

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 OF WHO IS DESIGNATED TO VOTE; REQUIRING THE LIST OF
9 DESIGNEES TO BE PROVIDED AT LEAST 60 DAYS BEFORE AN ELECTION; AND AMENDING SECTIONS
10 85-7-1603 AND 85-7-1710, MCA."

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

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14 **Section 1.** Section 85-7-1603, MCA, is amended to read:
15 **"85-7-1603. Withdrawal from joint operation.** Any district having entered into a written contract, as
16 provided by this part, may withdraw from ~~such the~~ contract upon submitting to the board of control and individual
17 districts, in writing, a notarized 90-day notice of withdrawal, except that if revenue bonds have been issued by
18 the board of control under part 14 of this chapter, the district may not withdraw from ~~such the~~ contract until ~~such~~
19 the bonds are canceled or redeemed. Upon receipt of the notice by the board of control, the commissioners of
20 all districts seeking to withdraw from joint operations shall call a special election to put the question before each
21 district's landowners. If a majority of landowners vote to authorize the withdrawal from joint operations, the
22 commissioners of the district are authorized and directed to withdraw within 90 days of the election. The election
23 must be conducted in the same manner and the same persons are entitled to vote in the election as provided for
24 in the elections of commissioners of irrigation districts under 85-7-1702, 85-7-1710, and 85-7-1712."

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26 **Section 2.** Section 85-7-1710, MCA, is amended to read:
27 **"85-7-1710. Qualification of electors and nature of voting rights.** (1) (a) At all elections held under
28 the provisions of this part, except as otherwise expressly provided, the following holders of title or evidence of
29 title to irrigable lands within the district, designated "electors", are entitled to vote:

30 (a)(i) all individuals having the qualifications of electors under the constitution and general election laws

1 of the state; ~~except that registration of electors and county residency may not be required;~~
 2 ~~(b)(ii)~~ guardians, executors, administrators, and trustees;
 3 ~~(c)(iii)~~ domestic corporations, by their duly authorized agents; and
 4 (iv) owners of land described in subsection (3), including but not limited to corporations, limited liability
 5 companies, partnerships, and other entities that may vote through their duly authorized agents.

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

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

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

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

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

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

29 (5) (a) An owner or co-owner of land shall annually provide notice to the irrigation district in which the
 30 owner's or co-owner's parcel is located of the agent, agents, or individual designated to vote in elections affecting

1 the owner's or co-owner's tract or tracts of land within the district.
2 (b) The list of designated voters compiled under subsection (5)(a) and maintained and certified by the
3 irrigation district must be provided to the county election office not less than 60 days before special district ballots
4 are mailed."

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