

When an air pollution control program conducted by a political subdivision, or a combination thereof of them, is deemed upon review as provided in section 455B.134, to be consistent with the provisions of this division II or the rules established thereunder under this division, the director shall accept such program in lieu of state administration and regulation of air pollution within the political subdivisions involved. ~~Nothing contained in this~~ This section shall not be construed to limit the power of the director to take emergency action under the provisions of sections 455B.139 and 455B.141 or to administer a part of the local program that has been suspended issue state permits and to take other actions consistent with this division II or the rules established under this division that the director deems necessary for the continued proper administration of the air pollution programs within the jurisdiction of the local air pollution program.

Approved April 23, 1987

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## CHAPTER 34

### HABITUAL OFFENDERS UNDER MOTOR VEHICLE LAWS

*S.F. 161*

**AN ACT** relating to the sentence to be served by a person convicted as an habitual offender of the motor vehicle laws.

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

Section 1. Section 321.561, Code 1987, is amended to read as follows:

**321.561 PUNISHMENT FOR VIOLATION.**

It shall be unlawful for any person convicted as an habitual offender to operate any motor vehicle in this state during the period of time specified in section 321.560. ~~Any person guilty of violating the provisions of this section shall upon conviction be committed to the custody of the director of the division of adult corrections.~~ This conviction shall constitute an aggravated misdemeanor.

Approved April 23, 1987

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## CHAPTER 35

### COUNTY SALE OF UNUSED RIGHT OF WAY

*S.F. 129*

**AN ACT** relating to the sale of unused highway right of way by the county board of supervisors.

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

Section 1. Section 306.23, Code 1987, is amended to read as follows:

**306.23 NOTICE — PREFERENCE OF SALE.**

For the sale of unused right of way, ~~except right of way under the jurisdiction of a county,~~ notice of intention to sell the tract, parcel, or piece of land, or part thereof, ~~must be sent,~~ not less than ten days prior to the sale, ~~be sent~~ by certified mail, by the agency in control of the land, to the last known address of the present owner of adjacent land from which the tract, parcel, piece of land, or part thereof, was originally bought or condemned for highway purposes, and if located in a city, to the mayor. The notice shall give an opportunity to the present owner of adjacent property to be heard and make offers for the tract, parcel, or piece of land