

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

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

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

to be sold, and if the offer is equal to or exceeds in amount any other offer received, it shall be given preference by the agency in control of the land. Neglect or failure for any reason, to comply with the notice, ~~shall in no way~~ does not prevent the giving of a clear title to the purchaser of the tract, parcel, or piece of land. ~~A county shall dispose of unused right of way in the manner specified under section 331.361, subsections 2 and 3.~~

Sec. 2. Section 331.361, subsection 2, Code 1987, is amended by adding the following new lettered paragraph:

NEW LETTERED PARAGRAPH. c. When unused highway right of way is not being sold or transferred to another governmental authority, the county shall comply with the requirements of section 306.23.

Approved April 23, 1987

CHAPTER 36

COUNTY COSTS FOR PATIENTS AT STATE HOSPITALS FOR THE MENTALLY ILL S.F. 90

AN ACT relating to the county responsible for payment of costs for commitment or admission to a state hospital for the mentally ill.

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

Section 1. Section 230.10, Code 1987, is amended to read as follows:
230.10 PRELIMINARY PAYMENT OF COSTS.

All legal costs and expenses attending the taking into custody, care, investigation, and admission or commitment of a person to a state hospital for the mentally ill under a finding that such person has a legal settlement in another county of this state, shall, ~~in the first instance, be paid by the county of admission or commitment~~ be charged against the county of legal settlement. ~~The county of such legal settlement shall reimburse the county so paying for all such payments, with interest.~~

Approved April 23, 1987

CHAPTER 37

THIRD PARTY PAYOR REIMBURSEMENT FOR PATIENTS IN MENTAL HEALTH INSTITUTES S.F. 76

AN ACT relating to third party payor reimbursements for patient charges at a mental health institute.

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

Section 1. Section 230.20, subsections 2 and 5, Code 1987, are amended to read as follows:

2. The superintendent shall certify to the director of revenue and finance the billings to each county for services provided to patients chargeable to the county during the preceding calendar quarter. The county billings shall be based on the average daily patient charge and other service charges computed pursuant to subsection 1, and the number of inpatient days and other service units chargeable to the county. However, a county billing shall be decreased by an amount equal to reimbursement by a third party payor or estimation of such reimbursement from a claim submitted by the superintendent to the third party payor for the preceding