shall have the right to a speedy and public trial; to have the process of the court to compel the attendance of witnesses in his behalf; and to appear and defend in person and with counsel. No person shall be twice put in jeopardy for the same offense, nor be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty or property without due process of law.

**Section 13.** The right of trial by jury shall be secured to all, and remain inviolate. A person accused of a crime for which he may be confined for a period of more than one year has the right of trial by a jury of twelve. The legislative assembly may determine the size of the jury for all other cases, provided that the jury consists of at least six members. All verdicts must be unanimous.

**Section 14.** The privilege of the writ of habeas corpus shall not be suspended unless, when in case of rebellion or invasion, the public safety may require.

**Section 15.** No person shall be imprisoned for debt unless upon refusal to deliver up his estate for the benefit of his creditors, in such manner as shall be prescribed by law; or in cases of tort; or where there is strong presumption of fraud.

**Section 16.** Private property shall not be taken or damaged for public use without just compensation having been first made to, or paid into court for the owner, unless the owner chooses to accept annual payments as may be provided for by law. No right of way shall be appropriated to the use of any corporation until full compensation therefor be first made in money or ascertained and paid into court for the owner, unless the owner chooses annual payments as may be provided by law, irrespective of any benefit from any improvement proposed by such corporation. Compensation shall be ascertained by a jury, unless a jury be waived. When the state or any of its departments, agencies or political subdivisions seeks to acquire right of way, it may take possession upon making an offer to purchase and by depositing the amount of such offer with the clerk of the district court of the county wherein the right of way is located. The clerk shall immediately notify the owner of such deposit. The owner may thereupon appeal to the court in the manner provided by law, and may have a jury trial, unless a jury be waived, to determine the damages, which damages the owner may choose to accept in annual payments as may be provided for by law. Annual payments shall not be subject to escalator clauses but may be supplemented by interest earned.

For purposes of this section, a public use or a public purpose does not include public benefits of economic development, including an increase in tax base, tax revenues, employment, or general economic health. Private property shall not be taken for the use of, or ownership by, any private individual or entity, unless that property is necessary for conducting a common carrier or utility business.



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**Section 17.** Treason against the state shall consist only in levying war against it, adhering to its enemies or giving them aid and comfort. No person shall be convicted of treason unless on the evidence of two witnesses to the same overt act, or confession in open court.

**Section 18.** No bill of attainder, ex post facto law, or law impairing the obligations of contracts shall ever be passed.

**Section 19.** The military shall be subordinate to the civil power. No standing army shall be maintained by this state in time of peace, and no soldiers shall, in time of peace, be quartered in any house without the consent of the owner; nor in time of war, except in the manner prescribed by law.

**Section 20.** To guard against transgressions of the high powers which we have delegated, we declare that everything in this article is excepted out of the general powers of government and shall forever remain inviolate.

**Section 21.** No special privileges or immunities shall ever be granted which may not be altered, revoked or repealed by the legislative assembly; nor shall any citizen or class of citizens be granted privileges or immunities which upon the same terms shall not be granted to all citizens.

**Section 22.** All laws of a general nature shall have a uniform operation.

**Section 23.** The state of North Dakota is an inseparable part of the American union and the Constitution of the United States is the supreme law of the land.

**Section 24.** The provisions of this constitution are mandatory and prohibitory unless, by express words, they are declared to be otherwise.

**Section 25.**

1. To preserve and protect the right of crime victims to justice, to ensure crime victims a meaningful role throughout the criminal and juvenile justice systems, and to ensure that crime victims' rights and interests are respected and protected by law in a manner no less vigorous than the protections afforded to criminal defendants and delinquent children, all victims shall be entitled to the following rights, beginning at the time of their victimization:
  - a. The right to be treated with fairness and respect for the victim's dignity.
  - b. The right to be free from intimidation, harassment, and abuse.
  - c. The right to be reasonably protected from the accused and any person acting on behalf of the accused.
  - d. The right to have the safety and welfare of the victim and the victim's family considered when setting bail or making release decisions.
  - e. The right to prevent the disclosure of information or records that could be used to locate or harass the victim or the victim's family, or which could disclose confidential or privileged information about the victim, and to be notified of any request for such information or records.
  - f. The right to privacy, which includes the right to refuse an interview, deposition, or other discovery request made by the defendant, the defendant's attorney, or any person acting on behalf of the defendant, and to set reasonable conditions on the conduct of any such interaction to which the victim consents. Nothing in this section shall abrogate a defendant's sixth amendment rights under the Constitution of the United States nor diminish the state's disclosure obligations to a defendant.



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- g. The right to reasonable, accurate, and timely notice of, and to be present at, all proceedings involving the criminal or delinquent conduct, including release, plea, sentencing, adjudication, and disposition, and any proceeding during which a right of the victim is implicated.
  - h. The right to be promptly notified of any release or escape of the accused.
  - i. The right to be heard in any proceeding involving release, plea, sentencing, adjudication, disposition, or parole, and any proceeding during which a right of the victim is implicated.
  - j. The right, upon request, to confer with the attorney for the government.
  - k. The right to provide information regarding the impact of the offender's conduct on the victim and the victim's family to the individual responsible for conducting any presentence or disposition investigation or compiling any presentence investigation report or recommendation regarding, and to have any such information considered in any sentencing or disposition recommendations.
  - l. The right, upon request, to receive a copy of any report or record relevant to the exercise of a victim's right, except for those portions made confidential by law or unless a court determines disclosure would substantially interfere with the investigation of a case, and to receive a copy of any presentence report or plan of disposition when available to the defendant or delinquent child.
  - m. The right, upon request, to the prompt return of the victim's property when no longer needed as evidence in the case.
  - n. The right to full and timely restitution in every case and from each offender for all losses suffered by the victim as a result of the criminal or delinquent conduct. All monies and property collected from any person who has been ordered to make restitution shall be first applied to the restitution owed to the victim before paying any amounts owed to the government.
  - o. The right to proceedings free from unreasonable delay, and to a prompt and final conclusion of the case and any related post-judgment proceedings.
  - p. The right, upon request, to be informed of the conviction, adjudication, sentence, disposition, place, and time of incarceration, detention, or other disposition of the offender, any scheduled release date of the offender, and the release of or the escape by the offender from custody or commitment.
  - q. The right, upon request, to be informed in a timely manner of all post-judgment processes and procedures, to participate in such processes and procedures, to provide information to the release authority to be considered before any release decision is made, and to be notified of any release decision regarding the offender. The parole authority shall extend the right to be heard to any person harmed by the offender.
  - r. The right, upon request, to be informed in a timely manner of any pardon, commutation, reprieve, or expungement procedures, to provide information to the governor, the court, any pardon board, and other authority in these procedures, and to have that information considered before a decision is made, and to be notified of such decision in advance of any release of the offender.
  - s. The right to be informed of these rights, and to be informed that victims can seek the advice of an attorney with respect to their rights. This information shall be made available to the general public and provided to all crime victims in what is referred to as a Marsy's card.
2. The victim, the retained attorney of the victim, a lawful representative of the victim, or the attorney for the government upon request of the victim may assert and seek enforcement of the rights enumerated in this section and any other right afforded to a victim by law in any trial or appellate court, or before any other authority with jurisdiction over the case, as a matter of right. The court or other authority with jurisdiction shall act promptly on such a request, ensuring that no right is deprived



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without due process of law, and affording a remedy by due course of law for the violation of any right. The reasons for any decision regarding disposition of a victim's right shall be clearly stated on the record.

3. The granting of these rights to victims shall not be construed to deny or disparage other rights possessed by victims. All provisions of this section apply throughout criminal and juvenile justice processes and are self-enabling. This section does not create any cause of action for damages against the state, any political subdivision of the state, any officer, employee, or agent of the state or of any of its political subdivisions, or any officer or employee of the court.
4. As used in this section, a "victim" is a person who suffers direct or threatened physical, psychological, or financial harm as a result of the commission or attempted commission of a crime or delinquent act or against whom the crime or delinquent act is committed. If a victim is deceased, incompetent, incapacitated, or a minor, the victim's spouse, parent, grandparent, child, sibling, grandchild, or guardian, and any person with a relationship to the victim that is substantially similar to a listed relationship, may also exercise these rights. The term "victim" does not include the accused or a person whom the court finds would not act in the best interests of a deceased, incompetent, minor, or incapacitated victim.

Jennifer Skjod

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Attch # 20  
pg 1

**Testimony**  
**Senate Bill 2225**  
**Monday, January 30, 2017**  
**Jennifer L. Skjod (Parent)**  
**(701) 220-7852 / jenniferskjod@gmail.com**

Dear Members of the Energy and Natural Resources Committee, *for*

My name is Jennifer (Kadmas) Skjod, I currently live north of Mandan (originally from Dickinson). I support Senate Bill 2225 and ask for your support of this bill as well.

North Dakota is one of very few states that still places the burden of property protection on the landowners who pay taxes on it than those interested in entering property they do not own by requiring landowners to post their land.

Quality signs that do not fade are expensive and are not 100 percent weather resistant. I have also witnessed people rip off the signs. And who is interested in tailing armed individuals with criminal intent close enough to take down a license number?

Hunting on private land is a privilege that most owners are glad to offer to hunters, photographers, and birders as a gift. But in this state currently, the required posting law sends the message is the right (not privilege) to open a fence and enter someone else's land if you don't see it posted. The North Dakota Game & Fish Department have beautifully illustrated plot maps available to the public. This makes it easier than ever to identify available land to explore.

What if in the interest of fairness, we required every property owner in town put a no trespassing sign on their back yard gate? Without such a sign, others could decide to bring their friends over for a picnic when you are gone. It sounds absurd, doesn't it? Landowners are currently frustrated with the absurdity as well.

A more fair option might be to consider having those interested in opening up their land, to post it with "Hunting Allowed" rather than requiring those wanting more control over their land to post "No Hunting."

Whereas property protection as a landowner is a 24/7 job and most often livelihood (even if you are happen to go into town for groceries while someone takes your signs down).

It takes many hours of walking fence lines (and much energy) for my 72-year old father to post his land. This is typically an annual process since the signs end up damaged or missing frequently.

With the influx of out-of-state residents recently relocated to our state, I am more concerned than ever about the safety and security of our rural residents and their livestock.

I appreciate you taking the time to read this and would very greatly appreciate you supporting SB 2225.

Best Regards,  
Jennifer L. Skjod

*original*



Scott Heit

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2-3-17  
AH # 21  
pg 1

Fov

**Senate Energy and Natural Resources Committee  
February 3, 2017  
Senate Bill 2225 Testimony by Scott Heit**

My name is Scott Heit of Glenburn. I am many things. I'm a sportsman, avid hunter, father of a young hunter and member of several wildlife groups. I am also a landowner, farmer and rancher.

Wildlife organizations encourage members to be good stewards of the land. I would hope they support this bill. What better way to be good stewards than by forming good relationships with landowners.

Taking my son out before the season starts to establish a relationship with a landowner would be a great teaching moment. It's important to show him how to respect the law and rights of others.

I know I would be more inclined to give someone permission to hunt on my land if they approached me before the season. Those who show up on opening day and ask might not get the same consideration.

I have saved up my entire life to buy my land. I choose to be a farmer and rancher and make my living off the land I own. I don't like driving around putting up tons of posted signs that are often ignored. Every year I spend hours putting up many, many signs. And every year, I find people on my land hunting without permission.

I don't understand why I am required to spend hours putting up signs telling people to stay off my property. People who own land in town generally don't have to put up signs telling you to stay off their property. If they do find you there, they call the authorities to have you removed or arrested for trespassing. Yet I'm expected to post my land to receive the same courtesy. If it's not posted, I can't do anything about it.

I post signs correctly every year and have heard every excuse in the book as to why they are on my land. I believe doing some homework before going out hunting will be beneficial to everyone and will make better relations between hunter and landowner.

Thank you.

Respectfully submitted:

Scott Heit  
19103 97<sup>th</sup> St NE  
Glenburn, ND

original

Weston > Berg  
Michael

for bill

SB 2225  
2/3/17  
Alec #22  
pg 1

SB 2225 - Hunting private land to require permission  
By Weston and Michael Berg of Hazen, ND 701-870-0956

Our family farms in Oliver and Mercer counties, 50 miles northwest of Bismarck. Since we have been farming, many hunters have enjoyed hunting on our land. We need a law that requires permission to hunt. Our farm has 22 miles of perimeter requiring 32 signs to be legally posted.

- 1- Our land is private property. We take care of it, pick rocks, fix washouts, seed grass, build roads, install culverts, control weeds, fight beavers, build and maintain fences, pay taxes, and many other duties. Why can uninvited guests go on our land without permission? And drive across our land. Would it be fair for us to go to town and camp out in private back yards and front yards with dogs and guns and drive across the lawns and park our pickups?
- 2- We want to know who is on our land. With cell phones and plat books, it is minimum inconvenience for hunters to ask permission. It is a far less burden for hunters to ask permission than it is for us to post land. Posting takes time away from work, wear and tear on vehicles, and cost of fuel and posting.
- 3- Our family enjoys hunting. On our land, we want to have a say in who hunts, when and where they hunt, and the number of hunters. Some hunters are friends, return to hunt year after year, help us and hunt with us. Under the present law, we and our friends lose our right to hunt on our own land when others hunt without permission. We have gone deer hunting only to find our land was already hunted before we got there. We need to babysit to be able to hunt on our own land, have someone sit on the land so it doesn't get hunted before we get there, or until we get back.
- 4- We want to be able to warn hunters of dangers and areas to avoid. Some of our land is rough, with steep hills and hill slides, or deep snow. Vehicles can get stuck or overturn. We've had calls from stuck hunters requiring us to drive our tractor several miles through deep snow to pull them out. It would be better to have the conversation before they get into trouble.

original

Weston & Berg



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pg 2

- 5- Noxious weeds are a serious and expensive problem. Hunters travel from farm to farm and travel trails and section lines infested with Leafy Spurge, Canada Thistle, Wormwood and other weeds, and drag those weed seeds onto our land that have attached to boots, clothing and vehicles.
- 6- We've lost hundreds of acres of pasture to fire and miles of fence, our neighbor reporting hunters in that area with a bad muffler.
- 7- Posting land is not effective. Signs are blown down or taken down and we have to replace signs during season. Signs are ignored by hunters. We have been told our land is not legally posted, or that they did not see the signs. Strangers hunt on our land whether posted or not.
- 8- As to landowners who want hunters to hunt without permission and who do not want to be bothered by hunters asking permission, NDGF should have a place on their website where landowners can give permission to hunt on their land along with the land description. NDGF would maintain the list of land descriptions open to hunting.

Westin J Berg 2-3-17

Michael Berg

Scott Bachmeier's  
Testimony on SB 2225  
Feb. 3, 2017

For 2,

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AH #23  
p81

I am a cow-calf producer in western North Dakota and also an avid hunter. I support both the promotion of our hunting heritage and the protection of private property rights. Sometimes, these two topics are seen as two things that don't work together. That is too bad. As a landowner, I enjoy those instances when folks come up to me and ask if I know where a good place is to take some game. As a private property owner, I want to ensure that they are going into an area that will give them the best chance at harvesting the game they are after. Also as a private property owner, I want to ensure that there is enough area for them to safely hunt.

A good amount of federal land borders my ranch. In 2016, during the deer hunting rifle season, as many as 12 hunters in six different groups were hunting an area just over 420 acres in size. Hunting in the rough country of the badlands, some did not see the others that were sitting or walking the next draw or canyon over the ridge. I witnessed a handful of arguments between these rifle hunters as one group pushed game away from others. Although permission does not need to be given to hunt federal property, I bet some of them would have loved to know how many hunters were in that area to save them a couple hours of driving and hiking. Having private property posted would take this issue away on ag lands.

Not all hunters who ask for access will be granted permission. That is just common sense. But I feel that if more hunters would come up to the door and ask, and make that initial contact with the landowner, more doors and gates would open. It probably isn't necessary, but during the hunting months (Sept. – Dec.), I take out extra insurance coverage on my land and livestock. Fire danger is usually high in western North Dakota at this time of year. It would be nice to have some idea and a little control over who and how many are traveling through my private property. Safety is a concern of mine in this area. If something were to happen, the rancher is the only one who can get services back to them in a timely fashion.

I support property taxes and don't have a problem paying them, but it would be nice to have more say over what happens on my property.

original



oppose

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Atch #24

pg 1

I want to let you know of my strong opposition to SB2225. This bill does almost nothing to control trespass, and has other negative side effects. My brother has a farm in Minnesota that he also tries to manage for deer and pheasants, and is successful in growing their numbers. My brother's farm is considered posted by Minnesota law, in addition he puts up a good number of no trespass/no hunting signs all around his farm. My brother has a terrible time trying to keep trespassers off of his land. He says these precautions [the law and signs] only work on those who respect the law, not those who disregard the law.

In addition I enjoy goose hunting, which I do on plowed stubble fields that are rarely posted.

For me to locate and seek permission on these fields in the evening would be a very difficult task with today's enormous farms with widespread owners. Also, a farm I hunt often consists of 7,000 acres which the owner doesn't post as he doesn't care if people hunt, and he actually wants goose hunters. This owner also doesn't post his land as he doesn't want a lot of strangers in his yard, or phone calls all evening from hunters.

SB2225 is maybe a nice thought, but in reality is ineffective and impracticle creating hardships on the honest citizen, and has no effect on the dishonest citizen. For these reasons I ask that you oppose this bill. Thank you for your time and consideration.

Greg Hansen  
1533 Sundance Square  
Fargo, N.D. 58104

original

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Attch #25  
- pg 1

February 1<sup>st</sup>, 2017

North Dakota Senate Energy and Natural Resources Committee

Fort Lincoln Room, State Capitol

Bismarck, ND 58505

RE: Support SB 2225

My name is Sarah Lovas and I am a farmer and an agronomist from Hillsboro, ND. I'm writing this letter to ask you to support SB 2225. I have enjoyed our North Dakota tradition of having un-posted lands. However, in the wake of the NoDAPL protests, North Dakota is forever changed by violent protesters terrorizing private landowners, and now it's time to change our land posting laws.

You might wonder why someone from Hillsboro (which is nowhere near Cannon Ball) is so supportive of changing our current posting laws. The NoDAPL protests could have happened anywhere in North Dakota. As a matter of fact, on October 12<sup>th</sup>, 2016 the Grand Forks Herald reported that protesters were arrested near Walhalla, ND attempting to shut off a pipeline in that area. If anything, Walhalla is even further away from Cannon Ball compared to Hillsboro. I find these facts very concerning, especially since I have a pipeline going through two of my own fields. Further, the way our current posting laws exist, it's easy for someone to violate a posted sign by simply taking the posted sign down and saying the sign never existed.

There are also other benefits that would come from changing our posting laws including improving safety. Right now, I don't know who is hunting, or when or where hunters are hunting on my land. If SB 2225 is passed, I would know how many hunters were hunting at one time and be able to grant access. This could help control the number of hunters hunting a piece of land at one time. Further, I would know when and where there are hunters on my land, which would be helpful when I'm out working my land.

In closing, I ask that you support SB 2225.

Sincerely,

Sarah Lovas

607 5<sup>th</sup> Ave SE

Hillsboro, ND 58045

701-866-1704



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2-17-17  
AH 41  
psl

Sixty-fifth  
Legislative Assembly  
of North Dakota

SENATE BILL NO. 2225

Introduced by

Senators Schaible, Bowman, Erbele

Representatives Boehning, Rohr, Schmidt

1 A BILL ~~for an Act to amend and reenact sections 12.1-22-03, 20.1-01-18, 20.1-01-19, and~~  
2 ~~20.1-01-20 of the North Dakota Century Code, relating to criminal trespass and hunting on~~  
3 ~~private land; and to repeal section 20.1-01-17 of the North Dakota Century Code, relating to the~~  
4 ~~posting of lands.~~ for and Act to to create and enact a new section to chapter 20.1-01 of the North  
5 Dakota Century Code, relating to the creation of a posted land register; to provide a report to  
6 the legislative management; and to provide an expiration date.

7 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

8 ~~SECTION 1. AMENDMENT. Section 12.1-22-03 of the North Dakota Century Code is~~  
9 ~~amended and reenacted as follows:~~

10 ~~12.1-22-03. Criminal trespass.~~

11 ~~1. An individual is guilty of a class C felony if, knowing that that individual is not licensed~~  
12 ~~or privileged to do so, the individual enters or remains in a dwelling or in highly~~  
13 ~~secured premises.~~

14 ~~2. An individual is guilty of a class A misdemeanor if, knowing that that the individual is~~  
15 ~~not licensed or privileged to do so, the individual:~~

16 ~~a. Enters or remains in or on any building, occupied structure, or storage structure,~~  
17 ~~or separately secured or occupied portion thereof; or~~

18 ~~b. Enters or remains in any the place so enclosed as manifestly to exclude~~  
19 ~~intruders that the individual is not licensed or privileged to be.~~

20 ~~3. An individual is guilty of a class B misdemeanor if, knowing that that individual is not~~  
21 ~~licensed or privileged to do so, the individual enters or remains in any place as to~~  
22 ~~which notice against trespass is given by actual communication to the actor by the~~  
23 ~~individual in charge of the premises or other authorized individual or by posting in a~~  
24 ~~manner reasonably likely to come to the attention of intruders. The name of the person~~

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Sixty-fifth  
Legislative Assembly

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~~posting the premises must appear on each sign in legible characters. An individual who violates this subsection is guilty of a class A misdemeanor for the second or subsequent offense within a two year period.~~

~~4. An individual is guilty of a class B misdemeanor if that individual remains upon the property of another after being requested to leave the property by a duly authorized individual. An individual who violates this subsection is guilty of a class A misdemeanor for the second or subsequent offense within a two year period.~~

~~5.4. This section does not apply to a peace officer in the course of discharging the peace officer's official duties.~~

~~**SECTION 2. AMENDMENT.** Section 20.1-01-18 of the North Dakota Century Code is amended and reenacted as follows:~~

~~**20.1-01-18. Hunting on posted land and trapping on private land without permission unlawful - Penalty.**~~

~~No personAn individual may not hunt or pursue game, or enter for those purposes, upon legally posted land belonging to another without first obtaining the permission of the person legally entitled to grant the same. No personAn individual may not enter upon privately owned land for the purpose of trapping protected fur bearing animals without first gaining the written permission of the owner or operator of that land. A personAn individual who violates this section is guilty of a class B misdemeanor for the first offense and a class A misdemeanor for a subsequent offense within a two year period.~~

~~**SECTION 3. AMENDMENT.** Section 20.1-01-19 of the North Dakota Century Code is amended and reenacted as follows:~~

~~**20.1-01-19. When postedprivate land may be entered.**~~

~~Any personAn individual may enter upon legally postedprivate land to recover game shot or killed on land where the personindividual had a lawful right to hunt.~~

~~**SECTION 4. AMENDMENT.** Section 20.1-01-20 of the North Dakota Century Code is amended and reenacted as follows:~~

~~**20.1-01-20. Entering postedprivate land with gun or firearm prima facie evidence of intent to hunt game.**~~

~~Proof that a personan individual having a firearm, or other weapon declared legal by governor's proclamation, in the person'sindividual's possession entered upon the legally~~



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1 ~~posted private premises of another without permission of the owner or tenant is prima facie~~  
2 ~~evidence the person individual entered to hunt or pursue game.~~

3 ~~SECTION 5. REPEAL. Section 20.1-01-17 of the North Dakota Century Code is repealed.~~

4 SECTION 1. A new section to chapter 20.1-01 of the North Dakota Century Code is created  
5 and enacted as follows:

6 **Posted land register - Report.**

7 1. Notwithstanding section 20.1-01-17, the department, in cooperation with the  
8 information technology department, shall develop and implement an electronic register  
9 and digital application of all posted land in up to five counties selected by the governor  
10 by January 15, 2019. A county selected by the governor for participation in the  
11 electronic register may not be included in the register unless the board of county  
12 commissioners of the county approves of the county's participation within thirty days of  
13 notification by the governor of the selection.

14 2. The electronic register must:

- 15 a. Designate land open for hunting;
- 16 b. Designate land closed to hunting, with no trespassing; and
- 17 c. Allow landowners to provide contact information to prospective hunters.

18 3. If land located in a selected county is not designated in the electronic register as open  
19 for hunting, the land is considered closed to hunting without permission from the  
20 landowner.

21 4. The department shall provide a report to the legislative management during the  
22 2019-20 interim regarding the progress of the electronic register.

23 **SECTION 2. EXPIRATION DATE.** This Act is effective through July 31, 2021, and after that  
24 date is ineffective.

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PROPOSED AMENDMENTS TO SENATE BILL NO. 2225

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for and Act to to create and enact a new section to chapter 20.1-01 of the North Dakota Century Code, relating to the creation of a posted land register; to provide a report to the legislative management; and to provide an expiration date.

**BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

**SECTION 1.** A new section to chapter 20.1-01 of the North Dakota Century Code is created and enacted as follows:

**Posted land register - Report.**

1. Notwithstanding section 20.1-01-17, the department, in cooperation with the information technology department, shall develop and implement an electronic register and digital application of all posted land in up to five counties selected by the governor by January 15, 2019. A county selected by the governor for participation in the electronic register may not be included in the register unless the board of county commissioners of the county approves of the county's participation within thirty days of notification by the governor of the selection.
2. The electronic register must:
  - a. Designate land open for hunting;
  - b. Designate land closed to hunting, with no trespassing; and
  - c. Allow landowners to provide contact information to prospective hunters.
3. If land located in a selected county is not designated in the electronic register as open for hunting, the land is considered closed to hunting without permission from the landowner.
4. The department shall provide a report to the legislative management during the 2019-20 interim regarding the progress of the electronic register.

**SECTION 2. EXPIRATION DATE.** This Act is effective through July 31, 2021, and after that date is ineffective."

Renumber accordingly