

HOUSE BILL NO. 489
INTRODUCED BY BENGTSON

IN THE HOUSE

January 31, 1979	Introduced and referred to Committee on Agriculture, Livestock, and Irrigation.
February 7, 1979	Rereferred to Select Committee on Water.
February 16, 1979	Committee recommend bill do pass. Report adopted.
February 17, 1979	Second reading, do pass as amended.
February 19, 1979	Correctly engrossed.
February 20, 1979	Third reading, passed. Transmitted to second house.

IN THE SENATE

February 21, 1979	Introduced and referred to Committee on Agriculture, Livestock, and Irrigation.
March 3, 1979	Committee recommend bill be concurred in. Report adopted.
March 6, 1979	Second reading, concurred in.
March 8, 1979	Third reading, concurred in.

IN THE HOUSE

March 9, 1979	Returned to second house. Concurred in. Sent to enrolling.
March 19, 1979	Correctly enrolled.

March 19, 1979	Signed by President.
	Signed by Speaker.
March 20, 1979	Delivered to Governor.
March 26, 1979	Returned from Governor with recommended amendments.
	On motion, Governor's amendments placed on second reading for the 72nd Legislative Day.
March 29, 1979	Second reading, Governor's recommended amendments adopted.
March 30, 1979	Third reading, Governor's recommended amendments adopted.
	Transmitted to Senate.

IN THE SENATE

March 31, 1979	Governor's recommendation for amendments submitted to the Senate.
April 2, 1979	Committee of the Whole recommend Senate adopt Governor's amendments as amended.
April 3, 1979	On third reading, Governor's amendments adopted. Transmitted to House.

IN THE HOUSE

April 4, 1979	Returned from second house. Sent to enrolling.
	Reported correctly enrolled.

1 HOUSE BILL NO. 489
 2 INTRODUCED BY Bengtson

3
 4 A BILL FOR AN ACT ENTITLED: "AN ACT SETTING A MINIMUM AND
 5 MAXIMUM AMOUNT, FROM \$5 TO \$25, AN IRRIGATION DISTRICT MAY
 6 CHARGE AGAINST A SEPARATELY OWNED TRACT OF LAND FOR AN
 7 ANNUAL FEE; AMENDING SECTIONS 85-7-2103 AND 85-7-2104, MCA."

8
 9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

10 Section 1. Section 85-7-2103, MCA, is amended to read:
 11 "85-7-2103. All irrigable lands chargeable alike. (1)
 12 All irrigable lands in each irrigation district, except such
 13 lands that are included within the district because of the
 14 exchange or substitution of water under the provisions of
 15 85-7-1912, shall pay at the same rate for all purposes for
 16 which the lands are charged, except as otherwise provided by
 17 law. There may be a minimum charge of \$5 to \$25 against each
 18 separately owned tract of land regardless of its size, as
 19 provided in 85-7-2104. Whenever water used for the
 20 irrigation of any lands within an irrigation district is
 21 obtained by pumping to different elevations, the cost of
 22 maintenance, operation, and pumping to each separate
 23 elevation shall be apportioned and levied upon the lands
 24 lying under the ditch or ditches running from that
 25 particular elevation, in such manner as may be determined

1 fair and equitable by the board of commissioners after
 2 considering the facts in each case. This apportionment shall
 3 be made by the board of commissioners and included each year
 4 in the assessment provided for by 85-7-2104.

5 (2) The amount of the assessment for maintenance,
 6 operation, and pumping of water to each separate elevation,
 7 whenever there are different elevations, shall be determined
 8 by the board of commissioners in such manner and upon such
 9 notice to the persons interested in the district as the
 10 board in its rules may provide. Whenever a contract has been
 11 made with the United States, the lands within the district,
 12 whether originally included or later annexed to the
 13 district, shall pay in accordance with the federal
 14 reclamation laws and the public notices, orders, and
 15 regulations issued thereunder and in compliance with any
 16 contracts made by the United States with the owners of the
 17 lands and in compliance with the contract between the
 18 districts and the United States. Whenever the works
 19 necessary for the completed project are constructed
 20 progressively over a period of years and whenever a portion
 21 of the lands within the district are or can be irrigated 1
 22 year or more before the completion of the entire project,
 23 those lands so irrigated or that can be so irrigated through
 24 the built portion of the project shall pay for the cost of
 25 operating that portion of the project serving them with

1 irrigation water and also shall pay such portion of the
 2 interest charges as its irrigable area bears to the
 3 irrigable area of the entire project. Whenever lands have
 4 appurtenant thereto a partial water right or partial rights
 5 in a system of irrigation other than that of the district,
 6 the amounts payable shall be equitably apportioned."

7 Section 2. Section 85-7-2104, MCA, is amended to read:

8 "85-7-2104. Annual tax levy -- apportionment when
 9 tracts divided. (1) On or before the second Monday in July
 10 each year, the board of commissioners of each irrigation
 11 district organized under parts 1 and 15 shall ascertain the
 12 total amount required to be raised in that year for the
 13 general administrative expenses of the district, including
 14 the cost of maintenance and repairs, and the total amount to
 15 be raised that year for interest on and principal of the
 16 outstanding bonded or other indebtedness of the district,
 17 including any indebtedness incurred under any contract
 18 between the district and the United States, accompanying
 19 which bonds of the district have not been deposited with the
 20 United States as provided in 85-7-1906. The board shall
 21 levy, against each 40-acre tract or fractional lot, as
 22 designated by the United States public survey, or platted
 23 lot, if land is subdivided in lots and blocks (or where land
 24 shall be owned in less than 40-acre tracts or in less than
 25 the platted lot, then against each such tract) of land in

1 the district, that portion of the respective total amounts
 2 so to be raised which the total irrigable area of any such
 3 tract bears to the total irrigable area of the lands in the
 4 district, so that each acre of irrigable land in the
 5 district shall be assessed and required to pay the same
 6 amount as every other acre of irrigable land therein, unless
 7 otherwise specifically provided. The board of commissioners
 8 may make a ~~minimum~~ charge of \$5 ~~to~~ \$25 against each
 9 separately owned tract of land, regardless of its size.

10 (2) In the event that the ownership of any such
 11 40-acre tract or other subdivision of land in the district
 12 shall be divided after a special tax or assessment against
 13 the same has been levied, each or either of the owners of
 14 such tract or subdivisions shall be entitled to have such
 15 special tax or assessment equitably apportioned to and
 16 against said divisions of such tract or subdivisions, so
 17 that each owner shall be enabled to pay such special tax or
 18 assessment against his portion of such tract or subdivision
 19 and have the same discharged from the lien thereof. In no
 20 event shall the charge against any separately owned tract of
 21 land be less than \$5."

-End-

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4 A BILL FOR AN ACT ENTITLED: "AN ACT SETTING A MINIMUM AND
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16 which the lands are charged, except as otherwise provided by
17 law. There may be a minimum charge of \$5 to \$25 against each
18 separately owned tract of land regardless of its size, as
19 provided in 85-7-2104. A SEPARATELY OWNED TRACT OF LAND
20 UNABLE TO RECEIVE WATER MAY BE CHARGED NOT MORE THAN THE \$5
21 MINIMUM. Whenever water used for the irrigation of any lands
22 within an irrigation district is obtained by pumping to
23 different elevations, the cost of maintenance, operation,
24 and pumping to each separate elevation shall be apportioned
25 and levied upon the lands lying under the ditch or ditches

1 running from that particular elevation, in such manner as
2 may be determined fair and equitable by the board of
3 commissioners after considering the facts in each case. This
4 apportionment shall be made by the board of commissioners
5 and included each year in the assessment provided for by
6 85-7-2104.

7 (2) The amount of the assessment for maintenance,
8 operation, and pumping of water to each separate elevation,
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10 by the board of commissioners in such manner and upon such
11 notice to the persons interested in the district as the
12 board in its rules may provide. Whenever a contract has been
13 made with the United States, the lands within the district,
14 whether originally included or later annexed to the
15 district, shall pay in accordance with the federal
16 reclamation laws and the public notices, orders, and
17 regulations issued thereunder and in compliance with any
18 contracts made by the United States with the owners of the
19 lands and in compliance with the contract between the
20 districts and the United States. Whenever the works
21 necessary for the completed project are constructed
22 progressively over a period of years and whenever a portion
23 of the lands within the district are or can be irrigated 1
24 year or more before the completion of the entire project,
25 those lands so irrigated or that can be so irrigated through

1 the built portion of the project shall pay for the cost of
 2 operating that portion of the project serving them with
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 4 interest charges as its irrigable area bears to the
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9 Section 2. Section 85-7-2104, MCA, is amended to read:
 10 "85-7-2104. Annual tax levy -- apportionment when
 11 tracts divided. (1) On or before the second Monday in July
 12 each year, the board of commissioners of each irrigation
 13 district organized under parts 1 and 15 shall ascertain the
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 12 SEPARATELY OWNED TRACT OF LAND UNABLE TO RECEIVE WATER MAY
 13 BE CHARGED NOT MORE THAN THE \$5 MINIMUM.

14 (2) In the event that the ownership of any such
 15 40-acre tract or other subdivision of land in the district
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HB 0489/02

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-End-

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HB 0489/03

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2 MINIMUM."

-End-

HOUSE BILL NO. 489

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lying under the ditch or ditches running from that particular elevation, in such manner as may be determined fair and equitable by the board of commissioners after considering the facts in each case. This apportionment shall be made by the board of commissioners and included each year in the assessment provided for by 85-7-2104.

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1 the built portion of the project shall pay for the cost of
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 6 district, so that each acre of irrigable land in the
 7 district shall be assessed and required to pay the same
 8 amount as every other acre of irrigable land therein, unless
 9 otherwise specifically provided. The board of commissioners
 10 may make a minimum charge of \$5 to \$25 against each
 11 separately owned tract of land, regardless of its size. &
 12 ~~HOWEVER, A SEPARATELY OWNED TRACT OF LAND OF 1 ACRE OR LESS~~
 13 ~~AND UNABLE TO RECEIVE WATER MAY BE CHARGED NOT MORE THAN THE~~
 14 ~~\$5 MINIMUM.~~

15 (2) In the event that the ownership of any such
 16 40-acre tract or other subdivision of land in the district
 17 shall be divided after a special tax or assessment against
 18 the same has been levied, each or either of the owners of
 19 such tract or subdivisions shall be entitled to have such
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 25 event shall the charge against any separately owned tract of

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1 land be less than \$5. ~~A HOWEVER, A SEPARATELY OWNED TRACT OF~~
2 ~~LAND OF 1 ACRE OR LESS AND UNABLE TO RECEIVE WATER MAY BE~~
3 ~~CHARGED NOT MORE THAN THE \$5 MINIMUM."~~

-End-

April 2, 1979

SENATE COMMITTEE OF THE WHOLE

That the Governor's recommended amendments to House Bill No. 489, Reference Bill, be amended as follows:

Amendment No. 1 is to read as follows:

1. Page 1, line 19.

Following: "85-7-2104."

Strike: "A"

Insert: "However,"

Following: "LAND"

Insert: "on of one acre or less and"

PROPOSED GOVERNOR'S AMENDMENTS TO HOUSE BILL NO. 489, REFERENCE COPY,
AS FOLLOWS:

1. Page 1, line 19.

Following: "85-7-2104."

Strike: "A"

Insert: "However,"

Following: "LAND"

Insert: "on one acre or less and"

2. Page 4, line 11.

Following: "size."

Strike: "A"

Insert: "However,"

3. Page 4, line 12.

Following: "LAND"

Insert: "of one acre or less and"

4. Page 4, line 25.

Following: "\$5."

Strike: "A"

Insert: "However,"

Following: "LAND"

Insert: "of one acre or less and"