

1 SENATE JOINT RESOLUTION NO. 22  
2 INTRODUCED BY E. MCCLAFFERTY

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4 A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF  
5 MONTANA REQUESTING AN INTERIM STUDY OF WAYS TO PROVIDE ACCESS TO PUBLIC LANDS  
6 THROUGH LEGAL MEANS WHILE PROTECTING PRIVATE PROPERTY RIGHTS; AND REQUIRING THAT  
7 THE FINAL RESULTS OF THE STUDY BE REPORTED TO THE 66TH LEGISLATURE.

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9 WHEREAS, local roads and easements across Montana provide access to public lands that are valued  
10 for hunting, fishing, and other outdoor recreation activities; and

11 WHEREAS, accessing public lands on legally obtained easements and established public roads is  
12 integral to balancing the outdoor interests of all Montanans with the private property interests of individual  
13 landowners; and

14 WHEREAS, confusion and ambiguity exists in state law regarding the obtainment of legal easements and  
15 the establishment of public roads; and

16 WHEREAS, confusion and ambiguity create conflicts that play out in county commission chambers and  
17 courtrooms and sometimes result in threatening behavior; and

18 WHEREAS, attempts in recent legislative sessions to prevent the blocking of access on public roads have  
19 failed; and

20 WHEREAS, it is the role of the Legislature to provide clarity in the law for recreationists, public officials,  
21 and private landowners.

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23 NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE  
24 STATE OF MONTANA:

25 That the Legislative Council be requested to designate an appropriate interim committee, pursuant to  
26 section 5-5-217, MCA, to:

27 (1) examine laws surrounding public roads, prescriptive easements, and other legal instruments that may  
28 be used to provide access to public lands while respecting private property rights;

29 (2) review current efforts to provide incentives to increase access to public lands, including the work of  
30 the Private Land/Public Wildlife Advisory Council and the Unlocking Public Lands Program; and



1           (3) explore laws or programs in other states that seek to provide access to public lands.  
2           BE IT FURTHER RESOLVED, that the interim committee seek input from local governments,  
3 recreationists, private landowners, and others.

4           BE IT FURTHER RESOLVED, that all aspects of the study, including presentation and review  
5 requirements, be concluded prior to September 15, 2018.

6           BE IT FURTHER RESOLVED, that the final results of the study, including any findings, conclusions,  
7 comments, or recommendations of the appropriate committee, be reported to the 66th Legislature.

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