Suspend the Rules and Pass the Bill, H.R. 519, With an Amendment

(The amendment strikes all after the enacting clause and inserts a new text)

115TH CONGRESS
1ST SESSION

H. R. 519

To amend the Internal Revenue Code of 1986 to facilitate water leasing and water transfers to promote conservation and efficiency.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 13, 2017

Mr. Buck (for himself, Mr. Gosar, Mr. Tipton, Mrs. Love, and Mr. Bishop of Utah) introduced the following bill; which was referred to the Committee on Ways and Means

A BILL

To amend the Internal Revenue Code of 1986 to facilitate water leasing and water transfers to promote conservation and efficiency.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Water and Agriculture Tax Reform Act of 2018”.

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SEC. 2. FACILITATE WATER LEASING AND WATER TRANSFERS TO PROMOTE CONSERVATION AND EFFICIENCY.

(a) IN GENERAL.—Paragraph (12) of section 501(c) of the Internal Revenue Code of 1986 is amended by adding at the end the following new subparagraph:

“(J) TREATMENT OF MUTUAL DITCH IRRIGATION COMPANIES.—

“(i) IN GENERAL.—In the case of a mutual ditch or irrigation company or of a like organization to a mutual ditch or irrigation company, subparagraph (A) shall be applied without taking into account—

“(I) any income received or accrued from the sale, lease, or exchange of fee or other interests in real and personal property, including interests in water (other than income derived from the sale, lease, or transfer of water to nonmembers outside the river basin or basins within which the mutual ditch or irrigation company operates),

“(II) any income received or accrued from the sale or exchange of stock in a mutual ditch or irrigation
company (or in a like organization to
a mutual ditch or irrigation company)
or contract rights for the delivery or
use of water, or

“(III) any income received or ac-
crued from the investment of income
described in subclause (I) or (II),
except that any income described in sub-
clause (I), (II), or (III) which is distrib-
uted or expended for expenses (other than
for operations, maintenance, and capital
improvements) of the mutual ditch or irri-
gation company or of the like organization
to a mutual ditch or irrigation company
(as the case may be) shall be treated as
nonmember income in the year in which it
is distributed or expended. For purposes of
the preceding sentence, expenses (other
than for operations, maintenance, and cap-
ital improvements) include expenses for the
construction of conveyances designed to de-
 deliver water outside of the system of the
mutual ditch or irrigation company or of
the like organization.
“(ii) Treatment of Organizational Governance.—In the case of a mutual ditch or irrigation company or of a like organization to a mutual ditch or irrigation company, where State law provides that such a company or organization may be organized in a manner that permits voting on a basis which is pro rata to share ownership on corporate governance matters, subparagraph (A) shall be applied without taking into account whether its member shareholders have one vote on corporate governance matters per share held in the corporation. Nothing in this clause shall be construed to create any inference about the requirements of this subsection for companies or organizations not included in this clause.”.

(b) Effective Date.—The amendment made by subsection (a) shall apply to taxable years beginning after December 31, 2018.