

**EIGHTY-NINTH GENERAL ASSEMBLY
2021 REGULAR SESSION
DAILY
SENATE CLIP SHEET**

March 29, 2021

Clip Sheet Summary

Displays all amendments, fiscal notes, and conference committee reports for previous day.

Bill	Amendment	Action	Sponsor
SF 525	S-3096	Filed	JEFF EDLER
SF 526	S-3097	Filed	JEFF EDLER

Fiscal Notes

[SF 536](#) — [Operating While Intoxicated, Repeat Penalty Enhancements](#) (LSB2711SV)

[HF 586](#) — [Broadband Access, Certifications](#) (LSB1134HV.1)

[HF 828](#) — [Commercial Driver's Licenses, Testing Fees](#) (LSB1747HZ.1)

SENATE FILE 525

S-3096

1 Amend Senate File 525 as follows:

2 1. By striking everything after the enacting clause and
3 inserting:

4 <Section 1. Section 232.2, subsection 39, Code 2021, is
5 amended to read as follows:

6 39. "*Parent*" means a biological or adoptive mother or father
7 of a child; or a father whose paternity has been established by
8 operation of law due to the individual's marriage to the mother
9 at the time of conception, birth, or at any time during the
10 period between conception and birth of the child, by order of a
11 court of competent jurisdiction, by affidavit filed pursuant
12 to section 252A.3A, by a statement made in court and concurred
13 with by the mother of the child admitting paternity, or by
14 administrative order when authorized by state law. "*Parent*"
15 does not include a mother or father whose parental rights
16 have been terminated or a father whose paternity has been
17 disestablished pursuant to section 232.96A or section 600B.41A.

18 Sec. 2. Section 232.84, subsection 2, Code 2021, is amended
19 to read as follows:

20 2. Within thirty days after the entry of an order under
21 this chapter transferring custody of a child to an agency
22 for placement, the agency department shall exercise due
23 diligence in identifying and providing notice to the child's
24 grandparents, aunts, uncles, adult siblings, parents of the
25 child's siblings, and adult relatives suggested by the child's
26 parents, subject to exceptions due to the presence of family or
27 domestic violence.

28 Sec. 3. NEW SECTION. 232.96A Disestablishment of paternity
29 — child in need of assistance proceeding.

30 1. For the purposes of this section:

31 a. "*Established father*" means a person whose paternity of a
32 child has been legally established as a parent.

33 b. "*Disestablished father*" means a person whose paternity of
34 a child has been disestablished pursuant to this section.

35 2. Upon a motion filed by a child subject to a child in

1 need of assistance proceeding, the mother of the child, the
2 established father of the child, or the legal representative
3 of any of these persons, a court with jurisdiction over the
4 child in need of assistance proceeding shall enter an order
5 disestablishing the established father's paternity of the child
6 if all of the following conditions are met:

7 *a.* The child has been adjudicated as a child in need of
8 assistance in an active juvenile court case.

9 *b.* A guardian ad litem has been appointed for the child.

10 *c.* If paternity was established pursuant to section 252A.3A,
11 the motion asserts the signed affidavit was based on fraud,
12 duress, or material mistake of fact.

13 *d.* Notice of the motion is served on both parents of the
14 child in accordance with the rules of civil procedure.

15 *e.* If enforcement services are being provided by the child
16 support recovery unit pursuant to chapter 252B, notice of
17 the motion is served on the child support recovery unit in
18 accordance with the rules of civil procedure.

19 *f.* The results of a blood or genetic test is on record in
20 the child in need of assistance proceeding and concludes that
21 the established father is not the child's biological father.

22 3. An order disestablishing paternity under subsection
23 2 shall include all of the provisions provided in 600B.41A,
24 subsection 4.

25 4. Upon entry of an order disestablishing paternity under
26 subsection 2, the clerk of court shall send a copy of the order
27 to the disestablished father at the disestablished father's
28 last known address and to the clerk of the district court.

29 5. Upon request by the child support recovery unit or a
30 disestablished father and without the need for a prior court
31 order, the clerk of court shall disclose to the child support
32 recovery unit a copy of an order entered under subsection 2.

33 6. All costs of testing, fees for a child's guardian ad
34 litem, and court costs shall be paid by the person moving to
35 disestablish paternity pursuant to subsection 2.

1 7. Participation of the child support recovery unit created
2 in section 252B.2 in an action brought under this section shall
3 be limited as follows:

4 a. The unit shall only participate in actions if services
5 are being provided by the unit pursuant to chapter 252B.

6 b. When services are being provided by the unit under
7 chapter 252B, the unit may enter an administrative order for
8 blood and genetic tests pursuant to chapter 252F.

9 c. The unit is not responsible for or required to provide
10 for or assist in obtaining blood or genetic tests in any case
11 in which services are not being provided by the unit.

12 d. The unit is not responsible for the costs of blood or
13 genetic testing conducted pursuant to an action brought under
14 this section.

15 e. Pursuant to section 252B.7, subsection 4, an attorney
16 employed by the unit represents the state in any action
17 under this section. The unit's attorney is not the legal
18 representative of the mother, the established father, or the
19 child in a child in need of assistance proceeding under this
20 subchapter.

21 Sec. 4. Section 232.102, subsection 1, Code 2021, is amended
22 by striking the subsection and inserting in lieu thereof the
23 following:

24 1. a. After a dispositional hearing, the court may enter an
25 order transferring the legal custody of the child to one of the
26 following for purposes of placement:

27 (1) A parent who does not have physical care of the child.

28 (2) Any other relative of the child.

29 (3) A person with whom the child had a significant, positive
30 relationship at the time of the removal.

31 (4) Any other suitable person.

32 (5) A child-placing agency or other suitable private
33 agency, facility, or institution which is licensed or otherwise
34 authorized by law to receive and provide care for the child.

35 (6) The department of human services. If the child is

1 placed in a juvenile shelter care home or with an individual
2 or agency as defined in section 237.1, the department shall
3 assign decision-making authority to the juvenile shelter care
4 home, individual, or agency for the purpose of applying the
5 reasonable and prudent parent standard during the child's
6 placement.

7 *b.* A court shall not order placement of a child with a
8 nonrelative without a specific finding that placement with a
9 parent or any other relative of the child pursuant to paragraph
10 "a", subparagraph (1) or (2), is inappropriate for placement of
11 the child and providing reasons for such a finding.

12 *c.* If the child is sixteen years of age or older, the
13 order shall specify the services needed to assist the child in
14 preparing for the transition from foster care to adulthood. If
15 the child has a case permanency plan, the court shall consider
16 the written transition plan of services and needs assessment
17 developed for the child's case permanency plan. If the child
18 does not have a case permanency plan containing the transition
19 plan and needs assessment at the time the order is entered,
20 the written transition plan and needs assessment shall be
21 developed and submitted for the court's consideration no later
22 than six months from the date of the transfer order. The
23 court shall modify the initial transfer order as necessary to
24 specify the services needed to assist the child in preparing
25 for the transition from foster care to adulthood. If the
26 transition plan identifies services or other support needed
27 to assist the child when the child becomes an adult and the
28 court deems it to be beneficial to the child, the court may
29 authorize the individual who is the child's guardian ad litem
30 or court-appointed special advocate to continue a relationship
31 with and provide advice to the child for a period of time
32 beyond the child's eighteenth birthday.

33 Sec. 5. NEW SECTION. 232.121 Reinstatement of parental
34 rights.

35 1. A child, the child's guardian ad litem, the department,

1 or an agency or person to whom guardianship and custody of the
2 child has been transferred following termination of parental
3 rights of a parent under section 232.117, may petition the
4 juvenile court to reinstate the parental rights of the child's
5 former parent if all of the following circumstances exist,
6 making the child an eligible child for purposes of this
7 section:

8 *a.* The child was previously found to be a child in need of
9 assistance under this chapter.

10 *b.* The child has not achieved the goals of the child's case
11 permanency plan, and is not likely to do so.

12 *c.* The child does not have a permanent placement or a
13 planned permanent placement, is not subject to a permanent
14 guardianship, is not in an adoptive placement, is not likely
15 to be adopted within a reasonable period of time, and other
16 permanency options have been exhausted.

17 *d.* The child's former parent's parental rights were
18 terminated in a proceeding under this chapter, but the
19 termination of the parent-child relationship was not based on a
20 finding of sexual abuse, a near child fatality, a suspicious
21 child fatality, or an incident of egregious abuse or neglect
22 against a child as evidenced by the aggravated circumstances
23 specified pursuant to section 232.102, subsection 12,
24 paragraphs "d" through "g".

25 *e.* Two years have passed since the final order of
26 termination of parental rights was entered.

27 *f.* The child is at least twelve years of age when the
28 petition is filed, or is younger than twelve years of age when
29 the petition is filed but is part of a sibling group including
30 a child for whom reinstatement is being sought and that child
31 meets the other conditions for reinstatement.

32 2. *a.* If a child meets the criteria of an eligible
33 child under subsection 1, the child's guardian ad litem,
34 the department, or an agency or person to whom guardianship
35 and custody of the child has been transferred under section

1 232.117, shall notify the child of the child's right to
2 petition the court for the reinstatement.

3 *b.* If the former parent whose rights were previously
4 terminated contacts the child's guardian ad litem, the
5 department, or the agency or other person to whom guardianship
6 and custody of the child has been transferred under section
7 232.117, and the child is eligible pursuant to subsection 1,
8 the guardian ad litem, department, agency, or other person
9 shall notify the eligible child of the child's right to
10 petition the court for the reinstatement.

11 3. If a child seeking to petition for reinstatement of
12 parental rights under this section does not have a guardian
13 ad litem or attorney, the court shall appoint a guardian ad
14 litem and counsel for the child at no cost to the child. If a
15 guardian ad litem has previously been appointed for the child
16 in a proceeding under this chapter, the same person may serve
17 both as the child's counsel and as guardian ad litem. However,
18 the court may appoint a separate guardian ad litem if the same
19 person cannot properly represent the legal interests of the
20 child as legal counsel and also represent the best interest of
21 the child as guardian ad litem.

22 4. The petition must be signed by the child unless good
23 cause is shown as to why the child is unable to do so. The
24 former parent for whom reinstatement of parental rights is
25 sought must consent in writing to the petition.

26 5. The court shall hold a threshold hearing to consider
27 the former parent's apparent interest in the reinstatement of
28 parental rights. At a minimum, the threshold hearing shall
29 determine all of the following:

30 *a.* Whether the former parent has remedied the former
31 parent's deficits as provided in the record of the prior
32 termination proceedings and prior termination order.

33 *b.* Whether the former parent has participated in an
34 assessment based on evidence-based criteria that supports the
35 reinstatement of the parent-child relationship as being in the

1 best interest of the child.

2 6. If, after a threshold hearing to consider the former
3 parent's apparent fitness and interest in the reinstatement
4 of parental rights, the court finds by a preponderance of the
5 evidence that the best interest of the child may be served by
6 the reinstatement of parental rights, the court shall order
7 that a hearing on the merits of the petition be held.

8 7. Before a hearing is held on the merits of the petition,
9 notice shall be provided to the child's guardian ad litem, the
10 department, the agency or other person to whom guardianship
11 and custody of the child has been transferred under section
12 232.117, the child's attorney, the child, the child's former
13 parent whose parental rights are the subject of the petition,
14 any parent whose rights have not been terminated, the child's
15 current foster parent, the child's relative caregiver, and the
16 child's tribe, if applicable. Notice shall be provided in the
17 same manner as in section 232.37.

18 8. The court shall conditionally grant the petition if the
19 court finds by clear and convincing evidence that the child has
20 not been adopted, has not achieved the goals of the child's
21 case permanency plan, and is not imminently likely to achieve
22 such goals, and that reinstatement of parental rights is in the
23 child's best interest. In determining whether reinstatement is
24 in the child's best interest the court shall consider, but is
25 not limited to considering, all of the following:

26 a. Whether the former parent whose rights are to be
27 reinstated is a fit parent and has remedied the former parent's
28 deficits as provided in the record of the prior termination
29 proceedings and prior termination order.

30 b. Whether the former parent whose rights are to be
31 reinstated understands the legal obligations, rights, and
32 consequences of the reinstatement of parental rights and is
33 willing and able to accept such obligations, rights, and
34 consequences.

35 c. The age and maturity of the child, and the ability of the

1 child to express the child's preference.

2 *d.* Whether the reinstatement of parental rights will present
3 a risk to the child's health, welfare, or safety.

4 *e.* Other material changes in circumstances, if any, that may
5 have occurred which warrant the granting of the petition.

6 9. In determining whether the child has or has not achieved
7 the goals of the child's case permanency plan or whether the
8 child is imminently likely to achieve the goals of the child's
9 case permanency plan, the department, or the agency or other
10 person to whom guardianship and custody of the child has been
11 transferred under section 232.117, shall provide the court, and
12 the court shall review, information related to any efforts to
13 achieve the goals of the case permanency plan including efforts
14 to achieve adoption or a permanent placement.

15 10. *a.* If the court conditionally grants the petition under
16 subsection 8, the case shall be continued for six months and a
17 temporary order of reinstatement entered. During this period,
18 the child shall be placed in the custody of the former parent.
19 The department or agency shall develop a case permanency plan
20 for the child reflecting reunification and shall provide
21 transition services to the family, as appropriate.

22 *b.* If the child must be removed from the former parent due
23 to allegations of abuse or neglect prior to the expiration
24 of the conditional six-month period, the court shall dismiss
25 the petition for reinstatement of parental rights if the court
26 finds the allegations have been proven by a preponderance of
27 the evidence.

28 11. At the end of the six-month period, the court shall hold
29 a hearing and order one of the following:

30 *a.* If the placement with the former parent has been
31 successful, the court shall enter a final order of
32 reinstatement of parental rights which shall restore all
33 rights, powers, privileges, immunities, duties, and obligations
34 of the parent as to the child, including those relating
35 to custody, control, and support of the child. The court

1 shall vacate the dispositional order in the child in need
2 of assistance proceeding and direct the clerk's office to
3 provide a certified copy of the final order of reinstatement of
4 parental rights to the parent at no cost.

5 *b.* If the placement with the former parent has not been
6 successful, the court shall dismiss the petition and the
7 child's case permanency plan shall remain in effect.

8 12. A proceeding to reinstate parental rights is a separate
9 action from the termination of parental rights proceeding
10 and does not vacate or otherwise affect the validity of the
11 original termination of parental rights order. An order
12 granted under this section reinstates the former parent's
13 rights to the child. The reinstatement is a recognition that
14 the situation of the parent and child has changed since the
15 time of the termination of parental rights and reunification
16 is now appropriate.

17 13. A parent whose rights are reinstated under this
18 section shall not be liable for any child support owed to the
19 department or costs of other services provided to a child for
20 the time period from the date of termination of parental rights
21 to the date parental rights are reinstated.

22 14. This section shall apply to any eligible child who is
23 under the jurisdiction of the juvenile court at the time of the
24 hearing regardless of the date parental rights were terminated.

25 15. The state, the department, or an agency or other person
26 or an employee of such entities is not liable for civil damages
27 resulting from any act or omission in the provision of services
28 under this section unless the act or omission constitutes gross
29 negligence. This section does not create any duty and shall
30 not be construed to create a duty where none exists. This
31 section does not create a cause of action against the state,
32 the department, an agency, another person, or the employees of
33 such entities concerning the original termination.>

34 2. Title page, by striking lines 1 through 3 and inserting
35 <An Act relating to child welfare including the transfer of

S-3096 (Continued)

1 legal custody of a child, notice of transfer of custody to
2 a child's adult relatives, judicial proceedings in child
3 in need of assistance cases, the reinstatement of parental
4 rights of a former parent under certain circumstances, and the
5 disestablishment of paternity under certain circumstances.>

By JEFF EDLER

[S-3096](#) FILED MARCH 25, 2021

SENATE FILE 526

S-3097

1 Amend Senate File 526 as follows:

2 1. By striking everything after the enacting clause and
3 inserting:

4 <Section 1. DEPARTMENT OF HUMAN SERVICES — MOBILE CRISIS
5 RESPONSE SERVICES — APPROPRIATION. There is appropriated
6 from the general fund of the state to the department of human
7 services for the fiscal year beginning July 1, 2021, and ending
8 June 30, 2022, the following amount, or so much thereof as is
9 necessary, to be used for the purposes designated:

10 For mobile crisis response services provided in mental
11 health and disability services regions established under
12 section 331.389:

13 \$ 2,100,000

14 Moneys appropriated in this section shall be used by mental
15 health and disability services regions for the purpose of
16 funding mobile crisis response services provided in mental
17 health and disability services regions in order to allow a
18 region's mobile crisis response units to respond to situations
19 where a person is experiencing a mental health crisis, provide
20 triage to a person experiencing a mental health crisis in the
21 field, and transport a person experiencing a mental health
22 crisis to an appropriate facility.

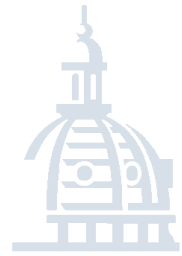
23 As a condition of receiving moneys appropriated in this
24 section, persons providing mobile crisis response services
25 shall be licensed social workers or, at a minimum, have
26 training specifically in de-escalating situations where a
27 person is experiencing a serious mental health crisis and in
28 triage protocols.>

29 2. Title page, by striking lines 1 through 3 and inserting
30 <An Act relating to mobile crisis response services provided
31 in mental health and disability services regions, and making
32 an appropriation.>

By JEFF EDLER

S-3097 (Continued)

S-3097 FILED MARCH 25, 2021



SF 536 – Operating While Intoxicated, Repeat Penalty Enhancements (LSB2711SV)
Staff Contact: Austin Brinks (515.725.2200) austin.brinks@legis.iowa.gov
Fiscal Note Version – New

Description

[Senate File 536](#) amends existing Operating While Intoxicated (OWI) laws. The Bill requires the Department of Transportation (DOT) to keep records required under the section indefinitely, and amends Iowa Code section [321J.2\(8\)](#) to include any prior conviction under Iowa Code sections [321.277](#) and [123.46\(2\)](#) as a prior OWI conviction after an OWI arrest.

The Bill adds a new subsection to Iowa Code section [321.101](#) that requires the DOT to suspend the registration of vehicles owned by a person who is required to install an ignition interlock device (IID) pursuant to Iowa Code section [321J.20](#) until the DOT receives proof that the IID has been successfully installed. Suspension of registration may be avoided if a family member signs an affidavit stating the family member also operated the vehicle prior to the owner's OWI violation. However, if that family member knowingly allows the vehicle owner to drive the vehicle without an IID, the family member would be guilty of a simple misdemeanor.

In addition, the Bill enhances the penalties for operating a vehicle with a license revoked due to an OWI and operating a vehicle with a temporary restricted license without an IID installed. The Bill requires an IID to have a camera that can take still pictures during its operation. Iowa Code section [811.2\(1\)](#) is also amended to require a person who is charged with a third or subsequent violation of Iowa Code section [321J.2](#) and posts bail to install an IID within 30 days and provide proof of the installation.

Background

Iowa Code chapter [321J](#) contains current OWI law. Currently, Iowa Code section [321.12](#) requires the DOT to keep operating records on file for at least 12 years after an arrest or conviction for an OWI, after which the arrest or conviction is required to be deleted from the record. A temporary restricted license (TRL) may be issued pending application to the DOT and the installation of an approved IID on all vehicles that person owns or operates. A TRL issued as a result of an OWI violation allows the driver to operate a vehicle in any manner allowed by a noncommercial driver's license, unless otherwise prohibited.

The time periods related to revocation of a driver's license for an OWI conviction are as follows:

- 90 days for a deferred judgement.
- 180 days for a first offense.
- One year for a second offense.
- Six years for a third offense.
- One year in addition to the period of a first, second, or third offense if the OWI offense caused personal injury.
- Six years in addition to the period of a first, second, or third offense if the OWI offense caused a death. The person is not eligible for a TRL for two years in this case.

The current penalty for driving after a license is revoked due to an OWI without a TRL is a serious misdemeanor and a fine of \$1,000. If a driver is convicted of a second or subsequent offense of driving with a revoked license, the vehicle must be seized and forfeited to the State. If an owner of a vehicle knowingly lends the vehicle to a person whose license has been revoked due to an OWI, the owner is guilty of a simple misdemeanor and is jointly liable for any damages the driver may cause.

Assumptions

Senate File 536 will increase convictions for simple, serious, and aggravated misdemeanors as well as Class D felonies; however, the extent of the increase is unknown.

Correctional Impact

Senate File 536 establishes a new simple misdemeanor, a serious misdemeanor, four aggravated misdemeanors, and a Class D felony. It is unknown how many convictions will result from this Bill; as such, a correctional impact cannot be estimated. Refer to the Legislative Services Agency (LSA) memo addressed to the General Assembly, [Cost Estimates Used for Correctional Impact Statements](#), dated January 22, 2021, for information related to the correctional system. **Table 1** shows the number of persons newly admitted to probation, house arrest, parole, or prison for an OWI offense for FY 2020.

Table 1

Department of Corrections — OWI Admissions for FY 2020		
<u>Correctional Status</u>	<u>Number of Admissions</u>	<u>Average Length of Stay in Days</u>
Probation	3,499	639
Residential	727	88
Parole	412	214
Prison	274	296
OWI Continuum	24	131
Totals	4,936	1,368

Minority Impact

Senate File 536 establishes several new misdemeanors and a Class D felony, and it is unknown how many convictions will result from these new crimes. The Bill also enhances the penalties for operating a vehicle with a TRL without an IID installed. Due to the lack of existing data, a minority impact cannot be estimated. **Table 2** show the number of convictions of Iowa Code chapter 321J for FY 2020 by ethnicity. Of the 9,751 total OWI convictions in FY 2020, 79.7% were Caucasian and 14.5% were African American. In FY 2020, Caucasians and African Americans made up 89.9% and 4.1% of the Iowa adult population, respectively. The conviction rate for African Americans exceeds the population proportion of the State, which would lead to a racial impact if trends remain constant. Due to low numbers of other minority populations, the impact on those populations cannot be assessed. Refer to the LSA memo addressed to the General Assembly, [Minority Impact Statement](#), dated January 27, 2021, for information related to minorities in the criminal justice system.

Table 2

<u>OWI Convictions by Ethnicity — FY 2020</u>			
<u>Caucasian</u>	<u>African American</u>	<u>Other</u>	<u>Total</u>
7,767	1,126	858	9,751

Fiscal Impact

The fiscal impact of Senate File 536 cannot be estimated due to the lack of existing conviction data. **Table 3** contains cost estimates for the average State cost per offense class type for one conviction. The cost estimate includes operating costs incurred by the Judicial Branch, the State Public Defender, and the Department of Corrections for one conviction. The cost would be incurred across multiple fiscal years for prison and parole supervision.

Table 3 — Average State Cost Per Offense Class Type

<u>Offense Class</u>	Total Cost	
	<u>Minimum</u>	<u>Maximum</u>
Serious Misdemeanor	\$ 410	\$ 7,500
Aggravated Misdemeanor	3,700	7,800
Class D Felony	7,700	13,500

In addition, the DOT has stated that it would incur one-time programming costs of approximately \$47,000 and would be able to handle any increase in job duties with existing staff.

Sources

Legislative Services Agency
 Criminal Justice and Juvenile Planning Division, Department of Human Rights
 Department of Corrections
 Department of Transportation

/s/ Holly M. Lyons

March 24, 2021

Doc ID 1215914

The fiscal note for this Bill was prepared pursuant to [Joint Rule 17](#) and the Iowa Code. Data used in developing this fiscal note is available from the Fiscal Services Division of the Legislative Services Agency upon request.



[HF 586](#) – Broadband Access, Certifications (LSB1134HV.1)
Staff Contact: Eric Richardson (515.281.6767) eric.richardson@legis.iowa.gov
Fiscal Note Version – As amended and passed by the House

Description

[House File 586](#) relates to the development and utilization of high-speed electronic transmission mediums. The Bill:

- Includes public utilities, the Iowa Department of Transportation (DOT), the Iowa Economic Development Authority (IEDA), and other state and local entities that the Office of Chief Information Officer (OCIO) must consult and coordinate with during administration of the Fiberoptic Network Conduit Installation Program.
- Establishes the Broadband Forward Certification Program in the IEDA, with the objective of encouraging political subdivisions to further develop broadband infrastructure and access to broadband.
- Establishes the Telecommuter Forward Certification Program in the IEDA, with the objective of encouraging political subdivisions to further develop and promote availability of telecommuting. Requires a political subdivision to apply to the IEDA for these certifications.

Background

The OCIO is attached to the Department of Administrative Services for accounting and fiscal services and was created for the purpose of leading, directing, managing, coordinating, and providing accountability for the information technology resources of State government and for coordinating statewide broadband availability and access. The OCIO coordinates numerous programs related to broadband within the State. 2015 Iowa Acts, [HF 655](#), chapter [120](#), created the Fiberoptic Network Conduit Installation Program within the OCIO. To date, the OCIO has not implemented the Fiberoptic Network Conduit Installation Program under Iowa Code section [8B.25](#). Currently, the OCIO administers the Empower Rural Iowa [Broadband Grant Program](#), which has awarded \$44.3 million in rural broadband grants since 2018. A map of past awards can be found [here](#).

Assumptions

- The OCIO will not reduce expenditures due to the initiation of the Broadband Forward Certification Program and Telecommuter Forward Certification Program within the IEDA, as these programs were not yet funded and implemented by the OCIO.
- The IEDA would need to hire a 0.5 FTE position at the Economic Development Specialist 2 classification level with a start date of October 1, 2021. Estimated salary and benefits for the 0.5 FTE position would cost \$28,000 in FY 2022. Information technology and other programming costs to the IEDA are uncertain.

Fiscal Impact

The table below shows the estimated costs of HF 586.

Estimated Costs, House File 586

Agency	Category	FTE	Est. Cost	
			FY 2022	FY 2023
IEDA	Salary and Benefits	0.5	\$ 28,000	\$ 38,000
	Total	0.5	\$ 28,000	\$ 38,000

IEDA: Funding for the 0.5 FTE position and related costs to administer the Broadband Forward Certification and Broadband Telecommuter Certifications Programs would likely be appropriated from the General Fund.

Sources

Legislative Services Agency
Iowa Office of Chief Information Officer
Iowa Economic Development Authority
Iowa Department of Administrative Services
Iowa Department of Transportation

/s/ Holly M. Lyons

March 24, 2021

Doc ID 1217974

The fiscal note for this Bill was prepared pursuant to [Joint Rule 17](#) and the Iowa Code. Data used in developing this fiscal note is available from the Fiscal Services Division of the Legislative Services Agency upon request.

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HF 828 – Commercial Driver's Licenses, Testing Fees (LSB1747HV.1)
Staff Contact: Austin Brinks (515.725.2200) austin.brinks@legis.iowa.gov
Fiscal Note Version – As amended and passed by the House

Description

House File 828 assesses fees for the driving skills testing required to obtain a Commercial Driver's License (CDL). The Bill allows the Department of Transportation (DOT) to charge a \$25 fee to schedule the pre-trip inspection test. The Bill also allows counties that provide CDL testing to charge \$25 for each of the three driving skills tests required for the issuance of a CDL. These fees are nonrefundable, and fees collected by the DOT are allocated to the Statutory Allocations Fund, while the fees collected from counties are deposited in that county's general fund. The fees assessed in this Bill do not apply to any third party that offers driving skills testing for a CDL. If a person is employed by or volunteers for a government entity, they would only pay for the pre-trip vehicle inspection portion of the test if they take the test at a county facility, and would pay no fees if they test at a DOT facility.

This Bill takes effect January 1, 2022.

Background

Prior to being able to take a CDL skills test, a person must obtain a Commercial Learner's Permit (CLP) by passing the CDL knowledge test. A CDL skills test involves three sections of testing including pre-trip vehicle inspection, basic control skills, and road driving. Each portion of the test is estimated to take 30 minutes to complete, creating a 90-minute testing slot. The DOT and county treasurers require the person taking the test to provide the vehicle used in testing. Currently there are 15 third parties authorized to administer CDL skills tests in Iowa.

2020 Iowa Acts, chapter **41** instructed the DOT to conduct a study on the driving skills tests required to obtain a CDL, and evaluate and recommend testing options to increase access to tests across the State. The study identified 26 other states that assess fees for CDL skills testing. The DOT study can be found [here](#).

Assumptions

- Approximately 8,100 CDL tests are conducted annually by the State and 2,200 by counties.
- The DOT will charge \$25 for each pre-trip inspection test.
- Counties will charge \$25 for each of the three tests required to receive a CDL.

Fiscal Impact

If all persons who take the CDL driving skills tests pass each component on their first attempt, the fees introduced in this bill will result in an estimated increase of \$203,000 to the Statutory Allocations Fund and \$165,000 to county general funds annually. While there will be some people seeking the issuance of a CDL who pay reduced or no fees for working with a government entity, it is unknown how many would be exempt. As such, those exemptions are not included in this estimate.

Sources

Legislative Services Agency
Department of Transportation

/s/ Holly M. Lyons

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The fiscal note for this Bill was prepared pursuant to [Joint Rule 17](#) and the Iowa Code. Data used in developing this fiscal note is available from the Fiscal Services Division of the Legislative Services Agency upon request.

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