

State Government Committee – All-Bill Summary 2021

STAFF CONTACT: Bridget Godes

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HF 785 – Amusement concession games

[SF 314](#) – DAS technical bill expanding designee authorizing ability

[SF 314](#) will allow an executive branch department director to authorize a designee to approve electronic travel authorization request forms.

[2/23: 48-0 (Excused: Nunn, Shipley)]

[SF 185](#) – Repeals the Missouri River Preservation and Land Use Authority

[SF 185](#) repeals the Missouri River Preservation and Land Use Authority. According to the Iowa Department of Natural Resources (DNR), this Authority hasn't met in 20 years, and there is no money in the fund. There was no history of any appropriation made since it was created in 1991.

This work is done through the DNR, which has a license agreement with the U.S. Army Corps of Engineers' Omaha Division. The agreement grants the DNR Wildlife Bureau management of these areas to conserve and enhance fish and wildlife habitat and provide recreational opportunities to the public. As part of the license agreement, the DNR develops

a five-year plan and annual management plans. The work outlined in these management plans will enhance fish and wildlife resources and public access for recreation on wildlife areas owned by the Corps.

In addition to the efforts on public lands, the DNR Wildlife Bureau maintains a Private Lands Program with a focused effort to enroll landowners in conservation programs across the state in areas such as the Missouri River Alluvial Plain. The DNR coordinates its efforts with those of the Natural Resources Conservation Service, Farm Service Agency, Soil and Water Conservation Districts, County Conservation Boards, local entities and partner organizations.

[2/3: 35-11 (No: Boulton, Celsi, Dotzler, Giddens, Jochum, Quirnbach, Ragan, J. Smith, T. Taylor, Trone Garriott; Excused: Hogg, Lykam, Nunn; 1 vacancy)]

SF 315 – Eliminates certain reporting requirements for DAS

SF 315 strikes the requirement for the Department of Administrative Services (DAS) to file biennial reports in even-numbered years as soon as practicable and on standardized forms furnished by the Department of Management. The bill removes the requirement that DAS submit an annual report to the Legislature and Legislative Services Agency (LSA) on activities funded by and expenditures made from an internal service fund. The bill strikes the requirement that DAS provide a monthly report on the Revitalize Iowa's Sound Economy (RISE) fund.

[2/17: 48-0 (Excused: Hogg, Nunn)]

SF 336 - Blood, bone marrow and living organ donation incentive program

SF 336 amends the provisions of the bone marrow and vascular organ donation incentive program to instead provide for a blood, bone marrow and living organ donation incentive program. The bill allows a state employee requesting a leave of absence to serve as a vascular organ donor to instead serve as a living organ donor. The bill also includes new provisions to allow a state employee to be granted a leave of absence of up to two consecutive hours in a workday if the employee requests a leave of absence to serve as a blood donor, and the employee provides written verification from the employee's physician or the facility involved with the blood donation. An employee may submit a request for a leave of absence to serve as a blood donor no more than four times in a year.

[3/22: 48-0 (Absent: Kinney, Nunn)]

SF 413 – Voter Suppression and penalties for county auditors

SF 413 is the Republicans' 2021 voter suppression bill. The bill contains many provisions that make early voting harder for Iowans, make it more difficult for county auditors to conduct elections, increase the likelihood of mass voter roll purges, give the Secretary of State (SOS) broad and expanded authority to penalize county auditors, and reduce satellite voting opportunities and ballot drop boxes.

Absentee Ballots and Voting Restrictions

- Moving the poll closing time from 9 p.m. to 8 p.m.
- Cuts by 50 days (from 120 to 70) the time a voter has to request a vote-by-mail ballot.
- Lowers the number of early voting day from 29 to 20. Twenty days would leave almost no room to correct technical ballot errors for Iowans voting by mail. Voted ballots must be received by the county auditor by 8 p.m. on Election Day. No longer will voted ballots be accepted if mailed before Election Day but not received by Election Day.
- No vote-by-mail requests can include any pre-filled-out information besides the date of election.
- Prohibits ballot pick up or delivery from someone who is not in the same household, an immediate family member or a caretaker, though this assistance is allowed for hospitals, long-term care facilities and registered Safe at Home participants.
- Registration and vote-by-mail requests must be received 15 days before the election (maintains Election Day registration), up from 10 days. If an auditor receives an absentee ballot request after the 15-day deadline, they must notify the voter that they won't get an absentee ballot.
- Prohibits absentee ballots that were mailed before Election Day from counting if they were not received by 8 p.m. This would have eliminated 6,500 legal ballots from being counted in the 2020 election.

- Removes barcode and postmark information from Code as eligibility determinants for ballots to be counted.
- Overseas, hospitals, long-term facilities voters/ballots will still count if postmarked or barcoded to denote they was mailed before Election Day but received after Election Day. Overseas voters will still have the federally required 52 days for absentee voting.
- Prohibits anyone from correcting their ballot after 8 p.m. on Election Day.
- Prevents auditors from establishing satellite voting locations without petitions.

Auditor Restrictions/ SOS Powers/Penalties

- Auditors deemed not doing their official duty can now be charged with a class “D” felony.
- SOS can impose a fine up to \$10,000 on an auditor for a technical infraction. An auditor may be suspended for two years for failing to pay the fine.
- Police and State Patrol are authorized to take “reasonable” actions to prevent violation of the canvass of votes.

Voter Registration

- Voter registration “verification” must be completed in the first quarter of each year.
- SOS can contract with a private third party for list maintenance.
- A voter may have their voter registration canceled (changed to inactive) for not voting in the previous General Election year and having a piece of mail determined non-deliverable.

Ballot Drop Boxes

- Only one per county, and it must be in the office of the auditor.
- Video surveillance must monitor all activity while the ballot box is in place. The ballots must be retrieved no less than four times a day, and the county auditor must maintain a log of each time the ballots are retrieved.

Miscellaneous Provisions

- Republicans have gone to great lengths to make it more difficult for Libertarians or other eligible third parties to get on the ballot by making changes regarding nominations and signature requirements.
- Prohibits a person on the ballot from helping someone who is physically disabled, blind or cannot read English with their ballot.

[2/23: 30-18 (Excused: Nunn, Shipley)]

SF 424 – Apprenticeship and certain professional licensure requirements

SF 424 requires licensing boards in [272C.1](#) to grant a license to a person who completes an apprenticeship program that meets federal requirements. Licensing boards may impose the same exams and fees for apprenticeship applicants as those who completed an educational program. A board cannot require an applicant to complete more hours of apprenticeship training than the number of hours of education required in an educational program. The bill takes effect January 1, 2022.

The bill does not change the provisions for apprenticeship programs for licenses for electricians and electrical contractors or for plumbers, mechanical professionals and contractors. The bill does not apply to fire extinguishing and alarm systems contractors or fire protection system installers.

[4/13: 46-0 (Excused: Hogg, Lofgren, Nunn and Rozenboom)]

SF 517 – Schools must award credit, excuse PE for legislative pages

SF 517 directs school districts and accredited nonpublic schools to award a credit of one-half unit of the three units of social studies credit required for graduation, to students who participate in the legislative page program at the state Capitol. The bill also exempts a student is from physical education (PE) requirements while participating in the legislative page program.

[3/29: 44-1 (No: Bisignano; Excused: Driscoll, Hogg, Kraayenbrink, Nunn, Sweeney)]

[SF 541](#) – Smart contracts in ledger technology

[SF 541](#) modifies the Uniform Electronic Transactions Act by permitting the use of “distributed ledger technology” and “smart contracts” in electronic transactions. The bill allows this new technology to facilitate the use of electronic transactions in commerce by giving legal recognition to electronic records, signatures and contracts. The bill is technology neutral, which will be useful as technology changes in the future. The bill is effective January 1, 2022. [5/5: 48-0 (Excused: Hogg, Nunn)]

[SF 568](#) – Public measures election and voting bill

[SF 568](#) relates to the conduct of elections, including nominations and procedures for proposed amendments to the Iowa Constitution. It also includes changes to [SF 413](#) (GOP voter suppression bill), passed earlier in the session.

Voter Registration Cancellation: Prohibits sending a voter a notice and return card for the purpose of cancelling or making a voter inactive if the registered voter was not 18 years old for the previous General Election.

Provision Ballot: Clarifies that the new absentee ballot deadline does not apply to those who are eligible to reconcile their provisional ballots.

Absentee Request Forms: Requires voter to date and sign absentee ballot requests forms.

Satellite Voting:

Allows a valid petition for satellite voting to be rejected within four days if any of these apply:

1. The site is not accessible to elderly and disabled voters.
2. The site has physical limitations that make it impossible to meet ballot security and secret voting provisions.
3. The owner of the site refuses.
4. After a reasonable effort, the auditor cannot find staff to ensure compliance with law.

If the petition asks for satellite voting location in a city runoff election and a special election is held between the date of the regular city election and the city run-off election, the petition may be denied. A petition also may be denied if the owner of the site demands payment.

If a county auditor receives two petitions for the same precinct, they may establish only one satellite voting location.

Ballot Courier Language:

A person who returns a ballot for a registered voter also must be a registered voter in Iowa. A person must be an immediate family member, which is defined as a someone within the fourth degree of consanguinity (a first cousin once removed or great-great grandparent). The delivery agent may only return a ballot ***so long as the person they are delivering for cannot deliver the ballot on their own due to blindness or disability.***

A person cannot deliver a ballot for someone if they are the voters’ employer, an officer or agent of the registered voter’s union, or a person acting as an actual or implied agent for a political party, or a candidate or member of a candidate’s committee.

A delivery agent must fill out a form or receipt as prescribed by the Secretary of State. ***A delivery agent may deliver up to two ballots per election. The delivery agent cannot return the ballot to a mailbox or drop box, and must return it to the county auditor’s office,*** present an ID and sign a statement that they are eligible to return the ballot.

After Election Activities: The bill requires ballots to be returned to the auditor on the night of the election and allows election results to be returned by telephone only at the request of the county commissioner. If election results are communicated in person, two precinct election officials or an individual designated by the commission (including but not limited to state or local law enforcement) must return the election results and voting equipment memory device to the auditor in a sealed envelope signed by each precinct election official on the night of the election. The two precinct

election officials will be of different political parties in the case of a partisan election. The bill requires a third precinct election official to return the ballots and election register to the county commissioner.

Secretary of State: SOS must order election audits prior to all elections other than General Elections, effective January 1, 2022. SOS must develop an Internet application to allow voters to track their absentee ballot requests and ballots by February 26, 2024. The system must also inform a voter of an error in their application or ballot that requires correction.

Public Measures/Elections Changes: Adds the first Tuesday after the first Monday in November of an even-numbered year as an available date for a county to hold a special election on a public measure. This does not apply to cities or school districts.

Constitutional Amendments/Petitions: Requires the constitutional convention question, which must be on the ballot every decade, to be treated the same as a public measure on a ballot.

Holding Two Offices/Vacancies: Allows an elected official to be elected to and simultaneously serve in a second office for not more than 30 days. If a person is elected to multiple incompatible offices and doesn't resign from one, the vacancy will be in the first office to which the person was elected. Ballot vacancy provisions of the bill are effective January 1, 2022.

Filing/Withdrawal Deadlines: Changes the deadline for filing and withdrawing nomination papers for primary elections, as well as for filing objections to the nominations of candidates; changes the timeline for replacing a candidate who withdraws from a primary or General Election, or dies; requires a ballot for president and vice-president of the United States to disclose that a vote for such candidates is a vote for the slate of electors selected by the organization nominating such candidates.

Nomination Papers: Makes multiple changes to signature requirements for county and city office nomination papers.

Standing in Court: Gives political parties and non-political parties standing to bring certain actions in court, and gives them standing to intervene in certain actions brought by others.

[3/17: 30-17 (No: Democrats; Excused: Goodwin, Hogg, Nunn); 5/19: 29-17 (Excused: Hogg, Johnson, Nunn, Williams)]

[HJR 5 - Abortion Constitutional Amendment](#)

[HJR 5](#) is a joint resolution to amend the Constitution of the State of Iowa by specifying that the Constitution does not recognize, grant or secure a right to abortion or require funding for abortion. A joint resolution must be adopted by two consecutive General Assemblies before being submitted to the electorate for ratification. If ratified, the Iowa Constitution would no longer protect a woman's fundamental right to make decisions for herself.

[4/6: 30-17, party-line (Excused: Hogg, Nunn, Schultz)]

[HJR 10 – Allow ABATE to sell on State Capitol complex during rally](#)

[HJR 10](#) authorizes ABATE to sell commemorative t-shirts, sweatshirts, lapel pins and patches on the State Capitol complex grounds during motorcycle rallies and toy runs hosted by ABATE of Iowa District 4 prior to the 90th General Assembly without first receiving approval from the Department of Administrative Services, but subject to proof of an applicable permit. DAS will remove the language from their Memorandum of Understanding so that there's no need for legislative approval moving forward.

[4/6: 46-0 (Excused: Hogg, Dawson, Nunn, Schultz)]

[HF 284 – Professional engineer licensure modification](#)

[HF 284](#) eliminates the requirement that applicants for licensure as a professional engineer show necessary practical experience in engineering work prior to taking an examination designed to determine their proficiency and qualifications to engage in the practice of engineering. The bill does not alter other experience requirements for such applicants.

[4/7: 44-0 (Excused: Hogg, Brown, Carlin, Dawson, Nunn, Schultz)]

[HF 285](#) - Music therapist required to be credentialed

[HF 285](#) requires a music therapist to hold a music therapist board-certified credential granted by the certification board for music therapists. This is not a new license but a profession protection bill. The bill does not prohibit a person from using music in the performance of the person's profession if the person does not represent that they are a music therapist. A person who recklessly, knowingly or intentionally violates the bill is guilty of a simple misdemeanor, punishable by confinement for no more than 30 days or a fine of at least \$105 but not more than \$855 or by both. [4/28: 44-4 (No: Brown, Carlin, Klimesh, Williams; Excused: Nunn, Schultz)]

[HF 311](#) – Social and charitable gambling expansion

[HF 311](#) allows a licensed qualified organization to conduct one game night per calendar month so long as other application and authorization requirements are met. Previously, licensed qualified organizations could only conduct one game night per calendar year. "Educational, civic, public, charitable, patriotic, or religious" are some of the organizations that would be impacted by this change.

[4/7: 42-2 (No: Costello, Rozenboom; Excused: Hogg, Brown, Carlin, Dawson, Nunn, Schultz)]

[HF 313](#) – Minor businesses exempt from permit, license or fee requirements

[HF 313](#) would prevent any city or county from requiring a permit, license or fee for a business operated by a minor. The bill defines "eligible" business as on-site transactional business operated on an occasional basis for no more than 89 days in a year that is "traditionally" operated exclusively by a person under 18, that they are not prohibited by law from operating. Last General Assembly, the Legislature passed [HF 2238](#), which prevented a municipal corporation from requiring any license, permit, or fee to sell or otherwise distribute food at a stand operated by a minor. "Stand operated by a minor" means a stand or other facility operated by those under 18, at which food is sold directly to consumers that is not time/temperature controlled for safety or an alcoholic beverage, and that operates on a *temporary and occasional basis* on private property with the permission of the owner of the property.

[5/17: 45-0 (Excused: Goodwin, Johnson, Nunn, Schultz, Williams)]

[HF 314](#) — Notifications to Legislature concerning state government leases

[HF 314](#) establishes notice requirements relating to certain leases or purchases of real property by Department of Administrative Services (DAS) or Executive Branch authority. The Executive Branch must provide prior written notice to the Legislative Services Agency (for Government Oversight Committee review) of any purchase or lease of real property, other than on a temporary basis, to implement programs. DAS must provide LSA information for Government Oversight Committee review on contracts for leases in which any part or the total amount of a contract is at least \$50,000.

[4/21: 46-0 (Excused: Mathis, Nunn, Schultz, Whiting)]

[HF 384](#) – Takeout alcohol for bars and restaurants

[HF 384](#) addresses liquor control licenses to clarify that bars and restaurants can sell "original unopened" alcohol containers for off-premises consumption; clarifies that mixed drinks or cocktails must be properly sealed to avoid being considered "opened containers" under Iowa law; and conforms selling hours starting at 6 a.m. for all days of the week. There will be no difference in Sunday sales hours, but a special permit will still be required for an establishment to sell on Sundays. A native distillery, beer/wine wholesaler, native brewery or native winery may be granted not more than two licenses to consume beverages on premises.

[5/5: 45-3 (No: Celsi, Costello, Guth; Excused: Hogg, Nunn)]

[HF 429](#) – Lottery operations

[HF 429](#) focuses on several security-related aspects of the lottery's operations. Some of the details in the bill are designed to state these security provisions in plain language and come, in part, at the suggestion of local prosecutors and law enforcement who believe that greater clarity in Iowa Code could assist their work. Other changes in the bill are in reaction to Iowa Lottery experiences and lottery industry trends.

The bill amends the definition of “retailer” to mean a person who sells lottery tickets, and not just a contract, issued by the lottery authority. It amends the lottery prize section, clarifying that the lottery must only pay prizes for tickets or shares that were legally purchased, possessed and presented. The bill modifies criminal penalties so that a person who knowingly or intentionally passes a lottery ticket, or claims a lottery prize on a ticket from someone else to avoid an offset or to circumvent certain prohibited player provisions, is guilty of penalties from a serious misdemeanor up to a Class C felony.

[4/21: 46-0 (Excused: Mathis, Nunn, Schultz, Whiting)]

HF 453 – Prohibit regulation beyond state/federal law

HF 453 prohibits a state agency or state official from imposing any regulation or reporting requirement on corporations, as defined in section 504.141, that exceeds the requirements of state or federal law.

[4/28: 48-0 (Excused: Nunn, Schultz)]

HF 491 – Regulating sale or lease of real estate by agency officials

HF 491, from the Ethics and Campaign Disclosure Board, prohibits state regulatory agency officials and employees from selling or leasing real estate to those subject to the agency’s regulatory authority unless certain conditions are met. Under previous law, such employees are prohibited from selling or leasing goods or services to individuals, associations or corporations subject to the agency authority of which the person is an official or employee. However, this prohibition did not apply if consent for such sale or lease was obtained from the agency. The bill extended this prohibition and exception to the sale or lease of real estate. A person who knowingly and intentionally violates the bill is guilty of a serious misdemeanor.

[4/7: 44-0 (Excused: Hogg, Brown, Carlin, Dawson, Nunn, Schultz)]

HF 514– Pharmacy practice and Pharmacy Board oversight

HF 514 eliminates the “tech-check-tech” program, which is no longer relevant following the Pharmacy Board’s adoption of administrative rules to establish and implement technician verification programs. It eliminates the one-year registration limitation for a person in training to become a pharmacy technician and simplifies language relating to pharmacist delegation of certain functions. The bill requires outsourcing facilities seeking licensure in Iowa to be inspected by the facility’s home state regulatory authority in the two years immediately preceding the application. The bill allows the board to share with the U.S. Food and Drug Administration information collected on compounded human drug products pursuant to one or more memoranda of understanding. Finally, the bill codifies the provisions of 2011 Iowa Acts, chapter 63, relating to pharmacy pilot or demonstration research projects. The bill eliminates the requirement that the board report the approval or denial of projects to the chairpersons and ranking members of the joint Appropriations Subcommittee on Health and Human Services.

[4/7: 44-0 (Excused: Hogg, Brown, Carlin, Dawson, Nunn, Schultz)]

HF 523 – Flood mitigation as essential county purpose

HF 523 adds flood-mitigation practices, strategies and structures to the list of essential county purposes established in Code. Counties generally can incur debt and issue general obligation bonds for the performance of essential purposes. This will allow a county to perform flood-mitigation projects in unincorporated areas of the county. Cities have this authority, but they are limited in where they are allowed to perform flood mitigation work. The bill was promoted by Muscatine County as a way for them to create flood protection for areas increasingly under the threat of flood damage but outside of the areas where a city can perform the work.

[4/28: 48-0 (Excused: Nunn, Schultz)]

HF 546 - Architectural Licensure Examination

HF 546 strikes the Iowa Code section added in 2020 that eliminated the time limit for architects to pass all six divisions of the Architect Registration Examination. Iowa is the only state that does not have a five-year “rolling clock” for applicants to pass all six divisions of the exam. Iowa architects who take longer than five years will not be eligible for National Council of Architectural Registration Board’s certification or reciprocity in jurisdictions outside of Iowa. The bill

applies retroactively to those who applied to the Architectural Examining Board and passed one or more divisions after June 25, 2020.

[4/6: 47-0 (Excused: Hogg, Nunn, Schultz)]

HF 558 – Minimum age for amusement ride attendants

HF 588 establishes minimum age and training requirements for attendants who control amusement rides. An attendant who controls rider restraints or the operation, starting, stopping or speed of an amusement ride must be at least 16, and must complete training prior to working as an attendant at a carnival or fair. The bill specifies minimum topics for such training. A person who violates any order or rule issued by the Labor Commissioner pursuant to state law governing inspection of amusement rides is guilty of a serious misdemeanor. While this bill does not change child labor code sections, the changes in this bill appear to be in conflict with Iowa Code 92.8(6), Child Labor Law.

[4/7: 29-15 (Yes: Republicans, Bisignano, Kinney; Excused: Hogg, Brown, Carlin, Dawson, Nunn, Schultz)]

HF 682 - Appraisal standards and appraiser certification changes

HF 682 comes from the Real Estate Appraiser Examining Board and modifies Iowa Code for real estate appraisals and appraisers. The bill is designed to alleviate an enforcement gap for out-of-state certified appraisers conducting appraisals on property in Iowa. Federal law requires a real estate-related loan to be facilitated by a financial institution that requires the services of an appraiser and has a value greater than \$400,000 (residential transactions) or \$500,000 (commercial transactions).

But neither Iowa law nor federal law explicitly required that the appraiser be certified in the state where the appraised property is located. That discrepancy created an enforcement gap because out-of-state appraisers arguably may perform appraisals in Iowa without first obtaining certification or a temporary practice permit from the Board. The interests of Iowans may be inadequately protected in these cases because regulators in the appraiser's home state have less incentive to review appraisals conducted in Iowa, and the Board has no authority to enforce appraisal standards against the appraiser.

The bill addresses this gap by requiring all appraisers who perform appraisals in Iowa to first become certified in Iowa or obtain a temporary practice permit. This puts Iowa on equal footing with neighboring states, all of which require Iowa appraisers to be certified or obtain temporary practice privileges before appraising property located in their states.

[4/28: 48-0 (Excused: Nunn, Schultz)]

HF 685 – Orthodontic new service consumer protection

HF 685 prohibits dentists from using initial orthodontic appliances on a new patient unless the dentist first performs an in-person or tele-dentistry examination of the new patient, or the new patient provides the doctor with their dental record taken within the prior six months. The required examination must include any appropriate conventional or digital imaging necessary to develop a suitable orthodontic diagnosis and treatment plan. The bill defines "new patient" as a person whom a doctor has not examined or provided care, or whom the doctor has not seen during the two years prior to the patient's most recent appointment.

[3/29: 45-0 (Excused: Driscoll, Hogg, Kraayenbrink, Nunn, Sweeney)]

HF 761 – Expanded uses for emergency medical service providers grant program

HF 761 authorizes the state fire marshal to provide grants under the local fire protection and emergency medical service providers grant program to local volunteer fire protection service providers to purchase necessary equipment. This is in addition to the authorization to provide grants for fireworks safety education programming and to purchase necessary equipment related to the sale and use of consumer fireworks.

[3/22: 48-0 (Absent: Kinney, Nunn)]

HF 766 – Third party delivery of alcohol

[HF 766](#) authorizes a retailer to use a third party to deliver alcoholic beverages, provided the licensee or permittee has entered into a written agreement with the third party authorizing them to act as an agent for the purpose of delivering alcoholic liquor, wine or beer. This third party must abide by Iowa law when completing the delivery. Any violation of Iowa Code or Iowa Rules (e.g., delivery to an underage person, delivery to an intoxicated person) by the agent of a licensee is deemed to be a violation committed by the licensee or permittee. All licensees must submit a list of names and addresses of all people, including third-party delivery agents, to the Alcoholic Beverages Division.

If the licensee violates the rules regarding delivery of alcoholic beverages by retailers, the licensee will not be assessed a penalty if the violation was committed off of the premises and after the alcohol was in process of delivery; and another violation is not committed within a two-year period.

[4/21: 39-7 (No: Bolkcom, Celsi, Giddens, Hogg, Jochum, Costello, Guth; Excused: Mathis, Nunn, Schultz, Whiting)]

[HF 768](#) – Native distilleries, beer manufacturers, breweries, wine manufacturers

[HF 768](#) authorizes native distilleries, native breweries, native wine manufacturers and beer manufacturers to be granted up to two class “C” permits to sell native wine at retail for consumption on the premises of the manufacturer or in a retail establishment operated by the manufacturer. Previous law allowed a manufacturer one class “C” permit to sell at retail for consumption on the premises of the manufacturing facility.

[4/28: 47-1 (No: Costello; Excused: Nunn, Schultz)]

[HF 785](#) – Amusement concession games

[HF 785](#) changes the definition of “*amusement concession*.” Amusement concessions are games of skill or chance with an instant win possibility, like carnival-style games. Previously, these games did not include casino-style games; the bill adds that amusement concession also does not include nudge games or swap games. A “*nudge game*” is one in which a participant spins reels and may choose to nudge one or more reels in any direction to complete a winning combination or pattern. A “*swap game*” is one in which a participant spins reels or simulated reels and may choose to swap, move or substitute one or more icons or symbols to create a winning combination or pattern.

The bill adds a new Code section allowing video game-type amusement to be licensed as an amusement concession if the game is conducted through continuous gameplay and complies with all requirements and rules from the Department of Inspections and Appeals. Prizes will be awarded based solely upon a participant’s successful completion of a required skill or task in the course of the game’s play. Participant skill is necessary to influence the outcome of the game’s play but is not required to be the predominant factor in determining whether a prize is awarded. The game may be programmed to ensure a set payout percentage to participants of at least 80%. If it’s a set payout percentage, the operator must post that information for everyone to see. The game may also be programmed to award prizes at variable frequency or difficulty.

[4/21: 45-1 (Excused: Mathis, Nunn, Schultz, Whiting)]