

1997, and sections 22.7, 232.52, 312.2,\* 321.20, 321.174A, 321.189, 321.190, 321.210B, 321.216B, 321.218, 321.218A, 321.491, 321.492, 321.555, 321A.32,\*\* 321A.32A, 321E.34, 321J.2, 321J.4, 321J.4B, 321J.9, 321J.12, 321J.13, 321J.17, 321J.20, 321J.21, 321J.25, 321L.3, 707.6A, 805.8, and 805.16, Code Supplement 1997, are amended by striking from the sections the words “motor vehicle license” and inserting in lieu thereof the words “driver’s license”.

Sec. 10. Sections 321.182, 321.187, 321.188, 321.191, 321.195, and 321.216A, Code 1997, and sections 321.179, 321.189A, and 602.8102, Code Supplement 1997, are amended by striking from the sections the words “motor vehicle licenses” and inserting in lieu thereof the words “driver’s licenses”.

Sec. 11. Section 321.176, Code 1997, and section 321.179, Code Supplement 1997, are amended by striking from the sections the words “motor vehicle licensing” and inserting in lieu thereof the words “driver’s licensing”.

Sec. 12. CODE EDITOR DIRECTIONS. The Code editor shall correct any remaining references in the Code or in Acts enacted by the Seventy-seventh General Assembly to reflect the terminology change made in this Act from motor vehicle license to driver’s license.

Approved April 10, 1998

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## CHAPTER 1074

### SUBSTANTIVE CODE CORRECTIONS

S.F. 2136

**AN ACT** relating to statutory corrections which may adjust language to reflect current practices, insert earlier omissions, delete redundancies and inaccuracies, delete temporary language, resolve inconsistencies and conflicts, update ongoing provisions, or remove ambiguities, and providing effective and retroactive applicability dates.

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

Section 1. Section 19A.3, subsection 13, Code Supplement 1997, is amended to read as follows:

13. Members of the Iowa ~~highway safety state~~ patrol and other peace officers employed by the department of public safety. The commissioner of public safety shall adopt rules not inconsistent with the objectives of this chapter for the persons described in this subsection.

Sec. 2. Section 29A.79, unnumbered paragraph 2, Code 1997, is amended to read as follows:

The Iowa national guard shall be requested to provide the emergency helicopter ambulance service from its available staffed helicopters when the plan is implemented on order of the governor at the request of the Iowa ~~highway safety state~~ patrol, or the administrative heads of the hospitals located in Iowa, unless the Iowa national guard does not have a staffed helicopter available or is in active service under the armed forces of the United States.

Sec. 3. Section 80.4, Code 1997, is amended to read as follows:

80.4 **HIGHWAY IOWA STATE PATROL.**

The Iowa ~~highway safety state~~ patrol is established in the department of public safety. The patrol shall be under the direction of the commissioner of public safety.

\* Section 312.2 did not appear in 1997 Code Supplement; Code 1997 probably intended

\*\* Terminology does not appear in §321A.32

Sec. 4. Section 80.6, Code 1997, is amended to read as follows:

80.6 IMPERSONATING OFFICER — UNIFORM.

Any person who impersonates a member of the Iowa ~~safety state~~ patrol or other officer or employee of the department, or wears a uniform likely to be confused with the official uniform of any such officer, with intent to deceive anyone, shall be guilty of a simple misdemeanor.

Sec. 5. Section 80.8, unnumbered paragraphs 2 and 3, Code 1997, are amended to read as follows:

The commissioner may delegate to the members of the Iowa ~~highway safety state~~ patrol such additional duties in the enforcement of this chapter as the commissioner may deem proper and incidental to the duties now imposed upon them by law.

The salaries of all members and employees of the department and the expenses of the department shall be provided for by the legislative appropriation therefor. The compensation of the members of the ~~highway Iowa state~~ patrol shall be fixed according to grades as to rank and length of service by the commissioner with the approval of the governor. The members of the ~~highway Iowa state~~ patrol shall be paid additional compensation in accordance with the following formula: When members of the ~~highway Iowa state~~ patrol have served for a period of five years their compensation then being paid shall be increased by the sum of twenty-five dollars per month beginning with the month succeeding the foregoing described five-year period; when members thereof have served for a period of ten years their compensation then being paid shall be increased by the sum of twenty-five dollars per month beginning with the month succeeding the foregoing described ten-year period, such sums being in addition to the increase provided herein to be paid after five years of service; when members thereof have served for a period of fifteen years their compensation then being paid shall be increased by the sum of twenty-five dollars per month beginning with the month succeeding the foregoing described fifteen-year period, such sums being in addition to the increases previously provided for herein; when members thereof have served for a period of twenty years their compensation then being paid shall be increased by the sum of twenty-five dollars per month beginning with the month succeeding the foregoing described twenty-year period, such sums being in addition to the increases previously provided for herein. While on active duty each member shall also receive a flat daily sum as fixed by the commissioner with the approval of the governor for meals while away from the office to which the member has been assigned and within the member's district.

Sec. 6. Section 80.9, subsection 2, paragraph h, Code 1997, is amended to read as follows:

h. To maintain a vehicle theft unit in the Iowa ~~highway safety state~~ patrol to investigate and assist in the examination and identification of stolen, altered, or forfeited vehicles.

Sec. 7. Section 80.15, Code 1997, is amended to read as follows:

80.15 EXAMINATION — OATH — PROBATION — DISCIPLINE — DISMISSAL.

An applicant for membership in the department of public safety, except clerical workers and special agents appointed under section 80.7, shall not be appointed as a member until the applicant has passed a satisfactory physical and mental examination. In addition, the applicant must be a citizen of the United States and be not less than twenty-two years of age. The mental examination shall be conducted under the direction or supervision of the commissioner of public safety and may be oral or written or both. Each applicant shall take an oath on becoming a member of the force, to uphold the laws and Constitution of the United States and of the state of Iowa. During the period of twelve months after appointment, any member of the department of public safety, except members of the present Iowa ~~highway safety state~~ patrol who have served more than six months, is subject to dismissal at the will of the commissioner. After the twelve months' service, a member of the department, who was appointed after having passed the examinations, is not subject to dismissal, suspen-

sion, disciplinary demotion, or other disciplinary action resulting in the loss of pay unless charges have been filed with the department of inspections and appeals and a hearing held by the employment appeal board created by section 10A.601, if requested by the member, at which the member has an opportunity to present a defense to the charges. The decision of the appeal board is final, subject to the right of judicial review in accordance with the terms of the Iowa administrative procedure Act. However, these procedures as to dismissal, suspension, demotion, or other discipline do not apply to a member who is covered by a collective bargaining agreement which provides otherwise nor to the demotion of a division head to the rank which the division head held at the time of appointment as division head, if any. A division head who is demoted has the right to return to the rank which the division head held at the time of appointment as division head, if any. All rules, except employment provisions negotiated pursuant to chapter 20, regarding the enlistment, appointment, and employment affecting the personnel of the department shall be established by the commissioner in consultation with the director of the department of personnel, subject to approval by the governor.

Sec. 8. Section 80.17, subsection 4, Code 1997, is amended to read as follows:

4. Division of ~~highway safety and uniformed force~~ the Iowa state patrol.

Sec. 9. Section 85.61, subsection 11, unnumbered paragraph 1, Code Supplement 1997, is amended to read as follows:

“Worker” or “employee” means a person who has entered into the employment of, or works under contract of service, express or implied, or apprenticeship, for an employer; an executive officer elected or appointed and empowered under and in accordance with the charter and bylaws of a corporation, including a person holding an official position, or standing in a representative capacity of the employer; an official elected or appointed by the state, or a county, school district, area education agency, municipal corporation, or city under any form of government; a member of the Iowa ~~highway safety~~ state patrol; a conservation officer; and a proprietor, limited liability company member, or partner who elects to be covered pursuant to section 85.1A, except as specified in this chapter.

Sec. 10. Section 96.13, subsection 3, paragraph b, Code 1997, is amended to read as follows:

b. The department shall annually report to the joint ~~regulations~~ economic development appropriations subcommittee on its plans for expenditures during the next state fiscal year from the special employment security contingency fund. The report shall describe the specific expenditures and explain why the expenditures are to be made from the fund and not from federal administrative funds.

Sec. 11. Section 97A.1, subsection 13, Code 1997, is amended to read as follows:

13. “Peace officer” or “peace officers” shall mean all members of the divisions of ~~highway safety and uniformed force~~ the Iowa state patrol and criminal investigation and bureau of identification in the department of public safety, except clerical workers, including but not limited to gaming enforcement officers employed by the division of criminal investigation for excursion boat gambling enforcement activities, who have passed a satisfactory physical and mental examination and have been duly appointed as members of the state department of public safety in accordance with section 80.15, and the division of drug law enforcement, and arson investigators and fire prevention inspector peace officers in the department of public safety, except clerical workers, employees of the division of capitol police, except clerical workers, and the division of beer and liquor law enforcement of the department of public safety, except clerical workers.

Sec. 12. Section 97A.4, unnumbered paragraph 2, Code 1997, is amended to read as follows:

Any member of the system who has been employed continuously prior to the passage of this chapter in the division of ~~highway safety, uniformed force, and radio communications~~ the Iowa state patrol or the division of criminal investigation and bureau of identification in the department of public safety, or as a member of the Iowa ~~highway safety state~~ patrol, or as a peace officer or a member of the uniformed force in any department or division whose functions were transferred to, merged, or consolidated in the department of public safety at the time such department was created, shall receive credit for such service in determining retirement and disability benefits provided for in this chapter. Arson investigators who have contributed to this system prior to July 1, 1978 shall receive credit for such service in determining retirement and disability benefits.

Sec. 13. Section 97A.6, subsection 8, paragraph b, Code 1997, is amended to read as follows:

b. In lieu of the payment specified in paragraph "a," a beneficiary meeting the qualifications of paragraph "c" may elect to receive a monthly pension equal to one-twelfth of forty percent of the average final compensation of the member, but not less than an amount equal to twenty percent of the monthly earnable compensation paid to an active member having the rank of senior patrol officer of the Iowa ~~highway safety state~~ patrol if the member was in service at the time of death. For a member not in service at the time of death, the pension shall be reduced as provided in subsection 1, paragraph "b".

For a member not in service at the time of death, the pension shall be paid commencing when the member would have attained the age of fifty-five except that if there is a child of the member, the pension shall be paid commencing with the member's death until the children reach the age of eighteen, or twenty-two if applicable. The pension shall resume commencing when the member would have attained the age of fifty-five.

For a member in service at the time of death, the pension shall be paid commencing with the member's death. In addition to the pension, there shall also be paid for each child of a member, a monthly pension equal to six percent of the monthly earnable compensation payable to an active member having the rank of senior patrol officer of the Iowa ~~highway safety state~~ patrol.

For the purpose of this chapter, a senior patrol officer is a person who has completed ten years of service in the Iowa ~~highway safety state~~ patrol.

Notwithstanding section 97A.6, subsection 8, Code 1985, effective July 1, 1990, for a member's surviving spouse who, prior to July 1, 1986, elected to receive pension benefits under this paragraph, the monthly pension benefit shall be equal to the higher of one-twelfth of forty percent of the average final compensation of the member, or the amount the surviving spouse was receiving on July 1, 1990.

Sec. 14. Section 97A.6, subsection 9, paragraph c, Code 1997, is amended to read as follows:

c. In addition to the benefits for the surviving spouse enumerated in this subsection, there shall also be paid for each child of a member a monthly pension equal to six percent of the monthly earnable compensation payable to an active member having the rank of senior patrol officer of the Iowa ~~highway safety state~~ patrol.

Sec. 15. Section 97A.6, subsection 12, paragraph a, Code 1997, is amended to read as follows:

a. To the member's surviving spouse, equal to one-half the amount received by the deceased beneficiary, but in no instance less than an amount equal to twenty-five percent of the monthly earnable compensation paid to an active member having the rank of senior patrol officer of the Iowa ~~highway safety state~~ patrol, and in addition a monthly pension equal to the monthly pension payable under subsection 9, paragraph "c", of this section for each child under eighteen years of age or twenty-two years of age if applicable; or

Sec. 16. Section 97A.6, subsection 14, paragraph a, unnumbered paragraph 4, Code 1997, is amended to read as follows:

As of the first of July of each year, the monthly pension payable to each surviving child under the provisions of subsections 8, 9 and 12 of this section shall be adjusted to equal six percent of the monthly earnable compensation payable on that July 1 to an active member having the rank of senior patrol officer of the Iowa ~~highway safety~~ state patrol.

Sec. 17. Section 101A.10, Code 1997, is amended to read as follows:

101A.10 PERSONS AND AGENCIES EXEMPT.

This chapter shall not apply to the transportation and use of explosive materials by the regular military or naval forces of the United States, the duly organized militia of this state, representatives of the state fire marshal, the Iowa ~~highway safety~~ state patrol, division of criminal investigation and bureau of identification, local police departments, sheriffs departments, and fire departments acting in their official capacity; nor shall this chapter apply to the transportation and use of explosive materials by any peace officer to enforce provisions of this chapter when the peace officer is acting pursuant to such authority, however, other agencies of the state or any of its political subdivisions desiring to purchase, possess, transport, or use explosive materials for construction or other purposes shall be required to obtain user's permits.

Sec. 18. Section 172B.1, subsection 1, Code 1997, is amended to read as follows:

1. "Law enforcement officer" means a an Iowa state ~~highway safety~~ patrol officer, a sheriff, or other peace officer so designated by this state or by a county or municipality.

Sec. 19. Section 307.12, subsection 13, Code 1997, is amended to read as follows:

13. Adopt, after consultation with the department of natural resources and the department of public safety, rules relating to enforcement of the rules regarding transportation of hazardous wastes adopted by the department of natural resources. The department and the division of the ~~highway safety~~ Iowa state patrol of the department of public safety shall carry out the enforcement of the rules.

Sec. 20. Section 321.2, unnumbered paragraph 2, Code 1997, is amended to read as follows:

The division of the ~~highway safety~~ Iowa state patrol of the department of public safety shall enforce the provisions of this chapter relating to traffic on the public highways of the state, including those relating to the safe and legal operation of passenger cars, motorcycles, motor trucks and buses, and to see that proper safety rules are observed.

Sec. 21. Section 321.19, subsection 1, unnumbered paragraph 2, Code Supplement 1997, is amended to read as follows:

The department shall furnish, on application, free of charge, distinguishing plates for vehicles thus exempted, which plates except plates on Iowa ~~highway safety~~ state patrol vehicles shall bear the word "official" and the department shall keep a separate record. Registration plates issued for Iowa ~~highway safety~~ state patrol vehicles, except unmarked patrol vehicles, shall bear two red stars on a yellow background, one before and one following the registration number on the plate, which registration number shall be the officer's badge number. Registration plates issued for a county sheriff's patrol vehicles shall display one seven-pointed gold star followed by the letter "S" and the call number of the vehicle. However, the director of general services or the director of transportation may order the issuance of regular registration plates for any exempted vehicle used by peace officers in the enforcement of the law, persons enforcing chapter 124 and other laws relating to controlled substances, persons in the department of justice, the alcoholic beverages division of the department of commerce, the department of inspections and appeals, and the department of revenue and finance, who are regularly assigned to conduct investigations which cannot reasonably be conducted with a vehicle displaying "official" state registration plates, and persons in the lottery division of the department of revenue and finance whose regularly assigned duties relating to security or the carrying of lottery tickets cannot reasonably be

conducted with a vehicle displaying "official" registration plates. For purposes of sale of exempted vehicles, the exempted governmental body, upon the sale of the exempted vehicle, may issue for in-transit purposes a pasteboard card bearing the words "Vehicle in Transit", the name of the official body from which the vehicle was purchased, together with the date of the purchase plainly marked in at least one-inch letters, and other information required by the department. The in-transit card is valid for use only within forty-eight hours after the purchase date as indicated on the bill of sale which shall be carried by the driver.

Sec. 22. Section 321.89, subsection 1, paragraph c, Code 1997, is amended to read as follows:

c. "Police authority" means the Iowa ~~highway safety state~~ patrol, any law enforcement agency of a county or city, or any special security officer employed by the state board of regents under section 262.13.

Sec. 23. Section 321.266, subsections 1 and 4, Code Supplement 1997, are amended to read as follows:

1. The driver of a vehicle involved in an accident resulting in injury to or death of any person shall immediately by the quickest means of communication give notice of such accident to the sheriff of the county in which said accident occurred, or the nearest office of the Iowa ~~highway safety state~~ patrol, or to any other peace officer as near as practicable to the place where the accident occurred.

4. Notwithstanding section 455B.386, a carrier transporting hazardous material upon a public highway in this state, in the case of an accident involving the transportation of the hazardous material, shall immediately notify the police radio broadcasting system established pursuant to section 693.1 or shall notify a peace officer of the county or city in which the accident occurs. When a local law enforcement agency is informed of the accident, the agency shall notify the Iowa ~~highway safety state~~ patrol and the state department of transportation office of motor vehicle enforcement. A person who violates a provision of this subsection is guilty of a serious misdemeanor.

Sec. 24. Section 321.380, Code 1997, is amended to read as follows:

321.380 ENFORCEMENT.

It shall be the duty of all peace officers and of the ~~highway safety Iowa state~~ patrol to enforce the provisions of sections 321.372 to 321.379.

Sec. 25. Section 321.457, subsection 3, Code 1997, is amended to read as follows:

3. Fire fighting apparatus and vehicles operated during daylight hours when transporting poles, pipe, machinery, or other objects of a structural nature which cannot be readily disassembled when required for emergency repair of public service facilities or properties are not subject to the limitations on overall length of vehicles and combinations of vehicles imposed under this section. However, for operation during nighttime hours, these vehicles and the load being transported shall be equipped with a sufficient number of clearance lamps on both sides and marker lamps at the extreme ends of the projecting load to clearly mark the dimensions of the load. A member of the Iowa state ~~highway safety~~ patrol shall also be notified prior to the operation of the vehicle.

Sec. 26. Section 321G.18, Code 1997, is amended to read as follows:

321G.18 NEGLIGENCE.

The owner and operator of an all-terrain vehicle or snowmobile ~~is~~ are liable for any injury or damage occasioned by the negligent operation of the all-terrain vehicle or snowmobile.

Sec. 27. Section 321J.1, subsection 7, paragraph a, Code 1997, is amended to read as follows:

a. A member of the ~~highway~~ Iowa state patrol.

Sec. 28. Section 331.907, subsection 1, Code 1997, is amended to read as follows:

1. The annual compensation of the auditor, treasurer, recorder, sheriff, county attorney, and supervisors shall be determined as provided in this section. The county compensation board annually shall review the compensation paid to comparable officers in other counties of this state, other states, private enterprise, and the federal government. In setting the salary of the county sheriff, the county compensation board shall consider setting the sheriff's salary so that it is comparable to salaries paid to professional law enforcement administrators and command officers of the Iowa ~~highway safety~~ state patrol, the division of criminal investigation of the department of public safety, and city police agencies in this state. The county compensation board shall prepare a compensation schedule for the elective county officers for the succeeding fiscal year. A recommended compensation schedule requires a majority vote of the membership of the county compensation board.

Sec. 29. Section 452A.76, unnumbered paragraph 1, Code 1997, is amended to read as follows:

Authority to enforce division III is given to the state department of transportation. Employees of the department of transportation designated enforcement employees have the power of peace officers in the performance of their duties; however, they shall not be considered members of the Iowa ~~highway safety~~ state patrol. The department of transportation shall furnish enforcement employees with necessary equipment and supplies in the same manner as provided in section 80.18, including uniforms which are distinguishable in color and design from those of the Iowa ~~highway safety~~ state patrol. Enforcement employees shall be furnished and shall conspicuously display badges of authority.

Sec. 30. Section 529.1, subsections 2, 9, and 11, Code 1997, are amended to read as follows:

2. "Check cashing" means exchanging for compensation a check, draft, money order, traveler's check, or a payment instrument of a ~~licensee~~ money transmitter for money delivered to the presenter at the time and place of the presentation.

9. "Money transmitter" means a person who is located or doing business in this state, including a check ~~cashier~~ cashier and a foreign money exchanger, and who does any of the following:

- a. Sells or issues payment instruments.
- b. Conducts the business of receiving money for the transmission of or transmitting money.
- c. Conducts the business of exchanging payment instruments or money into any form of money or payment instrument.
- d. Conducts the business of receiving money for obligors for the purpose of paying obligors' bills, invoices, or accounts.
- e. Meets the definition of a bank, financial agency, or financial institution as prescribed by 31 U.S.C. § 5312 or 31 C.F.R. § 103.11 and any successor provisions.

11. "Proceeds" means property acquired or derived directly or indirectly from, produced through, realized through, or caused by an act or omission and includes any property of any kind.

11A. "Property" means anything of value, and includes any interest in property, including any benefit, privilege, claim, or right with respect to anything of value, whether real or personal, tangible or intangible, without reduction for expenses incurred for acquisition, maintenance, production, or any other purpose.

Sec. 31. Section 529.2, subsection 6, paragraph b, Code 1997, is amended to read as follows:

b. With the intent to disguise the fact that money or a payment instrument is the proceeds of criminal conduct, or with intent to promote, manage, establish, carry on, or facilitate the promotion, management, establishment, or carrying on of any criminal conduct, or with intent to evade the making or filing of a report required under this chapter, or with intent to cause the making or filing of a report that contains a material omission or misstatement of

fact, ~~or with intent~~ to conduct or structure a transaction or series of transactions by or through one or more licensees, authorized delegates, money transmitters, financial institutions, or persons engaged in a trade or business.

Sec. 32. Section 600B.41A, subsection 3, paragraph e, subparagraph (1), Code Supplement 1997, is amended to read as follows:

(1) Unless otherwise specified pursuant to subsection 2 or 8 9, blood or genetic testing shall be conducted in an action to overcome the establishment of paternity.

Sec. 33. Section 706A.2, subsection 3, Code 1997, is amended to read as follows:

3. MONEY LAUNDERING. It is unlawful for a person to commit money laundering as defined in violation of chapter 706B.

Sec. 34. Section 706A.3, subsection 8, paragraph b, Code 1997, is amended to read as follows:

b. For the purposes of this subsection:

(1) "Agent" means any officer, director, or employee of the legal entity, or any other person who is authorized to act in behalf of the legal entity.

(2) "High managerial agent" means any officer of the legal entity or, in the case of a partnership, a partner, or any other agent in a position of comparable authority with respect to the formulation of policy of the legal entity.

~~(3)~~ 8A. Notwithstanding any other provision of law, any pleading, motion, or other paper filed by a nongovernmental aggrieved party in connection with a proceeding or action under subsection 7 shall be verified. If such aggrieved person is represented by an attorney, such pleading, motion, or other paper shall be signed by at least one attorney of record in the attorney's individual name, whose address shall be stated.

If such pleading, motion, or other paper includes an averment of fraud, coercion, accomplice, respondent superior, conspiratorial, enterprise, or other vicarious accountability, it shall state, insofar as practicable, the circumstances with particularity. The verification and the signature by an attorney required by this subsection shall constitute a certification by the signer that the attorney has carefully read the pleading, motion, or other paper and, based on a reasonable inquiry, believes that all of the following exist:

~~(a)~~ a. It is well grounded in fact.

~~(b)~~ b. It is warranted by existing law, or a good faith argument for the extension, modification, or reversal of existing law.

~~(c)~~ c. It is not made for an improper purpose, including to harass, to cause unnecessary delay, or to impose a needless increase in the cost of litigation.

The court may, after a hearing and appropriate findings of fact, impose upon any person who verified the complaint, cross-claim, or counterclaim, or any attorney who signed it in violation of this subsection, or both, a fit and proper sanction, which may include an order to pay to the other party or parties the amount of the reasonable expenses incurred because of the complaint or claim, including reasonable attorney fees. If the court determines that the filing of a complaint or claim under subsection 7 by a nongovernmental party was frivolous in whole or in part, the court shall award double the actual expenses, including attorney fees, incurred because of the frivolous portion of the complaint or claim.

Sec. 35. Section 706B.2, subsection 1, unnumbered paragraph 1, Code 1997, is amended to read as follows:

It is unlawful for a person to ~~do~~ commit money laundering by doing any of the following:

Sec. 36. Section 706B.2, subsection 2, Code 1997, is amended to read as follows:

2. A person who violates:

a. Subsection 1, paragraph "a", "b", or "c", commits a class "C" felony, and may be fined not more than ten thousand dollars or twice the value of the property involved, whichever is greater, or ~~by imprisonment~~ be imprisoned for not more than ten years, or both.

b. Subsection 1, paragraph "d", commits a class "D" felony, and may be fined not more than seven thousand five hundred dollars or twice the value of the property involved, whichever is greater, or ~~by imprisonment~~ be imprisoned for not more than five years, or both.

Sec. 37. Section 809A.1, subsection 1, Code 1997, is amended by striking the subsection.

Sec. 38. Section 809A.1, subsection 4, Code 1997, is amended to read as follows:

4. "Owner" means a person, other than an interest holder, who has an interest in property. A person who holds property for the benefit of or ~~for~~ as an agent or nominee for another person, or who is not in substantial compliance with any statute requiring an interest in property to be recorded or reflected in public records in order to perfect the interest against a good faith purchaser for value, is not an owner.

Sec. 39. Section 809A.4, subsection 5, Code 1997, is amended to read as follows:

5. Any interest or security in, claim against, or property or contractual right of any kind affording a source of control over any enterprise that a person has established, operated, controlled, ~~or~~ conducted through, or participated in the conduct; or through conduct giving rise to forfeiture.

Sec. 40. Section 809A.4, subsection 6, paragraph a, unnumbered paragraph 1, Code 1997, is amended to read as follows:

Any property of a person up to the value of property ~~of~~ which is either of the following:

Sec. 41. Section 809A.18, subsection 1, Code 1997, is amended to read as follows:

1. A prosecuting attorney may conduct an investigation of any conduct that gives rise to forfeiture. The prosecuting attorney is authorized, before the commencement of a proceeding or action under this chapter, to subpoena witnesses, and compel their attendance, examine them under oath, and require the production of documentary evidence for inspection, reproducing, or copying. Except as otherwise provided by this section, the prosecuting attorney shall proceed under this subsection with the ~~same~~ powers and limitations, and judicial oversight and enforcement, and in the manner provided by this chapter and by the Iowa rules of civil procedure. Any person compelled to appear under a demand for oral testimony under this section may be accompanied, represented, and advised by counsel.

Approved April 10, 1998