

H- 3/5/02 Judiciary
H- 3/13/02 Do Pass

FILED FEB 21 2002

SENATE FILE 2272
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO SF 2174)

Passed Senate, Date ^(p.470) 3/4/02 Passed House, Date ^(p.903) 3/20/02
Vote: Ayes 47 Nays 0 Vote: Ayes 94 Nays 0
Approved April 4

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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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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SENATE FILE 2272

AN ACT

PROVIDING FOR AGRICULTURAL LAND HELD BY INDIVIDUALS LAWFULLY ADMITTED INTO THE UNITED STATES FOR PERMANENT RESIDENCE, AND MAKING PENALTIES APPLICABLE.

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

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b. A person lawfully admitted into the United States for permanent resident-alien residence by the United States immigration and naturalization service. An individual is lawfully admitted for permanent residence regardless of

MARY E. KRAMER
President of the Senate

BRENT SIEGRIST
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 2272, Seventy-ninth General Assembly.

MICHAEL E. MARSHALL
Secretary of the Senate

Approved 4/4, 2002

THOMAS J. VILSACK
Governor