

FILED FEB 13 2002

SENATE FILE  
BY REDFERN

2174

Passed Senate, Date \_\_\_\_\_ Passed House, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

**A BILL FOR**

1 An Act providing for agricultural land held by individuals  
2 lawfully admitted into the United States for permanent  
3 residence, and making penalties applicable.

4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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SF 2174  
JUDICIARY

1 Section 1. Section 567.1, subsection 5, Code 2001, is  
2 amended to read as follows:

3 5. "Nonresident alien" means an individual who is not a  
4 any of the following:

5 a. A citizen of the United States, and who has not been  
6 classified as a

7 b. A person lawfully admitted into the United States for  
8 permanent resident-alien residence by the United States  
9 immigration and naturalization service. An individual is  
10 lawfully admitted for permanent residence regardless of  
11 whether the individual's lawful permanent resident status is  
12 conditional.

13 EXPLANATION

14 This bill amends Code chapter 567 which in part prohibits a  
15 nonresident alien, foreign business, or foreign government  
16 from acquiring or holding agricultural land in this state.  
17 The prohibition is provided in Code section 567.3.

18 Code section 567.1 provides a number of definitions for the  
19 chapter. "Agricultural land" is defined to mean land suitable  
20 for use in farming. The term "farming" includes cultivating  
21 the land, raising livestock, and producing timber and nursery  
22 products. The term "nonresident alien" is defined to mean an  
23 individual who is not a citizen of the United States and has  
24 not been classified as a permanent resident alien by the  
25 United States immigration and naturalization service.

26 The bill addresses the provision that refers to the status  
27 of permanent resident aliens. The bill provides that  
28 "nonresident alien" does not include an individual who is  
29 lawfully admitted for permanent residence by the United States  
30 immigration and naturalization service, regardless of whether  
31 the individual's lawful permanent resident status is  
32 conditional.

33 Code of Federal Regulations, Title 8, § 216.1, provides  
34 that within 90 days immediately preceding the second  
35 anniversary of the date on which an alien obtained permanent

1 residence, the alien must file a petition to remove the  
2 conditions on residence with the United States immigration and  
3 naturalization service (INS). Section 216.3 of Title 8,  
4 C.F.R., provides that during a two-year conditional period,  
5 the INS may terminate the alien's conditional permanent  
6 resident status upon cause. Section 216.4 of Title 8, C.F.R.,  
7 provides for the filing of a joint petition by spouses that  
8 may include dependent children.

9 Code section 567.6 provides that a person who acquires an  
10 interest in agricultural land and whose resident status  
11 changes, must divest the interest within two years.

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