

# **UPOM**

**UNITED PROPERTY OWNERS OF MONTANA**

The logo for the United Property Owners of Montana (UPOM) features the acronym "UPOM" in a large, bold, black serif font. Below the acronym, the full name "UNITED PROPERTY OWNERS OF MONTANA" is written in a smaller, bold, black sans-serif font. A decorative graphic of a barbed wire strand with sharp points and a curved end runs horizontally across the page, positioned below the text.

## **2021 Legislative Scorecard**

## Property Rights in the 2021 Legislative Session

What a difference an election makes. The 2021 legislative session saw real progress on property rights with Governor Gianforte setting a new tone and shifting government from being adversarial to property owners to being an advocate for our rights.

Our top priority this session was to stop American Prairie Reserve's plan to impose free-roaming bison on Montana property owners. Two important measures enacted into law were HBs 302 and 318. The former ensures local control by putting final approval of a wild bison relocation in the hands of county commissioners. The latter clarified the legal definition of "wild bison" in order to specify that domestic bison cannot be transformed into wild bison.

Last year we learned that APR had already proposed a secret deal with the Montana Department of Fish Wildlife and Parks to convert their domestic bison herd to wildlife, and to move them onto the CMR wildlife refuge. HBs 302 and 318 would make such a scheme illegal in the future.

Unfortunately our primary bill to stop APR was not enacted. HB 677 was designed to slow APR's land-buying spree by taking away tax advantages that they use to out-bid other potential buyers. Today APR can buy agricultural property with taxpayer-subsidized funds, even if they intend to take that property out of production. HB 677 would have prohibited groups like APR from buying agricultural property using a tax-exempt entity—instead APR would have to make their land purchases through a for-profit like the rest of us. Under this scenario, donors to APR would not receive tax breaks for their contributions. We plan to bring a version of HB 677 back to the next legislature.

Another priority bill for UPOM was designed to address the growing problem of elk populations. FWP has a target population of 92,000 elk in Montana, but today we have roughly 170,000. Many hunting districts have more than twice the number of elk they should, with some at nearly 10 times the target population. FWP has shown no progress towards managing elk populations to bring them down to objective levels. The worst offending districts are those in which the Fish and Game Commission has limited the number of elk permits, allowing populations to grow unchecked. HB 697 was designed to give landowners some relief by committing a portion of FWP's budget to reimburse landowners for damages to crops caused by elk in any district that is over the population objective. This bill failed, but we plan to return with a similar measure next session.

This session also saw progress on land use regulation, including measures to clarify zoning and subdivision review, and to reduce abuses of prescriptive easements. Another important measure that we will continue to work on is regulatory takings—the latest iteration of which was SB 260, which progressed through the Senate but died in the House. SB 260 would have required government entities to compensate property owners for a 25% or more diminution of value of property due to any regulatory action taken by a state government entity.

### PROPERTY RIGHTS HEROES

Special recognition of the outstanding champions of property rights in 2021.



**Rep. Dan Bartel, Lewistown**  
Rep. Bartel sponsored HB 677, our bill to prevent APR and other non-profits from buying agricultural property.



**Rep. Joshua Kassmier, Fort Benton**  
Rep. Kassmier carried three bills featured in our scorecard, including measures to require county approval of bison relocation and national heritage areas, and to provide reimbursements to landowners for crop damage caused by elk.

## Bill Descriptions for UPOM's Legislative Scorecard

The following bills from the 2021 Legislative session were used to grade each legislator. The bills are weighted according to their impact—positive or negative—on property rights. Bonus points based on these weights are added to, or subtracted from, the scores of the primary sponsor of each bill included in our scorecard.

UPOM's 'Property Rights Heroes' are selected by UPOM's Board of Directors and generally include those legislators who sponsored legislation, scored over 100% on the scorecard, or who have exhibited an exemplary commitment to protecting private property rights throughout their tenure in the Montana State Legislature.

### **HB 318—Clarify definition of bison**

*Rep. Holmlund, R-Miles City*

*Weight: 4 Support*

Revised the definition of bison and buffalo to specify that a bison previously subject to the per capita fee could never be classified as "wild". This bill was important policy to prevent domestic bison from being reclassified as wildlife.

*H Vote: 3rd Reading 4/26, passed 65-32*

*S Vote: 3rd Reading 3/29, passed 31-19*

*Final Status: Became law*

### **HB 259—Revise property & zoning laws**

*Rep. Vinton, R-Billings*

*Weight: 3 Support*

Prohibits local governments from imposing fees or taking property for the purpose of dictating specified sales prices or requiring low-income housing as part of a real-estate development.

*H Vote: 3rd Reading 2/16, passed 64-35*

*S Vote: 3rd Reading on 3/26, passed 31-19*

*Final Status: Became law*

### **SB 286—Prohibit certain prescriptive easements in a platted subdivision**

*Sen. Hinebauch, R-Wibaux*

*Weight: 1 Support*

Prohibits residents from creating "shortcuts" through a platted subdivision by prescriptive easement if they cross other lots or parcels. This bill places an important sideboard around prescriptive easements.

*H Vote: 3rd Reading 4/12, passed 98-2*

*S Vote: 3rd Reading 2/26, passed 50-0*

*Final Status: Became law*

### **HB 302—Require county approval to relocate bison**

*Rep. Kassmier, R-Fort Benton*

*Weight: 4 Support*

This bill specified that county commissioners must approve any translocation of bison into their jurisdiction.

*H Vote: 3rd Reading 3/15, passed 65-33*

*S Vote: 3rd Reading 4/12, passed 30-20*

*Final Status: Became law*

### **HB 677—Revise laws to prohibit certain nonprofit organizations to purchase ag land**

*Rep. Bartel, R-Lewistown*

*Weight: 5 Support*

HB 677 would have prohibited nonprofits like the American Prairie Reserve from purchasing agricultural property using a tax-advantaged entity.

*H Vote: Do pass, House Ag, 4/1*

*Final Status: Died in committee*

### **SB 260—Generally revise laws related to property interests and transfer of businesses**

*Sen. Fitzpatrick, R-Great Falls*

*Weight: 4 Support*

This regulatory takings measure would have required government entities to pay fair market value for property diminished in value by 25% or more due to a new regulation.

*H Vote: 2nd Reading 4/14, failed 41-59*

*S Vote: 3rd Reading 3/1, passed 31-19*

*Final Status: Died in process*

## PROPERTY RIGHTS HEROES



**Rep. Wylie Galt, Martinsdale**  
As Speaker of the House, Rep. Galt gave a forceful speech in favor of HB 697, our crop damage bill. He scored 100% in our scorecard.



**Sen. Mike Lang, Malta**  
Senator Lang assisted in crafting HB 677, our bill to stop APR, and sponsored important legislation related to sage grouse. He scored 100% on our scorecard.



**Senator Llew Jones, Conrad**  
Senator Jones advocated for our crop damage bill in the Appropriations committee. He scored 100% on our scorecard.

**HB 697—Reimburse landowners for crop damage by wildlife**

*Rep. Kassmier, R-Fort Benton*

*Weight: 5 Support*

HB 697 would have created a new program to reimburse landowners for crops damaged by big game in hunting districts with over-objective game populations.

*H Vote: 2rd Reading 4/6, passed 61-36*

*Final Status: Died in Appropriations committee*

**SB 174—Revise laws related to local subdivision review**

*Sen. Hertz, R-Polson*

*Weight: 3 Support*

Adds clarity to the subdivision review process by requiring that local governments clearly define requirements and preventing them from moving the goalposts mid process.

*H Vote: 3rd Reading 4/12, passed 67-32*

*S Vote: 3rd Reading 4/15, passed 32-18*

*Final Status: Became law*

**HB 367—Revise constitutional language regarding harvest heritage**

*Rep. Fielder, R-Thompson Falls*

*Weight: 2 Support*

A Constitutional referendum that would have protected hunting, fishing and trapping. The amendment language included strong protections for private property rights.

*H Vote: 3rd Reading 3/29, passed 66-34*

*S Vote: 3rd Reading 4/23, passed 31-19*

*Final Status: Failed to gain supermajority vote*

**Bill descriptions cont.**

**SB 554—Require legislative approval of national heritage areas, historic trails**

*Rep. Kassmier, R-Fort Benton*

*Weight: 3 Support*

Requires legislative oversight of national heritage areas, and their impacts on private property.

*H Vote: 3rd Reading 4/26, passed 71-27*

*S Vote: 3rd Reading 4/13, passed 31-19*

*Final Status: Became law*

**SB 98—Revise laws related to grizzly bear take in self defense of persons and livestock**

*Sen. Gillespie, R-Ethridge*

*Weight: 3 Support*

Clarifies that a person may not be charged with a crime for killing a grizzly bear if it is threatening livestock or human life.

*H Vote: 3rd Reading 4/29, passed 67-32*

*S Vote: 3rd Reading 4/29, passed 32-18*

*Final Status: Became law*

# Montana Senate Scorecard

Bill		HB 302	HB 318	HB 259	SB 286	SB 260	SB 174	HB 367	HB 554	SB 98
Position		S	S	S	S	S	S	S	S	S
Weight		4	4	3	1	4	3	2	3	3
Senator	Score									
Duane Ankney (R)	93%	+	+	+	+	+	+	-	+	+
Bryce Bennett (D)	4%	-	-	-	+	-	-	-	-	-
Mark Blasdel (R)	100%	+	+	+	+	+	+	+	+	+
Kenneth Bogner (R)	100%	+	+	+	+	+	+	+	+	+
Cydnie (Carlie) Boland (D)	4%	-	-	-	+	-	-	-	-	-
Ellie Boldman (D)	4%	-	-	-	+	-	-	-	-	-
Bob Brown (R)	100%	+	+	+	+	+	+	+	+	+
Jill Cohenour (D)	4%	-	-	-	+	-	-	-	-	-
Mike Cuffe (R)	100%	+	+	+	+	+	+	+	+	+
Janet Ellis (D)	4%	-	-	-	+	-	-	-	-	-
Jason Ellsworth (R)	100%	+	+	+	+	+	+	+	+	+
John Esp (R)	100%	+	+	+	+	+	+	+	+	+
Steve Fitzpatrick (R)	100%	+	+	+	+	Sp.	+	+	+	+
Pat Flowers (D)	11%	-	-	-	+	-	-	+	-	-
Mike Fox (D)	4%	-	-	-	+	-	-	-	-	-
Chris Friedel (R)	100%	+	+	+	+	+	+	+	+	+
Terry Gauthier (R)	100%	+	+	+	+	+	+	+	+	+
Bruce (Butch) Gillespie (R)	104%	+	+	+	+	+	+	+	+	Sp.
Carl Glimm (R)	100%	+	+	+	+	+	+	+	+	+
Jen Gross (D)	4%	-	-	-	+	-	-	-	-	-
Greg Hertz (R)	104%	+	+	+	+	+	Sp.	+	+	+
Steve Hinebauch (R)	104%	+	+	+	Sp.	+	+	+	+	+
Brian Hoven (R)	93%	+	+	+	+	+	+	-	+	+
David Howard (R)	100%	+	+	+	+	+	+	+	+	+
Tom Jacobson (D)	33%	-	-	-	+	-	+	+	-	+
Doug Kary (R)	100%	+	+	+	+	+	+	+	+	+
Bob Keenan (R)	100%	+	+	+	+	+	+	+	+	+
Mike Lang (R)	100%	+	+	+	+	+	+	+	+	+
Ryan Lynch (D)	4%	-	-	-	+	-	-	-	-	-
Theresa Manzella (R)	100%	+	+	+	+	+	+	+	+	+
Edie Mcclafferty (D)	4%	-	-	-	+	-	-	-	-	-
Tom McGillvray (R)	100%	+	+	+	+	+	+	+	+	+
Mary McNally (D)	4%	-	-	-	+	-	-	-	-	-

Legend:

Sp. - Bill Sponsor    S - UPOM-supported bill    O - UPOM-opposed bill    A - Absent    E - Excused  
 Scores greater than 100% include bonus points for bill sponsorship.

# Montana Senate Scorecard

# Montana House Scorecard

Bill		HB 302	HB 318	HB 259	SB 286	HB 677	SB 260	HB 697	SB 174	HB 367	HB 554	SB 98
Position		S	S	S	S	S	S	S	S	S	S	S
Weight		4	4	3	1	5	4	5	3	2	3	3
Representative	Score											
Kim Abbott (D)	3%	-	-	-	+	NA	-	-	-	-	-	-
Fred Anderson (R)	89%	+	+	+	+	+	-	+	+	+	+	+
Dan Bartel (R)	92%	+	+	+	+	Sp.	-	+	+	+	+	+
Becky Beard (R)	76%	+	+	+	+	-	-	+	+	+	+	+
David Bedey (R)	100%	+	+	+	+	NA	+	+	+	+	+	+
Seth Berglee (R)	100%	+	+	+	+	NA	+	+	+	+	+	+
Marta Bertoglio (R)	100%	+	+	+	+	NA	+	+	+	+	+	+
Michele Binkley (R)	76%	+	+	+	+	-	-	+	+	+	+	+
Laurie Bishop (D)	3%	-	-	-	+	-	-	-	-	-	-	-
Larry Brewster (R)	88%	+	-	+	+	NA	+	+	+	+	+	+
Alice Buckley (D)	28%	-	-	-	+	NA	-	+	-	-	+	-
Ed Buttrey (R)	100%	+	+	+	+	NA	+	+	+	+	+	+
Mary Caferro (D)	3%	-	-	-	+	NA	-	-	-	-	-	-
Jennifer Carlson (R)	100%	+	+	+	+	NA	+	+	+	+	+	+
Willis Curdy (D)	3%	-	-	-	+	-	-	-	-	-	-	-
Geraldine Custer (R)	78%	+	+	-	+	NA	-	+	+	+	+	+
Julie Dooling (R)	86%	+	+	+	+	-	+	+	+	+	+	+
Mary Ann Dunwell (D)	3%	-	-	-	+	NA	-	-	-	-	-	-
Neil Duram (R)	72%	+	+	+	+	NA	-	-	+	+	+	+
Robert Farris-Olsen (D)	3%	-	-	-	+	NA	-	-	-	-	-	-
Dave Fern (D)	14%	-	A	-	+	NA	-	-	-	-	+	-
Paul Fielder (R)	91%	+	+	+	+	NA	-	+	+	Sp.	+	+
Ross Fitzgerald (R)	100%	+	+	+	+	NA	+	+	+	+	+	+
Frank Fleming (R)	100%	+	+	+	+	NA	+	+	+	+	+	+
Tom France (D)	3%	-	-	-	+	NA	-	-	-	-	-	-
Gregory Frazer (R)	100%	+	E	+	+	NA	+	+	+	+	E	+
John Fuller (R)	100%	+	+	+	+	NA	+	+	+	+	+	+
Moffie Funk (D)	3%	-	-	-	+	-	-	-	A	-	-	-
Steven Galloway (R)	72%	+	+	+	+	NA	-	-	+	+	+	+
Wylie Galt (R)	100%	+	+	+	+	NA	+	+	+	+	+	+
Frank Garner (R)	100%	+	+	+	+	NA	+	+	+	+	+	+
Jane Gillette (R)	100%	+	+	+	+	NA	+	+	+	+	+	+
Steve Gist (R)	88%	+	+	+	+	NA	-	+	+	+	+	+
Sharon Greef (R)	94%	+	+	+	+	NA	+	+	+	-	+	+
Steve Gunderson (R)	88%	+	+	+	+	NA	-	+	+	+	+	+
Jim Hamilton (D)	3%	-	-	-	+	NA	-	-	-	-	-	-
Derek Harvey (D)	3%	-	-	-	+	NA	-	-	-	-	-	A

# Montana House Scorecard

Bill		HB 302	HB 318	HB 259	SB 286	HB 677	SB 260	HB 697	SB 174	HB 367	HB 554	SB 98
Position		S	S	S	S	S	S	S	S	S	S	S
Weight		4	4	3	1	5	4	5	3	2	3	3
Representative	Score											
Donavon Hawk (D)	13%	-	-	-	+	NA	-	-	-	-	+	-
Denise Hayman (D)	3%	-	-	-	+	NA	-	-	-	-	-	-
Ed Hill (R)	88%	+	+	+	+	NA	-	+	+	+	+	+
Jedediah Hinkle (R)	88%	+	+	+	+	NA	-	+	+	+	+	+
Caleb Hinkle (R)	88%	+	+	+	+	NA	-	+	+	+	+	+
Kenneth Holmlund (R)	103%	+	Sp.	+	+	NA	+	+	+	+	+	+
Mike Hopkins (R)	100%	+	+	+	+	NA	+	+	+	+	+	+
Llew Jones (R)	100%	+	+	+	+	NA	+	+	+	+	+	+
Jessica Karjala (D)	3%	-	-	-	+	NA	-	-	-	-	-	-
Josh Kassmier (R)	95%	Sp.	+	+	+	-	+	Sp.	+	+	Sp.	+
Jim Keane (D)	13%	-	-	-	+	NA	-	-	-	-	+	-
Kathy Kelker (D)	3%	-	-	-	+	NA	-	-	-	-	-	-
Connie Keogh (D)	3%	-	-	-	+	NA	-	-	-	-	-	-
Scot Kerns (R)	88%	+	+	+	+	NA	-	+	+	+	+	+
Emma Kerr-Carpenter (D)	28%	-	-	-	+	NA	-	+	-	-	+	-
Casey Knudsen (R)	86%	+	+	+	+	-	+	+	+	+	+	+
Rhonda Knudsen (R)	100%	+	+	+	+	NA	+	+	+	+	+	+
Kelly Kortum (D)	4%	-	-	-	+	NA	-	A	-	-	-	-
Dennis Lenz (R)	88%	+	+	+	+	NA	-	+	+	+	+	+
Brandon Ler (R)	86%	+	+	+	+	-	+	+	+	+	+	+
Denley Loge (R)	100%	+	+	+	+	NA	+	+	+	+	+	+
Marty Malone (R)	86%	+	+	+	+	-	+	+	+	+	+	+
Marilyn Marler (D)	3%	-	-	-	+	NA	-	-	-	-	-	-
Ron Marshall (R)	76%	+	+	+	+	-	-	+	+	+	+	+
Wendy Mckamey (R)	86%	+	+	+	+	-	+	+	+	+	+	+
Bill Mercer (R)	84%	+	+	+	+	NA	+	-	+	+	+	+
Braxton Mitchell (R)	88%	+	+	+	+	NA	-	+	+	+	+	+
Terry Moore (R)	72%	+	+	+	+	NA	-	-	+	+	+	+
Fiona Nave (R)	89%	+	+	+	+	NA	+	E	+	+	+	-
Mark Noland (R)	100%	+	+	+	+	NA	+	E	+	+	+	+
Sara Novak (D)	13%	-	-	-	+	NA	-	-	-	-	-	+
Andrea Olsen (D)	0%	-	-	-	-	NA	-	-	-	-	-	-
Jimmy Patelis (R)	100%	+	+	+	+	NA	+	+	+	+	+	+
Bob Phalen (R)	100%	+	+	+	+	NA	+	+	+	+	+	+
Brian Putnam (R)	91%	+	+	-	+	NA	+	+	+	+	+	+
Joe Read (R)	100%	+	+	+	+	NA	+	+	+	+	+	+
Matt Regier (R)	72%	+	+	+	+	NA	-	-	+	+	+	+



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Bill		HB 302	HB 318	HB 259	SB 286	HB 677	SB 260	HB 697	SB 174	HB 367	HB 554	SB 98
Position		S	S	S	S	S	S	S	S	S	S	S
Weight		4	4	3	1	5	4	5	3	2	3	3
Representative	Score											
Amy Regier (R)	72%	+	+	+	+	NA	-	-	+	+	+	+
Linda Reksten (R)	86%	+	+	A	+	NA	-	+	+	+	+	+
Vince Ricci (R)	100%	+	+	+	+	NA	+	+	+	+	+	+
Tyson Running Wolf (D)	3%	-	-	-	+	NA	-	-	-	-	-	-
Jerry Schillinger (R)	100%	+	+	+	+	NA	+	+	+	+	+	+
Kerri Seekins-Crowe (R)	100%	+	+	+	+	NA	+	+	+	+	+	+
Lola Sheldon-Galloway (R)	88%	+	+	+	+	NA	-	+	+	+	+	+
Derek Skees (R)	88%	+	+	+	+	NA	-	+	+	+	+	+
Frank Smith (D)	14%	-	-	-	+	-	+	-	-	-	-	-
Ed Stafman (D)	3%	-	-	-	+	NA	-	-	-	-	-	-
Sharon Stewart Peregoy (D)	3%	-	-	-	+	NA	-	-	-	-	-	-
Mallerie Stromswold (R)	100%	+	+	+	+	NA	+	+	+	+	+	+
Katie Sullivan (D)	3%	-	-	-	+	-	-	-	-	-	-	-
Danny Tenenbaum (D)	0%	-	-	-	-	NA	-	-	-	-	-	-
Mark Thane (D)	3%	-	-	-	+	NA	-	-	-	-	-	-
Jeremy Trebas (R)	100%	+	+	+	+	NA	+	+	+	+	+	+
Brad Tschida (R)	88%	+	+	+	+	NA	-	+	+	+	+	+
Barry Usher (R)	86%	A	+	+	+	NA	-	+	+	+	+	+
Sue Vinton (R)	91%	+	+	Sp.	+	NA	-	+	+	+	+	+
Kenneth Walsh (R)	85%	E	+	+	+	-	+	+	+	+	+	+
Marvin Weatherwax (D)	3%	-	-	-	+	NA	-	-	-	-	-	-
Tom Welch (R)	100%	+	+	+	+	NA	+	+	+	+	+	+
Rynalea Whiteman Pena (D)	3%	-	A	-	+	-	-	-	-	-	A	-
Kathy Whitman (R)	100%	+	+	+	+	NA	+	+	+	+	+	+
Jonathan Windy Boy (D)	3%	-	-	-	+	NA	-	-	-	-	-	-
Katie Zolnikov (R)	88%	+	+	+	+	NA	-	+	+	+	+	+

Legend:

Sp. - Bill Sponsor    S - UPOM-supported bill    O - UPOM-opposed bill    A - Absent    E - Excused  
 Scores greater than 100% include bonus points for bill sponsorship.

## About United Property Owners of Montana

In recent years government and special interest groups have advocated for new policies on land use, environmental protection, and social change. Unfortunately, many of those policies necessitate the erosion of private property rights. Put it all together and we have a growing movement in Montana that challenges the rights landowners have to possess, protect, and use their property.

The attacks on our property rights threaten to undermine the unique culture and traditions that make Montana such a special place. UPOM is dedicated to protecting our property rights in order to preserve our agricultural heritage for future generations. Our philosophy is simple: the erosion of one person's rights affects us all. We hope you'll join our efforts to protect Montana's property rights.