## HOUSE BILL NO. 516

INTRODUCED BY MANUEL, BENGTSON

## IN THE HOUSE

JANUARY	28,	1987		[N]	TRODUCED	AND	REFERRED	то	COMMITTEE
			(	ON	AGRICUL	FURE,	LIVESTO	CK 8	IRRIGATION.

- FEBRUARY 7, 1987 COMMITTEE RECOMMEND BILL DO PASS. REPORT ADOPTED.
- FEBRUARY 9, 1987 PRINTING REPORT.
- FEBRUARY 10, 1987 SECOND READING, DO PASS.
- FEBRUARY 11, 1987 ENGROSSING REPORT.

THIRD READING, PASSED. AYES, 96; NOES, 0.

TRANSMITTED TO SENATE.

IN THE SENATE

FEBRUARY 12, 1987

- MARCH 9, 1987
- MARCH 12, 1987
- MARCH 14, 1987

INTRODUCED AND REFERRED TO COMMITTEE ON AGRICULTURE, LIVESTOCK & IRRIGATION.

COMMITTEE RECOMMEND BILL BE CONCURRED IN. REPORT ADOPTED.

SECOND READING, CONCURRED IN.

THIRD READING, CONCURRED IN. AYES, 50; NOES, 0.

RETURNED TO HOUSE.

IN THE HOUSE

MARCH 14, 1987 RECEIVED FROM SENATE.

SENT TO ENROLLING.

LC 1307/01

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INTRODUCED BY Manuel, Bengtson 1 2 3 A BILL FOR AN ACT ENTITLED: "AN ACT REVISING THE LIMITATION 4 5 ON THE AMOUNT OF A PURCHASE OR RENTAL TO WHICH AN IRRIGATION DISTRICT BOARD MAY BIND A DISTRICT WITHOUT CONSENT OF THE 6 7 LANDOWNERS; AND AMENDING SECTION 85-7-1904, MCA." 8 9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA: 10 Section 1. Section 85-7-1904, MCA, is amended to read: "85-7-1904. Acquisition of water and waterworks by 11 12 board. (1) The board shall have power and authority to: (a) appropriate water in the name of the district; 13 14 (b) acquire, by purchase, lease, or contract, water and water rights; additional waters and supplies of water; 15 16 canals, reservoirs, dams, and other works already constructed or in the course of construction; and 17 18 (c) acquire by purchase, lease, contract, condemnation, or other legal means: 19 20 (i) lands and rights in lands for rights-of-way, for 21 reservoirs, for the storage of needful waters, and for dam 22 sites and necessary appurtenances; and (ii) such other lands and property as may be necessary 23

(ii) such other lands and property as may be necessary
 for the construction, use, maintenance, repair, improvement,
 enlargement, and operation of any district system of

Montana Legislative Counci

1 irrigation works.

(2) The board shall have the privilege, if desired, to
contract with the owner or owners of such canals,
reservoirs, dams, and other works so purchased and in the
course of construction for the completion thereof.

6 (3) No purchase, lease, or contract for purchase of 7 any water, water rights, canals, reservoirs, reservoir R sites, dam sites, irrigation works, or other property of any 9 nature or kind or for the making or purchasing of surveys, maps, plans, estimates, and specifications or for the 10 purchase of machinery for pumping plants or for the erection 11 of buildings, aqueducts, and other structures necessarily 12 used in connection with such pumping plants, for a price or 13 rental in excess of \$150,000 or 25% of the district's annual 14 15 operation and maintenance budget, whichever is greater, is final or binding upon the district, and no sum may be paid 16 for such purchase, lease, or contract without the written 17 consent or petition of at least a majority in number and 18 acreage of the holders of title or evidence of title to the 19 lands within the district. Any splitting or division of such 20 21 purchase, lease, or contract with the purpose or intention of avoiding or circumventing the provisions of this section 22 23 shall render such divided or split contract or contracts void." 24

-End-

-2-

INTRODUCED BILL HB-514

## 50th Legislature

LC 1307/01

LC 1307/01

APPROVED BY COMMITTEE ON AGRICULTURE LIVESTOCK & IRRIGATION

House BILL NO. 576 aquel, Benestron 1 INTRODUCED BY 2 3

A BILL FOR AN ACT ENTITLED: "AN ACT REVISING THE LIMITATION
ON THE AMOUNT OF A PURCHASE OR RENTAL TO WHICH AN IRRIGATION
DISTRICT BOARD MAY BIND A DISTRICT WITHOUT CONSENT OF THE
LANDOWNERS; AND AMENDING SECTION 85-7-1904, MCA."

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

Section 1. Section 85-7-1904, MCA, is amended to read:
 "85-7-1904. Acquisition of water and waterworks by
 board. (1) The board shall have power and authority to:

13 (a) appropriate water in the name of the district;

(b) acquire, by purchase, lease, or contract, water
and water rights; additional waters and supplies of water;
canals, reservoirs, dams, and other works already
constructed or in the course of construction; and

18 (c) acquire by purchase, lease, contract, 19 condemnation, or other legal means:

(i) lands and rights in lands for rights-of-way, for
 reservoirs, for the storage of needful waters, and for dam
 sites and necessary appurtenances; and

(ii) such other lands and property as may be necessary
for the construction, use, maintenance, repair, improvement,
enlargement, and operation of any district system of

Montana Legislative Council

1 irrigation works.

2 (2) The board shall have the privilege, if desired, to 3 contract with the owner or owners of such canals, 4 reservoirs, dams, and other works so purchased and in the 5 course of construction for the completion thereof.

б (3) No purchase, lease, or contract for purchase of 7 any water, water rights, canals, reservoirs, reservoir 8 sites, dam sites, irrigation works, or other property of any 9 nature or kind or for the making or purchasing of surveys, 10 maps, plans, estimates, and specifications or for the 11 purchase of machinery for pumping plants or for the erection 12 of buildings, aqueducts, and other structures necessarily used in connection with such pumping plants, for a price or 13 rental in excess of \$150,000 or 25% of the district's annual 14 operation and maintenance budget, whichever is greater, is 15 final or binding upon the district, and no sum may be paid 16 17 for such purchase, lease, or contract without the written 18 consent or petition of at least a majority in number and acreage of the holders of title or evidence of title to the 19 20 lands within the district. Any splitting or division of such purchase, lease, or contract with the purpose or intention 21 of avoiding or circumventing the provisions of this section 22 shall render such divided or split contract or contracts 23 void." 24

-End-

## -2- SECOND READING HB 576

LC 1307/01

INTRODUCED BY Marchell, Bengtson 1 2 3 A BILL FOR AN ACT ENTITLED: "AN ACT REVISING THE LIMITATION 4 ON THE AMOUNT OF A PURCHASE OR RENTAL TO WHICH AN IRRIGATION 5 DISTRICT BOARD MAY BIND A DISTRICT WITHOUT CONSENT OF THE 6 LANDOWNERS; AND AMENDING SECTION 85-7-1904, MCA." 7 8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA: 9 Section 1. Section 85-7-1904, MCA, is amended to read: 10 \*85-7-1904. Acquisition of water and waterworks by 11 board. (1) The board shall have power and authority to: 12 (a) appropriate water in the name of the district; 13 (b) acquire, by purchase, lease, or contract, water 14 and water rights; additional waters and supplies of water; 15 canals, reservoirs, dams, and other works already 16 constructed or in the course of construction; and 17 purchase, lease, contract, (c) acquire bγ 18 condemnation, or other legal means: 19 (i) lands and rights in lands for rights-of-way, for 20 reservoirs, for the storage of needful waters, and for dam 21 sites and necessary appurtenances; and 22 (ii) such other lands and property as may be necessary 23 for the construction, use, maintenance, repair, improvement, 24 enlargement, and operation of any district system of 25

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1 irrigation works.

2 (2) The board shall have the privilege, if desired, to
3 contract with the owner or owners of such canals,
4 reservoirs, dams, and other works so purchased and in the
5 course of construction for the completion thereof.

6 (3) No purchase, lease, or contract for purchase of 7 any water, water rights, canals, reservoirs, reservoir sites, dam sites, irrigation works, or other property of any 8 nature or kind or for the making or purchasing of surveys, 9 10 maps, plans, estimates, and specifications or for the purchase of machinery for pumping plants or for the erection 11 12 of buildings, aqueducts, and other structures necessarily used in connection with such pumping plants, for a price or 13 rental in excess of \$150,000 or 25% of the district's annual 14 operation and maintenance budget, whichever is greater, is 15 16 final or binding upon the district, and no sum may be paid 17 for such purchase, lease, or contract without the written 18 consent or petition of at least a majority in number and 19 acreage of the holders of title or evidence of title to the lands within the district. Any splitting or division of such 20 purchase, lease, or contract with the purpose or intention 21 of avoiding or circumventing the provisions of this section 22 shall render such divided or split contract or contracts 23 24 void."

-End-

THIRD READING -2-HB.516

HB 0516/02

1	HOUSE BILL NO. 516	1	irrigation works.
2	INTRODUCED BY MANUEL, BENGTSON	2	(2) The board shall have the privilege, if desired, to
3		-	contract with the owner or owners of such canals,
4	A BILL FOR AN ACT ENTITLED: "AN ACT REVISING THE LIMITATION	4	reservoirs, dams, and other works so purchased and in the
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5	ON THE AMOUNT OF A PURCHASE OR RENTAL TO WHICH AN IRRIGATION		course of construction for the completion thereof.
6	DISTRICT BOARD MAY BIND A DISTRICT WITHOUT CONSENT OF THE	6	(3) No purchase, lease, or contract for purchase of
7	LANDOWNERS; AND AMENDING SECTION 85-7-1904, MCA."	7	any water, water rights, canals, reservoirs, reservoir
8		8	sites, dam sites, irrigation works, or other property of any
9	BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:	9	nature or kind or for the making or purchasing of surveys,
10	Section 1. Section 85-7-1904, MCA, is amended to read:	10	maps, plans, estimates, and specifications or for the
11	"85-7-1904. Acquisition of water and waterworks by	11	purchase of machinery for pumping plants or for the erection
12	board. (1) The board shall have power and authority to:	12	of buildings, aqueducts, and other structures necessarily
13	(a) appropriate water in the name of the district;	13	used in connection with such pumping plants, for a price or
14	(b) acquire, by purchase, lease, or contract, water	14	rental in excess of \$150,000 or 25% of the district's annual
15	and water rights; additional waters and supplies of water;	15	operation and maintenance budget, whichever is greater, is
16	canals, reservoirs, dams, and other works already	16	final or binding upon the district, and no sum may be paid
17	constructed or in the course of construction; and	17	for such purchase, lease, or contract without the written
18	(c) acquire by purchase, lease, contract,	1 <b>8</b>	consent or petition of at least a majority in number and
19	condemnation, or other legal means:	19	acreage of the holders of title or evidence of title to the
20	(i) lands and rights in lands for rights-of-way, for	20	lands within the district. Any splitting or division of such
21	reservoirs, for the storage of needful waters, and for dam	21	purchase, lease, or contract with the purpose or intention
22	sites and necessary appurtenances; and	22	of avoiding or circumventing the provisions of this section
23	(ii) such other lands and property as may be necessary	23	shall render such divided or split contract or contracts
24	for the construction, use, maintenance, repair, improvement,	24	void."
25	enlargement, and operation of any district system of		-End-
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REFERENCE BILL