

**2021 SENATE ENERGY AND NATURAL RESOURCES**

**SB 2144**

# 2021 SENATE STANDING COMMITTEE MINUTES

## Senate Energy and Natural Resources Committee Peace Garden Room, State Capitol

SB 2144  
1/14/2021  
Standing Committee

A BILL for an Act to amend and reenact sections 12.1-22-03 and 20.1-01-17 of the North Dakota Century Code, relating to criminal trespass and electronic posting; and to provide a penalty.

**Chairman Kreun** called the meeting to order (9:11)  
Senators Piepkorn, Patten, J. Roers, Bell, Schaible, and Kreun were all present.

### Discussion Topics:

- Electronic posting of land in regards to hunting
- Utilization of the application for posting purposes
- Results of previous deliberations
- Penalties for trespassing

**Senator Erbele**, District 28, introduced the bill and testified in favor (8:32)

**Claire Ness**- Legislative Counsel testified neutral (8:40)

**Brian Hosak**- ND Game and Fish testified in favor (8:47)

**Rep. Gretchen Dobervich**, District 11, testified in favor (9:06)

**Ryan Younggren**- Asst. Cass Co. State's Atty, testified in favor #708 (9:18)

**Brian Schanilec**, Natural Resources Committee Interim Study Voting Member, testified in favor #720 and #721 (9:31)

**John Liannen**, testified in favor (9:45)

**Terry Steinwand**, ND Game and Fish, testified in favor #786 (9:49)

**John Bradley**, ND Wildlife Federation testified in opposition #830 (9:51)

**Julie Ellingson**, ND Stockman's Assoc, testified in favor #805 (9:58)

**Bill Helphrey**, ND Bow Hunters Association, testified in favor (10:01)

**Senator Patten** moved to DO PASS (10:34)  
**Senator Roers** seconded the motion (10:34)

Motion Passes 6-0-0  
Senator Schaible Carries

Vote for DO PASS on SB 2144	Vote
Senator Curt Kreun	Y
Senator Merrill Piepkorn	Y
Senator Dale Patten	Y
Senator Jessica Bell	Y
Senator Jim Roers	Y
Senator Donald Schaible	Y

**Additional written testimony:**

**John Weinand**, ND Grain Growers Association, testimony in favor #735

**Mark Mazaheri**, Natural Resources Committee Interim Study Voting member, testimony in favor #729 and #763

**Dave Dewald**, President ND Wildlife Federation, testimony in favor #812

**Lisa Feldner**, ND Realtors Association, testimony in favor #802

**Matt Purdue**, North Dakota Farmers Union, testimony in favor #780

**Senator Kreun**, adjourned the meeting (10:59)

*David Owen, Committee Clerk*

**REPORT OF STANDING COMMITTEE**

**SB 2144: Energy and Natural Resources Committee (Sen. Kreun, Chairman)**  
recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB  
2144 was placed on the Eleventh order on the calendar.

January 13, 2021

**RE: Support of Senate Bill No. 2144**

Greetings.

My name is Ryan Younggren and I am a prosecutor at the Cass County State's Attorney's office. I offer my support for Senate Bill No. 2144.

This bill gives the force of law to online enrollment for landowners to post their land. This will be useful to both outdoorsmen and women who can easily find information regarding land access. It also eases the burdens of landowners from maintaining signage. However, physical posting of land remains an option.

The second part of this bill addresses criminal trespass violations on fenced land. It defines a "fence" as a "permanent structure on nonurban, private property which is maintained and capable of containing livestock". There is an exception for those who are lawfully "hunting and fishing".

This again serves both landowners who maintain a fence on their land and wish to limit access and preserves the ability of sportsmen and women to hunt hunting or fishing on unposted land. Also, this bill is careful not to simply create a blanket criminal violation for incidental trespass or otherwise on urban property such as walking one's dog or a neighbor who finds a ball in their yard or other publicly accessible areas for deliveries or law enforcement purposes.

The third part of this bill clarifies a citation option which gives flexibility to law enforcement and landowners who desire a consequence but not a criminal conviction. This may be useful for first-time offenders or less egregious offenses for which the only penalty is a fine.

I respectfully ask you for your support of SB No. 2144.

Sincerely,

A handwritten signature in black ink, appearing to be 'R. Younggren', written over a horizontal line.

Ryan J. Younggren  
Assistant Cass County State's Attorney

Senate Energy & Natural Resources Committee:

I was a voting member on the Senate Natural Resources Interim Study Committee studying electronic posting throughout 2019-2020. I will be testifying in person on Thursday morning, 1/14/2021. Here are my submitted statements. I worked very closely with Senator Erbele on Bills SB2036, SB2038 and SB2144.

Brian Schanilec

**SB2144**

**Senate Energy & Natural Resources Committee**

Presentation by Dave Dewald and Brian Schanilec

1. SB 2144

- a. Senate Natural Resource Committee Member
  - i. Two-year study
    - 1. Extensive study on electronic posting
    - 2. Hunter and angler access
    - 3. Landowner rights
    - 4. Criminal trespass
    - 5. Collaborative success as a good
- b. Pilot project in 3 counties
  - i. Hosted Game & Fish
  - ii. Participation
  - iii. Ease of project
  - iv. Very good support from Game & Fish
  - v. Simple to use
- c. Hunter & Angler Access
  - i. Same land available – people who don't post
  - ii. No action not posted
  - iii. Land has to be posted to deny hunting and angling
  - iv. Land can be posted by physical sign or electronic
  - v. Plot maps, apps and internet can be used
  - vi. Preplanning access can be easy
- d. Landowner rights
  - i. Complaint is cost and time of posting
  - ii. Ease of posting
  - iii. Fenced in properties is posted excluding lawful hunting and angling
  - iv. Enforceable

- e. Criminal trespass
  - i. Fenced in property is posted
  - ii. Endorsed by states attorney who had input on SB2144
  - iii. Good definitions
  - iv. Help prosecute DAPL type situations
  
- f. Collaborative success
  - i. Win win situation
  - ii. Lawful hunters and anglers keep access
  - iii. Ease of electronic posting
  - iv. Time and money spent on posting
  - v. Landowner rights broadened substantially
  - vi. Technology improved to accommodate the times
  - vii. Opportunity to put a trespass bill behind the legislative process and use the legislative resources toward the important needs during these challenging times.





Senate Energy and Natural Resources Committee  
Testimony on SB 2144

North Dakota Game and Fish Department  
Terry Steinwand, Director  
January 14, 2021

Chairman Kreun and members of the Senate Energy and Natural Resources Committee, my name is Terry Steinwand and I'm Director of the North Dakota Game and Fish Department. I'm here today to testify in support of SB 2144.

This bill addresses both criminal trespass and hunting trespass, both of which have been contentious issues over the years. I'm only going to address those portions of the bill that relate to hunters, anglers, and trappers today. This bill is similar to SB 2037 but defines 'fence' and excludes licensed hunters and anglers so long as they are lawfully hunting or fishing, which is important to the sporting community. The issue of hunting trespass is, and has been, extremely important to hunters and anglers and we believe the option of electronically posting land for hunting trespass is a very good example of a collaborative solution. Each time a bill on hunting trespass was filed in past sessions, landowners stated on issue of concern was the time and expense of placing signs around their property and sportsmen/women stated they just wanted to know who to contact. This bill addresses both sets of questions.

Gratitude has to go to Senator Erbele for leading the Interim Natural Resources Committee and working with the agriculture and sporting community to craft this bill. It may create a little confusion initially since I have received several calls over the last two weeks from landowners asking if this were the only way they could post their land in the future. I have informed them that physical posting is still allowed but electronic posting provides another option for landowners.

Rather than reiterate talking points that Brian Hosek mentioned in the testimony he provided in the Department's support of SB 2038, I will simply say they are also valid for what the hunting trespass portion of SB 2144 will or does accomplish.

For the above reasons, the North Dakota Game and Fish Department supports the passage of SB 2144 and recommends a DO PASS vote.



## NORTH DAKOTA WILDLIFE FEDERATION

### **TESTIMONY OF JOHN BRADLEY NORTH DAKOTA WILDLIFE FEDERATION SENATE BILL 2144 SENATE ENERGY AND NATURAL RESOURCES COMMITTEE JANUARY 14, 2021**

Chairman Kreun, members of the Energy and Natural Resources Committee:

For the record, I am John Bradley, Executive Director of the North Dakota Wildlife Federation. I am here today representing our 1,500 members in 15 affiliated wildlife and sportsmen's club across North Dakota. While I do not speak for the 100,000 plus hunters, that took to the field this past year, I would say our views are representative of many of them. I would also note that our membership is made up of landowners, trappers, anglers, hikers, birders, wildlife photographers, and other recreationists.

NDWF recognizes the hard work and discussions that have gone into the suite of bills in front of you this morning. We applaud the work of the Interim Access Committee on their work on e-posting. NDWF supports trying to find a solution to the historic fighting over the posting/trespass issue that has gone on in past legislative sessions and we were active participants in the interim process. We support the concept of electronic posting and reducing both the cost and workload for landowners to annually post their land. Our members want better landowner-hunter relations, and we believe e-posting along with the continuation of physical signs are good steps to achieving that goal. We have also heard from landowners who are happy that they do not have to participate with electronic posting if this bill passes. They want to leave their land unposted and do not have to participate in either physical or electronic posting. Under SB 2144 they get exactly that.

The other key components that we support in SB 2144 are the landowner or operator's name being required on the physical sign. The second component is the exemption for hunters and anglers on fenced land and the definition for fenced land that was developed among the various groups. SB2144 provides added protection for criminal trespass for landowners/operators for fenced land. And while I don't think anyone actually thinks passing a is going to make dishonest people all of a sudden honest. Hopefully, this bill will help the county attorney's ability to prosecute criminal trespass cases.

We encourage this committee to also pass SB 2036 to continue to study and address other access issues facing the state and to troubleshoot any issues regarding e-posting. Having a dedicated committee to sit down with a variety of interests has proven a successful way of moving this issue towards a resolution.

I will stand for any questions that the committee may have. Thank you.

**North Dakota Stockmen's Association**  
**Testimony to the Senate Energy and**  
**Natural Resources Committee on SB 2144**  
**Jan. 14, 2021**

Good morning, Chairman Kreun and members of the Senate Energy and Natural Resources Committee. For the record, my name is Julie Ellingson and I represent the North Dakota Stockmen's Association, a 91-year-old beef cattle trade organization representing approximately 3,000 North Dakota cattle-ranching families.

We support SB 2144 as a step in the right direction to ease landowners' posting burdens.

If you have any questions, feel free to contact me at (701) 223-2522 or [jellingson@ndstockmen.org](mailto:jellingson@ndstockmen.org).



Testimony ID#735

**North Dakota Grain Growers Association  
Senate Energy and Natural Resources  
Committee  
Testimony in Support of SB 2144  
January 14, 2021**

Chairman Kreun, members of the Senate Energy and Natural Resources Committee, for the record my name is John Weinand; I am a farmer and a landowner from Hazen, North Dakota. I am Past President of the North Dakota Grain Growers Association and I was a citizen member of the Interim Natural Resources Committee. Today I am here to represent myself and the North Dakota Grain Growers Association in support of SB 2144.

I was proud to be asked to participate in the Interim Natural Resources Committee during the 2019-2020 Interim. Landowner rights is a very important issue to me and to my family. I am an avid hunter as well, tackling mountain lions among other species in our state. I was pleased with the legislation, for the most part, that our Committee has forwarded for the 2021 Legislature's consideration. Committee members did not always agree but it is the debate that ultimately provides for legislation for your consideration.

Landowner rights is a top priority for both myself and the North Dakota Grain Growers Association. We continue to maintain that the most equitable solution to property rights in North Dakota is to have the state maintain all land closed to trespassing unless otherwise designated. However, we also feel that SB 2144 represents progress in the landowner rights issues.

Specifically, we support the following concepts contained in the bill:

- Support of using a fence to define property for the purposes of trespass.
- Allowing law enforcement, the flexibility in determining trespass and the limitations in NDCC 12.1-22-03 subsection 4 regarding the penalties for trespass.

*"You Raise; We Represent"*

Phone: 701-282-9361 | Fax: 701-404-5187 | 1002 Main Ave W. #3 West Fargo, N.D. 58078

- Allowing landowners, the flexibility to express their desires for their property either in a physical or electronic manner.

With the preceding included in SB 2144 both myself and the North Dakota Grain Growers Association would urge the Senate Energy and Natural Resources Committee give the legislation a do pass recommendation and would urge the Senate to concur.

Good morning Mr. Chairman and members of the Senate Energy and Natural Resources Committee,

As work and family commitments prevent me from testifying in person or via Zoom, please accept these comments as my support for SB 2144. I will ask Brian Schanilec, a member of the Interim Committee, to read my comments at tomorrow's hearing.

SB 2144 represents the collaborative efforts by all members of the Senator Erbele's interim committee to find a solution to trespassing issues, while protecting hunting and fishing. As one of the 79 participants in the electronic posting trial, I have a unique perspective.

Posting electronically was simple, fast, and effective. The information was easily accessible to the public and I received two requests to hunt from people who found my information in the electronic database. They were both grateful that I chose provide contact information, despite being denied permission because I had other hunters on the property.

SB 2144 gives landowners & controlling tenants the ability to post either electronically or physically. Electronic posting addresses the single biggest concern that we've heard during past debates: Posting can take a lot of time. It also addresses another concern: cost of signage. Now land can be posted in a few minutes at no cost.

SB 2144 provides additional protection to landowners by only allowing lawful hunting and fishing on unposted lands. All other activities require permission. If permission isn't granted, any entry or occupation would be illegal with a clear penalty. This stipulation addresses concerns about unauthorized entry that were brought to the forefront by the DAPL protest.

Senator Erbele and members of the Interim Committee worked diligently and succeeded in finding common ground in a debate that has been going on for years. Their efforts are to be commended. We finally have a solution.

Please support SB 2144 with a DO PASS recommendation. As such, I also respectfully request a DO NOT PASS for SB 2036, SB 2037, SB 2038.

Your consideration is appreciated, as is your service to the people of North Dakota.

Mark A. Mazaheri  
2709 N. 10<sup>th</sup> St  
Fargo  
701-799-2525

heatherh@invisimax.com

**From:** brians@invisimax.com  
**Sent:** Wednesday, January 13, 2021 12:53 PM  
**To:** 'Heather Deziel'  
**Subject:** FW: Electronic posting

**From:** Mark Mazaheri <absoluteservice@cableone.net>  
**Sent:** Wednesday, January 13, 2021 12:52 PM  
**To:** Mark Mazaheri <absoluteservice@cableone.net>  
**Subject:** RE: Electronic posting

CORRECTION. IT'S 2144, NOT 2044. Sorry for the confusion.

**From:** Mark Mazaheri [mailto:absoluteservice@cableone.net]  
**Sent:** Wednesday, January 13, 2021 12:42 PM  
**Subject:** FW: Electronic posting

Please note that SB 2036 and SB 2038 also need our support as part of this plan. Ask the committee members to give 2036, 2038, 2144 a DO PASS recommendation. Ask the committee members to give SB 2037 a DO NOT PASS.

**From:** Mark Mazaheri [mailto:absoluteservice@cableone.net]  
**Sent:** Wednesday, January 13, 2021 10:45 AM  
**Subject:** Electronic posting

Good morning,

Tomorrow the Senate Energy and Natural Resources committee will hear four bill relating to a Trespass law and Electronic posting. A full list of outdoors-related bills can be found here [Outdoor Legislation | North Dakota Game and Fish](#)

SB 2144 is the preferred bill of the Interim Committee. It allows for either electronic or physical posting of land. Land that is not posted would still be open to hunting and fishing. It is a very good bill resulting from a collaborative effort by all members of the Interim Committee, chaired by Senator Erbele. All four bills will be heard in committee on Thursday, January 14. Please take a moment to review them and email your support for 2144 to members of the Senate committee. Their contact information is below.

<a href="#">SB 2036</a>	Active	01/14/2021 - 08:30AM	Legislative management shall continue to study the electronic land access
<a href="#">SB 2037</a>	Active	01/14/2021 - 09:00AM	Amends a section of century code relating to criminal trespass and electronic enclosed fence; and the name of a person would not have to appear on electronic
<a href="#">SB 2038</a>	Active	01/14/2021 - 08:30AM	Allows the option to designate the land as posted or closed to hunting in a
<a href="#">SB 2144</a>	Active	01/14/2021 - 09:00AM	Amends a section of century code relating to criminal trespass and electronic enclosed fence unless the individual is a licensed hunter or angler who is hunting in an online database or other electronic application.

Energy and Natural Resources | North Dakota Legislative Branch

Curt Kreun, Chair [ckreun@nd.gov](mailto:ckreun@nd.gov)  
Jim Roers, Vice Chair [jroers@nd.gov](mailto:jroers@nd.gov)  
Jessica Bell, [jessicabell@nd.gov](mailto:jessicabell@nd.gov)  
Merrill Piepkorn [mpiepkorn@nd.gov](mailto:mpiepkorn@nd.gov)  
Dale Patten [dpatten@nd.gov](mailto:dpatten@nd.gov)  
Don Schaible [dgschaible@nd.gov](mailto:dgschaible@nd.gov)

If you wish to provide testimony in person, via Zoom, here are the instructions:

This link is to a comprehensive 21 minute video which will explain to anyone interested how to submit online testimony. Please remind them that they must sign up at least 1 hour in advance, although additional time is preferable. When the people submit testimony, feel free to reach out and I will be able to confirm that we have received it.

Written and Oral Testimony Submission | North Dakota Legislative Branch

Thank you for your time and effort in helping preserve our outdoor heritage. Please feel free to forward this information to others who may be interested.

Mark Mazaheri  
2709 N. 10<sup>th</sup> St.  
Fargo



**SB2144** – This bill does not add a new level of no-trespass for hunters and anglers. It provides landowners the protection from criminal trespass for fenced land. In the past, signs have been removed by protesters making it difficult for county States Attorneys to prosecute trespass violators. This change in law helps protect those landowner rights. However, with the ~~an~~ **exemption for hunting or angling**, the fenced land still needs to be physically posted for hunting following current state law or electronically posted.

Electronic posting would become an **option** for landowners/operators to post their land. Either a physical sign or electronic posting will be available. If they want to use both methods they may do so.

The pilot showed that electronic posting works for landowners and eliminates the cost and time for posting. Making fenced land automatically posted for criminal trespass provides added protection for landowners. The hunting and angling exemption does not increase the level of no-trespass for sportsmen.

The pilot showed that electronic posting works for hunters allowing access to electronically post land via smartphone, Garmin type electronics, or downloadable/printable maps. Hunters and anglers will need to make sure they are not hunting on electronically posted land either by using their smartphone or other devices as they look for places to hunt or by downloading and printing a map for the NDGF web site. Many of today's hunters are watching their Garmin or smartphone as they drive around looking for a place to hunt. They will instantaneously know if a parcel is electronically posted. If not electronically posted they will still need to look for signs as they do now. Hunters will need to plan ahead to make sure they have downloaded the map to their phone or other device if they don't have service. Or they can print out a map of the area they plan on hunting. This is an inconvenience but one I believe today's hunters and anglers can easily overcome.

SB2144 is a better alternative than a no-trespass law in ND. Landowners/operators, that don't want to post and make their land available to hunting or fishing, do not have to do anything if SB2144 passes. Business as usual.

SB2144 provides added protection for criminal trespass for landowners/operators for fenced land. Since landowners groups have always said **no-trespass legislation is not about hunting it is about private landowner rights, this** bill follows those guidelines by allowing for an exemption for hunting and angling on fenced land. **David Dewald, President of North Dakota Wildlife Federation**



Testimony ID#802

North Dakota Association of REALTORS®

To advocate for the success of our members in partnership with our local Associations and the National Association of REALTORS®

Testimony in support of SB 2144.

The North Dakota Association of Realtors supports the rights of private property owners, and therefore, supports the passage of SB 2144.

Respectfully,

Jill Beck  
Chief Executive Officer

Lisa Feldner  
NDAR Lobbyist



Contact:  
**Matt Perdue, Lobbyist**  
[mperdue@ndfu.org](mailto:mperdue@ndfu.org) | 701.641.3303

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**Testimony of  
Matt Perdue  
North Dakota Farmers Union  
Before the  
Senate Energy and Natural Resources Committee  
January 14, 2021**

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Mr. Chairman and members of the committee,

Thank you for the opportunity to testify on Senate Bill No. 2144. My name is Matt Perdue, and I am here on behalf of North Dakota Farmers Union's (NDFU) members.

NDFU supports SB 2144, because it strengthens property owners' rights. We also support establishing an electronic posting system, which provides a convenient and accessible platform for those who own the land and those wishing to access it.

Family farmers and ranchers care deeply for the land and our state's natural resources. For generations, their stewardship has improved the productivity of farmland and rangeland across North Dakota. Those same efforts contribute to strong wildlife habitat and protect our state's natural beauty, attracting hunters and recreationalists to the more than 93 percent of North Dakota's land held in private ownership.

NDFU believes farmers' and ranchers' stewardship should be rewarded with basic protections and property rights. SB 2144 is a step in the right direction. It strengthens protections on pastures and other fenced land.

Electronic posting is also a positive step forward. The online database gives landowners a more convenient avenue for posting their land. It also gives hunters the opportunity to plan ahead, identify land that is posted and not posted, and make arrangements with landowners.

Ultimately, NDFU's Policy & Action states "all private land should be considered 'POSTED.'" This position is not driven by a desire to close all private land to hunters. It would simply ensure that landowners know who is on their land and when. While SB 2144 still leaves the burden on landowners to post their land, we appreciate the work of all sides to arrive at a compromise.

We urge a do pass on SB 2144.

Thank you for your time. I will stand for questions.



**2021 HOUSE ENERGY AND NATURAL RESOURCES**

**SB 2144**

# 2021 HOUSE STANDING COMMITTEE MINUTES

## Energy and Natural Resources Committee

Coteau AB Room, State Capitol

**SB 2144** (and SB 2036 heard concurrently)

3/11/2021

Relating to criminal trespass and electronic posting and to provide a penalty
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### 9:00 AM

Vice Chair Damschen opened the hearing. Present: Representatives Porter, Damschen, Anderson, Roers Jones, Bosch, Devlin, Heinert, Keiser, Lefor, Marschall, M Ruby, Zubke, Guggisberg, and Ista.

### Discussion Topics:

- Electronic posting
- Electronic penalties equal to physical posting
- Non-voting advisory committee
- Criminal section of Code
- Landowners / hunting
- Property rights Sec B Line 15
- Fenced land maintained
- Electronic posting app demo/release
- GIS map updates
- Electronic access
- Landowner protection
- ARC GIS

### Testimony:

Oral Sen Erbele, District 28  
#8738 Rep Gretchen Dobervitsch, District 11  
#8701, #8702 Brian Hosek, ND G&F  
#8796 Ryan Younggren, Cass County States Attorney  
#8709 David Dewald, president, ND Wildlife Federation  
Oral Joel Shetler, interim Natural Resource Committee member  
#8725 John Weinand, Mercer and Oliver County farmer  
#8589 John Bradley, executive director, ND Wildlife Federation  
Oral Julie Ellingson, ND Stockman's Association  
Oral Pete Hanebutt, ND Farm Bureau  
#8638 Terry Steinwand, ND G&F

### Additional written testimony:

#8243 Brian Schanilec  
#8374 Philip Murphy, NDSGA  
#8563 Mark Mazaheri  
#8696 Lisa Feldner

**10:20 am** hearing closed.

*Kathleen Davis, Committee Clerk*

## Senate Human Services Committee

### Testimony of Representative Gretchen Dobervich D11

#### Senate Bill 2036

A BILL for an Act to provide for a legislative management study regarding access to lands and electronic posting.

#### Senate Bill 2144

A BILL for an Act to amend and reenact sections 12.1-22-03 and 20.1-01-17 of the North Dakota Century Code, relating to criminal trespass and electronic posting; and to provide a penalty.

Good Morning Chairman Porter and Members of the House Energy and Natural Resources Committee. For the record my name is Representative Gretchen Dobervich and I represent District 11 in Fargo.

I stand before you today in support of Senate Bill 2036 and 2144 filed by the Interim Energy and Natural Resources Committee, of which I was a member.

In the 2019 Legislative Session, the House Agriculture Committee, which I was privileged to serve on, worked tirelessly to develop a bill that met the wishes of landowners and outdoors enthusiasts in an effort to address trespassing, while not stifling opportunities to enjoy all the North Dakota outdoors has to offer. Citizens and special interest groups representing various perspectives on the issues surrounding the issue provided passionate testimony, in person and in writing. The House Agriculture Committee held several hearings and formed subcommittees.

A pilot project was put in place, and one of the counties selected to participate was my home, Slope County. I grew up on a farm and ranch south of the Rainy Buttes. You can see White Butte, our State's tallest point, from the front yard. When it came time for my Dad to repost our land I asked if he would be willing to try the online posting and let me know what he thought of it as a landowner and a hunter.

His feedback was that it was easy to use, all parcels of land he was posting were easily found and loaded into the database, and after he was finished he went back into the system and everything he had posted showed up correctly. The only negative feedback he had was that after he electronically posted the first section of land it was difficult to go back and post another. However, not so much so that it was a deterrent to continue. After electronically posting he drove around and physically posted all the land.

While he had a good experience, my Dad is a focus group of one. My evaluation of his experience is clearly not rigorous enough to determine that the pilot was a success, especially since he hunts on his own land, so from a hunter's perspective it worked fantastic in his

situation. For this reason, I support the passage of Senate Bill 2036, to continue to expand the electronic posting and assess the efficacy of the program in addressing trespassing violations and assuring access to outdoor activities.

In addition to Senate Bill 2036, I also support 2144, also brought forward by the interim Energy and Natural Resources Committee based on our learnings and in collaboration with various stakeholders.

Chairman Porter and Members of the House Natural Resources Committee, I thank you for the opportunity to speak before you this morning and will stand for questions.

# ELECTRONIC POSTING

ENERGY AND NATURAL RESOURCE COMMITTEE

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# ELECTRONIC POSTING

ENERGY AND NATURAL RESOURCE COMMITTEE

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- Is it feasible to use technology to post land?
- Can a system be developed to provide landowners the ability to designate land as posted?
- Can landowners have the option to physically post, leave lands unposted or electronically post?
- Can tools be developed to assist hunters seeking access the ability to communicate with landowners or establish a point of contact?
- Do those that do not prefer to use available technologies, have options to identify electronically posted lands?



# ELECTRONIC POSTING STUDY

ENERGY AND NATURAL RESOURCE COMMITTEE

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- The study allowed for the participation of 3 counties. Ramsey, Richland and Slope counties were selected.
- ND Game and Fish and ND Information Technology worked to develop a system to meet the criteria derived from the interim committee meetings.
- The electronic posting system was completed and went live on May 15.
- The system was available to resident landowners, tenants or authorized individuals through July 15.



# ELECTRONIC POSTING STUDY

ENERGY AND NATURAL RESOURCE COMMITTEE

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- Pilot study - landowner participation
  - 79 landowners
  - 260 tracts of land
  - 38,000 acres
- Pilot study - map application usage
  - 1,597 clicked the PLOTS Guide Viewer (8/1 – 12/31)
  - 957 clicked the printable maps (8/1 – 12/31)
  - 2,090 downloads from Avenza (8/6 – 12/31)
  - 43,216 views from ArcGIS Explorer (8/6 – 12/31)



# ELECTRONIC POSTING - LANDOWNERS

ENERGY AND NATURAL RESOURCE COMMITTEE

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- Accessed from the Game and Fish Department's online licensing system.
- Those new to the online licensing system can create a new profile.
- Search county tax parcels by ownership name, parcel id or section/township/range.
- Select from the search results the lands to associate with your profile.
- Make any "posting" designations and specify any contact or alternate contact information.





# ELECTRONIC POSTING - LANDOWNERS

ENERGY AND NATURAL RESOURCE COMMITTEE

North Dakota nd.gov Official Portal for North Dakota State Government

**NORTH Dakota** | Game and Fish  
Be Legendary.™

Search

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2020 Deer Gun Lottery

Application Deadline  
June 3  
[Apply Now](#)

Seasonal Shortcuts

- COVID-19 Related Closures and Information
- Online Hunter Education Certification Available
- North Dakota Bird Checklist
- District Game Warden Testing Announcement

- ▶ Deer Season Set, Apply Online
- ▶ Land Access Pilot Study Livestream Meeting on Monday
- ▶ Paddlefish Snag and Release Season Open May



# ELECTRONIC POSTING - LANDOWNERS

ENERGY AND NATURAL RESOURCE COMMITTEE

North Dakota

nd.gov Official Portal for North Dakota State Government

NORTH Dakota

Be Legendary.™

Game and Fish

Search

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☰

### Customer Identification

First Name:

Last Name:

Date of Birth

(MMDDYYYY or MM/DD/YYYY)



**NORTH DAKOTA**  
GAME AND FISH DEPARTMENT

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# ELECTRONIC POSTING - LANDOWNERS

ENERGY AND NATURAL RESOURCE COMMITTEE

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Customer Identification

First Name:

JON

Last Name:

DOE

Date of Birth

01/01/1970

(MMDDYYYY or MM/DD/YYYY)

Search Again

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Existing customer information was not found.

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# ELECTRONIC POSTING - LANDOWNERS

ENERGY AND NATURAL RESOURCE COMMITTEE

## Watercraft

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## Land Parcels

### Associated Tax Parcels

Tax Bill Name	County	Parcel #	Sec-Twp-Rng	Legal Description	Acres	Public Access	Action
BIGHORN LAND & CATTLE COMPANY	Slope	234567890	36-134-102	E1/2 SECTION 36 134-102	320	Posted	<a href="#">Edit</a> <a href="#">Remove</a>
BIGHORN LAND & CATTLE COMPANY	Slope	23456789999	36-134-102	W1/2 SECTION 36 134-102 ALL	320	Posted	<a href="#">Edit</a> <a href="#">Remove</a>
PRONGHORN RANCH LLC	Slope	111156789	12-133-102	SW 1/4 12-133-102	160	Posted	<a href="#">Edit</a> <a href="#">Remove</a>
PRONGHORN RANCH LLC	Slope	1223456789	12-133-102	SE 1/4 12-133-102	160	Posted	<a href="#">Edit</a> <a href="#">Remove</a>
PRONGHORN RANCH LLC	Slope	111456789	25-134-102	NW 1/4 25-134-102	160	Posted	<a href="#">Edit</a> <a href="#">Remove</a>
PRONGHORN RANCH LLC	Slope	113456789	25-134-102	NE 1/4 25-134-102	160	Posted	<a href="#">Edit</a> <a href="#">Remove</a>

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# ELECTRONIC POSTING - LANDOWNERS

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**Enter Search Criteria**


County:

Select One of the Following:

Name on Tax Bill:

Parcel ID#:


Section:  Township:  Range:





**NORTH DAKOTA**  
GAME AND FISH DEPARTMENT

100 N. Bismarck Expressway, Bismarck, ND 58501-5095  
Phone: 701-328-6300  
Email: [ndgf@nd.gov](mailto:ndgf@nd.gov)

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# ELECTRONIC POSTING - LANDOWNERS

ENERGY AND NATURAL RESOURCE COMMITTEE

## Enter Search Criteria

Name on Tax Bill: pronghorn ranch llc

or Parcel ID#:

County: Slope ▼

Return

Search

## Search Results

Select all the tax parcels you own or are authorized to change the posting designation and click Continue.

<input type="checkbox"/> Select All	Name	Parcel #	Sec-Twp-Rng	Legal Description	Acres	Posting Status
<input type="checkbox"/>	PRONGHORN RANCH LLC	1111456789	12-133-102	NW 1/4 12-133-102	160	Not Posted
<input type="checkbox"/>	PRONGHORN RANCH LLC	111156789	12-133-102	SW 1/4 12-133-102	160	Not Posted
<input type="checkbox"/>	PRONGHORN RANCH LLC	1223456789	12-133-102	SE 1/4 12-133-102	160	Not Posted
<input type="checkbox"/>	PRONGHORN RANCH LLC	1233456789	12-133-102	NE 1/4 12-133-102	160	Not Posted
<input type="checkbox"/>	PRONGHORN RANCH LLC	111456789	25-134-102	NW 1/4 25-134-102	160	Not Posted
<input type="checkbox"/>	PRONGHORN RANCH LLC	113456789	25-134-102	NE 1/4 25-134-102	160	Not Posted

Continue



# ELECTRONIC POSTING - LANDOWNERS

ENERGY AND NATURAL RESOURCE COMMITTEE

## Land Parcel Status Details

Changes made will apply to 2 land parcels in Slope County

The posting status of the selected tax parcels will be changed to ☐ Not Posted ☒ Posted

Click Publish, to add additional contact information to the individual below:

Name: JOHN DOE

Phone Number: 7013286300 Publish ☐

Email: TEST@ND.GOV Publish ☐

To provide alternate contact information, enter the information below:

First Name:

Last Name:

Phone Number:

Email:

*By submitting this information, I certify that I am authorized to do so. Any unauthorized posting of land parcels is prohibited by law.*

Return

Submit






# ELECTRONIC POSTING - HUNTERS

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## 2020 Hunting Season Outlook

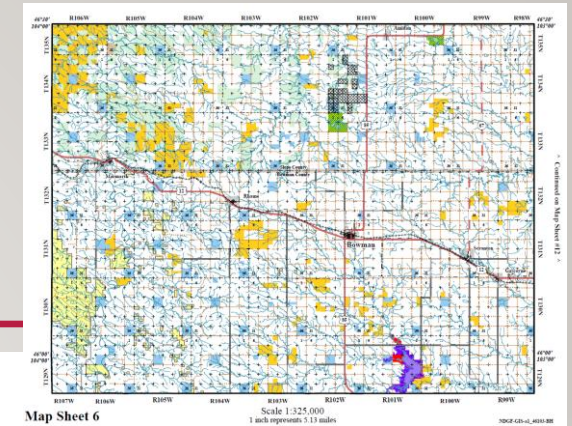
### Seasonal Shortcuts

- [Chronic Wasting Disease](#)
- [PLOTS Guide](#)
- [Where to Hunt](#)
- [Electronic Posting Pilot Study](#)



# ELECTRONIC POSTING - HUNTERS

## ENERGY AND NATURAL RESOURCE COMMITTEE



### Map Resources

The [printable map sheets](#) and map resources below will temporarily include electronically posted lands from the 2019 Interim Natural Resources study.

If using a mobile app in the field **where reception may be unavailable**, consider using a GeoSpatial PDF viewer like Avenza. With this type of app, [pdf versions of the maps](#) may be downloaded to a smartphone prior to going into the field. These maps will work with a smartphone's GPS allowing the user to locate themselves on the map.

#### PLOTS Guide Viewer



View using a browser.  
**Requires cell service to work in the field.**

View

#### Avenza-Geospatial PDF App



View using a mobile app.  
**Does not require cell service to work in the field if maps are downloaded.**

View

#### ArcGIS Explorer App



View using a mobile app.  
**Requires cell service to work in the field.**

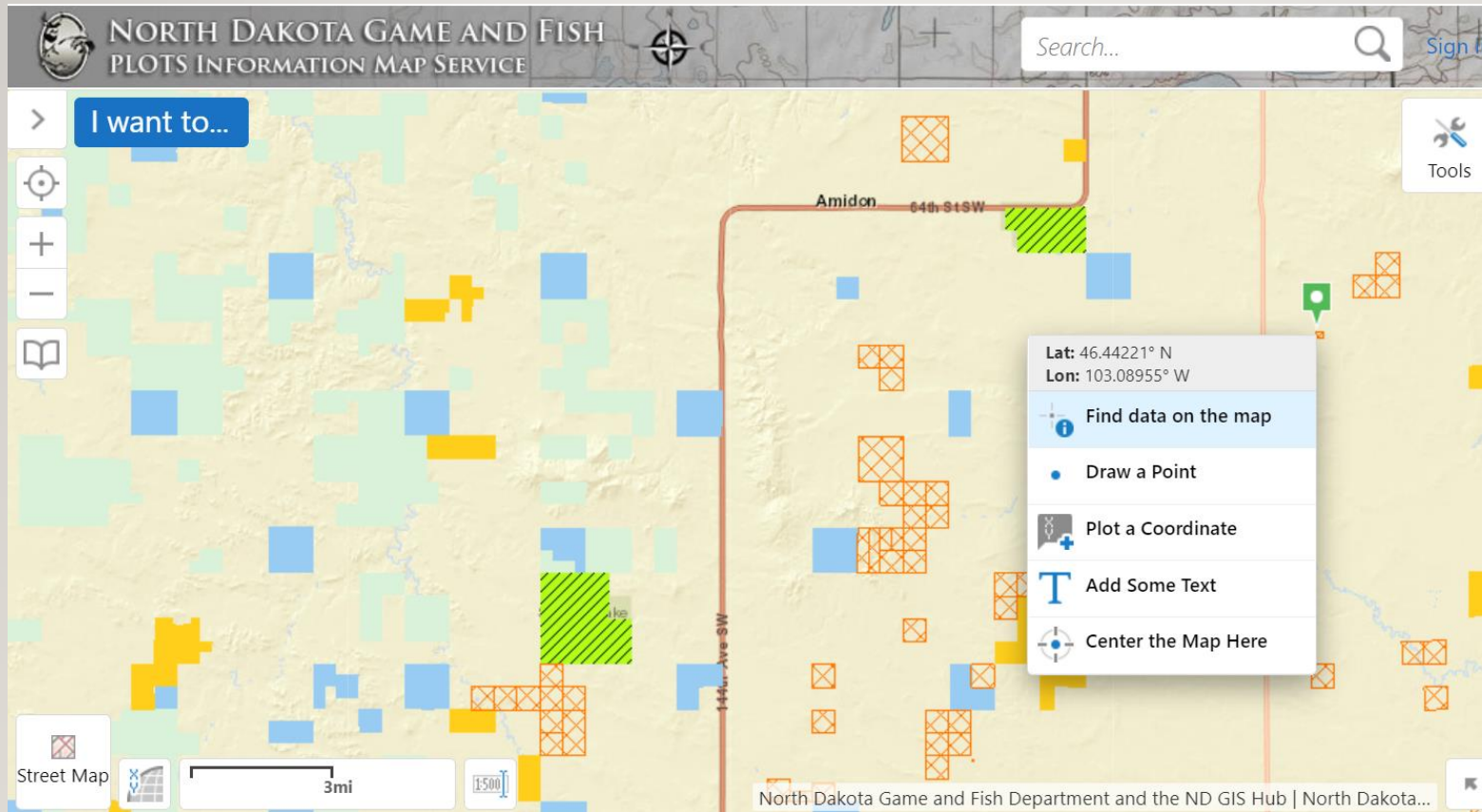
View





# ELECTRONIC POSTING - HUNTERS

ENERGY AND NATURAL RESOURCE COMMITTEE



# ELECTRONIC POSTING - HUNTERS

ENERGY AND NATURAL RESOURCE COMMITTEE

The screenshot displays the North Dakota Game and Fish Plots Information Map Service. The header includes the agency logo and name, a search bar, and a compass. The main content area is divided into a left sidebar and a right map panel. The sidebar shows a breadcrumb trail 'Electronically Posted Lands (1)', a star icon, and contact information for PRONGHORN RANCH LLC, posted by JOHN DOE. The map panel shows a topographic map with various colored overlays (blue, yellow, green, orange) representing different land parcels. A blue button 'I want to...' is visible above the map. The bottom of the sidebar shows pagination: 'Displaying 1 - 1 (Total: 1)' and 'Page 1 of 1'.

**NORTH DAKOTA GAME AND FISH**  
PLOTS INFORMATION MAP SERVICE

Search...

← Electronically Posted Lands (1) ≡

☆ [ ] > | ...

Owner: **PRONGHORN RANCH LLC**

Posted by: **JOHN DOE**  
Phone: **701-555-5555**

Contact: **JANE DOE**  
Email: [ ]  
Phone: **701-555-1234**

Displaying 1 - 1 (Total: 1)

◀ ◀ Page 1 of 1 ▶ ▶

I want to...

Amidon 64th St SW

144th Ave SW

132nd Ave SW 67



# ELECTRONIC POSTING - QUESTIONS

ENERGY AND NATURAL RESOURCE COMMITTEE

---

## Conclusion

- The system provided is simple to use and delivers a good user experience.
- The time it takes to post land is minimal.
- The tools, maps and applications available to hunters provide information to identify electronically posted lands and means to establish a valid point of contact.







House Energy and Natural Resources Committee  
Testimony on SB 2144

North Dakota Game and Fish Department  
Brian Hosek, Administrative Services  
March 11, 2021

Chairman Porter and members of the House Energy and Natural Resources committee, my name is Brian Hosek, Administrative Services of the North Dakota Game and Fish Department and I am testifying in support of SB 2144.

The legislative management study provided for the development of an electronic posting application. We are aware this has been a long-standing topic of discussion, attempting to promote private property rights and access to public wildlife resources. There have been many thoughts on the features this application may offer.

The direction from the interim committee helped formulate a plan to propose an electronic posting solution. There was an effort to focus on the usability of the application and provide a simplified user experience for landowners to post land and hunters to identify these lands.

The system that was provided for the study meets the expectations for landowners interested in pursuing an electronic posting option. Additionally, the tools, maps and applications available on the Game and Fish website are able to provide the electronic posting information to hunters.

It was requested I provide a presentation and give a tour of the electronic posting system.

This will conclude my testimony and I will be happy to address any further questions.

**From:** [Younggren, Ryan](#)  
**To:** [NDLA, Intern 01 - Hogue, Megan](#)  
**Subject:** In favor of 2144  
**Date:** Thursday, March 11, 2021 9:06:02 AM

---

\*\*\*\*\* **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. \*\*\*\*\*

I worked on the study group of electronic posting of hunting land for approximately 1 year and this bill was the product of discussions with many of the interested parties. The electronic posting of land, closed or open, will be an enforceable alternative for landowners who wish to post land for hunters in this manner. We have many fair and responsible land owners and many responsible sportsmen and women who are looking for a more clear and consistent manner of communication. Many of the land owners said "just ask", we want to know who is out there, and many of the outdoorsmen/women said how do I find out who to ask? This bill will facilitate such communication. The 3-county pilot project received many positive comments. Electronic means of communication is the future for outdoor enthusiasts and I support this bill.

*Ryan J. Younggren*

*Assistant Cass County State's Attorney*

*Personal Team Leader*

*701-241-5895*

---

Notice regarding electronic service of documents: I do not accept e-service of documents at this individual e-mail address. If you are e-serving a document upon anyone in the State's Attorney's Office, please use the office e-mail address: sa-defense-notices@casscountynd.gov.

### Chairman Porter, Members of the Energy and Natural Resources Committee

My Name is David Dewald, I'm currently the President of the North Dakota Wildlife Federation and was a member of the interim committee to study hunter access to public and private lands. Together with Brian Schanilec, we represented sportsman's interests on that committee. Unfortunately he is unable to attend today and I have included his remarks with mine. **We stand today in favor of SB2144.** Under Senator Erbele's leadership the Interim Legislative committee was able to tackle difficult issues relative to posting of private land. The committee's work, to get the pilot electronic posting study up and running, was a huge effort but also a huge success. We support electronic posting as an additional way to post land. We understand the expense and time of posting land. Electronic posting removes those burdens for landowners/operators that want to use electronic posting. Landowners/operators, that do not currently post, do not have to do anything under SB 2144 to continue to keep their land open to hunting without first asking permission. Electronic posting will provide current owner or operator contact information for hunters and anglers to easily access from the NDGF website via computer, smartphone, or other GPS devices. We also recognize that electronic posting will create some inconveniences in places where no phone signal is available. Hunters will need to plan ahead and either download the map on their phone or GPS device or download a printable map for the area they want to hunt. Yes, this is an inconvenience but one I believe today's hunters and anglers can easily overcome.

SB2144 does not add a new level of no-trespass for hunters and anglers. It provides landowners the protection from criminal trespass for fenced land. In the past, signs have been removed by protesters making it difficult for county States Attorneys to prosecute trespass violators. This change in law helps protect those landowner rights. However, with the exemption for hunting or angling, the fenced land remains open to hunter unless either physically posted following current state law or electronically posted.

Electronic posting would become an option for landowners/operators to post their land. Either a physical sign or electronic posting will be available. If they want to use both methods they may do so.

The pilot showed that electronic posting works for landowners and eliminates the cost and time for posting. Making fenced land automatically posted for criminal trespass provides added protection for landowners. The hunting and angling exemption does not increase the level of no-trespass for sportsmen.

The pilot also showed that electronic posting works for hunters allowing access to electronically post land via smartphone, Garmin type electronics, or downloadable/printable maps. Hunters and anglers will need to make sure they are not hunting on electronically posted land either by using their smartphone or other devices as they look for places to hunt or by downloading and printing a map from the NDGF web site. Many of today's hunters are watching their Garmin or smartphone as they drive around looking for a place to hunt. They will instantaneously know if a parcel is electronically posted. If not electronically posted they will still need to look for signs, as they do now.

SB2144 is a better alternative than a no-trespass law in ND because is very important for landowners/operators, that don't want to post and make their land available to hunting or fishing, do not have to do anything if SB2144 passes. Business as usual.

SB2144 provides added protection for criminal trespass for landowners/operators for fenced land. Since landowners groups have always said no-trespass legislation is not about hunting it is about private

landowner rights, this bill follows those guidelines by allowing for an exemption for hunting and angling on fenced land.

We urge a Do Pass vote for SB2144.

Thank you.



**North Dakota Grain Growers Association  
House Energy and Natural Resources  
Committee  
Testimony in Support of SB 2144  
March 11, 2021**

Chairman Porter, members of the House Energy and Natural Resources Committee, for the record my name is John Weinand; I am a farmer and a landowner from Hazen, North Dakota. I am Past President of the North Dakota Grain Growers Association and I was a citizen member of the Interim Natural Resources Committee. Today I am here to represent myself and the North Dakota Grain Growers Association in support of SB 2144.

I was proud to be asked to participate in the Interim Natural Resources Committee during the 2019-2020 Interim. Landowner rights is a very important issue to me and to my family. I am an avid hunter as well, tackling mountain lions among other species in our state. I was pleased with the legislation, for the most part, that our Committee has forwarded for the 2021 Legislature's consideration. Committee members did not always agree but it is the debate that ultimately provides for legislation for your consideration.

Landowner rights is a top priority for both myself and the North Dakota Grain Growers Association. We continue to maintain that the most equitable solution to property rights in North Dakota is to have the state maintain all land closed to trespassing unless otherwise designated. However, we also feel that SB 2144 represents progress in the landowner rights issues.

Specifically, we support the following concepts contained in the bill:

- Support of using a fence to define property for the purposes of trespass.
- Allowing law enforcement, the flexibility in determining trespass and the limitations in NDCC 12.1-22-03 subsection 4 regarding the penalties for trespass.

*"You Raise; We Represent"*

Phone: 701-282-9361 | Fax: 701-404-5187 | 1002 Main Ave W. #3 West Fargo, N.D. 58078

- Allowing landowners, the flexibility to express their desires for their property either in a physical or electronic manner.

With the preceding included in SB 2144 both myself and the North Dakota Grain Growers Association would urge the House Energy and Natural Resources Committee give the legislation a do pass recommendation and would urge the full House to concur.



## NORTH DAKOTA WILDLIFE FEDERATION

### **TESTIMONY OF JOHN BRADLEY NORTH DAKOTA WILDLIFE FEDERATION SENATE BILL 2144 HOUSE ENERGY AND NATURAL RESOURCES COMMITTEE MARCH 11TH, 2021**

Chairman Porter, members of the Energy and Natural Resources Committee:

For the record, I am John Bradley, Executive Director of the North Dakota Wildlife Federation. I am here today representing our 1,500 members in 15 affiliated wildlife and sportsmen's club across North Dakota. While I do not speak for the 100,000 plus hunters, that took to the field this past year, I would say our views are representative of many of them. I would also note that our membership is made up of landowners, trappers, anglers, hikers, birders, wildlife photographers, and other recreationists.

NDWF recognizes the hard work and discussions that have gone into the two bills in front of you this morning. We applaud the work of the Interim Access Committee on their work on e-posting. NDWF supports trying to find a solution to the historic fighting over the posting/trespass issue that has gone on in past legislative sessions and we were active participants in the interim process. We support the concept of electronic posting and reducing both the cost and workload for landowners to annually post their land. Our members want better landowner-hunter relations, and we believe e-posting along with the continuation of physical signs are good steps to achieving that goal. We have also heard from landowners who are happy that they do not have to participate with electronic posting if this bill passes. They want to leave their land unposted and do not want to participate in either physical or electronic posting. Under SB 2144 they get exactly that.

The other key components that we support in SB 2144 are the landowner or operator's name being required on the physical sign. The second component is the exemption for hunters and anglers on fenced land and the definition for fenced land that was developed among the various groups. SB2144 provides added protection for criminal trespass for landowners/operators on fenced land. And while I don't think anyone actually thinks passing a law is going to make dishonest people all of a sudden turn honest. Hopefully, this bill will help the state attorney's ability to prosecute criminal trespass cases.

We encourage this committee to also pass SB 2036 to continue to study and address other access issues facing the state and to troubleshoot any issues regarding e-posting. Having a dedicated committee to sit down with a variety of interests has proven a successful way of moving this issue towards a resolution.

I will stand for any questions that the committee may have. Thank you.



House Energy and Natural Resources Committee  
Testimony on SB 2144

North Dakota Game and Fish Department  
Terry Steinwand, Director  
March 11, 2021

Chairman Porter and members of the House Energy and Natural Resources Committee, my name is Terry Steinwand and I'm Director of the North Dakota Game and Fish Department. I'm here today to testify in support of SB 2144.

We recognize the importance hunters and anglers place on accessing private land for hunting and fishing and also recognize the importance and value of private property rights to those owning land. This has been a long-standing topic of discussion, attempting to promote private property rights and access to public wildlife resources. The additional option for landowners of electronically posting land for hunting purposes is a very good example of a reasonable and collaborative solution. When bills on hunting trespass were filed in past sessions, landowners stated an issue of concern was the time and expense of placing signs around their property and sportsmen/women stated they wanted to know who to contact for permission to hunt. This bill addresses both questions and provides a solution.

Gratitude must go to Senator Erbele for leading the Interim Natural Resources Committee and also to members of the committee working together to craft this bill. The system that was provided for the pilot study meets the expectations for landowners interested in pursuing an electronic posting option while still allowing those that don't wish to use the electronic system to physically post their land or simply not post it at all. Additionally, the tools, maps and applications available on the Game and Fish website are able to provide the electronic posting information to hunters.

For the above reasons, the North Dakota Game and Fish Department supports the passage of SB 2144 and recommends a DO PASS vote.



**SB2144****House Energy & Natural Resources Committee**

Presentation by Dave Dewald and Brian Schanilec

**1. SB 2144**

- a. House Natural Resource Committee Member
  - i. Two-year study
    - 1. Extensive study on electronic posting
    - 2. Hunter and angler access
    - 3. Landowner rights
    - 4. Criminal trespass
    - 5. Collaborative success as a good
- b. Pilot project in 3 counties
  - i. Hosted Game & Fish
  - ii. Participation
  - iii. Ease of project
  - iv. Very good support from Game & Fish
  - v. Simple to use
- c. Hunter & Angler Access
  - i. Same land available – people who don't post
  - ii. No action not posted
  - iii. Land has to be posted to deny hunting and angling
  - iv. Land can be posted by physical sign or electronic
  - v. Plot maps, apps and internet can be used
  - vi. Preplanning access can be easy
- d. Landowner rights
  - i. Complaint is cost and time of posting
  - ii. Ease of posting
  - iii. Fenced in properties is posted excluding lawful hunting and angling
  - iv. Enforceable

- e. Criminal trespass
  - i. Fenced in property is posted
  - ii. Endorsed by states attorney who had input on SB2144
  - iii. Good definitions
  - iv. Help prosecute DAPL type situations
  
- f. Collaborative success
  - i. Win win situation
  - ii. Lawful hunters and anglers keep access
  - iii. Ease of electronic posting
  - iv. Time and money spent on posting
  - v. Landowner rights broadened substantially
  - vi. Technology improved to accommodate the times
  - vii. Opportunity to put a trespass bill behind the legislative process and use the legislative resources toward the important needs during these challenging times.

Testimony in support of 2144 – Phil Murphy for the NDSGA

Chairman Porter and Committee; you know well the trial and tribulations brought about by trying to solve the relationships between landowners and sportsmen around North Dakota. As someone personally as well as professionally entangled with this for over a decade, it is my belief that the effort to bring people together to seek a solution has paid off in 2144. This process was not lawmaking done the easy way, but rather the correct way – allowing the many entities to talk it over, argue it out, compromise and reach an agreement. That is also the harder way, but once this agreement reached the 2021 session, it became a model for moving forward as we have seen it used this session in water management and grain inspection as well. Thank you, committee, for your consideration in moving this bill forward.

Good morning Chairman Porter and members of the House Energy and Natural Resources Committee,

Work and family commitments prevent me from testifying in person or via Zoom, please accept these comments as my support for SB 2036 and SB 2144.

SB 2144 represents the collaborative efforts by all members of the Senator Erbele's interim committee to find a solution to trespassing issues, while protecting our state's hunting and fishing heritage. ***As one of the 79 participants in the electronic posting trial, I have a unique perspective.***

Posting electronically was simple, fast, and effective. The information was easily accessible to the public and I received two requests to hunt from people who found my information in the electronic database. They were both grateful that I chose provide contact information, despite being denied permission because I had other hunters on the property.

It is important to note that I was only contacted twice, though the land I posted electronically is along a ND State Highway. It is an excellent piece of habitat and also holds the North Country Scenic Trail. Sharing my contact information did not result in an overwhelming amount of requests to hunt.

SB 2144 gives landowners & controlling tenants the ability to post either electronically or physically. Electronic posting addresses the single biggest concern that we've heard during past debates: Posting can take a lot of time. It also addresses another concern: cost of signage. Now land can be posted in a few minutes at no cost.

SB 2144 provides additional protection to landowners by only allowing lawful hunting and fishing on unposted lands. All other activities require permission. If permission isn't granted, any entry or occupation would be illegal with a clear penalty. This stipulation addresses concerns about unauthorized entry that were brought to the forefront by the DAPL protest.

Senator Erbele and members of the Interim Committee worked diligently and succeeded in finding common ground in a debate that has been going on for years. Their efforts are to be commended. We finally have a solution.

Please support **SB 2036 and SB 2144 with a DO PASS** recommendation.

Your consideration is appreciated, as is your service to the people of North Dakota.

Mark A. Mazaheri  
2709 N. 10<sup>th</sup> St  
Fargo  
701-799-2525



North Dakota Association of REALTORS®

To advocate for the success of our members in partnership with our local Associations and the National Association of REALTORS®

Testimony in support of SB 2144.

The North Dakota Association of Realtors supports the rights of private property owners. NDAR appreciates the good work of the interim legislative management study of access to public and private lands, which resulted in this legislation protecting the rights of private property owners.

We ask for your support the passage of SB 2144.

Respectfully,

Jill Beck  
Chief Executive Officer

Lisa Feldner  
NDAR Lobbyist

**2021 CONFERENCE COMMITTEE**

**SB 2144**

# 2021 SENATE STANDING COMMITTEE MINUTES

## Energy and Natural Resources Committee

Peace Garden Room, State Capitol

SB 2144

4/13/2021

Conference Committee

Relating to criminal trespass and electronic posting; and to provide a penalty
--

Conference committee called to order, [10:08] all committee members are present:

**Schaible, Patten, Erbele, Heinert, Damschen, and Ista.**

### Discussion Topics:

- Trespassing on posted land
- Clarification of amendment consequences

Meeting adjourned [10:08]

*Sheila Froehlich, Committee Clerk*

# 2021 SENATE STANDING COMMITTEE MINUTES

## Energy and Natural Resources Committee Peace Garden Room, State Capitol

SB 2144  
4/15/2021  
Conference Committee

Relating to criminal trespass and electronic posting; and to provide a penalty
--

Conference committee called to order, [9:30] all committee members are present:  
**Schaible, Patten, Erbele, Heinert, Damschen, and Ista.**

### Discussion Topics:

- Landowner/Hunter trust and understanding
- Prosecutorial discretion on offense

Senator Patten [9:46] moved the house recede and amend HB 2144 [LC 21. 0428.02003]  
Senator Erberle [9:47] seconded the motion

Senators	Vote
Senator Don Schaible	Y
Senator Dale Patten	Y
Senator Robert Erberle	Y
Representative Pat Heinert	N
Representative Chuck Damschen	Y
Representative Zachary Ista	Y

The motion passes [9:48] 5-1-0  
Senator Schaible and Representative Heinert [9:49] will carry

Meeting adjourned [9:49]

*Sheila Froehlich, Committee Clerk*



April 15, 2021

4/15  
WBI

PROPOSED AMENDMENTS TO SENATE BILL NO. 2144

That the House recede from its amendments as printed on pages 1021 and 1022 of the Senate Journal and pages 1250 and 1251 of the House Journal and that Senate Bill No. 2144 be amended as follows:

Page 2, line 3, overstrike ", tenant,"

Page 2, line 5, overstrike ", tenant,"

Page 3, line 24, overstrike "or tenant"

Page 4, line 9, overstrike "or tenant"

Page 4, line 10, overstrike ", tenant,"

Page 4, line 12, overstrike ", tenant,"

Renumber accordingly

**2021 SENATE CONFERENCE COMMITTEE  
ROLL CALL VOTES**

BILL/RESOLUTION NO. SB 2144

**Senate Energy and Natural Resources Committee**

- Action Taken**    ☐ **SENATE accede to House Amendments**  
☐ **SENATE accede to House Amendments and further amend**  
☐ **HOUSE recede from House amendments**  
☒ **HOUSE recede from House amendments and amend as follows**
- ☐ **Unable to agree**, recommends that the committee be discharged and a new committee be appointed

Motion Made by: Senator Patten                      Seconded by: Senator Erberle

<b>Senators</b>				<b>Yes</b>	<b>No</b>		<b>Representatives</b>				<b>Yes</b>	<b>No</b>
Senator Don Schaible				X			Representative Pat Heinert					X
Senator Dale Patten				X			Representative Chuck Damschen				X	
Senator Robert Erberle				X			Representative Zachary Ista				X	
Total Senate Vote				3			Total Rep. Vote				2	1

Vote Count              Yes: 5                      No: 1                      Absent: 0

Senate Carrier Senator Schaible              House Carrier Representative Heinert

LC Number 21.0428                      . .02003                      of amendment

LC Number 21.0428                      . 04000                      of engrossment

No emergency clause

Senator Patten moved the house recede and further amend SB 2144 to move the penalty back up and include the technical corrections related to "the tenant" language that was overstruck.

Insert LC: 21.0428.02003  
Senate Carrier: Schaible  
House Carrier: Heinert

**REPORT OF CONFERENCE COMMITTEE**

**SB 2144:** Your conference committee (Sens. Schaible, Patten, Erbele and Reps. Heinert, Damschen, Ista) recommends that the **HOUSE RECEDE** from the House amendments as printed on SJ pages 1021-1022, adopt amendments as follows, and place SB 2144 on the Seventh order:

That the House recede from its amendments as printed on pages 1021 and 1022 of the Senate Journal and pages 1250 and 1251 of the House Journal and that Senate Bill No. 2144 be amended as follows:

Page 2, line 3, overstrike ", tenant,"

Page 2, line 5, overstrike ", tenant,"

Page 3, line 24, overstrike "or tenant"

Page 4, line 9, overstrike "or tenant"

Page 4, line 10, overstrike ", tenant,"

Page 4, line 12, overstrike ", tenant,"

Renumber accordingly

SB 2144 was placed on the Seventh order of business on the calendar.

# 2021 SENATE STANDING COMMITTEE MINUTES

## Energy and Natural Resources Committee Peace Garden Room, State Capitol

SB 2144  
4/19/2021  
Conference Committee

Relating to criminal trespass and electronic posting; and to provide a penalty
--

Conference committee called to order, [4:00] all committee members are present:  
**Schaible, Patten, Erbele, Heinert, Porter, and Ruby.**

### Discussion Topics:

- Enforcement options for trespassers
- Choice to cite or charge

Senator Schaible [4:00] introduced amendment 21.0428.02002  
Clair Ness [4:03], Legislative Council neutral to provide information

Senator Schaible closed the Meeting [4:19]

*Sheila Froehlich, Committee Clerk*

April 14, 2021

PROPOSED AMENDMENTS TO SENATE BILL NO. 2144

That the House recede from its amendments as printed on pages 1021 and 1022 of the Senate Journal and pages 1250 and 1251 of the House Journal and that Senate Bill No. 2144 be amended as follows:

Page 1, line 23, overstrike "individual in charge of the premises or other authorized individual" and insert immediately thereafter "owner or an individual authorized by the owner"

Page 2, line 3, overstrike ", tenant,"

Page 2, line 5, overstrike ", tenant,"

Page 2, line 14, after "is" insert "or a place enclosed by a fence as defined in subsection 2"

Page 2, line 15, after "subsection" insert "2 or"

Page 3, line 24, overstrike "or tenant"

Page 4, line 9, overstrike "or tenant"

Page 4, line 10, overstrike ", tenant,"

Page 4, line 12, overstrike ", tenant,"

Renumber accordingly

# 2021 SENATE STANDING COMMITTEE MINUTES

## Energy and Natural Resources Committee Peace Garden Room, State Capitol

SB 2144  
4/20/2021  
Conference Committee

Relating to criminal trespass and electronic posting; and to provide a penalty
--

Conference committee called to order, [10:30] all committee members are present:  
**Schaible, Patten, Erbele, Heinert, Porter, and Ruby.**

### Discussion Topics:

- Prosecutorial discretion on offense
- 

Senator Schaible [10:30] opened the meeting

Representative Heinert [10:30] moved a Do Pass for the house to recede and amend as follows with 21.0428.02002 on HB 2144

Representative Ruby [10:32] seconded the motion

Senators	Vote
Senator Don Schaible	Y
Senator Dale Patten	Y
Senator Robert Erberle	Y
Representative Pat Heinert	Y
Representative Todd Porter	Y
Representative Matthew Ruby	Y

The motion passes 6-0-0  
Representative Heinert [10:36] will carry HB 2144

Meeting adjourned [10:37]

*Sheila Froehlich, Committee Clerk*

CS  
4/28  
1st

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**2021 SENATE CONFERENCE COMMITTEE  
ROLL CALL VOTES**

BILL/RESOLUTION NO. SB 2144

**Senate Energy and Natural Resources Committee**

- Action Taken**    ☐ **SENATE accede to House Amendments**  
☐ **SENATE accede to House Amendments and further amend**  
☐ **HOUSE recede from House amendments**  
☒ **HOUSE recede from House amendments and amend as follows**
- ☐ **Unable to agree**, recommends that the committee be discharged and a new committee be appointed

Motion Made by: Senator Patten                      Seconded by: Senator Erberle

Senators				Yes	No		Representatives				Yes	No
Senator Don Schaible				Y			Representative Pat Heinert				Y	
Senator Dale Patten				Y			Representative Todd Porter				Y	
Senator Robert Erberle				Y			Representative Matthew Ruby				Y	
Total Senate Vote				3			Total Rep. Vote				3	

Vote Count              Yes: 6                      No: 0                      Absent: 0

Senate Carrier Senator Schaible              House Carrier Representative Heinert

LC Number 21.0428.                      . .02002                      of amendment

LC Number 21.0428                      . .05000                      of engrossment

No emergency clause

Representative Heinert moved the house recede and amend SB 2144 as follows with 21.0428.02002.



Insert LC: 21.0428.02002  
Senate Carrier: Schaible  
House Carrier: Heinert

**REPORT OF CONFERENCE COMMITTEE**

**SB 2144:** Your conference committee (Sens. Schaible, Patten, Erbele and Reps. Heinert, Porter, M. Ruby) recommends that the **HOUSE RECEDE** from the House amendments as printed on SJ pages 1021-1022, adopt amendments as follows, and place SB 2144 on the Seventh order:

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