

HOUSE BILL NO. 471

INTRODUCED BY GLASER, BENGTSON, PATTERSON

IN THE HOUSE

JANUARY 27, 1989	INTRODUCED AND REFERRED TO COMMITTEE ON LOCAL GOVERNMENT.
JANUARY 28, 1989	FIRST READING.
FEBRUARY 8, 1989	COMMITTEE RECOMMEND BILL DO PASS. REPORT ADOPTED.
FEBRUARY 9, 1989	PRINTING REPORT.
FEBRUARY 11, 1989	SECOND READING, DO PASS.
FEBRUARY 13, 1989	ENGROSSING REPORT.
FEBRUARY 14, 1989	THIRD READING, PASSED. AYES, 92; NOES, 4.
	TRANSMITTED TO SENATE.

IN THE SENATE

FEBRUARY 15, 1989	INTRODUCED AND REFERRED TO COMMITTEE ON JUDICIARY.
	FIRST READING.
MARCH 14, 1989	COMMITTEE RECOMMEND BILL BE CONCURRED IN. REPORT ADOPTED.
MARCH 15, 1989	SECOND READING, CONCURRED IN.
MARCH 17, 1989	THIRD READING, CONCURRED IN. AYES, 45; NOES, 2.
	RETURNED TO HOUSE.

IN THE HOUSE

MARCH 18, 1989

RECEIVED FROM SENATE.

SENT TO ENROLLING.

REPORTED CORRECTLY ENROLLED.

1 ~~House~~ BILL NO. 471  
 2 INTRODUCED BY Mr. [Signature], Mr. [Signature] [Signature]  
 3

4 A BILL FOR AN ACT ENTITLED: "AN ACT ALLOWING A COUNTY WATER  
 5 OR SEWER DISTRICT THAT WAS FORMED FROM A PRIVATE, NONPROFIT  
 6 WATER ASSOCIATION TO ACQUIRE PROPERTY FROM THE ASSOCIATION  
 7 BY EMINENT DOMAIN; AMENDING SECTION 7-13-2218, MCA; AND  
 8 PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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

11 **Section 1.** Section 7-13-2218, MCA, is amended to read:

12 "7-13-2218. District powers related to water and sewer  
 13 projects. Any district incorporated as provided in this part  
 14 ~~shall have power to~~ may:

15 (1) construct, purchase, lease, or otherwise acquire  
 16 and operate and maintain water rights, waterworks, sanitary  
 17 sewerworks, storm sewerworks, canals, conduits, reservoirs,  
 18 lands, and rights useful or necessary to store, conserve,  
 19 supply, produce, convey, or drain water or sewage for  
 20 purposes beneficial to the district; ~~such~~. Beneficial  
 21 purposes to include but are not be limited to flood  
 22 prevention, flood control, irrigation, drainage, municipal  
 23 and industrial water supplies, domestic water supplies,  
 24 wildlife, recreation, pollution abatement, livestock water  
 25 supply, and other similar purposes;

1 (2) if the incorporators of the district are members  
 2 of a private, nonprofit water association that was formed  
 3 under the laws of this state, acquire by eminent domain from  
 4 that water association any type of property referred to in  
 5 this section;

6 ~~(2)(3)~~ store water for the benefit of the district;  
 7 conserve water for future use; appropriate, acquire, and  
 8 conserve water and water rights for the purposes of the  
 9 district; commence, maintain, intervene in, and compromise,  
 10 in the name of the district, and assume the costs of any  
 11 action or proceeding involving or affecting the ownership or  
 12 use of waters, water rights, or sewer rights within the  
 13 district used or useful for any purpose of the district or a  
 14 benefit to any land situated therein in the district;

15 ~~(3)(4)~~ commence, maintain, intervene in, defend, and  
 16 compromise actions and proceedings to prevent interference  
 17 with or diminution of the natural flow of any stream or  
 18 natural subterranean supply of waters used or useful for any  
 19 purpose of the district or a common benefit to the lands  
 20 within the district or its inhabitants;

21 ~~(4)(5)~~ commence, maintain, and defend actions and  
 22 proceedings to prevent any interference with the ~~aforesaid~~  
 23 waters or rights referred to in this section as may endanger  
 24 the inhabitants or lands of the district;

25 ~~(5)(6)~~ lease ~~of and~~ from any person, firm, or public

1 or private corporation, with the privilege of purchase or  
2 otherwise, existing water rights, waterworks, sewerworks,  
3 canals, or reservoir systems; and carry on and maintain the  
4 same them;

5 ~~†6†(7)~~ sell water or the use thereof of water for  
6 household or domestic ~~use~~ or other similar purposes and,  
7 whenever there is a surplus of water, sell or otherwise  
8 dispose of the ~~same water~~ to municipalities or towns or to  
9 consumers located within or ~~without~~ outside the boundaries  
10 of the district."

11 NEW SECTION. **Section 2.** Effective date. [This act] is  
12 effective on passage and approval.

-End-

APPROVED BY COMM.  
ON LOCAL GOVERNMENT

1 ~~HOUSE~~ BILL NO. 471  
2 INTRODUCED BY Mr. Blawie, Mr. Bergstrom, Mr. Pearson  
3

4 A BILL FOR AN ACT ENTITLED: "AN ACT ALLOWING A COUNTY WATER  
5 OR SEWER DISTRICT THAT WAS FORMED FROM A PRIVATE, NONPROFIT  
6 WATER ASSOCIATION TO ACQUIRE PROPERTY FROM THE ASSOCIATION  
7 BY EMINENT DOMAIN; AMENDING SECTION 7-13-2218, MCA; AND  
8 PROVIDING AN IMMEDIATE EFFECTIVE DATE."  
9

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

11 **Section 1.** Section 7-13-2218, MCA, is amended to read:

12 "7-13-2218. District powers related to water and sewer  
13 projects. Any district incorporated as provided in this part  
14 shall have power to may:

15 (1) construct, purchase, lease, or otherwise acquire  
16 and operate and maintain water rights, waterworks, sanitary  
17 sewerworks, storm sewerworks, canals, conduits, reservoirs,  
18 lands, and rights useful or necessary to store, conserve,  
19 supply, produce, convey, or drain water or sewage for  
20 purposes beneficial to the district;--such. Beneficial  
21 purposes to include but are not be limited to flood  
22 prevention, flood control, irrigation, drainage, municipal  
23 and industrial water supplies, domestic water supplies,  
24 wildlife, recreation, pollution abatement, livestock water  
25 supply, and other similar purposes;.

1 (2) if the incorporators of the district are members  
2 of a private, nonprofit water association that was formed  
3 under the laws of this state, acquire by eminent domain from  
4 that water association any type of property referred to in  
5 this section;

6 +2+ (3) store water for the benefit of the district;  
7 conserve water for future use; appropriate, acquire, and  
8 conserve water and water rights for the purposes of the  
9 district; commence, maintain, intervene in, and compromise,  
10 in the name of the district, and assume the costs of any  
11 action or proceeding involving or affecting the ownership or  
12 use of waters, water rights, or sewer rights within the  
13 district used or useful for any purpose of the district or a  
14 benefit to any land situated therein in the district;

15 +3+ (4) commence, maintain, intervene in, defend, and  
16 compromise actions and proceedings to prevent interference  
17 with or diminution of the natural flow of any stream or  
18 natural subterranean supply of waters used or useful for any  
19 purpose of the district or a common benefit to the lands  
20 within the district or its inhabitants;

21 +4+ (5) commence, maintain, and defend actions and  
22 proceedings to prevent any interference with the aforesaid  
23 waters or rights referred to in this section as may endanger  
24 the inhabitants or lands of the district;

25 +5+ (6) lease of-and from any person, firm, or public

1 or private corporation, with the privilege of purchase or  
2 otherwise, existing water rights, waterworks, sewerworks,  
3 canals, or reservoir systems; and carry on and maintain the  
4 same them;

5 ~~†6†~~(7) sell water or the use thereof of water for  
6 household or domestic use or other similar purposes and,  
7 whenever there is a surplus of water, sell or otherwise  
8 dispose of the same water to municipalities or towns or to  
9 consumers located within or without outside the boundaries  
10 of the district."

11 NEW SECTION. Section 2. Effective date. [This act] is  
12 effective on passage and approval.

-End-

1 House BILL NO. 471  
 2 INTRODUCED BY Mr. Blum, Mr. Bentley, Mr. Pearson  
 3

4 A BILL FOR AN ACT ENTITLED: "AN ACT ALLOWING A COUNTY WATER  
 5 OR SEWER DISTRICT THAT WAS FORMED FROM A PRIVATE, NONPROFIT  
 6 WATER ASSOCIATION TO ACQUIRE PROPERTY FROM THE ASSOCIATION  
 7 BY EMINENT DOMAIN; AMENDING SECTION 7-13-2218, MCA; AND  
 8 PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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

11 **Section 1.** Section 7-13-2218, MCA, is amended to read:

12 "7-13-2218. District powers related to water and sewer  
 13 projects. Any district incorporated as provided in this part  
 14 ~~shall have power to~~ may:

15 (1) construct, purchase, lease, or otherwise acquire  
 16 and operate and maintain water rights, waterworks, sanitary  
 17 sewerworks, storm sewerworks, canals, conduits, reservoirs,  
 18 lands, and rights useful or necessary to store, conserve,  
 19 supply, produce, convey, or drain water or sewage for  
 20 purposes beneficial to the district; ~~--such.~~ Beneficial  
 21 purposes to include but are not be limited to flood  
 22 prevention, flood control, irrigation, drainage, municipal  
 23 and industrial water supplies, domestic water supplies,  
 24 wildlife, recreation, pollution abatement, livestock water  
 25 supply, and other similar purposes;

1 (2) if the incorporators of the district are members  
 2 of a private, nonprofit water association that was formed  
 3 under the laws of this state, acquire by eminent domain from  
 4 that water association any type of property referred to in  
 5 this section;

6 ~~(2)(3)~~ store water for the benefit of the district;  
 7 conserve water for future use; appropriate, acquire, and  
 8 conserve water and water rights for the purposes of the  
 9 district; commence, maintain, intervene in, and compromise,  
 10 in the name of the district, and assume the costs of any  
 11 action or proceeding involving or affecting the ownership or  
 12 use of waters, water rights, or sewer rights within the  
 13 district used or useful for any purpose of the district or a  
 14 benefit to any land situated therein in the district;

15 ~~(3)(4)~~ commence, maintain, intervene in, defend, and  
 16 compromise actions and proceedings to prevent interference  
 17 with or diminution of the natural flow of any stream or  
 18 natural subterranean supply of waters used or useful for any  
 19 purpose of the district or a common benefit to the lands  
 20 within the district or its inhabitants;

21 ~~(4)(5)~~ commence, maintain, and defend actions and  
 22 proceedings to prevent any interference with the ~~aforsaid~~  
 23 waters or rights referred to in this section as may endanger  
 24 the inhabitants or lands of the district;

25 ~~(5)(6)~~ lease ~~of and~~ from any person, firm, or public

LC 1273/01

1 or private corporation, with the privilege of purchase or  
2 otherwise, existing water rights, waterworks, sewerworks,  
3 canals, or reservoir systems; and carry on and maintain the  
4 same them;

5 {6}(7) sell water or the use thereof of water for  
6 household or domestic use or other similar purposes and,  
7 whenever there is a surplus of water, sell or otherwise  
8 dispose of the same water to municipalities or towns or to  
9 consumers located within or without outside the boundaries  
10 of the district."

11 NEW SECTION. Section 2. Effective date. [This act] is  
12 effective on passage and approval.

-End-



## HOUSE BILL NO. 471

INTRODUCED BY GLASER, BENGTSON, PATTERSON

A BILL FOR AN ACT ENTITLED: "AN ACT ALLOWING A COUNTY WATER OR SEWER DISTRICT THAT WAS FORMED FROM A PRIVATE, NONPROFIT WATER ASSOCIATION TO ACQUIRE PROPERTY FROM THE ASSOCIATION BY EMINENT DOMAIN; AMENDING SECTION 7-13-2218, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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

**Section 1.** Section 7-13-2218, MCA, is amended to read:

"7-13-2218. District powers related to water and sewer projects. Any district incorporated as provided in this part ~~shall have power to~~ may:

(1) construct, purchase, lease, or otherwise acquire and operate and maintain water rights, waterworks, sanitary sewerworks, storm sewerworks, canals, conduits, reservoirs, lands, and rights useful or necessary to store, conserve, supply, produce, convey, or drain water or sewage for purposes beneficial to the district; ~~such~~. Beneficial purposes to include but are not be limited to flood prevention, flood control, irrigation, drainage, municipal and industrial water supplies, domestic water supplies, wildlife, recreation, pollution abatement, livestock water supply, and other similar purposes.

(2) if the incorporators of the district are members of a private, nonprofit water association that was formed under the laws of this state, acquire by eminent domain from that water association any type of property referred to in this section;

~~(2)~~ (3) store water for the benefit of the district; conserve water for future use; appropriate, acquire, and conserve water and water rights for the purposes of the district; commence, maintain, intervene in, and compromise, in the name of the district, and assume the costs of any action or proceeding involving or affecting the ownership or use of waters, water rights, or sewer rights within the district used or useful for any purpose of the district or a benefit to any land situated therein in the district;

~~(3)~~ (4) commence, maintain, intervene in, defend, and compromise actions and proceedings to prevent interference with or diminution of the natural flow of any stream or natural subterranean supply of waters used or useful for any purpose of the district or a common benefit to the lands within the district or its inhabitants;

~~(4)~~ (5) commence, maintain, and defend actions and proceedings to prevent any interference with the aforesaid waters or rights referred to in this section as may endanger the inhabitants or lands of the district;

~~(5)~~ (6) lease ~~of and~~ from any person, firm, or public

1 or private corporation, with the privilege of purchase or  
2 otherwise, existing water rights, waterworks, sewerworks,  
3 canals, or reservoir systems; and carry on and maintain the  
4 same them;

5 ~~(6)~~(7) sell water or the use thereof of water for  
6 household or domestic use or other similar purposes and,  
7 whenever there is a surplus of water, sell or otherwise  
8 dispose of the same water to municipalities or towns or to  
9 consumers located within or without outside the boundaries  
10 of the district."

11 NEW SECTION. **Section 2.** Effective date. [This act] is  
12 effective on passage and approval.

-End-