

2025 SENATE ENERGY AND NATURAL RESOURCES

SB 2168

2025 SENATE STANDING COMMITTEE MINUTES

Energy and Natural Resources Committee Peace Garden Room, State Capitol

SB 2168
1/23/2025

Relating to hunting near buildings, occupied structures, or storage structures.

2:30 p.m. Chairman Patten opened the hearing.

Members present:

Chairman Patten, Vice Chairman Kessel, Senators: Beard, Boehm, Enget, Gerhardt, and Van Oosting.

Discussion Topics:

- Building damage
- "No shooting" distance near building
- Landowner and sportsmen relations
- Property rights

2:31 p.m. Senator Donald Schaible testified in favor and submitted testimony #30736.

2:40 p.m. Scott Winkelman, Chief Game Warden of the ND Game and Fish Department, testified in opposition and submitted testimony #30692.

2:48 p.m. Sheldon Cieslak, Hazen Sportsman's Club, testified in opposition.

2:51 p.m. Darrell Belisle, Director, Bowhunters Association ND, testified in opposition and submitted testimony #30614.

2:54 p.m. John Bradley, Executive Director, ND Wildlife Federation, testified in opposition and submitted testimony #30940.

2:58 p.m. Kurt Swenson, Resident, testified in opposition and submitted testimony #30773.

Additional written testimony:

John Lien, Landowner, submitted testimony in opposition #30857.

Kerry Whipp submitted testimony in opposition #30582. .

Matthew Gross submitted testimony in opposition #30627.

Mark Mazaheri submitted testimony in opposition #30731.

Jacob Gould, Coordinator, Congressional Sportsmen's Foundation, submitted testimony in opposition #30782.

Curt Francis submitted testimony in opposition #30843.

Brock Wahl, Chairman of ND Backcountry Hunters and Anglers, submitted testimony in opposition #30859.

Cyrus H. Baird, Senior Director of Government Affairs and Delta Waterfowl Foundation, submitted testimony in opposition #31045.

3:01 p.m. Chairman Patten closed the hearing.

Kendra McCann, Committee Clerk

Energy and Natural Resources Committee,

I am requesting a DO NOT PASS on SB 2168. I strongly disapprove of the consequences of SB 2168. By imposing a restriction on hunting within 440 yards of any structure, occupied or otherwise, it creates a number of complications.

1. This rule imposes a restriction that would have a direct impact on private property rights. For example, I own 40 acres in Stutsman County. I have two shelter belts that I frequently hunt deer, squirrel and rabbit. In the past I have also placed traps and snares on my property. On the north edge of my property, the adjacent property owner has unoccupied structures (mobile storage containers, pole barns, and miscellaneous sheds) that exist within the 440 yard distance described in this bill. If this bill is enacted, I would no longer be able to hunt or pursue game animals on my own property without obtaining permission from the adjacent landowner.
2. The description "unoccupied structure" could be anything from an old abandoned school house, a dilapidated pole barn, even an outhouse. These structures exist all over the countryside, on both private and public property. This bill would create a substantial burden to hunters, and in some instances prohibit hunting on portions of public property.
3. This bill would create a significant burden for law enforcement.

Please vote DO NOT PASS on SB 2168.

Thank you,

Kerry Whipp

SB 2168

North Dakota Bowhunters Association

It seems every session certain bills receive appropriate nicknames. This session we have the baiting bill, the property tax bill, the gender bill, and several others. SB 2168 should be called the Hatfield and McCoy bill.

In a time when Sportsman and Landowners are working to find workable solutions for habitat and access, a bill like this one shows up. Nothing good came come of it.

The NDBA would encourage you to put this bill aside and let the work between landowners and sportsmen continue. Reasonable solutions will benefit many generations to come.

Sincerely,

Darrell Belisle

NDBA Government and Conservation Director

Matthew Gross
Dickinson, ND, 58601
01-21-24

Members of the North Dakota Senate - Energy and Natural Resource Committee

Dear Members of the Senate,

I am writing to express my opposition to SB 2168 in its current form. While I understand the intent behind the bill to enhance safety, I believe this legislation could have unintended consequences that may negatively impact both hunters and property owners. In its current form SB 2168 would allow an unoccupied or dilapidated old farmstead to reduce reduce the amount of huntable lands available to sportsmen and women in North Dakota. I support keeping the old working emphasizing no restrictions on unoccupied buildings.

Hunting is a deeply rooted tradition in North Dakota, and many hunters follow strict safety protocols to avoid risks. Limiting hunting areas without clear criteria could unnecessarily restrict access to vast, open lands that are not in close proximity to occupied structures. Additionally, the bill could have a significant impact on local economies and communities that depend on hunting-related activities.

I urge you to reconsider this legislation, taking into account both public safety and the rights of responsible hunters who prioritize safety and conservation.

Thank you for your time and attention to this matter.

Sincerely,
Matthew Gross



Senate Energy and Natural Resources Committee
Testimony on SB 2168

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

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

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

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

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

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

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

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

Chairman Patten and Members of the Committee;

SB 2168 should get a DO NOT PASS recommendation from the Committee because it is a direct assault on the rights of all property owners-public and private. SB 2168 would prohibit landowners/operators from hunting on land which they control, without permission from neighboring landowners. It would prohibit hunting on large amounts of public land that are specifically in place for public recreation. It would prohibit hunters from hunting on private land where they have permission.

A little background:

This bill came about because last fall Kenny Graner allegedly found a bullet hole in a bin or building on his property near Oahe Game Management Area/Graner Bottoms. Making the assumption that it was hunter, Graner then went on the WMA and placed posted signs (an illegal action) "prohibiting shooting" within 440 yards of his yard. Graner's illegal actions were reported to law enforcement and the signs were removed. Graner then approached one of the bill's Senate sponsors regarding the proposed bill.

This bill would create a chaotic situation for law enforcement, as there would undoubtedly be numerous complaints, many probably coming from folks who would be unaware of the change.

It would further restrict land access by both private and public parties. We all know that neighbors don't always get along. For instance; if I don't like my neighbor, I can simply put up a small structure near the property line and deny permission (if asked).

SB 2168 is a horrible bill that by design, would comprise private landowner rights to use their own property and limit hunting access to thousands of acres of public land. SB 2168 should receive a DO NOT PASS recommendation from the committee.

Your time and consideration are appreciated.

Mark Mazaheri
2709 10th St. N.
Fargo, ND
701-799-2525



North Dakota Senate

STATE CAPITOL
600 EAST BOULEVARD
BISMARCK, ND 58505-0360

**Senator Donald Schaible**

District 31
9115 Highway 21
Mott, ND 58646-9200
dgschaible@ndlegis.gov

COMMITTEES:

Appropriations

1/23/2025

Good morning, Chairman Patten and members of the Energy and Natural Resource Committee. For the record, I am Senator Don Schaible, District 31, here to introduce SB 2168. The idea for a bill draft was brought to the attention of a patron of mine that has had issues with hunters shooting near building on his ranch. When he brought this to my attention, it was my understanding that we had a law that restricted shoot 440 yard from building. We both found out that there are exceptions to that law and this bill draft is an attempt to make sure that buildings are protected from being shot at. This may not be the total answer to the problem and as a hunter and sportsman myself I understand the concerns to gaining access to hunt. I also agree that we need better relationships between landowners and sportsmen and find it sad that we need a law that tells hunters not to shoot at building. The fact is that we still find holes in our building and have damage with not much recourse.

Chairman and Committee there are others behind that would further like to explain the intent of this bill and with that I will try to answer your questions.

Senator Don Schaible

Senate Energy and Natural Resources Committee

Testimony on SB 2168 (IN OPPOSITION)

Kurt Swenson, Beulah, ND District 33

Chairman Patten, Vice Chairman Kessel and members of the Senate Energy and Natural Resources Committee, my name is Kurt Swenson from Beulah. I am an avid outdoorsman, enjoying the pursuit of game that North Dakota offers us on our own property and that of neighbors and friends.

Each year we put great effort into developing and restoring wildlife habitat on our land, we host hunts for youth pheasant opener, veterans' appreciation hunts and give permission to a significant number of hunters each year to enjoy our beautiful land it's bounty.

SB 2168 is a very concerning bill that is a direct, frontal assault on our private property rights, enshrined in the US and North Dakota constitutions.

Using the state's Police Powers should be exercised with great caution when restricting the use and enjoyment of our private property. That use and enjoyment should never rely on a neighboring landowner to "grant permission" for us to utilize our own land for the pursuit of game as this bill proposes.

The landowner that builds a structure near a property line accepts the reality that their neighbors have property rights as well, which include hunting.

There are plenty of laws on the books that already protect landowners and their structures which don't impact my property rights. We don't need to restrict our freedoms any further.

I respectfully ask you to vote DO NOT PASS vote on SB 2168.



To: Honorable Members of the Senate Energy and Natural Resources Committee
Re: Senate Bill 2168 – Hunting Near Buildings, Occupied Structures, or Storage Structures
Position: Oppose
Date: January 23, 2025

Honorable Members of the Senate Energy and Natural Resources Committee,

On behalf of the Congressional Sportsmen's Foundation (CSF), I respectfully ask that you oppose Senate Bill 2168 (SB 2168), a bill that would require hunters to have permission from neighboring landowners to hunt within four hundred and forty yards of an occupied building, structure, or storage structure, even if that structure is not located on the property they are hunting. SB 2168 ultimately limits the area hunters can legally hunt, regardless of permission granted by the owner of the property that hunters are actively using. Instead, we simply ask the Committee to uphold current statute which requires hunters to obtain permission from the actual property owner if they are hunting upon the premise of another.

Founded in 1989, CSF is the informed authority across outdoor issues and serves as the primary conduit for influencing public policy. Working with the Congressional Sportsmen's Caucus (CSC), the Governors Sportsmen's Caucus (GSC), and the National Assembly of Sportsmen's Caucuses (NASC), CSF gives a voice to hunters, anglers, recreational shooters, and trappers on Capitol Hill and throughout state capitals advocating on vital outdoor issues that are the backbone of our nation's conservation legacy.

As written, hunters would be required to obtain permission from neighboring property owners to hunt their own land, or public land, if the neighboring landowner has a building within four hundred and forty yards of the property's border. While we understand the intent behind protecting private property and promoting safety, we believe that current statute largely accomplishes these objectives while retaining access to public lands and the rights of landowners to use their own property as they see fit. Requiring hunters to obtain further consent from neighboring landowners due to the location of a structure relative to a property line could severely, albeit unintentionally, restrict access for hunting on both private and public lands.

With all of this in mind, CSF respectfully asks the honorable members of the Senate Energy and Natural Resources Committee to table Senate Bill 2168, allowing hunters to continue to hunt their own land, or on public land, without requiring hunters to first obtain permission from the neighboring landowners. Should you require additional information on this, or other sportsmen's-related topics, please feel free to contact me at any time.

Sincerely,

A handwritten signature in black ink that reads "Jake Gould".

Jake Gould
Coordinator, Great Plains States
Congressional Sportsmen's Foundation
jgould@congressionalsportsmen.org | 202-594-7973

Your Inside Connection to Outdoor Legislation

Dear Senate Committee,

I am writing in opposition to SB 2168. The passage of this bill will greatly reduce hunting opportunity across the state. This bill would require hunters to not only access permission from a landowner to hunt their land but also adjacent landowners who have no vested interest in that land ownership. This bill will reduce hunting accessibility to public lands as well as lands enrolled in PLOTS. This bill also serves to create a wedge between positive hunter-landowner relations. In a time where sportsman are desperate for greater hunting access, this bill seeks to further reduce hunting opportunity. Please vote DO NOT PASS on SB 2168.

Sincerely,

Curt Francis

69th Legislative Assembly of North Dakota

1-21-25

Written Testimony in **opposition** of SB 2168.

As a Sportsman, Resident, and Landowner, I do not support SB 2168. What I legally do on my property is my business, not my neighbors. What is the purpose of this bill, is it a safety issue? The language in this bill only specifies that I cannot “hunt” within 440 yards of someone else’s building, occupied structure, or storage structure, but if I want to fire a high-powered rifle or shotgun at any distance from their building, occupied structure, or storage structure 365 days a year, I am allowed to do that as long as I am not “hunting”? What classifies as a “building”? Is it a fallen down old barn that is 100 years old and 10 miles from the nearest residence? I can’t hunt within 440 yards of that? Why? There is clearly no safety issue. Where does the 440 yards come from? Have there been tests or what is the criteria for determining this distance? I am assuming it’s due to a rifle and how far bullets can travel, but what if I am only bow**hunting**? Some of the places I bow hunt right now are inside of 440 yards of a neighbors building, occupied structure, or storage structure, but there are hills and trees that would prevent any sort of object from traveling 100 yards, not to mention 440 yards. What is considered “hunting” and what is “game”? The bill reads “An individual may not hunt or pursue game.....” If I am 400 yards away from someone else’s building, occupied structure, or storage structure and shoot a ground squirrel 5 feet away from me with a pneumatic air gun, that is illegal because it’s considered hunting and pursuing game inside of the 440 yards and I’m endangering someone? Ridiculous.

This bill is too vague, too restrictive for private landowners, as well as lacks much needed detail and common sense to be approved. I ask for you to vote **NO** and do not pass SB 2168.

Thank you.
John Lien



**BACKCOUNTRY
HUNTERS & ANGLERS**
NORTH DAKOTA

TESTIMONY OF BROCK WAHL
NORTH DAKOTA BACKCOUNTRY HUNTERS AND ANGLERS
SENATE BILL 2168
SENATE ENERGY AND NATURAL RESOURCE COMMITTEE
January 23, 2025

Chairman Patten and members of the Senate Energy and Natural Resources Committee

The North Dakota Chapter of Backcountry Hunters and Anglers recommends a Do Not Pass on SB2168.

We believe this bill raises more questions than it answers and can lead to encroachments on both private property rights and public land hunting. This could severely impact western North Dakota public land hunting where oil pads and oil facilities could have huge cumulative effects on hunting access.

We would agree that hunters need to be respectful of private property and held accountable for any damages to private or public land. But this bill will not stop people from breaking laws that already exist and instead will bring undue burden onto law abiding hunters who have no intention of damaging structures on private or public land.

We respectfully urge a Do Not Pass on SB 2168.

Brock Wahl
Chairman
Board of Directors
North Dakota Chapter of Backcountry Hunters and Anglers
northdakota@backcountryhunters.org



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TESTIMONY OF JOHN BRADLEY
NORTH DAKOTA WILDLIFE FEDERATION
SENATE BILL 2168
SENATE ENERGY AND NATURAL RESOURCES COMMITTEE
JANUARY 23, 2025

Chairman Patten and Members of the Senate Energy and Natural Resources Committee:

For the record, I am John Bradley, Executive Director of the North Dakota Wildlife Federation (NDWF). NDWF is opposed to SB 2168.

While we understand the intent of promoting safety, we believe that the current statute largely accomplishes these objectives while retaining access to public lands and the rights of landowners to use their own property as they see fit.

SB 2168 would be a significant set-back to property rights in North Dakota. If passed, neighboring landowners would control hunting access on not only their land, but upon any other land, public or private, within 440 yards of any building or structure. In many instances, landowners would need to ask for and receive permission to hunt their own land and non-landowners would need to receive permission from both the landowner and the neighboring landowners before legally being able to hunt. This bill would also require individuals to ask for and receive permission from neighboring landowners to hunt on all public lands, including Game and Fish Wildlife Management Areas and Private Land Open to Sportsmen areas, that were within 440 yards of any building or structure.

Passing this bill would have a negative impact on hunting in North Dakota, where hunting access and opportunity are already diminishing. Hunters could also be put into situations where they may not even know they are within 440 yards of a structure due to the landscape or condition of the structure and be in violation of the law without any knowing

We are also concerned that this would create an undue burden for the Game and Fish Department to work with cities and townships to develop special deer/turkey reduction hunts in urban areas where high wildlife numbers cause property damage for many property owners.



January 23, 2025

Chairman Patten (District 26)
Senate Energy and Natural Resources Committee
Peace Garden Room – North Dakota State Capitol
600 E Boulevard Ave, Bismarck, ND 58505

Vice-Chair Kessel (District 39)
Senate Energy and Natural Resources Committee
Peace Garden Room – North Dakota State Capitol
600 E Boulevard Ave, Bismarck, ND 58505

RE: Senate Bill 2168, *A BILL for an Act to amend and reenact section 20.1-01-21 of the North Dakota Century Code; relating to hunting near buildings, occupied structures, or storage structures.*

Position: OPPOSE

Chairman Patten and Vice-Chairman Kessel,

On behalf of Delta Waterfowl members, both in the state of North Dakota and across the United States, I want to thank you for allowing me to provide written testimony in **opposition to Senate Bill 2168**, legislation that seeks to prohibit individuals from hunting or pursuing game within 440 yards of any building, occupied structure, or storage structure without obtaining the consent of the property owner.

For some background, Delta Waterfowl is the largest organization in North America dedicated to ducks and duck hunters. Founded at the famed Delta Marsh in Manitoba in 1911, with its United States headquarters here in Bismarck, North Dakota, Delta Waterfowl works to promote and protect the continuing tradition of waterfowl hunting across North America – including here in North Dakota.

While we certainly appreciate and respect the safety concerns and the desire to protect private property of the bill sponsor, we respectfully urge the members of the Senate Energy and Natural Resources Committee to oppose this short-sighted legislation.

Specifically, this legislation would create a quarter-mile distance requirement for sportsmen and women to legally hunt on property they own or lease, essentially requiring citizens of North Dakota to have access to hundreds of contiguous acres to legally hunt, negatively impacting their ability to use their property as they choose.

Additionally, the buffer created by the legislation would negatively impact the use of state-owned Wildlife Management Areas, PLOTS lands and other public lands commonly used by hunters. We strongly feel that any perceived safety concerns can already be adequately addressed by the North Dakota Game and Fish and local and state law enforcement with existing laws and regulations on the books.



If you have any questions, comments or concerns, please feel free to reach out to me directly at cbaird@deltawaterfowl.org.

Respectfully,

A handwritten signature in black ink that reads 'Cy Baird'. The signature is written in a cursive, flowing style.

Cyrus Hunter Baird
Senior Director of Government Affairs
Delta Waterfowl Foundation

2025 SENATE STANDING COMMITTEE MINUTES

Energy and Natural Resources Committee Peace Garden Room, State Capitol

SB 2168
1/24/2025

Relating to hunting near buildings, occupied structures, or storage structures.

9:40 a.m. Chairman Patten opened the hearing.

Members present:

Chairman Patten, Vice Chairman Kessel, Senators: Beard, Boehm, Enget, Gerhardt, and Van Oosting.

Discussion Topics:

- Committee Action

9:40 a.m. Senator Kessel moved a Do Not Pass.

9:41 a.m. Senator Van Oosting seconded the motion.

Senators	Vote
Senator Dale Patten	Y
Senator Greg Kessel	Y
Senator Todd Beard	Y
Senator Keith Boehm	Y
Senator Mark Enget	Y
Senator Justin Gerhardt	Y
Senator Desiree Van Oosting	Y

Motion Passed 7-0-0.

9:42 a.m. Senator Enget will carry the bill.

9:42 a.m. Chairman Patten closed the hearing.

Kendra McCann, Committee Clerk

REPORT OF STANDING COMMITTEE
SB 2168 ([25.0493.01000](#))

Energy and Natural Resources Committee (Sen. Patten, Chairman) recommends **DO NOT PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2168 was placed on the Eleventh order on the calendar. This bill does not affect workforce development.