

Content

Title :	The Act of Irrigation Association Organization Ch
Date :	2010.04.30
Legislative :	<p>Promulgated on July 2, 1965.</p> <p>Amendment to Articles 11, 16, 17, 19, 20, 26, 35, 37 promulgated on February 9, 1970.</p> <p>Amendment to Articles 16, 19, 20, 25 promulgated on December 17, 1980.</p> <p>Amendment to Article 23 promulgated on August 2, 1991.</p> <p>Amendment to Articles 1, 4, 9, 13, 15~22, 35, 37~39 and addition of Article 39-1 promulgated on February 3, 1993.</p> <p>Amendment to Article 39-1 promulgated on November 8, 1995.</p> <p>Amendment to all Articles promulgated on May 17, 2000.</p> <p>Amendment to Articles 4, 16, 17, 19~22, 24, 25, 37, 39 and addition of Articles 19-1, 19-2 and deletion of Article 39-1 promulgated on June 20, 2001.</p> <p>Amendment to Articles 23, 37, 41 promulgated on January 13, 2010.</p> <p>Amendment to Articles 19-2 and addition of Articles 38-1, 38-2 promulgated on April 30, 2010.</p>
Content :	<p>Chapter I, General Provisions</p> <p>Article 1 The irrigation association's objective is to promote farmland irrigation operations on behalf of the central government. The Irrigation Association is a Public Juridical Person.</p> <p>Article 2 Statutes stipulated in General Principles serve as guidelines to organizational structures and pertinent details of the irrigation associations; for those not specified in the General Principles, statutes of other pertinent decrees shall apply.</p> <p>Article 3 Regional irrigation association uniformly adopts designations of that specific region, or names of that specific region's reservoirs and canals.</p> <p>Article 4 Supervising agencies referred to in the General Principles: on the central government level, it shall be the Council of Agriculture under the Executive Yuan; in municipalities, it shall be the municipal government.</p> <p>Chapter II, Regions and Establishments</p> <p>Article 5 In regard to irrigation association's operation districts, for those under the administration of municipalities, municipal supervising authorities shall establish such operation districts based on their specific geographic makeup and economic returns, followed by an official report to the central government's supervising authorities for appraisal and approval. For operation districts outside municipal administrations, they shall be established by central government's supervising authorities.</p> <p>Article 6 The establishment of Irrigation Association is conducted according to the following: 1.The institution of local irrigation association can be initiated by a collective of 50 members or above, with qualifications specified in Article 14, Item 1. The applicants shall report to supervising authorities of their municipalities for approbation of a local operation. For local operations outside municipal administrations, they shall report to central government's supervising authorities for approbation. 2.The establishments of local operations deemed necessary by the central</p>

government or any municipalities.

Article 7 For preparations and arrangements of irrigation associations, they shall be organized by initiator's preparation agencies. For those within municipal administrations, they shall receive consultations from municipal supervising authorities. For those outside municipal administrations, supervising authorities from central government (referred to as central supervising authorities in the following) shall be responsible for such operations.

Article 8 Irrigation association's preparation agencies shall put forth application forms, an organization constitution outline, operation's topography map, project modus operandi, budget outline and a roster of qualified members from such specific operation districts, and a letter of authorization bearing signatures of more than half of the qualified members. For those within municipal administrations, they shall file an operation application with municipal supervising authorities. For those outside municipal jurisdictions, they shall file an operation application with central supervising authorities.

Article 9 For those within municipal administrations, upon the establishment of farmland irrigation associations, when encountering a change of force majeure in the natural environment, or, if there has been modifications on water resource planning, municipal supervising authorities shall, in accordance with their authority of office, or with an application with Irrigation Association, determine whether mergers, divisions, modifications or revocations are necessary for specific regional farmland irrigation associations or operation districts. For those outside municipal administrations, central supervising authorities will be called upon for determination of such actions. Aforementioned applications for such actions require a resolution by association meeting affairs committee, and a letter of authorization bearing signatures of more than half of the members.

Chapter III, Missions and Rights

Article 10 Missions of Irrigation Associations are stipulated in the following:

- 1.The initiation, improvement, maintenance, and management of farmland irrigation operations.
- 2.Precautionary and rescue measures in the event of disasters and threats on farmland irrigation association operations.
- 3.The raising of expenditure and institution of funds for farmland irrigation operations.
- 4.Research and development projects for the interests of farmland irrigation operations.
- 5.The collaboration with central government over land, agricultural, and industrial policies, and rural village development programs.
- 6.Affairs and projects consigned by supervising authorities.

Article 11 In regard to construction lots necessary for the establishment or improvement of irrigation facilities, farmland irrigation associations shall lease, or buy, from land owner or other encumbrancers; if both parties fail to reach an agreement, associations shall ask central supervising authorities to collect the lots in conformity with the law. If the lots are publicly owned, the association shall apply for a lease or purchase plan.

For lots originally used for irrigation projects, they shall be put to use as of old. During such periods, land taxes on the lots shall be exempted.

Article 12 Farmland irrigation association shall proceed with any measurement and investigation project for the purpose of establishing irrigation facilities. If, during such, measurement and investigation projects require the removal of any obstacles, the association shall notify local county (or municipal) administrations, informing land owners or

occupants for removal of the obstacles.
Should accidents result from the aforementioned obstacle removal, land owners or occupants shall ask for indemnity. Supervising authorities shall mediate disagreements should there be any controversies.

Article 13 Farmland irrigation associations shall report to supervising irrigation authorities to handle any mishaps in accordance with Irrigation Decree, Article 76, and detailed prescriptions in the event of floods, draughts, or natural disasters.

Chapter IV, Members and Organization

Article 14 Those who meet any one of the following qualifications within any farmland irrigation association's operation districts, shall become a member:

1. Supervising authorities of any public arable, or any representative from such agencies.
2. Owner or proprietor of any public arable.
3. Lessee or permanent tenants of any public, or private arable.
4. Other beneficiaries.

If owner, proprietor, lessee, permanent tenant or beneficiary mentioned in item B, C, D is a juridical person, his or her supervisor, or representative, shall instead be the member.

Article 15 Members from each farmland irrigation associations are entitled to irrigation facilities, and rights stipulated in pertinent statutes and organization constitutions. Members are required to pay membership fees, and be responsible for duties stipulated in pertinent statutes and organization constitutions.

If members fail to fulfill duties required of them, for those whose supervising agencies are municipal authorities, the farmland irrigation association shall report to municipal authorities for an approval to suspend one, or all of the rights enjoyed by members. Other farmland irrigation associations shall notify central supervising authorities for approbation to suspend one, or all of the rights enjoyed by members. Should damage occurs to members as a result of farmland irrigation associations' violations of certain statutes, or other inappropriate acts of the associations, members shall ask for indemnity incurred from the damage.

Article 16 Farmland Irrigation Association shall institute meeting affairs committee, staffed with 15 to 33 commissioners; commissioner quota would be determined by each farmland irrigation association according to irrigation drainage size in each operation districts.

Qualifications specified in Article 14, Item 1, are required of aforementioned meeting affairs commissioners; the commissioners are elected through regional election by the membership body; these commissioners receive no wages, but would be reimbursed with transportation fares, and postage.

Meeting commission meets every six months. Extraordinary sessions can be held if more than one-third of the commissioners have asked for one, or when the president of the association deems one necessary. The president shall convene such sessions, and notify supervising authorities for reference beforehand.

When meeting affairs committee convenes, commissioners in attendance shall elect a chairman to preside over the meeting. The agenda shall be determined by the Joint Irrigation Association. Supervising authorities shall be notified of such meetings for reference.

Upon revision and implementation of this article, the formerly designated meeting affairs commissioners shall remain in office until the expiration of their terms.

Article 17 Members at the 23 years of age or above, who has been a member for over a year, can register as candidate for meeting affairs commissioner's post. For those who have been meeting affairs commissioners for four years, they shall run for re-election. The Joint Irrigation

Association shall specify an election and recall law for these posts, and notify central supervising authorities for reference.

Article 18 See meeting affairs commissioners' authority of office in the following:

- 1.To review organization constitutions and items germane to membership rights and obligations.
- 2.To resolve on project modus operandi.
- 3.To deliberate on the handling of immovable property, and determine encumbrance or leases that extend for more than 10 years.
- 4.To deliberate on loans and donation programs.
- 5.To review budgets.
- 6.To resolve on propositions by the president and meeting affairs commissioners.
- 7.To review final expenditure.
- 8.To deliberate on petitions by members.
- 9.Other authorities to be exercised as stipulated by laws.

The exercise of authorities in aforementioned items would be implemented in the form of meetings and conferences. For resolutions and motions in Item 1 to 7 that fall under the administration of municipal authorities, they shall be implemented upon notifying municipal supervising authorities, unless other statutes exist. Other farmland irrigation associations shall notify central supervising authorities before implementation.

If the exercise of aforementioned authorities is met with controversies or challenges, for irrigation associations that fall under the administration of municipal authorities, such municipal authorities shall be notified for follow-up resolutions. Other irrigation associations shall notify central supervising authorities for follow-up resolutions.

In regard to budgets, meeting affairs commissioners shall not make resolutions for extra outlay.

Article 19 A president shall be elected to head the farmland irrigation association, to oversee miscellaneous affairs in accordance with statutes and organization constitutions, and to supervise subordinates and operation agencies. The president serves to represent the association.

Article 19-1 For members over the age of 30, with membership for over a year, and with one of the following qualifications, they shall run for association presidency; the president is elected by the entire membership body through direct voting.

- 1.With a diploma issued by any high school certified by official education institutions, or, with a certificate proving the passing of civil examination; and those who have more than 10 years of experience in administrative work, water conservancy, civil engineering, and agriculture with an excellent performance record.

- 2.Those who have served as president, or general manager for over 4 years, and class 1 supervisor for 6 years for any irrigation association with an excellent performance record.

The Joint Irrigation Association shall specify an election and recall law for the posts, and notify central government's supervising agencies for reference.

Upon revision and implementation of this article, the formerly designated meeting affairs commissioners shall remain in office until the expiration of their terms.

Article 19-2 For members with one of the following account of wrongdoing, they shall not register for candidacy for president or meeting affairs commissioner:

- 1.Those whose rights have been suspended and not yet been reinstated;
- 2.Those who have been deprived of their civil rights and not yet been reinstated;
- 3.Those convicted of treachery and espionage works;
- 4.Those convicted of fraud, embezzlement, breach of secrecy, and grafts;
- 5.Having offended the Criminal Code involving such crimes as vote-buying, bribe-taking, interfering with balloting, campaign irregularities or monopolizing vote-buying, with the irregularities convicted;

6. One who once committed any crime as mentioned in Section 1 under Article 38-1 or Article 38-2, with the irregularities convicted;

7. Having committed a crime other than those mentioned above in the last four (4) clauses, and convicted of the crime and sentenced to a penal servitude for a definite period while the penalty is pending enforcement or enforced but not completed. Despite that, those who are reprieved or sentenced to less than six (6) months in prison with the sentence which may be alternatively converted into a fine are excluded from this ruling;

8. Convicted to any public security penalty of forced labor, with the penalty to be enforced, or enforced but not completed, or completed within the past five (5) years, including those convicted to a public security penalty of any other nature, with the penalty to be enforced or enforced but not completed.

Despite that, those who are reprieved and convicted under probation/parole supervision are excluded from this ruling;

9. Having been discharged from presidents or meeting affairs commissioners of irrigation associations.

If the public notice of election has been issued before April 20, 2010, the aforementioned provisions prior to the amendment shall apply.

Article 20 The president has a four-year term of office; he is entitled to another term if winning re-election.

Article 21 If presidency falls vacant, the general manager shall serve as acting president. Starting from the acting president's first day, a bi-election for president shall be held within 60 days. The new president shall remain in office until former president's term expires. But if former president has less than one year of term in office remaining, no bi-election shall be held to elect a new president.

Article 22 Unless other statutes exist, for irrigation associations under municipal authorities, their organization and institution, the appointment of employees on various levels, their wages, and management would be reviewed and approved by municipal authorities; central supervising authorities would handle such affairs for other irrigation associations.

Article 23 President and full-time staffs on various levels of the irrigation associations would be considered civil servants, as interpreted by penal code; they shall not serve in other public positions.

Chapter V, Overheads

Article 24 The overheads of irrigation associations are supplemented with the following sources:

1. Membership dues
 2. Operation revenue
 3. Financial earnings
 4. Government subsidies
 5. Donations and grants
 6. Income from other legal sources as stipulated by pertinent statutes.
- Earnings accrued from aforementioned sources are exempted from business and income taxes.

Article 25 Irrigation association membership dues shall be collected from members who enjoy financial benefits from irrigation or drainage systems.

For members who request to increase either the irrigation water volume, or the benefit from drainage irrigation, their membership dues shall increase accordingly based on their earnings.

For membership dues that have not been levied for 5 years since the first day of their scheduled collection, they shall not be collected. However, for cases in which dues that have been reassigned to compulsory collection, but have not been concluded, this article does not apply.

Before collection of membership dues is completed, the government shall earmark budgets to subsidize irrigation associations.

Article 26 Irrigation associations shall collect construction fees from members who directly benefit from water conservancy construction programs approved, or designated by supervising authorities in accordance with associations' actual needs. Starting from the second year, as each lot derives benefits, construction fees shall be collected annually, within the limit of total construction fees.

If purposes of the lots deriving benefits are amended, lot owner shall be responsible for construction fees that have not been paid. If lot ownership is transferred to a new proprietor, the new proprietor shall be responsible for paying construction fees.

Article 27 New members to the irrigation associations, or members who benefit from the expansion of new construction projects, shall share construction fees proportionally; money collected would be used as special-purpose funds. If these members' supervising authorities are municipal agencies, the money shall not be appropriated or used without the approval of municipal authorities. For other irrigation associations, the money shall not be appropriated or used without the approval of central supervising authorities.

Article 28 Farmland irrigation associations shall collect fees for building and surplus water utilization, and the fees shall be classified as operation revenue.

Article 29 Farmland irrigation associations shall formulate criteria and measures for collecting various fees according to those 4 aforementioned articles. For irrigation associations, whose supervising agencies are municipal authorities, the municipal authorities shall establish such criteria and measures, and notify central supervising authorities for record. Other irrigation associations shall look to central supervising authorities for fee collection criteria and measures.

Article 30 Membership fees and construction fees established in the organization constitution, if not paid by obligators as scheduled, there shall be an incremental 1-percent overdue fine for every three days. But the incremental overdue fines shall not exceed 10 percent of the total. Membership fees and construction fees, if not paid after 30 days, irrigation associations shall prepare a letter of receivables on demand, along with an overdue fine petition to court for compulsory execution. Obligators shall propose a letter of exception if unwilling to accept court ruling; but no letter of exception shall be proposed afterwards. Court ruling shall come into effect within 7 days.

Article 31 Irrigation association's total annual revenue, except necessary expenditure on wages and administrative expenses, shall be used for the constructions, maintenance, and improvement of irrigation facilities; public funds, disaster relief arrangement funds and depreciation arrangement funds shall be allotted with discretion. Aforementioned public funds and arrangement funds shall not be employed without the approval of supervising authorities.

Article 32 For funds that belong to irrigation associations whose supervising agencies are municipal authorities, they shall be collected and managed by municipal authorities' designated government water conservancy, property, or agricultural financial institutions. For funds that belong to other irrigation associations, they shall be managed by institutions designated by central supervising authorities. 20 percent from the revenue surplus shall be appropriated for Joint Irrigation Association's counseling and assistance fees.

Article 33 Budgets and final accounts shall be earmarked for irrigation Association's annual revenue and expenditure. For irrigation associations whose supervising agencies are municipal authorities, the municipal authorities shall be in charge of earmarking budgets and final accounts; central supervising authorities shall be in charge of earmarking budgets

and final accounts of other irrigation associations.

Article 34 Municipal authorities shall formulate accounting systems and financial affairs management of irrigation associations that report to municipal supervising authorities, and notify central supervising authorities for record; for other irrigation associations, their accounting systems and financial affairs management shall be formulated by central supervising authorities.

Chapter VI, Supervision, counseling and assistance

Article 35 For supervision, counseling and assistance formula for irrigation associations under municipal supervising authorities, they shall be instituted by municipal supervising authorities, followed by a notification with central supervising authorities for approval. For supervision, counseling and assistance formula for other irrigation associations, they shall be instituted by central supervising authorities.

Article 36 If irrigation associations under municipal administrations are found to violate laws or be derelict of duties, affecting public welfare, municipal supervising authorities shall impose necessary disciplinary actions or restraints. If such violations are of certain magnitude, municipal supervising authorities shall rectify or take over management for re-organization, and notify central supervising authorities for record; central supervising authorities shall rectify or take over management for re-organization for other irrigation associations found to have violate laws or be derelict of duties.

Article 37 Presidents or meeting affairs commissioners of irrigation associations shall be dismissed from office if found to have one of the following:

- 1.Those convicted of treachery and espionage works.
- 2.Those convicted of fraud, embezzlement, breach of secrecy, and grafts.
- 3.Those convicted of crimes other than the two mentioned above, with imprisonment for a definite term but not a probation announcement, or those not yet pay penalties.
- 4.Those penalized for security reasons, or those who are subject to disciplinary actions.But this does not apply to those under constraints for probation reasons.
- 5.Those whose rights have been suspended and not yet been reinstated.
- 6.Having been declared a guardianship or assistantship has not been revoked.

Performance assessment, rewards and punishments laws for presidents and meeting affairs commissioners of irrigation associations shall be instituted by central supervising authorities.

Article 38 Presidents and meeting affairs commissioners shall not be found with the following conducts:

- 1.Directly, or indirectly contract association's constitution projects, or promote the sales of any facilities or merchandise to the associations.
- 2.Profit by abusing their powers of office or public funds.
- 3.Disclose public affair secrecies to illegally profit others.
- 4.Other conducts that violate the laws.

Article 38-1 One who is found committing any of the following behaviors in an election of the Irrigation Association shall be subject to imprisonment of up to three (3) years and, in addition thereto, may be imposed a fine of up to ninety thousand (90,000) Silver Dollars:

- 1.One who has the right of election and demands, agrees upon with a tacit accord or accepts properties or other unjustifiable interests in exchange of not electing or acting otherwise;
- 2.One who demands those having the right of election not to elect or to act otherwise by promising with a tacit accord or delivering properties or other unjustifiable interests;
- 3.One who demands a candidate to give up election campaign or hold certain campaign activities by promising with a tacit accord or delivering

properties or other unjustifiable interests;

4.A candidate who demands, agrees upon with a tacit accord or accepts properties or other unjustifiable interests in exchange of giving up election campaign or holding certain campaign activities.

In case of any aforementioned crime committed, the properties so received shall be confiscated. If confiscation is impossible in full or in part, a demand for payment of a value equivalent to the properties concerned shall be made to the offender.

Article 38-2 One who is found using violence, intimidation or other unlawful ways to hinder another from campaigning for an election or force another to give up election campaign or obstruct others from freely exercising the right of election shall be subject to imprisonment of up to five (5) years and, in addition hereto, may be imposed a fine of up to one hundred and fifty thousand (150,000) Silver Dollars.

Any attempt to commit an offense as mentioned above shall be subject to punishment.

Chapter VII, Supplementary Provisions

Article 39 To promote cooperation and mutual developments, irrigation associations thereby institute the Taiwan Joint Irrigation Association (known as the Joint Irrigation Association); it shall make juridical person registration, and notify central supervising authorities for record after instituting Association Constitutions and the following provisions:

- 1.Election and Recall Law for presidents of irrigation associations.
- 2.Election and Recall Law for Meeting Affairs Commissioners of irrigation associations.
- 3.Meeting agendas for irrigation associations' affairs committees.
- 4.Pertinent statutes applicable to other operations and projects of similar nature.

Article 39-1 (Removed)

Article 40 Irrigation associations' organization and constitutions have been issued for enforcement before the general principles are implemented; statutes not applicable to the general principles shall be revised in accordance with the general principles.

Article 41 The general principles go into effect the day they are promulgated.

The articles amended on December 22, 2009 shall take into force since November 23, 2009.