

SENATE BILL NO. 379  
INTRODUCED BY YELLOWTAIL

IN THE SENATE

FEBRUARY 19, 1987                   INTRODUCED AND REFERRED TO COMMITTEE  
ON JUDICIARY.

FEBRUARY 20, 1987                   COMMITTEE RECOMMEND BILL  
DO PASS AS AMENDED. REPORT ADOPTED.

FEBRUARY 21, 1987                   PRINTING REPORT.

FEBRUARY 23, 1987                   SECOND READING, DO PASS.

FEBRUARY 24, 1987                   ENGROSSING REPORT.

FEBRUARY 25, 1987                   THIRD READING, PASSED.  
AYES, 50; NOES, 0.

TRANSMITTED TO HOUSE.

IN THE HOUSE

MARCH 3, 1987                   INTRODUCED AND REFERRED TO COMMITTEE  
ON AGRICULTURE, LIVESTOCK & IRRIGATION.

MARCH 7, 1987                   COMMITTEE RECOMMEND BILL BE  
CONCURRED IN. REPORT ADOPTED.

MARCH 10, 1987                   SECOND READING, CONCURRED IN AS  
AMENDED.

MARCH 12, 1987                   THIRD READING, CONCURRED IN.  
AYES, 89; NOES, 7.

RETURNED TO SENATE WITH AMENDMENTS.

IN THE SENATE

MARCH 21, 1987                   RECEIVED FROM HOUSE.

SECOND READING, AMENDMENTS  
CONCURRED IN.

MARCH 23, 1987

THIRD READING, AMENDMENTS  
CONCURRED IN.

SENT TO ENROLLING.

1 *Senate* BILL NO. *314*  
 2 INTRODUCED BY *Yellowtail*  
 3  
 4 A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING IRRIGATION  
 5 DISTRICTS AUTHORITY TO ENTER INTO CONTRACTS WITH THE STATE  
 6 OF MONTANA FOR THE PURPOSE OF OBTAINING LOANS FOR IRRIGATION  
 7 PROJECTS, TO CREATE A SINKING FUND AND INVEST FUND  
 8 SURPLUSES, AND TO ESTABLISH LIENS AGAINST DISTRICT LANDS AND  
 9 THE IRRIGATION SYSTEM; AUTHORIZING SPECIAL TAXES AND  
 10 ASSESSMENTS FOR PAYMENT OF OBLIGATIONS UNDER STATE  
 11 CONTRACTS; REQUIRING APPROVAL OF IRRIGATION DISTRICT  
 12 LANDOWNERS PRIOR TO THE MAKING OF A CONTRACT WITH THE STATE;  
 13 AND PROVIDING FOR COURT REVIEW OF IRRIGATION DISTRICT  
 14 CONTRACTS."  
 15

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

17 Section 1. Contracts with the state of Montana --  
 18 loans, sinking fund, and investments. (1) The board of  
 19 commissioners of any irrigation district, whenever  
 20 considered advisable and in the interest of the district,  
 21 may enter into any obligation or contract with the state of  
 22 Montana for the purpose of obtaining from the state a loan  
 23 of money to be used by the district for:

24 (a) the liquidation of any bonded or outstanding  
 25 indebtedness of the district; or

1 (b) the provision of any construction, improvement, or  
 2 repair work necessary to place the irrigation system of the  
 3 district in good operating condition.

4 (2) The board shall create, by proper levy and  
 5 collection of assessments, a sinking fund that must be  
 6 available for the construction of betterments to the  
 7 irrigation system of the district as may be necessary during  
 8 the term of any contract made with the state as provided for  
 9 in subsection (1). The sinking fund must be designated the  
 10 "... District Sinking Fund for Betterments" and must be  
 11 created in such an amount and within such time as may be  
 12 agreed upon between the district and the state of Montana.

13 (3) The board shall invest any surplus in the sinking  
 14 fund in legal investments backed, insured, or guaranteed by  
 15 the United States or the state of Montana, including federal  
 16 and state agency obligations.

17 Section 2. State contracts -- assessments. In any  
 18 contract entered into between an irrigation district and the  
 19 state of Montana under [this act], the board of  
 20 commissioners shall, in compliance with such contract, levy  
 21 assessments against all of the land within the district  
 22 including such deficiency assessments as will enable the  
 23 district to meet established or anticipated delinquencies in  
 24 making payments to the state of Montana because of the  
 25 failure of landowners to pay the assessments levied against

1 their lands in the district.

2 Section 3. Amount owed the state -- lien and special  
3 tax. All amounts owed to the state under any contract made  
4 under [this act] between the district and the state of  
5 Montana establish a general obligation of the district for  
6 payment, and any amounts to be paid to the state of Montana  
7 constitute a lien upon the irrigation system of the  
8 district. All lands now within the district or hereafter  
9 embraced within the district are subject to a special tax or  
10 assessment for the payment of all amounts owed to the state  
11 under such contract between the district and the state of  
12 Montana, and this special tax or assessment constitutes a  
13 first and prior lien on the land against which it is levied  
14 to the same extent and with the same force and effect as  
15 taxes levied for state and county purposes.

16 Section 4. Majority vote or petition necessary to  
17 contract with the state. (1) No contract may be made between  
18 an irrigation district and the state of Montana under [this  
19 act] except upon:

20 (a) approval by a majority vote of those voting on the  
21 question at an election conducted as prescribed in  
22 85-7-1710; or

23 (b) receipt of a petition signed by at least 60% in  
24 number and acreage of the holders of title or evidence of  
25 title to lands within the district. Such petition must be

1 addressed to the board of commissioners and must set forth  
2 the aggregate amount of money to be borrowed from the state  
3 of Montana and the purpose for which the money will be used.  
4 The petition must include an affidavit certifying the  
5 signatures to the petition and must be filed with the  
6 secretary of the board of commissioners.

7 (2) In an election held for approval of a district  
8 contract under this section, the voting majority must own at  
9 least 50% of the acreage included in the district.

10 Section 5. State contracts -- court approval required.

11 (1) The board of commissioners of an irrigation district,  
12 before the making of a contract with the state of Montana  
13 under [this act], shall commence a special proceeding in the  
14 district court. In such proceeding, the proceedings of the  
15 board and of the district leading up to the making of the  
16 contract and the validity of the terms thereof must be  
17 judicially examined and approved or disapproved.

18 (2) The practice and procedure for the confirmation of  
19 any step or action provided for in subsection (1) must be as  
20 nearly as possible in conformity with the practice and  
21 procedure established for the confirmation before the  
22 issuance and sale of bonds of an irrigation district. The  
23 district court may approve such proceedings in part and  
24 declare illegal or invalid other parts of the proceedings.  
25 However, insofar as possible, the court shall remedy and

1 cure all defects in the proceedings.  
2 Section 6. Codification instruction. Sections 1  
3 through 5 are intended to be codified as an integral part of  
4 Title 85, chapter 7, and the provisions of Title 85, chapter  
5 7, apply to sections 1 through 5.

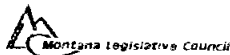
-End-

APPROVED BY COMMITTEE  
ON JUDICIARY

1                   SENATE BILL NO. 379  
2                   INTRODUCED BY YELLOWTAIL  
3  
4   A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING IRRIGATION  
5   DISTRICTS AUTHORITY TO ENTER INTO CONTRACTS WITH THE STATE  
6   OF MONTANA FOR THE PURPOSE OF OBTAINING LOANS FOR IRRIGATION  
7   PROJECTS FROM THE COAL SEVERANCE TAX BONDING PROGRAM  
8   PROVIDED FOR IN TITLE 17, CHAPTER 5, PART 7, TO CREATE A  
9   SINKING FUND AND INVEST FUND SURPLUSES, AND TO ESTABLISH  
10  LIENS AGAINST DISTRICT LANDS AND THE IRRIGATION SYSTEM;  
11  AUTHORIZING SPECIAL TAXES AND ASSESSMENTS FOR PAYMENT OF  
12  OBLIGATIONS UNDER STATE CONTRACTS; REQUIRING APPROVAL OF  
13  IRRIGATION DISTRICT LANDOWNERS PRIOR TO THE MAKING OF A  
14  CONTRACT WITH THE STATE; AND PROVIDING FOR COURT REVIEW OF  
15  IRRIGATION DISTRICT CONTRACTS."

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17  BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:  
18       Section 1. Contracts with the state of Montana --  
19  loans, sinking fund, and investments. (1) The board of  
20  commissioners of any irrigation district, whenever  
21  considered advisable and in the interest of the district,  
22  may enter into any obligation or contract with the state of  
23  Montana for the purpose of obtaining ~~from the state~~ a loan  
24  of money FROM THE COAL SEVERANCE TAX BONDING PROGRAM  
25  PROVIDED FOR IN TITLE 17, CHAPTER 5, PART 7, to be used by

1   the district for:  
2       (a) the liquidation of any bonded or outstanding  
3   indebtedness of the district; or  
4       (b) the provision of any construction, improvement, or  
5   repair work necessary to place the irrigation system of the  
6   district in good operating condition.  
7       (2) The board shall create, by proper levy and  
8   collection of assessments, a sinking fund that must be  
9   available for the construction of betterments to the  
10  irrigation system of the district as may be necessary during  
11  the term of any contract made with the state as provided for  
12  in subsection (1). The sinking fund must be designated the  
13  "... District Sinking Fund for Betterments" and must be  
14  created in such an amount and within such time as may be  
15  agreed upon between the district and the state of Montana.  
16       (3) The board shall invest any surplus in the sinking  
17  fund in legal investments backed, insured, or guaranteed by  
18  the United States or the state of Montana, including federal  
19  and state agency obligations.  
20       Section 2. State contracts -- assessments. In any  
21  contract entered into between an irrigation district and the  
22  state of Montana under [this act], the board of  
23  commissioners shall, in compliance with such contract, levy  
24  assessments against all of the land within the district  
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1 district to meet established or anticipated delinquencies in  
2 making payments to the state of Montana because of the  
3 failure of landowners to pay the assessments levied against  
4 their lands in the district.

5 Section 3. Amount owed the state -- lien and special  
6 tax. All amounts owed to the state under any contract made  
7 under [this act] between the district and the state of  
8 Montana establish a general obligation of the district for  
9 payment, and any amounts to be paid to the state of Montana  
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17 to the same extent and with the same force and effect as  
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21 an irrigation district and the state of Montana under [this  
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24 question at an election conducted as prescribed in  
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2 number and acreage of the holders of title or evidence of  
3 title to lands within the district. Such petition must be  
4 addressed to the board of commissioners and must set forth  
5 the aggregate amount of money to be borrowed from the state  
6 of-Montana COAL SEVERANCE TAX BONDING PROGRAM PROVIDED FOR  
7 IN TITLE 17, CHAPTER 5, PART 7, and the purpose for which  
8 the money will be used. The petition must include an  
9 affidavit certifying the signatures to the petition and must  
10 be filed with the secretary of the board of commissioners.

11 (2) In an election held for approval of a district  
12 contract under this section, the voting majority must own at  
13 least 50% of the acreage included in the district.

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15 (1) The board of commissioners of an irrigation district,  
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18 district court. In such proceeding, the proceedings of the  
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7 through 5 are intended to be codified as an integral part of  
8 Title 85, chapter 7, and the provisions of Title 85, chapter  
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10 AND TO ESTABLISH LIENS AGAINST DISTRICT LANDS AND THE  
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25 THE CONTRACT within the district including such deficiency

1 assessments as will enable the district to meet established  
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-End-

# COMMITTEE OF THE WHOLE AMENDMENT

HOUSE

3-10-87  
DATE

10:00  
TIME

MR. CHAIRMAN: I MOVE TO AMEND SB 379

3rd reading copy ( blue ) as follows:  
Color

1) Title, line 7.

Following: " FROM "

Insert: "VARIOUS SOURCES, INCLUDING"

2) Page 1, line 24.

Following: " FROM "

Insert: "various sources, including"

3) Page 2, line 24.

Strike: "all of the land"

Insert: "the lands benefited by the contract"

4) Page 4, line 5.

Following: "from"

Insert: "various sources, including"

ADOPT

REJECT

3101000T.CW

  
Rep. Manuel