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FEB 13 1997

Place On Calendar

HOUSE FILE

226

BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO HSB 73)

Passed House, Date 3-6-97 ^(A517) Passed Senate, Date 4/28/97 ^(P1509)
Vote: Ayes 95 Nays 0 Vote: Ayes 49 Nays 0
Approved May 7, 1997

A BILL FOR

1 An Act relating to computation of time by which criminal
2 sentences may be reduced for good behavior.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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HOUSE FILE 226

H-1140

- 1 Amend House File 226, as follows:
- 2 1. Page 3, by inserting after line 19, the
- 3 following:
- 4 "Sec. ____ . RETROACTIVE APPLICABILITY. This Act
- 5 shall apply retroactively to the computation of
- 6 reductions in criminal sentences for good behavior for
- 7 persons sentenced to category "B" sentences on or
- 8 after July 1, 1996."
- 9 2. Title page, line 2, by inserting after the
- 10 word "behavior" the following: "and providing for
- 11 limited retroactive applicability".
- 12 3. By numbering as necessary.

By SUKUP of Franklin
KREIMAN of Davis

H-1140 FILED MARCH 4, 1997

Adopted 3-6-97 (p.519)

HF 226

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1 Section 1. Section 901.8, Code 1997, is amended to read as
2 follows:

3 901.8 CONSECUTIVE SENTENCES.

4 If a person is sentenced for two or more separate offenses,
5 the sentencing judge may order the second or further sentence
6 to begin at the expiration of the first or succeeding
7 sentence. If a person is sentenced for escape under section
8 719.4 or for a crime committed while confined in a detention
9 facility or penal institution, the sentencing judge shall
10 order the sentence to begin at the expiration of any existing
11 sentence. If the person is presently in the custody of the
12 director of the Iowa department of corrections, the sentence
13 shall be served at the facility or institution in which the
14 person is already confined unless the person is transferred by
15 the director. ~~If~~ Except as otherwise provided in section
16 903A.7, if consecutive sentences are specified in the order of
17 commitment, the several terms shall be construed as one
18 continuous term of imprisonment.

19 Sec. 2. Section 903A.2, Code 1997, is amended by striking
20 the section and inserting in lieu thereof the following:

21 903A.2 GOOD TIME.

22 1. Each inmate committed to the custody of the director of
23 the department of corrections is eligible for a reduction of
24 sentence for good behavior in the manner provided in this
25 section. For purposes of calculating the amount of time by
26 which an inmate's sentence may be reduced, inmates shall be
27 grouped into the following two sentencing categories:

28 a. Category "A" sentences are those sentences which are
29 not subject to a maximum accumulation of good time of fifteen
30 percent of the total sentence of confinement under section
31 902.12. To the extent provided in subsection 5, category "A"
32 sentences also include life sentences imposed under section
33 902.1. An inmate of an institution under the control of the
34 department of corrections who is serving a category "A"
35 sentence is eligible for a reduction of sentence equal to one

1 day for each day of good conduct while committed to one of the
2 department's institutions. In addition, each inmate who is
3 serving a category "A" sentence is eligible for an additional
4 reduction of up to five days per month if the inmate
5 participates satisfactorily in any of the following
6 activities:

7 (1) Employment in the institution.

8 (2) Iowa state industries.

9 (3) An employment program established by the director.

10 (4) A treatment program established by the director.

11 (5) An inmate educational program approved by the director.

12 b. Category "B" sentences are those sentences which are
13 subject to a maximum accumulation of good time of fifteen
14 percent of the total sentence of confinement under section
15 902.12. An inmate of an institution under the control of the
16 department of corrections who is serving a category "B"
17 sentence is eligible for a reduction of sentence equal to
18 fifteen eighty-fifths of a day for each day of good conduct by
19 the inmate.

20 2. Good time earned pursuant to this section may be
21 forfeited in the manner prescribed in section 903A.3.

22 3. Time served in a jail or another facility prior to
23 actual placement in an institution under the control of the
24 department of corrections and credited against the sentence by
25 the court shall accrue for the purpose of reduction of
26 sentence under this section. Time which elapses during an
27 escape shall not accrue for purposes of reduction of sentence
28 under this section.

29 4. Time which elapses between the date on which a person
30 is incarcerated, based upon a determination of the board of
31 parole that a violation of parole has occurred, and the date
32 on which the violation of parole was committed shall not
33 accrue for purposes of reduction of sentence under this
34 section.

35 5. Good time accrued by inmates serving life sentences

1 imposed under section 902.1 shall not reduce the life
2 sentence, but shall be credited against the inmate's sentence
3 if the life sentence is commuted to a term of years under
4 section 902.2.

5 Sec. 3. Section 903A.7, Code 1997, is amended by striking
6 the section and inserting in lieu thereof the following:

7 903A.7 SEPARATE SENTENCES.

8 Consecutive multiple sentences that are within the same
9 category under section 903A.2 shall be construed as one
10 continuous sentence for purposes of calculating reductions of
11 sentence for good time. If a person is sentenced to serve
12 sentences of both categories, category "B" sentences shall be
13 served before category "A" sentences are served, and good time
14 earned against the category "B" sentences shall not be used to
15 reduce the category "A" sentences. If an inmate serving a
16 category "A" sentence is sentenced to serve a category "B"
17 sentence, the category "A" sentence shall be interrupted, and
18 no further good time shall accrue against that sentence until
19 the category "B" sentence is completed.

20 EXPLANATION

21 This bill establishes two categories of sentences for
22 purposes of calculating the amount of time that an inmate's
23 term of confinement may be reduced for good behavior and makes
24 other changes relating to the accrual of good time.

25 Category "A" sentences are those sentences which are not
26 limited in the amount of good time that may accrue to reduce
27 the sentence. Life sentences are included in category "A"
28 sentences for administrative purposes so that, if the sentence
29 is commuted to a term of years, the department may reduce the
30 total term of years by any good time earned. Persons serving
31 category "A" sentences are eligible for a reduction in
32 sentence of one day for each day of good conduct and may be
33 eligible for an additional reduction in sentence of up to five
34 days per month if the person satisfactorily participates in
35 certain employment, treatment, or educational activities.

1 Category "B" sentences are those sentences which may only
2 be reduced by up to 15 percent for good behavior and includes
3 murder in the second degree under section 707.3, sexual abuse
4 in the second degree under section 709.3, kidnapping in the
5 second degree under section 710.3, and robbery in the first or
6 second degree under section 711.2 or 711.3. Persons serving
7 category "B" sentences are eligible for a reduction in
8 sentence equal to 15/85ths of a day for each day of good
9 conduct.

10 Time which elapses during an escape does not accrue for
11 purposes of calculating good time. Consecutive sentences that
12 are of the same category are to be construed as one continuous
13 sentence for purposes of calculating good time. If a person
14 is sentenced to serve sentences of both categories, the
15 category "B" sentences are to be served first and good time is
16 to be separately calculated for and applied to each category
17 of sentence. If a person is serving a category "A" sentence
18 and is then sentenced to serve a category "B" sentence, both
19 the category "A" sentence and the good time accrual for that
20 sentence are to be interrupted until the category "B" sentence
21 is completed.

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HOUSE FILE 226
FISCAL NOTE

The estimate for House File 226 is hereby submitted as a fiscal note pursuant to Joint Rule 17 and as a correctional impact statement pursuant to Section 2.56, Code of Iowa. Data used in developing this fiscal note and correctional impact statement are available from the Legislative Fiscal Bureau to members of the Legislature upon request.

House File 226 establishes two categories of sentences for purposes of calculating the amount of "good time" an inmate may earn. Category A sentences are not limited in the amount of good time that can be accrued. Category B sentences may accrue up to 15.0% of the sentence for good behavior. Provisions are included for multiple sentences.

CORRECTIONAL IMPACT

This Bill is not expected to have a significant correctional impact.

FISCAL IMPACT

This Bill is not expected to have a significant fiscal impact.

SOURCES

Criminal and Juvenile Justice Planning Division, Department of Human Rights
Department of Corrections (LSB 1293hv, MDF)

FILED FEBRUARY 18, 1997

BY DENNIS PROUTY, FISCAL DIRECTOR

S-3
S. 4/2/97 Do Pass
S-4/10/97 Unfinished Business Calendar

HOUSE FILE **226**
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO HSB 73)

(As Amended and Passed by the House, March 6, 1997)

Passed House, Date _____ Passed Senate, Date ^(P. 1509) 4/28/97
Vote: Ayes _____ Nays _____ Vote: Ayes 49 Nays 0
Approved May 7, 1997

A BILL FOR

1 An Act relating to computation of time by which criminal
2 sentences may be reduced for good behavior and providing for
3 limited retroactive applicability.

4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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House Amendments _____

1 Section 1. Section 901.8, Code 1997, is amended to read as
2 follows:

3 901.8 CONSECUTIVE SENTENCES.

4 If a person is sentenced for two or more separate offenses,
5 the sentencing judge may order the second or further sentence
6 to begin at the expiration of the first or succeeding
7 sentence. If a person is sentenced for escape under section
8 719.4 or for a crime committed while confined in a detention
9 facility or penal institution, the sentencing judge shall
10 order the sentence to begin at the expiration of any existing
11 sentence. If the person is presently in the custody of the
12 director of the Iowa department of corrections, the sentence
13 shall be served at the facility or institution in which the
14 person is already confined unless the person is transferred by
15 the director. If Except as otherwise provided in section
16 903A.7, if consecutive sentences are specified in the order of
17 commitment, the several terms shall be construed as one
18 continuous term of imprisonment.

19 Sec. 2. Section 903A.2, Code 1997, is amended by striking
20 the section and inserting in lieu thereof the following:

21 903A.2 GOOD TIME.

22 1. Each inmate committed to the custody of the director of
23 the department of corrections is eligible for a reduction of
24 sentence for good behavior in the manner provided in this
25 section. For purposes of calculating the amount of time by
26 which an inmate's sentence may be reduced, inmates shall be
27 grouped into the following two sentencing categories:

28 a. Category "A" sentences are those sentences which are
29 not subject to a maximum accumulation of good time of fifteen
30 percent of the total sentence of confinement under section
31 902.12. To the extent provided in subsection 5, category "A"
32 sentences also include life sentences imposed under section
33 902.1. An inmate of an institution under the control of the
34 department of corrections who is serving a category "A"
35 sentence is eligible for a reduction of sentence equal to one

1 day for each day of good conduct while committed to one of the
2 department's institutions. In addition, each inmate who is
3 serving a category "A" sentence is eligible for an additional
4 reduction of up to five days per month if the inmate
5 participates satisfactorily in any of the following
6 activities:

- 7 (1) Employment in the institution.
- 8 (2) Iowa state industries.
- 9 (3) An employment program established by the director.
- 10 (4) A treatment program established by the director.
- 11 (5) An inmate educational program approved by the director.

12 b. Category "B" sentences are those sentences which are
13 subject to a maximum accumulation of good time of fifteen
14 percent of the total sentence of confinement under section
15 902.12. An inmate of an institution under the control of the
16 department of corrections who is serving a category "B"
17 sentence is eligible for a reduction of sentence equal to
18 fifteen eighty-fifths of a day for each day of good conduct by
19 the inmate.

20 2. Good time earned pursuant to this section may be
21 forfeited in the manner prescribed in section 903A.3.

22 3. Time served in a jail or another facility prior to
23 actual placement in an institution under the control of the
24 department of corrections and credited against the sentence by
25 the court shall accrue for the purpose of reduction of
26 sentence under this section. Time which elapses during an
27 escape shall not accrue for purposes of reduction of sentence
28 under this section.

29 4. Time which elapses between the date on which a person
30 is incarcerated, based upon a determination of the board of
31 parole that a violation of parole has occurred, and the date
32 on which the violation of parole was committed shall not
33 accrue for purposes of reduction of sentence under this
34 section.

35 5. Good time accrued by inmates serving life sentences

1 imposed under section 902.1 shall not reduce the life
2 sentence, but shall be credited against the inmate's sentence
3 if the life sentence is commuted to a term of years under
4 section 902.2.

5 Sec. 3. Section 903A.7, Code 1997, is amended by striking
6 the section and inserting in lieu thereof the following:

7 903A.7 SEPARATE SENTENCES.

8 Consecutive multiple sentences that are within the same
9 category under section 903A.2 shall be construed as one
10 continuous sentence for purposes of calculating reductions of
11 sentence for good time. If a person is sentenced to serve
12 sentences of both categories, category "B" sentences shall be
13 served before category "A" sentences are served, and good time
14 earned against the category "B" sentences shall not be used to
15 reduce the category "A" sentences. If an inmate serving a
16 category "A" sentence is sentenced to serve a category "B"
17 sentence, the category "A" sentence shall be interrupted, and
18 no further good time shall accrue against that sentence until
19 the category "B" sentence is completed.

20 Sec. 4. RETROACTIVE APPLICABILITY. This Act shall apply
21 retroactively to the computation of reductions in criminal
22 sentences for good behavior for persons sentenced to category
23 "B" sentences on or after July 1, 1996.

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*Subup, Chr
Churchill
Kreiman*

HSB 73

JUDICIARY

Succeeded By

SE/HE 236

SENATE/HOUSE FILE _____

BY (PROPOSED DEPARTMENT OF
CORRECTIONS BILL)

Passed Senate, Date _____ Passed House, Date _____

Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____

Approved _____

A BILL FOR

1 An Act relating to computation of time by which criminal
2 sentences may be reduced for good behavior.

3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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6 to begin at the expiration of the first or succeeding
7 sentence. If a person is sentenced for escape under section
8 719.4 or for a crime committed while confined in a detention
9 facility or penal institution, the sentencing judge shall
10 order the sentence to begin at the expiration of any existing
11 sentence. If the person is presently in the custody of the
12 director of the Iowa department of corrections, the sentence
13 shall be served at the facility or institution in which the
14 person is already confined unless the person is transferred by
15 the director. If Except as otherwise provided in section
16 903A.7, if consecutive sentences are specified in the order of
17 commitment, the several terms shall be construed as one
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35 sentence is eligible for a reduction of sentence equal to one

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2 department's institutions. In addition, each inmate who is
3 serving a category "A" sentence is eligible for an additional
4 reduction of up to five days per month if the inmate
5 participates satisfactorily in any of the following
6 activities:

- 7 (1) Employment in the institution.
- 8 (2) Iowa state industries.
- 9 (3) An employment program established by the director.
- 10 (4) A treatment program established by the director.
- 11 (5) An inmate educational program approved by the director.

12 b. Category "B" sentences are those sentences which are
13 subject to a maximum accumulation of good time of fifteen
14 percent of the total sentence of confinement under section
15 902.12. An inmate of an institution under the control of the
16 department of corrections who is serving a category "B"
17 sentence is eligible for a reduction of sentence equal to
18 fifteen eighty-fifths of a day for each day of good conduct by
19 the inmate.

20 2. Good time earned pursuant to this section may be
21 forfeited in the manner prescribed in section 903A.3.

22 3. Time served in a jail or another facility prior to
23 actual placement in an institution under the control of the
24 department of corrections and credited against the sentence by
25 the court shall accrue for the purpose of reduction of
26 sentence under this section. Time which elapses during an
27 escape shall not accrue for purposes of reduction of sentence
28 under this section.

29 4. Time which elapses between the date on which a person
30 is incarcerated, based upon a determination of the board of
31 parole that a violation of parole has occurred, and the date
32 on which the violation of parole was committed shall not
33 accrue for purposes of reduction of sentence under this
34 section.

35 5. Good time accrued by inmates serving life sentences

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11 sentence for good time. If a person is sentenced to serve
12 sentences of both categories, category "B" sentences shall be
13 served before category "A" sentences are served, and good time
14 earned against the category "B" sentences shall not be used to
15 reduce the category "A" sentences. If an inmate serving a
16 category "A" sentence is sentenced to serve a category "B"
17 sentence, the category "A" sentence shall be interrupted, and
18 no further good time shall accrue against that sentence until
19 the category "B" sentence is completed.

20 EXPLANATION

21 This bill establishes two categories of sentences for
22 purposes of calculating the amount of time that an inmate's
23 term of confinement may be reduced for good behavior and makes
24 other changes relating to the accrual of good time.

25 Category "A" sentences are those sentences which are not
26 limited in the amount of good time that may accrue to reduce
27 the sentence. Life sentences are included in category "A"
28 sentences for administrative purposes so that, if the sentence
29 is commuted to a term of years, the department may reduce the
30 total term of years by any good time earned. Persons serving
31 category "A" sentences are eligible for a reduction in
32 sentence of one day for each day of good conduct and may be
33 eligible for an additional reduction in sentence of up to five
34 days per month if the person satisfactorily participates in
35 certain employment, treatment, or educational activities.

1 Category "B" sentences are those sentences which may only
2 be reduced by up to 15 percent for good behavior and includes
3 murder in the second degree under section 707.3, sexual abuse
4 in the second degree under section 709.3, kidnapping in the
5 second degree under section 710.3, and robbery in the first or
6 second degree under section 711.2 or 711.3. Persons serving
7 category "B" sentences are eligible for a reduction in
8 sentence equal to 15/85ths of a day for each day of good
9 conduct.

10 Time which elapses during an escape does not accrue for
11 purposes of calculating good time. Consecutive sentences that
12 are of the same category are to be construed as one continuous
13 sentence for purposes of calculating good time. If a person
14 is sentenced to serve sentences of both categories, the
15 category "B" sentences are to be served first and good time is
16 to be separately calculated for and applied to each category
17 of sentence. If a person is serving a category "A" sentence
18 and is then sentenced to serve a category "B" sentence, both
19 the category "A" sentence and the good time accrual for that
20 sentence are to be interrupted until the category "B" sentence
21 is completed.

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RATIONALE FOR CHANGE:

Recent amendments to the Code requiring certain offenders to serve 85% of their sentence has created conflicts within the existing statutes relating to good time. Problem areas include the calculation of good time when consecutive sentences are in place. Also under the current law, inmates serving an 85% sentence accumulate "good time" at the same rate as before, even though it does not shorten their sentence. This means that good time is no longer an incentive for good behavior because an inmate can earn all good time needed in a very short time.

HOUSE FILE 226

AN ACT

RELATING TO COMPUTATION OF TIME BY WHICH CRIMINAL SENTENCES MAY BE REDUCED FOR GOOD BEHAVIOR AND PROVIDING FOR LIMITED RETROACTIVE APPLICABILITY.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

Section 1. Section 901.8, Code 1997, is amended to read as follows:

901.8 CONSECUTIVE SENTENCES.

If a person is sentenced for two or more separate offenses, the sentencing judge may order the second or further sentence to begin at the expiration of the first or succeeding sentence. If a person is sentenced for escape under section 719.4 or for a crime committed while confined in a detention facility or penal institution, the sentencing judge shall order the sentence to begin at the expiration of any existing sentence. If the person is presently in the custody of the director of the Iowa department of corrections, the sentence shall be served at the facility or institution in which the person is already confined unless the person is transferred by the director. If Except as otherwise provided in section 903A.7, if consecutive sentences are specified in the order of commitment, the several terms shall be construed as one continuous term of imprisonment.

Sec. 2. Section 903A.2, Code 1997, is amended by striking the section and inserting in lieu thereof the following:

903A.2 GOOD TIME.

1. Each inmate committed to the custody of the director of the department of corrections is eligible for a reduction of sentence for good behavior in the manner provided in this section. For purposes of calculating the amount of time by which an inmate's sentence may be reduced, inmates shall be grouped into the following two sentencing categories:

a. Category "A" sentences are those sentences which are not subject to a maximum accumulation of good time of fifteen percent of the total sentence of confinement under section 902.12. To the extent provided in subsection 5, category "A" sentences also include life sentences imposed under section 902.1. An inmate of an institution under the control of the department of corrections who is serving a category "A" sentence is eligible for a reduction of sentence equal to one day for each day of good conduct while committed to one of the department's institutions. In addition, each inmate who is serving a category "A" sentence is eligible for an additional reduction of up to five days per month if the inmate participates satisfactorily in any of the following activities:

- (1) Employment in the institution.
- (2) Iowa state industries.
- (3) An employment program established by the director.
- (4) A treatment program established by the director.
- (5) An inmate educational program approved by the

director.

b. Category "B" sentences are those sentences which are subject to a maximum accumulation of good time of fifteen percent of the total sentence of confinement under section 902.12. An inmate of an institution under the control of the department of corrections who is serving a category "B" sentence is eligible for a reduction of sentence equal to fifteen eighty-fifths of a day for each day of good conduct by the inmate.

2. Good time earned pursuant to this section may be forfeited in the manner prescribed in section 903A.3.

3. Time served in a jail or another facility prior to actual placement in an institution under the control of the department of corrections and credited against the sentence by the court shall accrue for the purpose of reduction of sentence under this section. Time which elapses during an escape shall not accrue for purposes of reduction of sentence under this section.

4. Time which elapses between the date on which a person is incarcerated, based upon a determination of the board of parole that a violation of parole has occurred, and the date on which the violation of parole was committed shall not accrue for purposes of reduction of sentence under this section.

5. Good time accrued by inmates serving life sentences imposed under section 902.1 shall not reduce the life sentence, but shall be credited against the inmate's sentence if the life sentence is commuted to a term of years under section 902.2.

Sec. 3. Section 903A.7, Code 1997, is amended by striking the section and inserting in lieu thereof the following:

903A.7 SEPARATE SENTENCES.

Consecutive multiple sentences that are within the same category under section 903A.2 shall be construed as one continuous sentence for purposes of calculating reductions of sentence for good time. If a person is sentenced to serve sentences of both categories, category "B" sentences shall be served before category "A" sentences are served, and good time earned against the category "B" sentences shall not be used to reduce the category "A" sentences. If an inmate serving a category "A" sentence is sentenced to serve a category "B" sentence, the category "A" sentence shall be interrupted, and no further good time shall accrue against that sentence until the category "B" sentence is completed.

Sec. 4. RETROACTIVE APPLICABILITY. This Act shall apply retroactively to the computation of reductions in criminal sentences for good behavior for persons sentenced to category "B" sentences on or after July 1, 1996.

RON J. CORBETT
Speaker of the House

MARY E. KRAMER
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 226, Seventy-seventh General Assembly.

Approved May 7, 1997

ELIZABETH ISAACSON
Chief Clerk of the House

TERRY E. BRANSTAD
Governor