

3 circumstances, is held unconstitutional or invalid, such declaration  
 4 of unconstitutionality or invalidity shall not affect any other provi-  
 5 sion or application of this act which can be given effect without the  
 6 invalid provision or application. The legislature hereby declares  
 7 that it would have passed the remaining provisions of this act if it  
 8 had known that such provision thereof would be declared unconsti-  
 9 tutional or invalid.

1 SEC. 15. All laws, or parts of laws, inconsistent or in conflict  
 2 herewith are hereby suspended insofar as may be necessary to give  
 3 full force and effect to this act.

Approved March 28, 1949.

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## CHAPTER 71

### WATER NAVIGATION REGULATIONS

H. F. 581

AN ACT relating to penalties for violation of water navigation regulations and to amend section one hundred six point twenty-seven (106.27), Code 1946.

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

1 SECTION 1. Section one hundred six point twenty-seven (106.27),  
 2 Code 1946, is amended by adding in line two (2) after the word  
 3 "chapter" the following: ", for which another penalty is not other-  
 4 wise specifically provided,".

Approved April 20, 1949.

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## CHAPTER 72

### OPERATING MOTOR BOAT WHILE INTOXICATED

H. F. 80

AN ACT providing for penalties to be imposed for the operation of a motor boat while intoxicated or while under the influence of narcotic drugs.

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

1 SECTION 1. Amend chapter one hundred six (106), Code 1946, by  
 2 adding the following: "Whoever, while in an intoxicated condition  
 3 or under influence of narcotic drugs, operates a motor boat upon  
 4 the public waters of this state, shall, upon conviction or a plea of  
 5 guilty, be punished, for the first offense by a fine of not less than three  
 6 hundred dollars nor more than one thousand dollars, or by imprison-  
 7 ment in the county jail for a period of not to exceed one year, or by  
 8 both such fine and imprisonment; for the second offense by a fine of not  
 9 less than five hundred dollars, nor more than one thousand dollars, or  
 10 by imprisonment in the penitentiary for a period of not to exceed one  
 11 year, or by both such fine and imprisonment; and for a third offense,  
 12 and each offense thereafter, by imprisonment in the penitentiary for a  
 13 period not to exceed three years.

14 The court shall also in pronouncing sentence provide for the revoca-  
 15 tion of the pilot's and/or engineer's license of the defendant, if any,  
 16 issued under this chapter, and the immediate surrender of the de-  
 17 fendant's liquor permit issued under chapter one hundred twenty-three  
 18 (123), Code 1946. The clerk of court shall immediately certify to the  
 19 state conservation commission and to the liquor control commission a  
 20 true copy of the judgment sentencing the defendant under this section.

21 The court in pronouncing sentence may provide as to the period  
 22 during which a pilot's and/or engineer's license as required by this  
 23 chapter shall not be issued or reissued to the defendant, provided said  
 24 period shall be not less than sixty days nor more than one year from the  
 25 date of sentence or revocation. If the court does not so provide the  
 26 state conservation commission may issue or reissue such license only  
 27 upon application by the defendant after the expiration of a sixty day  
 28 period following the date of sentencing.

29 The liquor control commission shall not issue the defendant a new  
 30 liquor permit until such time as the court or judge of the court having  
 31 original jurisdiction of the defendant for good cause shown shall so  
 32 certify to the liquor control commission."

Approved February 24, 1949.

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## CHAPTER 73

### CONSERVATION COMMISSION EMPLOYEES

#### H. F. 471

AN ACT to amend certain sections of chapter one hundred seven (107), Code 1946, relating to the compensation of members and employees of the state conservation commission.

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

1 SECTION 1. Amend section one hundred seven point thirteen  
 2 (107.13) by striking the rest of the section after the word "exceed" in  
 3 line fifteen (15) and substituting in lieu thereof the following:  
 4 "Twenty-seven Hundred Dollars (\$2700.00) per year.

Approved May 2, 1949.

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## CHAPTER 74

### MUSSELS

#### S. F. 343

AN ACT to amend chapter one hundred nine (109)\*, relating to the taking of mussels.

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

1 SECTION 1. Section one hundred nine point one hundred (109.100),  
 2 Code 1946, is hereby repealed and the following enacted in lieu thereof:  
 3 "The state waters of Iowa shall be open to the taking of mussels  
 4 under the conditions set forth in this chapter, and it shall be unlawful

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\*"Code 1946" omitted in enrolled Act.