

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 173, As Amended in the Senate, As Amended in the Senate

BY STATE AFFAIRS COMMITTEE

AN ACT

RELATING TO PROPERTY; AMENDING SECTION 55-103, IDAHO CODE, TO REVISE PROVISIONS ABOUT OWNERSHIP OF PROPERTY, TO PROVIDE THAT A FOREIGN GOVERNMENT OR FOREIGN STATE-CONTROLLED ENTERPRISE SHALL NOT PURCHASE, ACQUIRE, OR HOLD ANY CONTROLLING INTEREST IN CERTAIN TYPES OF PROPERTY, TO PROVIDE EXCEPTIONS, AND TO DEFINE TERMS; PROVIDING SEVERABILITY; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Section 55-103, Idaho Code, be, and the same is hereby amended to read as follows:

55-103. WHO MAY OWN PROPERTY. (1) Except as provided in subsection (2) of this section, any 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, 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, or possession of the United States.

(d) "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.

1       (e) "Mineral right" shall have the same meaning as provided in section  
2       47-701, Idaho Code.

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

6       (g) "State-controlled enterprise" means a business enterprise, how-  
7       ever denominated, sovereign wealth fund, or state-backed investment  
8       fund in which a foreign government has a controlling interest.

9       (h) "Water right" shall have the same meaning as provided in section  
10       42-230, Idaho Code.

11       SECTION 2. SEVERABILITY. The provisions of this act are hereby declared  
12 to be severable and if any provision of this act or the application of such  
13 provision to any person or circumstance is declared invalid for any reason,  
14 such declaration shall not affect the validity of the remaining portions of  
15 this act.

16       SECTION 3. An emergency existing therefor, which emergency is hereby  
17 declared to exist, this act shall be in full force and effect on and after its  
18 passage and approval.