

electronic media which disseminates the advertisement, and no other penalty or cause of action under this chapter shall accrue against the media in or by which the advertisement appears or is disseminated, where the particular advertisement is not sponsored by the media, unless the media also performs the billing or collecting for the pay-per-call service.

Approved May 14, 1991

CHAPTER 172

AGRICULTURAL LAND

S.F. 429

AN ACT relating to agricultural land, by providing for land use, and land held by corporations, limited partnerships, and trusts, and providing penalties.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 108.13, subsection 3, Code 1991, is amended to read as follows:

3. This section does not prevent a landowner from utilizing the bed of a protected wetland for pasture or cropland during a period of drought if there is no construction of dikes, ditches, tile lines, or buildings and the agricultural use does not result in drainage.

Sec. 2. Section 172C.1, subsection 1, Code 1991, is amended to read as follows:

1. "Corporation" means a domestic or foreign corporation ~~and includes~~ subject to chapter 490, a nonprofit corporation and co-operatives, or a cooperative.

Sec. 3. Section 172C.3, Code 1991, is amended to read as follows:

172C.3 PENALTIES FOR PROHIBITED OPERATION — INJUNCTIVE RELIEF.

~~Any A~~ processor violating the provisions of section 172C.2 shall, ~~upon conviction, be punished by a fine assessed a civil penalty of not more than fifty twenty-five thousand dollars.~~ The courts of this state may prevent and restrain violations of this chapter through the issuance of an injunction. The attorney general or a county attorney shall institute suits on behalf of the state to prevent and restrain violations of this chapter.

Sec. 4. Section 172C.4, unnumbered paragraph 2, Code 1991, is amended to read as follows:

~~Any A~~ corporation or trust, other than a family farm corporation, authorized farm corporation, family trust, authorized trust or testamentary trust, violating the provisions of this section shall ~~upon conviction, be punished by assessed a fine civil penalty of not more than fifty twenty-five thousand dollars and shall divest itself of any land acquired held in violation of this section within one year after conviction judgment.~~ The courts of this state may prevent and restrain violations of this section through the issuance of an injunction. The attorney general or a county attorney shall institute suits on behalf of the state to prevent and restrain violations of this section.

Sec. 5. Section 172C.5, subsection 3, paragraph a, Code 1991, is amended to read as follows:

a. ~~Any An~~ authorized farm corporation, authorized trust, or limited partnership violating this section shall, ~~upon conviction, be punished by assessed a fine civil penalty of not more than fifty twenty-five thousand dollars and shall divest itself of any land acquired held in violation of this section within one year after conviction judgment.~~ A civil penalty of not more than one thousand dollars may be imposed on a person who becomes a stockholder of an authorized farm corporation, beneficiary of an authorized trust, or limited partner in a limited partnership in violation of this section. The person shall divest the interest held by the person in the corporation, trust, or limited partnership to comply with this section. The court may

determine the method of divesting an interest held by a person found to be in violation of this chapter. A financial gain realized by a person who disposes of an interest held in violation of this chapter shall be forfeited to the state's general fund. All court costs and fees shall be paid by the person holding the interest in violation of this chapter.

Sec. 6. Section 172C.11, unnumbered paragraph 3, Code 1991, is amended to read as follows:

The secretary of state shall notify a person who the secretary has reason to believe is required to file a report as provided by this chapter and who has not filed a timely report, that the person may be in violation of this section. After thirty days from receipt of the notice, any person required to report under this chapter who has not filed, shall be assessed a civil penalty of one hundred dollars for each day in which the report is not filed. The secretary of state shall include in the notice, a statement of the penalty which will be assessed if the report is required and is not filed within thirty days. This penalty shall be in addition to any other penalty under this chapter. The secretary of state shall notify the state attorney general, when the secretary of state has reason to believe a violation of this chapter has occurred. The secretary of state shall include in the notice, a statement of the penalty which may be assessed if the required report is not filed within thirty days. The secretary of state shall refer to the attorney general any person who the secretary has reason to believe is required to report under this chapter if, after thirty days from receipt of the notice, the person has not filed the required report. The attorney general may, upon referral from the secretary of state, file an action in district court to seek the assessment of a civil penalty of one hundred dollars for each day the report is not filed.

Sec. 7. Section 172C.14, Code 1991, is amended to read as follows:

172C.14 DUTIES OF SECRETARY OF STATE — LEGISLATIVE USE.

The secretary of state shall do all things necessary to implement this chapter. The secretary of state shall notify the attorney general when the secretary of state has reason to believe a violation of this chapter has occurred. It is the intent of this section that information shall be made available to members of the general assembly and appropriate committees of the general assembly in order to determine the extent of farming being carried out in this state by corporations and other business entities and the effect of such farming practices upon the economy of this state. The reports of corporations, limited partnerships, trusts, contractors, and processors required in this chapter shall be confidential reports except as to the attorney general for review and appropriate action when necessary. The secretary of state shall assist any committee of the general assembly existing or established for the purposes of studying the effects of this chapter and the practices this chapter seeks to study and regulate.

Sec. 8. Sections 172C.8 and 172C.12, Code 1991, are repealed.

Approved May 14, 1991

CHAPTER 173

PUBLIC ASSISTANCE

S.F. 470

AN ACT relating to federal-state public assistance programs.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 239.2, subsection 3, paragraph e, Code 1991, is amended by striking the paragraph.