

HOUSE BILL NO. 388

INTRODUCED BY G. HERTZ

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4 A BILL FOR AN ACT ENTITLED: "AN ACT REVISING IRRIGATION DISTRICT LAWS; REVISING HOW AN  
5 IRRIGATION DISTRICT MAY WITHDRAW FROM JOINT OPERATION; PROVIDING FOR A SPECIAL  
6 ELECTION TO WITHDRAW FROM A JOINT OPERATION; REVISING WHO MAY BE CONSIDERED AN  
7 ELECTOR IN AN IRRIGATION DISTRICT ELECTION; REQUIRING OWNERS OF LAND IN A DISTRICT TO  
8 NOTIFY THE COUNTY ELECTION OFFICE IRRIGATION DISTRICT OF WHO IS DESIGNATED TO VOTE;  
9 REQUIRING THE LIST OF DESIGNEES TO BE PROVIDED TO THE COUNTY ELECTION OFFICE AT LEAST  
10 60 DAYS BEFORE AN ELECTION; ~~AND AMENDING SECTIONS 85-7-1603 AND~~ SECTION 85-7-1710, MCA;  
11 AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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

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15 ~~Section 1.~~ Section 85-7-1603, MCA, is amended to read:

16 ~~"85-7-1603. Withdrawal from joint operation.~~ Any district having entered into a written contract, as  
17 provided by this part, may withdraw from such the contract upon submitting to the board of control and individual  
18 districts, in writing, a notarized 90-day notice of withdrawal, except that if revenue bonds have been issued by  
19 the board of control under part 14 of this chapter, the district may not withdraw from such the contract until such  
20 the bonds are canceled or redeemed. Upon receipt of the notice by the board of control, the commissioners of  
21 all districts seeking to withdraw from joint operations shall call a special election to put the question before each  
22 district's landowners. If a majority of landowners vote to authorize the withdrawal from joint operations, the  
23 commissioners of the district are authorized and directed to withdraw within 90 days of the election. The election  
24 must be conducted in the same manner and the same persons are entitled to vote in the election as provided for  
25 in the elections of commissioners of irrigation districts under 85-7-1702, 85-7-1710, and 85-7-1712."

26  
27 **Section 1.** Section 85-7-1710, MCA, is amended to read:

28 **"85-7-1710. Qualification of electors and nature of voting rights.** (1) (a) At all elections held under  
29 the provisions of this part, except as otherwise expressly provided, the following holders of title or evidence of  
30 title to irrigable lands within the district, designated "electors", are entitled to vote:



1 ~~(a)(i) all individuals having the qualifications of IF, EXCEPT AS PROVIDED IN SUBSECTION (1)(B), THEY ARE~~  
 2 ~~QUALIFIED~~ electors under the constitution and general election laws of the state; ~~except that registration of~~  
 3 ~~electors and county residency may not be required;~~

4 ~~(b)(iii)(I) guardians, executors, administrators, and trustees;~~

5 ~~(c)(iii)(II) domestic corporations, by their duly authorized agents; and~~

6 ~~(iv)(III) owners of land described in subsection (3), including but not limited to corporations, limited liability~~  
 7 ~~companies, partnerships, and other entities that may vote through their duly authorized agents.~~

8 (b) Electors under this section are not subject to state residency or registration requirements.

9 (2) In all elections held under this part, each elector is permitted to cast one vote for each acre of irrigable  
 10 land or major fraction of an acre owned by the elector within the district, irrespective of the location of the irrigable  
 11 lands within the tracts designated by the commissioners for assessment and taxation purposes or within  
 12 congressional subdivisions, platted lots or blocks except as otherwise provided for, election precincts, or district  
 13 divisions, but any elector owning any less than 1 acre of irrigable land is entitled to one vote. Until the irrigable  
 14 area under the proposed plan of reclamation is determined, all land included within the boundaries of the district  
 15 must be considered irrigable land for election purposes.

16 (3) Whenever land is owned by co-owners, the owners ~~at their discretion may~~ SHALL designate one of  
 17 their number or an agent to cast the vote for the owners. Whenever the land is owned by a single owner, the  
 18 owner ~~at the owner's discretion~~ may designate an agent to cast the vote. Only one vote may be cast for each acre  
 19 of irrigable land or major fraction of an acre by the voting ~~co-owner or by an agent~~ INDIVIDUAL. Whenever land is  
 20 under contract of sale to a purchaser ~~residing within the state~~, the purchaser may vote on behalf of the owner of  
 21 the land. When voting, the agent of a corporation, of a single owner or co-owners, of the co-owner designated  
 22 for the purpose of voting, or of the purchaser of land under contract of sale shall file with the secretary of the  
 23 district ~~or with the election officials~~ a written instrument of the agent's authority, executed and acknowledged by  
 24 the proper officers of the corporation, by the single owner or co-owners, or by the owner of land under contract  
 25 of sale, and upon filing, the agent or co-owner or purchaser is an elector within the meaning of this part.

26 (4) The board of commissioners shall choose one of the following methods of balloting:

27 (a) for 10 votes or less, separate ballots must be used, and for more than 10 votes, the elector shall vote  
 28 in blocks of 10 using one ballot for each 10 votes and separate ballots for odd votes over multiples of 10; or

29 (b) the elector shall submit a ballot that includes the number of acres owned and the number of votes  
 30 being cast.

1 ~~(5) (a) An owner or co-owner of land shall annually provide notice to the irrigation district in which the~~  
 2 ~~owner's or co-owner's parcel is located of the agent, agents, or individual designated to vote in elections affecting~~  
 3 ~~the owner's or co-owner's tract or tracts of land within the district.~~

4 (5) (A) EACH HOLDER OF THE TITLE OR EVIDENCE OF TITLE TO IRRIGABLE LAND WITHIN THE DISTRICT WHO IS  
 5 QUALIFIED AS AN ELECTOR UNDER SUBSECTION (1)(A) SHALL PROVIDE NOTICE TO THE IRRIGATION DISTRICT IN WHICH THE  
 6 LAND IS LOCATED DESIGNATING THE INDIVIDUAL WHO WILL BE VOTING IN THE ELECTION WITH RESPECT TO THE IRRIGABLE  
 7 LAND. IF THERE IS A CHANGE IN THE DESIGNATION, A NEW NOTICE MUST BE PROVIDED TO THE IRRIGATION DISTRICT.

8 (b) The list of designated voters compiled under subsection (5)(a) and maintained and certified by the  
 9 irrigation district must be provided to the county election office not less than 60 days before ~~special district ballots~~  
 10 ~~are mailed~~ THE ELECTION."

11  
 12 NEW SECTION. SECTION 2. ONE-TIME NOTIFICATION REQUIREMENT. BY DECEMBER 31, 2017, THE DISTRICT  
 13 SHALL NOTIFY EACH HOLDER OF A TITLE OR EVIDENCE OF TITLE TO IRRIGABLE LAND WITHIN THE DISTRICT CONCERNING  
 14 THE REQUIREMENTS UNDER 85-7-1710(5)(A).

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 16 NEW SECTION. SECTION 3. EFFECTIVE DATE. [THIS ACT] IS EFFECTIVE ON PASSAGE AND APPROVAL.

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