

IN THE SENATE

SENATE BILL NO. 1157

BY STATE AFFAIRS COMMITTEE

AN ACT

1 RELATING TO IRRIGATION DISTRICTS; AMENDING SECTION 43-119, IDAHO CODE, TO  
2 PROVIDE THAT CERTAIN LIMITED LIABILITY COMPANIES SHALL HAVE THE SAME  
3 RIGHTS AND PRIVILEGES IN THE CONDUCT OF IRRIGATION DISTRICT BUSINESS AS  
4 DO NATURAL PERSONS, TO REVISE PROVISIONS RELATING TO VOTING AND OTHER-  
5 WISE ACTING IN REGARD TO IRRIGATION DISTRICT BUSINESS BY CORPORATIONS,  
6 LIMITED LIABILITY COMPANIES, PARTNERSHIPS AND TRUSTS, TO REQUIRE  
7 CERTAIN ENTITIES TO FURNISH IRRIGATION DISTRICTS WITH WRITTEN DESIGNA-  
8 TIONS OF THOSE AUTHORIZED TO VOTE OR OTHERWISE ACT FOR THE ENTITY UNDER  
9 SPECIFIED CONDITIONS, TO REVISE PROVISIONS RELATING TO THE AUTHORITY  
10 OF SPOUSES AND TO REVISE PROVISIONS RELATING TO CERTAIN RESTRICTIONS ON  
11 VOTING.  
12

13 Be It Enacted by the Legislature of the State of Idaho:

14 SECTION 1. That Section 43-119, Idaho Code, be, and the same is hereby  
15 amended to read as follows:

16 43-119. RIGHTS AND PRIVILEGES OF CORPORATIONS -- LIMITED LIABILITY  
17 COMPANIES -- PARTNERSHIPS -- TRUSTS. A corporation, the stock of which is  
18 owned entirely by natural persons related by blood or affinity, a limited  
19 liability company, in which all the members are natural persons related  
20 by blood or affinity, a partnership, in which all the partners are natural  
21 persons related by blood or affinity, and a trust, in which all of the bene-  
22 ficiaries are natural persons related by blood or affinity, shall have the  
23 same rights and privileges in the conduct of irrigation district business  
24 as do natural persons, including, but not limited to, voting in elections  
25 and signing petitions. A corporation, partnership or trust shall vote or  
26 otherwise act by and through its majority stockholder, majority partner or  
27 trustee and for voting purposes the residence of such majority stockholder,  
28 partner or trustee shall establish the residence of the corporation, part-  
29 nership or trust. If the majority of the stock or partnership interest is  
30 owned by more than one (1) person, or if there is more than one (1) trustee,  
31 A corporation shall vote or otherwise act through its majority shareholder;  
32 a limited liability company shall vote or otherwise act, if member-managed,  
33 through its member and, if manager-managed, through its manager; a partner-  
34 ship shall vote or otherwise act through its majority partner; a trust shall  
35 vote or otherwise act through its trustee. For voting purposes the residence  
36 of such person shall establish the residence of the corporation, limited  
37 liability company, partnership or trust. If there is no single majority  
38 stockholder, no single majority member, no single manager, no single major-  
39 ity partner or no single trustee, then the corporation, limited liability  
40 company, partnership or trust must furnish the irrigation district a written  
41 designation stating the name of the majority stockholder, manager or member,  
42 partner or trustee who is authorized to vote and otherwise act for the cor-

1 poration, limited liability company, partnership or trust, respectively.  
2 If the majority or designated stockholder, manager or member, partner or  
3 trustee is married, his or her spouse shall have the same rights and priv-  
4 ileges in the conduct of irrigation district business as do the spouses of  
5 individual land owners in the district. A person, or the spouse of a person,  
6 voting for a corporation, limited liability company, partnership or trust  
7 shall not be entitled to vote again as an individual.