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Farm Ownership & Corporate Farming Laws: *Idaho*



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Farm Ownership & Corporate Farming Laws: Idaho

Fast Find:

- 1) Prohibition: Idaho Code Ann. § 55-103; Idaho Code Ann. § 58-313
- 2) Permission: Idaho Code Ann. § 55-103
- 3) Reporting: None
- 4) Corporate Farming: Idaho Code Ann. § 55-103

[Idaho Code Ann. § 55-103](#)

[Idaho Code Ann. § 58-313](#)

Current through laws passed by the 2024 of the Second Regular Session of the 67th Idaho State Legislature.

§ 55-103. Who may own property

(1) Except as provided in subsection (2) of this section, any person, whether citizen or alien, may take, hold and dispose of property, real or personal.

(2) Notwithstanding any provision of law to the contrary, on and after the effective date of this subsection, a foreign government or a foreign state-controlled enterprise shall not purchase, acquire, or hold any controlling interest in agricultural land, forest land, water rights, mining claims, or mineral rights in the state of Idaho. This subsection does not apply to any interest in agricultural land, water rights, mining claims, or mineral rights acquired by a foreign government or foreign state-controlled enterprise prior to the effective date of this subsection or to any foreign pension fund.

(3) As used in this section:

(a) "Agricultural land" shall have the same meaning as "land actively devoted to agricultural purposes" as provided in section 63-604, Idaho Code.

(b) "Controlling interest" means:

(i) Possession of more than fifty percent (50%) of the ownership interest in an entity; or

(ii) A percentage of ownership interest in an entity that is fifty percent (50%) or less if a foreign government actually directs the business and affairs of the entity without the requirement or consent of any other party.

(c) "Foreign government" means a government other than the federal government of the United States or the government of any state, political



subdivision of a state, territory, federally recognized Indian tribe, or possession of the United States.

(d) "Forest land" means privately owned or state owned land being held and used primarily for the continuous purpose of growing and harvesting trees of a marketable species. Having met the above criteria, forest land may be further identified by the consideration of any of the following criteria:

(i) Forest land is land evidenced by present use and silvicultural treatment.

(ii) Forest land is land which has a dedicated use that is further evidenced by a forest land management plan that includes eventual harvest of the forest crop.

(iii) Forest land is land bearing forest growth or land which has not been converted to another use.

(iv) Forest land is land which has had the trees removed by man through harvest, including clear-cuts or by natural disaster, such as but not limited to fire, and which within five (5) years after harvest or initial assessment will be reforested as specified in the forest practices act (chapter 13, title 38, Idaho Code).

(e) "Foreign pension fund" means a trust, corporation, or other entity created or organized under the law of a country other than the United States to provide retirement or pension fund benefits. However, the term "foreign pension fund" shall not include any trust, corporation, or other entity that is owned by or subject to a controlling interest of a sovereign wealth fund.

(f) "Mineral right" shall have the same meaning as provided in section 47-701, Idaho Code.

(g) "Mining claim" means a portion of land containing minerals that a miner has a right to occupy and possess for the purpose of extracting minerals.

(h) "State-controlled enterprise" means a business enterprise, however denominated, sovereign wealth fund, or state-backed investment fund in which a foreign government has a controlling interest.

(i) "Water right" shall have the same meaning as provided in section 42-230, Idaho Code.

§ 58-313. Sale of state land

The state board of land commissioners may at any time direct the sale of any state lands, in such parcels as they shall deem for the best interests of the state. All sales of state lands shall be advertised in four (4) consecutive issues of some weekly newspaper in the county in which the land is situated, if there be such paper, if not, then in some newspaper published in an adjoining county, and in such other paper or papers as the board may direct. The advertisement shall state the time, place and terms of sale, a description of the land and value of the improvements, if any, thereon, and the minimum price per acre of each parcel as fixed by the board, below



which no bid shall be received: provided, that sales of state lands shall only be made to citizens of the United States and to those who shall have declared their intentions to become such. If the required sum be not paid forthwith by the highest bidder any lands upon which such payment shall not be made may be immediately reoffered at public sale as before. If any land be sold on which surface improvements have been made by a lessee, or by a former purchaser whose certificate of purchase has for any reason been canceled, said improvements shall be appraised under the direction of the state board of land commissioners. When lands on which improvements have been made, as above, are sold, the purchaser, if other than the owner or former owner of said improvements, shall pay the appraised value of said improvements to the owner thereof, or to the former purchaser who placed the same thereon, taking a receipt therefor, and shall deposit such receipt with the state board of land commissioners before he shall be entitled to a certificate of purchase or patent of said land: provided, the lessee or former owner is not indebted to the state for delinquent rentals or instalment payments on said land. If he is indebted to the state, the value of the improvements shall be credited on his indebtedness and the surplus, if any, be paid to him. All such receipts shall be filed and preserved in the office of said board: provided, that no school lands shall be sold for less than their appraised value nor for less than ten dollars (\$10.00) per acre; provided, further, that in the case of the sale of land leased as grazing land and which is too rough, rocky or steep to be reclassified as farming land, the lessee, if he is not the successful bidder, shall be entitled to continue in possession under the lease for a period of two (2) years from the first day of December next occurring after the date of sale at public auction of said land or until expiration of the lease, whichever period shall be shorter. During such period, all rental earned shall belong to the purchaser subject to the following provisions:

- (1) If the land is sold upon instalment contract to the purchaser, the lessee shall continue to make rental payments to the director of the department of lands and the amount of rental earned after the date of sale shall, when received, be applied against and reduce the principal or interest, or both, payable by the purchaser;
- (2) If the purchaser pays the purchase price in full, all rentals earned after the date of sale shall be paid directly to the purchaser. However, no lessee of state lands shall have any right to remain in possession under his lease upon the sale of such state lands for home or cabin site purposes, as provided by the regulations of the state board of land commissioners.

