

SENATE BILL NO. 301

INTRODUCED BY J. SMALL

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A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING THAT A COUNTY COMMISSION SHALL GIVE WRITTEN APPROVAL BEFORE A PUBLIC ROAD THAT ACCESSES PUBLIC LANDS IS ABANDONED, VACATED, OR CLOSED."

WHEREAS, Article X, section 11, of the Montana Constitution grants that public lands shall be held in trust for the people; and

WHEREAS, fire departments and search and rescue organizations need access to public lands in order to ensure public safety; and

WHEREAS, access to public lands promotes effective and beneficial forest management; and

WHEREAS, a county commission understands the needs of its constituents and must be included in the process of restricting the public's access to public lands within a county.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

**NEW SECTION. Section 1. Approval for abandonment, vacation, or encroachment of public road used to access public lands.** A public road THAT IS UNDER THE JURISDICTION OF A COUNTY AND used to access public lands may not be abandoned, vacated, or closed using any type of encroachment, including a locked gate, fence, building, or other structure, without the written approval of the county commission of the affected county.

**NEW SECTION. Section 2. Codification instruction.** [Section 1] is intended to be codified as an integral part of Title 7, chapter 14, and the provisions of Title 7, chapter 14, apply to [section 1].

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