

YMCA YOUTH LEGISLATURE OF THE STATE OF MONTANA

Bill Number _____

Legislative Action:

House Committee: _____

Introduced by: Andrea Cocergine

House: _____

Authored by: Andrea Cocergine

Senate Committee: _____

Senate: _____

Delegation: Butte High School

Governor: _____

Referred to Committee: _____

1. A BILL FOR AN ACT ENTITLED: "Quasi Public Access"

2.
3. BE IT ENACTED BY THE MONTANA YMCA YOUTH LEGISLATURE:

4.
5. **Section 1. Definition:** the following terms are used as defined below.

6. (I) private
7. a.) belonging to or concerning an individual person, company,
8. or interest

9. (II) public
10. a.) accessible to or shared by all members of the community and or
11. State

12. (III) BLM
13. a.) Bureau of Land Management – land owned by the United States
14. government

15. (IV) State
16. a.) land that the State of Montana owns

17. (V) National Forest
18. a.) property owned by the United States Government

19. (VI) roads
20. a.) any trail or two way path that can be used by a motorized vehicle,
21. horseback, and or by foot
22.

23.
24. **Section 2. Intent:** Land owners whose private property borders public, National Forest,
25. State or BLM lands with an existing road or trail usable by any motor vehicle prior to
26. and or after this bill is enacted will be determined to be accessible to the people of
27. Montana. Such private land roads will be open and passable for motor vehicles and be
28. accessible via foot and horseback for purposes of the public's recreational use with year
29. round access on such prevailing roads or entry ways. The land owner will have to post
30. his own private road(s) that do not lead to public lands mentioned herein. If the road or
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32.

33. trail leads to public land, an access point, trail head, and/or a gate: the owner or person in
34. charge of the land is not allowed to hide, barricade, post any signs of NO
35. TRESSPASSING, or distort the access in any way that will hinder the public's ability to
36. have full access to the road or trail leading to the public land. Therefore, the road must
37. have proper signage to indicate the use. The land owner will not have to pay taxes for the
38. land that the road resides on, also for each 1acre on either side of the road.

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40. **Section 3. People Subject to this bill:**

41. (I) Any rancher or farmer whose property contains a road or trail that leads to a public
42. land access point.
43. (II) Any private land owner who does not claim on their taxes as a rancher and or
44. farmer whose land contains a private road that leads to a designated public access
45. point
46. (III) Any person in charge of private property in absence of the owner.

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48. **Section 4. Enforcement and Reporting:** Fish, Wildlife, and Parks and Bureau of Land
49. Management shall be responsible for enforcement within the existing statutes.

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51. **Section 5. Penalties:** Failure of allowing people access to the public land using the
52. roads designated herein, will be deemed a violation upon the land owner.

53. (I) The first failure to allow access will result in a maximum fine of \$500.
54. (II) The second violation will be the revocation of land taxes not paid for each acre of
55. land on each side of the road and a \$1,000.00 fine.
56. (III) The third violation will result in a maximum of a \$5000.00 fine
57. (IV) The fourth violation is the loss of any grazing rights on public, Federal, or BLM
58. lands.
59. (V) After the fifth violation it will result in imprisonment in the county jail for 30
60. days in addition to fines up to \$10,000.

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62. **Section 6. Funding:** This bill requires no funding and all generated funds from the
63. applied penalties received will be utilized towards maintaining such public access and the
64. Fish, Wildlife, and Parks and the Bureau of Land Management shall be responsible for
65. the maintenance.

66.
67. **Section 7. Effective Date of Public Access:** The proposed Act shall be placed into
68. effect upon passage and become enforceable within 18 months.

69.
70. -end-