

MARCH 18, 1991

CONCURRED IN.

THIRD READING, AMENDMENTS
CONCURRED IN.

SENT TO ENROLLING.

REPORTED CORRECTLY ENROLLED.

1 *Senate* BILL NO. *108*
 2 INTRODUCED BY *Benson, Keiser, Benford*
 3 *Pinquell, Frankel, Schye*
 4 A BILL FOR AN ACT ENTITLED: "AN ACT REVISING THE PROCEDURES
 5 FOR ELECTING IRRIGATION DISTRICT TRUSTEES; ALLOWING
 6 NOMINATIONS TO BE MADE FROM THE FLOOR AT THE ANNUAL MEETING;
 7 REQUIRING ELECTION BY ACCLAMATION WHEN THERE IS ONLY ONE
 8 NOMINEE FOR A POSITION; AND AMENDING SECTION 85-7-1702,
 9 MCA."

10
11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

12 **Section 1.** Section 85-7-1702, MCA, is amended to read:

13 **"85-7-1702. Regular election -- term of office. (1) The**
 14 **regular election for commissioners in each district must be**
 15 **held annually in accordance with 13-1-104 and 13-1-401.**

16 **(2) Candidates for the office of commissioner may be**
 17 **nominated by petition filed with the election administrator**
 18 **or deputy election administrator at least 75 days before the**
 19 **election and signed by at least five electors of the**
 20 **district. If no nominations are made, the following**
 21 **procedures must be followed:**

22 **(a) For elections held in accordance with 13-1-401(1),**
 23 **the electors of the district shall write on the ballots the**
 24 **name or names of the person or persons for whom they desire**
 25 **to vote.**

1 (b) For elections held in accordance with 13-1-401(2),
 2 the electors of the district may either accept nominations
 3 from the floor or write on the ballots the name of the
 4 person or persons for whom they desire to vote.

5 ~~(2) The regular election for commissioners in each~~
 6 ~~district shall be held annually in accordance with 13-1-104~~
 7 ~~and 13-1-401.~~

8 (3) If there is only one nominee for each ballot
 9 position, the nominee must be declared elected by
 10 acclamation and ballots may not be cast. The action must be
 11 taken in accordance with 13-1-304.

12 ~~(3)(4)~~ Within 40 days following their election, the
 13 commissioners shall meet and organize as a board by electing
 14 a president from their number and a secretary, who may or
 15 may not be a commissioner, and who shall each hold office
 16 during at the pleasure of the board. The term of office of
 17 each commissioner shall begin begins on the date of the
 18 organizational meeting after the regular election and shall
 19 continue continues for 3 years and until the election and
 20 qualification of his successor.

21 ~~(4)(5)~~ Commissioners are elected by the electors of the
 22 entire district."

-End-



APPROVED BY COMM.
ON LOCAL GOVERNMENT

SENATE BILL NO. 108

INTRODUCED BY BENGTON, KASTEN, BENEDICT,
PINSONEAULT, J. DEBRUYCKER, FOSTER, SCHYE

A BILL FOR AN ACT ENTITLED: "AN ACT REVISING THE PROCEDURES
FOR ELECTING IRRIGATION DISTRICT TRUSTEES; ALLOWING
NOMINATIONS TO BE MADE FROM THE FLOOR AT THE ANNUAL MEETING;
REQUIRING ELECTION BY ACCLAMATION WHEN THERE IS ONLY ONE
NOMINEE FOR A POSITION; AND AMENDING SECTION 85-7-1702,
MCA."

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

Section 1. Section 85-7-1702, MCA, is amended to read:

***85-7-1702. Regular election -- term of office.** (1) The regular election for commissioners in each district must be held annually in accordance with 13-1-104 and 13-1-401.

††(2) Candidates for the office of commissioner may be nominated by petition filed with the election administrator or deputy election administrator at least 75 days before the election and signed by at least five electors of the district. If no nominations are made, the following procedures must be followed:

(a) For elections held in accordance with 13-1-401(1), the electors of the district shall write on the ballots the name or names of the person or persons for whom they desire

to vote.

(b) For elections held in accordance with 13-1-401(2), the electors of the district may either accept nominations from the floor or write on the ballots the name of the person or persons for whom they desire to vote.

~~†2) The regular election for commissioners in each district shall be held annually in accordance with 13-1-104 and 13-1-401.~~

(3) If there is only one nominee for each ballot position, the nominee must be declared elected by acclamation and ballots may not be cast. The action must be taken in accordance with 13-1-304.

~~†3)(4)~~ Within 40 days following their election, the commissioners shall meet and organize as a board by electing a president from their number and a secretary, who may or may not be a commissioner, and who shall each hold office during at the pleasure of the board. The term of office of each commissioner ~~shall begin~~ begins on the date of the organizational meeting after the regular election and ~~shall continue~~ continues for 3 years and until the election and qualification of his successor.

~~†4)(5)~~ Commissioners are elected by the electors of the entire district."

-End-

SECOND READING

1 SENATE BILL NO. 108

2 INTRODUCED BY BENGTON, KASTEN, BENEDICT,
3 PINSONEAULT, J. DEBRUYCKER, FOSTER, SCHYE

4
5 A BILL FOR AN ACT ENTITLED: "AN ACT REVISING THE PROCEDURES
6 FOR ELECTING IRRIGATION DISTRICT TRUSTEES; ALLOWING
7 NOMINATIONS TO BE MADE FROM THE FLOOR AT THE ANNUAL MEETING;
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9 NOMINEE FOR A POSITION; AND AMENDING SECTION 85-7-1702,
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13 Section 1. Section 85-7-1702, MCA, is amended to read:

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15 regular election for commissioners in each district must be
16 held annually in accordance with 13-1-104 and 13-1-401.

17 ~~(1)~~(2) Candidates for the office of commissioner may be
18 nominated by petition filed with the election administrator
19 or deputy election administrator at least 75 days before the
20 election and signed by at least five electors of the
21 district. If no nominations are made, the following
22 procedures must be followed:

23 (a) For elections held in accordance with 13-1-401(1),
24 the electors of the district shall write on the ballots the
25 name ~~or names~~ of the person or persons for whom they desire

1 to vote.

2 (b) For elections held in accordance with 13-1-401(2),
3 the electors of the district may either accept nominations
4 from the floor or write on the ballots the name of the
5 person or persons for whom they desire to vote.

6 ~~(2) The regular election for commissioners in each~~
7 ~~district shall be held annually in accordance with 13-1-104~~
8 ~~and 13-1-401.~~

9 (3) If there is only one nominee for each ballot
10 position, the nominee must be declared elected by
11 acclamation and ballots may not be cast. The action must be
12 taken in accordance with 13-1-304.

13 ~~(3)~~(4) Within 40 days following their election, the
14 commissioners shall meet and organize as a board by electing
15 a president from their number and a secretary, who may or
16 may not be a commissioner, and who shall each hold office
17 during at the pleasure of the board. The term of office of
18 each commissioner ~~shall begin~~ begins on the date of the
19 organizational meeting after the regular election and ~~shall~~
20 ~~continue~~ continues for 3 years and until the election and
21 qualification of his successor.

22 ~~(4)~~(5) Commissioners are elected by the electors of the
23 entire district."

-End-

THIRD READING

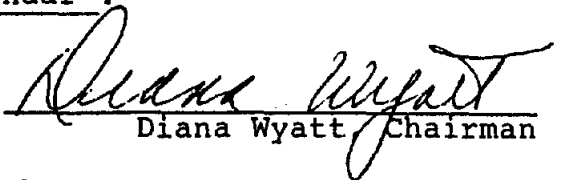
HOUSE STANDING COMMITTEE REPORT

March 8, 1991

Page 1 of 1

Mr. Speaker: We, the committee on Local Government report that Senate Bill 108 (third reading copy -- blue) be concurred in as amended and be placed on consent calendar.

Signed:


Diana Wyatt, Chairman

Carried by: Rep. Kasten

And, that such amendments read:

1. Title, line 8.

Strike: "REQUIRING"

Insert: "PERMITTING"

2. Page 2, line 9.

Strike: "each"

Insert: "a"

3. Page 2, line 10.

Strike: "must"

Insert: "may"

4. Page 2, lines 11 and 12.

Strike: ". The action must be taken"

Insert: "or"

HOUSE

SB 108

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SENATE BILL NO. 108

INTRODUCED BY BENGTON, KASTEN, BENEDICT,
PINSONEAULT, J. DEBRUYCKER, FOSTER, SCHYE

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~~(4)~~ (5) Commissioners are elected by the electors of the entire district."

-End-

REFERENCE BILL

-2-

SB 108
AS AMENDED

CONSENT CALENDAR

