

HOUSE BILL NO. 213

INTRODUCED BY ROSE

IN THE HOUSE

JANUARY 16, 1993	INTRODUCED AND REFERRED TO COMMITTEE ON AGRICULTURE, LIVESTOCK, & IRRIGATION. FIRST READING.
FEBRUARY 17, 1993	COMMITTEE RECOMMEND BILL DO PASS AS AMENDED. REPORT ADOPTED. POSTED ON CONSENT CALENDAR.
FEBRUARY 18, 1993	CONSENT CALENDAR, QUESTIONS AND ANSWERS. ENGROSSING REPORT.
FEBRUARY 19, 1993	THIRD READING, PASSED. AYES, 95; NOES, 0.
FEBRUARY 22, 1993	TRANSMITTED TO SENATE.

IN THE SENATE

FEBRUARY 22, 1993	INTRODUCED AND REFERRED TO COMMITTEE ON AGRICULTURE, LIVESTOCK, & IRRIGATION. FIRST READING.
MARCH 4, 1993	COMMITTEE RECOMMEND BILL BE CONCURRED IN. REPORT ADOPTED. POSTED ON CONSENT CALENDAR.
MARCH 5, 1993	CONSENT CALENDAR, QUESTIONS AND ANSWERS.
MARCH 8, 1993	THIRD READING, CONCURRED IN. AYES, 48; NOES, 0. RETURNED TO HOUSE.

IN THE HOUSE

MARCH 16, 1993	RECEIVED FROM SENATE. SENT TO ENROLLING.
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REPORTED CORRECTLY ENROLLED.

1 House BILL NO. 213
2 INTRODUCED BY ROSE
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4 A BILL FOR AN ACT ENTITLED: "AN ACT ALLOWING A LANDOWNER
5 WITHIN AN IRRIGATION DISTRICT TO VOTE IN A DISTRICT ELECTION
6 REGARDLESS OF RESIDENCY; ALLOWING A SINGLE LANDOWNER WITHIN
7 AN IRRIGATION DISTRICT TO DESIGNATE AN AGENT TO VOTE FOR THE
8 OWNER; AND AMENDING SECTION 85-7-1710, MCA."
9
10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
11 **Section 1.** Section 85-7-1710, MCA, is amended to read:
12 **"85-7-1710. Qualification of electors and nature of**
13 **voting rights. (1) At all elections held under the**
14 **provisions of this part, except as otherwise expressly**
15 **provided, the following holders of title or evidence of**
16 **title to irrigable lands within the district, herein**
17 **designated "electors", are entitled to vote:**
18 **(a) all individuals having the qualifications of**
19 **electors under the constitution and general election laws of**
20 **the state, except that no registration of electors and state**
21 **and county residency may not be required;**
22 **(b) guardians, executors, administrators, and trustees;**
23 **(c) domestic corporations, by their duly authorized**
24 **agents.**
25 **(2) In all elections held under this part, each elector**

1 is permitted to cast one vote for each 40 acres of irrigable
2 land or major fraction thereof of 40 acres owned by the
3 elector within the district, irrespective of the location of
4 the irrigable lands within the tracts designated by the
5 commissioners for assessment and taxation purposes or within
6 congressional subdivisions, platted lots or blocks (except
7 as hereinafter otherwise provided for), election precincts,
8 or district divisions, but any elector owning any less than
9 40 acres of irrigable land is entitled to one vote. Until
10 the irrigable area under the proposed plan of reclamation is
11 determined, all land included within the boundaries of the
12 district must be considered irrigable land for election
13 purposes.
14 (3) Whenever land is owned by co-owners, the owners may
15 designate one of their number or an agent to cast the vote
16 for the owners. Whenever the land is owned by a single
17 owner, the owner may designate an agent to cast the vote.
18 and-one One vote only for each 40 acres of irrigable land or
19 major fraction thereof of 40 acres may be cast by the voting
20 co-owner or by an agent. Whenever land is under contract of
21 sale to a purchaser residing within the state, the purchaser
22 may vote on behalf of the owner of the land. When voting,
23 the agent of a corporation, of a single owner or co-owners,
24 of the co-owner designated for the purpose of voting, or of
25 the purchaser of land under contract of sale, as the case

1 may be, shall file with the secretary of the district or
2 with the election officials a written instrument of his the
3 agent's authority, executed and acknowledged by the proper
4 officers of the corporation, by the single owner or
5 co-owners, or by the owner of land under contract of sale,
6 as the case may be, and thereupon upon filing, the agent or
7 co-owner or purchaser, as the case may be, is an elector
8 within the meaning of this part. Whenever the total
9 irrigable acreage within any one district has been platted
10 or subdivided into lots or blocks to the extent of 5% or
11 more of the total acreage of the district or whenever the
12 majority of the district board adopts a resolution allowing
13 it, each elector is permitted to cast one vote for each acre
14 of irrigable land or major fraction of an acre of irrigable
15 land owned by the elector within the district, irrespective
16 of the location of such the irrigable lands within the
17 tracts designated by the commissioners for assessment and
18 taxation purposes or within the congressional subdivisions,
19 but any elector owning any less than 1 acre of irrigable
20 land within the district is entitled to one vote.

21 (4) The board of commissioners shall choose one of the
22 following methods of balloting:

23 (a) 10 votes or less, separate ballots will be used;
24 more than 10 votes, the elector shall vote in blocks of 10
25 using one ballot for each 10 votes and separate ballots for

1 odd votes over multiples of 10; or

2 (b) the elector shall submit a ballot that includes the
3 number of acres owned and the number of votes being cast."

-End-

APPROVED BY COMMITTEE
ON AGRICULTURE LIVESTOCK
& IRRIGATION

HOUSE BILL NO. 213

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A BILL FOR AN ACT ENTITLED: "AN ACT ALLOWING A LANDOWNER WITHIN AN IRRIGATION DISTRICT TO VOTE IN A DISTRICT ELECTION REGARDLESS OF COUNTY RESIDENCY; ALLOWING A SINGLE LANDOWNER WITHIN AN IRRIGATION DISTRICT TO DESIGNATE AN AGENT TO VOTE FOR THE OWNER; AND AMENDING SECTION 85-7-1710, MCA."

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

Section 1. Section 85-7-1710, MCA, is amended to read:

"85-7-1710. Qualification of electors and nature of voting rights. (1) At all elections held under the provisions of this part, except as otherwise expressly provided, the following holders of title or evidence of title to irrigable lands within the district, herein designated "electors", are entitled to vote:

(a) all individuals having the qualifications of electors under the constitution and general election laws of the state, except that no registration of electors and-state and county residency may not be required;

(b) guardians, executors, administrators, and trustees;

(c) domestic corporations, by their duly authorized agents.

(2) In all elections held under this part, each elector

is permitted to cast one vote for each 40 acres of irrigable land or major fraction thereof of 40 acres owned by the elector within the district, irrespective of the location of the irrigable lands within the tracts designated by the commissioners for assessment and taxation purposes or within congressional subdivisions, platted lots or blocks (except as hereinafter otherwise provided for), election precincts, or district divisions, but any elector owning any less than 40 acres of irrigable land is entitled to one vote. Until the irrigable area under the proposed plan of reclamation is determined, all land included within the boundaries of the district must be considered irrigable land for election purposes.

(3) Whenever land is owned by co-owners, the owners may designate one of their number or an agent to cast the vote for the owners. Whenever the land is owned by a single owner, the owner may designate an agent to cast the vote, and-one One vote only for each 40 acres of irrigable land or major fraction thereof of 40 acres may be cast by the voting co-owner or by an agent. Whenever land is under contract of sale to a purchaser residing within the state, the purchaser may vote on behalf of the owner of the land. When voting, the agent of a corporation, of a single owner or co-owners, of the co-owner designated for the purpose of voting, or of the purchaser of land under contract of sale, as the case

1 may be, shall file with the secretary of the district or
 2 with the election officials a written instrument of ~~his~~ the
 3 agent's authority, executed and acknowledged by the proper
 4 officers of the corporation, by the single owner or
 5 co-owners, or by the owner of land under contract of sale,
 6 as the case may be, and thereupon upon filing, the agent or
 7 co-owner or purchaser, as the case may be, is an elector
 8 within the meaning of this part. Whenever the total
 9 irrigable acreage within any one district has been platted
 10 or subdivided into lots or blocks to the extent of 5% or
 11 more of the total acreage of the district or whenever the
 12 majority of the district board adopts a resolution allowing
 13 it, each elector is permitted to cast one vote for each acre
 14 of irrigable land or major fraction of an acre of irrigable
 15 land owned by the elector within the district, irrespective
 16 of the location of ~~such~~ the irrigable lands within the
 17 tracts designated by the commissioners for assessment and
 18 taxation purposes or within the congressional subdivisions,
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 20 land within the district is entitled to one vote.

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 22 following methods of balloting:

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