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**STATE OF IOWA**

**Senate Journal**

**THURSDAY, MARCH 6, 2003**

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# JOURNAL OF THE SENATE

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FIFTY-THIRD CALENDAR DAY  
THIRTY-SECOND SESSION DAY

Senate Chamber  
Des Moines, Iowa, Thursday, March 6, 2003

The Senate met in regular session at 8:34 a.m., President Kramer presiding.

Prayer was offered by the Reverend Doug Peters, pastor of the Walnut Hills United Methodist Church in Urbandale, Iowa. He was the guest of Senator Kramer.

The Journal of Wednesday, March 5, 2003, was approved.

## BILLS REFERRED TO COMMITTEE

Senator Iverson asked and received unanimous consent that **Senate Files 237** and **268** be referred from the Regular Calendar to the committee on **Ways and Means**.

## ADJOURNMENT

On motion of Senator Iverson, the Senate adjourned at 8:49 a.m. until 1:00 p.m. Monday, March 10, 2003.

## APPENDIX

### CERTIFICATES OF RECOGNITION

The Secretary of the Senate issued the following certificates of recognition:

Agnes Doty, Sioux City — For celebrating your 95th birthday on March 1, 2003. Senator Warnstadt (3/6/03).

Jerry Gadbois, Sioux City — For celebrating your 94th birthday on March 14, 2003. Senator Warnstadt (3/6/03).

George Naylor, Churdan — For being elected president of the National Family Farm Coalition. Senator Beall (3/6/03).

Erik Puls, Dubuque — For achieving the rank of Eagle Scout, Boy Scout Troop 22. Senator Connolly (3/6/03).

Cory Allen Weinschenk, Bellevue — For achieving the rank of Eagle Scout. Senator Stewart (3/6/03).

### REPORTS OF COMMITTEE MEETINGS

#### BUSINESS AND LABOR RELATIONS

**Convened:** March 5, 2003, 9:45 a.m.

**Members Present:** Schuerer, Chair; Lundby, Vice Chair; Dearden, Ranking Member; Courtney, Dotzler, Horn, Johnson, Kettering, McKibben, Seymour, and Wieck.

**Members Absent:** None.

**Committee Business:** Approved [SSB 1118](#) and presentation by the PER Board.

**Recessed:** 10:30 a.m.

**Reconvened:** March 6, 2003, 9:00 a.m.

**Adjourned:** 9:10 a.m.

#### APPROPRIATIONS SUBCOMMITTEE ON EDUCATION

**Convened:** March 5, 2003, 3:05 p.m.

**Members Present:** Schuerer, Chair; Boettger, Vice Chair; Horn, Ranking Member; Kibbie and Shull.

**Members Absent:** None.

**Committee Business:** Discussion regarding the subcommittee budget targets.

**Adjourned:** 3:40 p.m.

#### **APPROPRIATIONS SUBCOMMITTEE ON HEALTH AND HUMAN SERVICES**

**Convened:** March 5, 2003, 3:15 p.m.

**Members Present:** Hatch, Ranking Member; Bolkcom and Veenstra.

**Members Absent:** Tinsman, Chair; and Johnson, Vice Chair (both excused).

**Committee Business:** Presentations on the Medicaid Pharmaceutical Case Management program, the Child Care and Field Operations Support Units, and the Statewide Vision Screening program.

**Adjourned:** 5:00 p.m.

#### **APPROPRIATIONS SUBCOMMITTEE ON JUSTICE SYSTEM**

**Convened:** March 5, 2003, 3:05 p.m.

**Members Present:** Miller, Chair; Angelo, Vice Chair; Fraise, Ranking Member; Hosch and Kreiman.

**Members Absent:** None.

**Committee Business:** Discussion regarding the subcommittee budget bills for the judicial branch and the justice system.

**Adjourned:** 3:55 p.m.

#### **AGRICULTURE**

**Convened:** March 6, 2003, 2:05 p.m.

**Members Present:** Behn, Chair; Hosch, Vice Chair; Fraise, Ranking Member; Angelo, Black, Courtney, Gaskill, Houser, Kibbie, Putney, Ragan, Seng, Veenstra, and Zieman.

**Members Absent:** Johnson (excused).

**Committee Business:** Presentation by the ISU Dean of Agriculture.

**Adjourned:** 2:50 p.m.

#### **ECONOMIC GROWTH**

**Convened:** March 6, 2003, 1:05 p.m.

**Members Present:** Rehberg, Chair; Shull, Vice Chair; Hatch, Ranking Member; Beall, Boettger, McKinley, Putney, Seymour, Stewart, and Veenstra.

**Members Absent:** Dotzler, Larson, and Ragan (all excused).

**Committee Business:** Approved Governor's appointee.

**Adjourned:** 1:10 p.m.

#### **HUMAN RESOURCES**

**Convened:** March 6, 2003, 8:45 a.m.

**Members Present:** Veenstra, Chair; Seymour, Vice Chair; Ragan, Ranking Member; Behn, Boettger, Horn, Hosch, Kreiman, and McKinley.

**Members Absent:** Hatch, Holveck, Schuerer, and Tinsman (all excused).

**Committee Business:** Approved Governor's appointees.

**Adjourned:** 8:55 a.m.

#### **RULES AND ADMINISTRATION**

**Convened:** March 6, 2003, 8:50 a.m.

**Members Present:** Iverson, Chair; Kramer, Vice Chair; Gronstal, Ranking Member; Boettger, Courtney, Drake, Dvorsky, Gaskill, Putney, and Sievers.

**Members Absent:** Ragan (excused).

**Committee Business:** Passed [SCR 8](#), [SR 20](#), and [HCR 6](#).

**Adjourned:** 8:55 a.m.

#### **STATE GOVERNMENT**

**Convened:** March 6, 2003, 10:05 a.m.

**Members Present:** Zieman, Chair; Sievers, Vice Chair; Kibbie, Ranking Member; Black, Connolly, Courtney, Dearden, Drake, Johnson, Lamberti, Ragan, Schuerer, Shull, and Veenstra.

**Members Absent:** Tinsman (excused).

**Committee Business:** Passed SFs 196 and 199 and [HJR 3](#). Approved SSBs 1104 and 1114.

**Adjourned:** 10:45 a.m.

#### **APPROPRIATIONS SUBCOMMITTEE ON ADMINISTRATION AND REGULATION**

**Convened:** March 6, 2003, 3:05 p.m.

**Members Present:** Zieman, Chair; Sievers, Vice Chair; Holveck, Ranking Member; Rehberg and Stewart.

**Members Absent:** None.

**Committee Business:** Passed the subcommittee's appropriations bill.

**Adjourned:** 4:05 p.m.

## INTRODUCTION OF BILLS

**Senate File 299**, by Kreiman, a bill for an act relating to telephone solicitations, including establishing certain restrictions on telephone solicitors, providing for registration for persons choosing not to receive certain telephone solicitations, and providing penalties and remedies.

Read first time under Rule 28 and referred to committee on **Commerce**.

**Senate File 300**, by Rehberg, a bill for an act relating to the registration and regulation of off-highway vehicles, providing fees, and making penalties applicable.

Read first time under Rule 28 and referred to committee on **Natural Resources and Environment**.

**Senate File 301**, by Kreiman, a bill for an act requiring evidence of financial liability coverage for issuance or renewal of a driver's license.

Read first time under Rule 28 and referred to committee on **Transportation**.

**Senate File 302**, by Kreiman, a bill for an act requiring the department of human services to report annually concerning the costs and benefits of various contracted services under the medical assistance program.

Read first time under Rule 28 and referred to committee on **Human Resources**.

[Senate File 303](#), by Kreiman, a bill for an act relating to the contents of certain child abuse assessment reports.

Read first time under Rule 28 and referred to committee on **Human Resources**.

[Senate File 304](#), by Kreiman, a bill for an act relating to the delivery of curriculum via the internet by instructional personnel employed by an accredited postsecondary educational institution under a contract with a school district.

Read first time under Rule 28 and referred to committee on **Education**.

[Senate File 305](#), by Dvorsky, a bill for an act relating to the apportionment or transfer of a judgeship among judicial election districts.

Read first time under Rule 28 and referred to committee on **Judiciary**.

[Senate File 306](#), by Hatch, a bill for an act relating to the construction, location, and accessibility of storm shelters at manufactured home communities and mobile home parks.

Read first time under Rule 28 and referred to committee on **Local Government**.

[Senate File 307](#), by Beall and Kreiman, a bill for an act relating to telecommunication services, including creating restrictions for telephone solicitors and the use of telemarketing equipment, establishing registration for persons choosing not to receive certain telephone solicitations, establishing a private cause of action, requiring consumer notification of rights, providing for the establishment of fees, and providing penalties.

Read first time under Rule 28 and referred to committee on **Commerce**.

[Senate File 308](#), by Kreiman, a bill for an act relating to delegation of the duties of an engineer for certain public improvements by cities and counties.

Read first time under Rule 28 and referred to committee on **Local Government**.

[Senate File 309](#), by Kreiman, a bill for an act relating to non-English-speaking employees and their rights and remedies and creating the position of meatpacking worker rights coordinator.

Read first time under Rule 28 and referred to committee on **Business and Labor Relations**.

[Senate File 310](#), by Bolkcom, a bill for an act relating to the limitations in the use of moneys in the senior living trust fund and providing an effective date and providing for retroactive applicability.

Read first time under Rule 28 and referred to committee on **Human Resources**.

[Senate File 311](#), by Bolkcom, Dvorsky, Quirnbach, Dearden, Holveck, Hatch, Connolly, Horn, Kibbie, and Fraise, a bill for an act providing for the restoration of the right to vote for certain persons.

Read first time under Rule 28 and referred to committee on **State Government**.

[Senate File 312](#), by Warnstadt, a bill for an act implementing the federal Indian Child Welfare Act and providing an effective date.

Read first time under Rule 28 and referred to committee on **Human Resources**.

[Senate File 313](#), by committee on Business and Labor Relations, a bill for an act concerning public employee collective bargaining.

Read first time under Rule 28 and **placed on calendar**.

[Senate File 314](#), by committee on Education, a bill for an act relating to the establishment of a school infrastructure financing



program by providing for a local option school infrastructure sales tax and providing for the use of the revenues from the local option tax for school infrastructure or property tax relief purposes and including an effective date.

Read first time under Rule 28 and **placed on calendar.**

[Senate File 315](#), by committee on Transportation, a bill for an act relating to enforcement of motor vehicle law provisions and making penalties applicable.

Read first time under Rule 28 and **placed on calendar.**

[Senate File 316](#), by committee on Education, a bill for an act relating to the conduct and licensure of school employees by creating a criminal offense of sexual exploitation by a school employee, providing a penalty, authorizing the board of educational examiners to perform record checks at the applicant's expense, and requiring school districts and schools to report practitioner misconduct under certain circumstances.

Read first time under Rule 28 and **placed on calendar.**

[Senate File 317](#), by committee on Judiciary, a bill for an act relating to fraudulent use of a credit card, scanning device, or reencoder, and providing a penalty.

Read first time under Rule 28 and **placed on calendar.**

[Senate File 318](#), by committee on State Government, a bill for an act relating to the establishment of a bona fide retirement under the Iowa public employees' retirement system.

Read first time under Rule 28 and **placed on calendar.**

[Senate File 319](#), by committee on State Government, a bill for an act relating to certain alternative forms of county and city government by providing for county redistricting and representation, charter commission administration, application of various statutory requirements, the manner in which a charter may be proposed and adopted, amendment of a charter, the organization of the governing

body, and inclusions in a charter, making technical changes relating to the administration and authority of a city-county consolidated government and a community commonwealth, and including effective and applicability date provisions.

Read first time under Rule 28 and **placed on calendar.**

[Senate File 320](#), by Warnstadt, Courtney, Kreiman, Holveck, Dearden, Fraise, Seng, Quirnbach, Stewart, Dotzler, Ragan, Black, Kibbie, Gronstal, Connolly, Beall, Bolkcom, Horn, and Dvorsky, a bill for an act relating to group health coverage for members of the national guard or organized reserves of the armed forces of the United States.

Read first time under Rule 28 and referred to committee on **Commerce.**

[Senate File 321](#), by Tinsman and Ragan, a bill for an act requiring additional services to be included under the medical assistance program home and community-based services waiver for persons with mental retardation.

Read first time under Rule 28 and referred to committee on **Human Resources.**

[Senate File 322](#), by Houser, a bill for an act relating to providing financing to agricultural processors, providing for bonding authority, and providing an appropriation.

Read first time under Rule 28 and referred to committee on **Agriculture.**

[Senate File 323](#), by Beall, Warnstadt, Ragan, Bolkcom, Black, Kibbie, Horn, Connolly, Dvorsky, Hatch, Fraise, Dotzler, Courtney, Quirnbach, Kreiman, Stewart, Holveck, Gronstal, Seng, and Dearden, a bill for an act relating to the termination of a lease or rental agreement for a premises used as a dwelling by an Iowa national guard service member during state military service.

Read first time under Rule 28 and referred to committee on **Commerce.**

## STUDY BILLS RECEIVED

**SSB 1146**      **Judiciary**

Relating to landlords, tenants and actions for forcible entry or detention.

**SSB 1147**      **Commerce**

Relating to the marketing of motor vehicle fuel and making penalties applicable.

**SSB 1148**      **Commerce**

Relating to security interests in farm products, providing for fees and their expenditures, and provisions for the Act's applicability.

**SSB 1149**      **Human Resources**

Providing for premarital and marital mediation agreements.

**SSB 1150**      **Economic Growth**

Relating to animal biotechnology by creating an animal biotechnology commercialization fund, extending the time period during which a life science enterprise may purchase agricultural land, making appropriations, and providing an effective date.

**SSB 1151**      **Natural Resources and Environment**

Authorizing the natural resource commission to issue park user permits and collect fees for the use of state lands under its jurisdiction providing for writing fees, making an appropriations, providing civil and criminal penalties, and providing an effective date.

**SSB 1152**      **Commerce**

Relating to property insurance, including establishment of a mandatory plan to assure fair access to insurance requirements, and providing for an effective date and retroactive applicability.

## SUBCOMMITTEE ASSIGNMENTS

[Senate File 280](#)

HUMAN RESOURCES: Veenstra, Chair; Horn and Seymour

[Senate File 282](#)

TRANSPORTATION: Rehberg, Chair; Fraise and Zieman

[Senate File 283](#)

ECONOMIC GROWTH: McKinley, Chair; Hatch and Veenstra

[Senate File 285](#)

ECONOMIC GROWTH: Shull, Chair; Boettger and Dotzler

[Senate File 286](#)

ECONOMIC GROWTH: Shull, Chair; Dotzler and Larson

[Senate File 287](#)

ECONOMIC GROWTH: Shull, Chair; Dotzler and McKinley

[Senate File 290](#)

COMMERCE: Angelo, Chair; Warnstadt and Wieck

[Senate File 292](#)

HUMAN RESOURCES: Tinsman, Chair; Hatch and Schuerer

[Senate File 294](#)

STATE GOVERNMENT: Sievers, Chair; Ragan and Tinsman

[Senate File 295](#)

ECONOMIC GROWTH: Shull, Chair; Dotzler and Seymour

[Senate File 299](#)

COMMERCE: Angelo, Chair; Warnstadt and Wieck

[Senate File 307](#)

COMMERCE: Angelo, Chair; Warnstadt and Wieck

**House File 319**

COMMERCE: Behn, Chair; Sievers and Warnstadt

**SSB 1146**

JUDICIARY: Redfern, Chair; Larson and McCoy

**SSB 1147**

COMMERCE: Larson, Chair; Behn and Warnstadt

**SSB 1148**

COMMERCE: Behn, Chair; Sievers and Stewart

**SSB 1149**

HUMAN RESOURCES: Veenstra, Chair; Boettger and Ragan

**SSB 1150**

ECONOMIC GROWTH: Veenstra, Chair; Hatch and Putney

**SSB 1151**

NATURAL RESOURCES AND ENVIRONMENT: Houser, Chair; Johnson and Seng

**SSB 1152**

COMMERCE: Wieck, Chair; Angelo and McCoy

**COMMITTEE REPORTS****BUSINESS AND LABOR RELATIONS****Final Bill Action:** [SENATE FILE 313 \(SSB 1118\)](#), a bill for an act concerning public employee collective bargaining.**Recommendation:** APPROVED COMMITTEE BILL.**Final Vote:** Ayes, 6: Schuerer, Johnson, Kettering, McKibben, Seymour, and Wieck. Nays, 5: Lundby, Dearden, Courtney, Dotzler, and Horn. Absent, none.**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.**EDUCATION****Final Bill Action:** \*[SENATE FILE 314 \(SSB 1093\)](#), a bill for an act relating to the establishment of a school infrastructure financing program by providing for a local option school infrastructure sales tax and providing for the use of the revenues from

the local option tax for school infrastructure or property tax relief purposes and including an effective date.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 10: Boettger, McKinley, Connolly, Angelo, Beall, Behn, Brunkhorst, Hosch, Kreiman, and Rehberg. Nays, 5: Dvorsky, Holveck, Larson, Quirnbach, and Redfern. Absent, none.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

\*Pursuant to Senate Rule 40, the Legislative Service Bureau reported nonsubstantive changes to the members of the Education Committee on [Senate File 314](#), and they were attached to the committee report.

**ALSO:**

**Final Bill Action:** \*[SENATE FILE 316](#) (formerly [SF 169](#)), a bill for an act relating to the conduct and licensure of school employees by creating a criminal offense of sexual exploitation by a school employee, providing a penalty, authorizing the board of educational examiners to perform record checks at the applicant's expense, and requiring school districts and schools to report practitioner misconduct under certain circumstances.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 15: Boettger, McKinley, Connolly, Angelo, Beall, Behn, Brunkhorst, Dvorsky, Holveck, Hosch, Kreiman, Larson, Quirnbach, Redfern, and Rehberg. Nays, none. Absent, none.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

\*Pursuant to Senate Rule 40, the Legislative Service Bureau reported nonsubstantive changes to the members of the Education Committee on [Senate File 316](#), and they were attached to the committee report.

#### JUDICIARY

**Final Bill Action:** \*[SENATE FILE 317 \(SSB 1050\)](#), a bill for an act relating to fraudulent use of a credit card, scanning device, or reencoder, and providing a penalty.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 14: Redfern, Larson, Kreiman, Boettger, Fraise, Holveck, Horn, Kettering, Lamberti, McCoy, McKibben, Miller, Putney, and Quirnbach. Nays, none. Absent, 1: Tinsman.

**Fiscal Note:** REQUIRED UNDER JOINT RULE 17.

\*Pursuant to Senate Rule 40, the Legislative Service Bureau reported nonsubstantive changes to the members of the Judiciary Committee on [Senate File 317](#), and they were attached to the committee report.

**RULES AND ADMINISTRATION**

**Final Bill Action:** [SENATE CONCURRENT RESOLUTION 8](#), a concurrent resolution supporting the completion of U.S. Highway 20 across northern Iowa and requesting federal assistance.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 10: Iverson, Kramer, Gronstal, Boettger, Courtney, Drake, Dvorsky, Gaskill, Putney, and Sievers. Nays, none. Absent, 1: Ragan.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

**ALSO:**

**Final Bill Action:** [SENATE RESOLUTION 20](#), a resolution honoring the City of Clarinda on its sesquicentennial year.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 10: Iverson, Kramer, Gronstal, Boettger, Courtney, Drake, Dvorsky, Gaskill, Putney, and Sievers. Nays, none. Absent, 1: Ragan.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

**ALSO:**

**Final Bill Action:** [HOUSE CONCURRENT RESOLUTION 6](#), a concurrent resolution relating to the federal Medicare program and requesting assistance from the federal government.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 10: Iverson, Kramer, Gronstal, Boettger, Courtney, Drake, Dvorsky, Gaskill, Putney, and Sievers. Nays, none. Absent, 1: Ragan.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

**STATE GOVERNMENT**

**Final Bill Action:** [HOUSE JOINT RESOLUTION 3](#), a joint resolution proposing an amendment to the Constitution of the State of Iowa relating to the qualification of electors.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 13: Zieman, Sievers, Kibbie, Black, Connolly, Courtney, Dearden, Drake, Johnson, Ragan, Schuerer, Shull, and Veenstra. Nays, none. Absent, 2: Lamberti and Tinsman.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

**ALSO:**

**Final Bill Action:** [SENATE FILE 196](#), a bill for an act relating to rotation of judges' names on the ballots in certain counties.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 14: Zieman, Sievers, Kibbie, Black, Connolly, Courtney, Dearden, Drake, Johnson, Lamberti, Ragan, Schuerer, Shull, and Veenstra. Nays, none. Absent, 1: Tinsman.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

**ALSO:**

**Final Bill Action:** [SENATE FILE 318 \(SSB 1114\)](#), a bill for an act relating to the establishment of a bona fide retirement under the Iowa public employees' retirement system.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 13: Zieman, Sievers, Kibbie, Black, Connolly, Courtney, Dearden, Drake, Johnson, Ragan, Schuerer, Shull, and Veenstra. Nays, none. Absent, 2: Lamberti and Tinsman.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

**ALSO:**

**Final Bill Action:** [SENATE FILE 319 \(SSB 1104\)](#), a bill for an act relating to certain alternative forms of county and city government by providing for county redistricting and representation, charter commission administration, application of various statutory requirements, the manner in which a charter may be proposed and adopted, amendment of a charter, the organization of the governing body, and inclusions in a charter, making technical changes relating to the administration and authority of a city-county consolidated government and a community commonwealth, and including effective and applicability date provisions.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 13: Zieman, Sievers, Kibbie, Black, Connolly, Courtney, Dearden, Drake, Johnson, Ragan, Schuerer, Shull, and Veenstra. Nays, none. Absent, 2: Lamberti and Tinsman.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

**TRANSPORTATION**

**Final Bill Action:** \*[SENATE FILE 315 \(SSB 1041\)](#), a bill for an act relating to enforcement of motor vehicle law provisions and making penalties applicable.

**Recommendation:** APPROVED COMMITTEE BILL.



**Final Vote:** Ayes, 11: Drake, Putney, McCoy, Beall, Dearden, Houser, Kettering, Rehberg, Shull, Warnstadt, and Zieman. Nays, none. Absent, 2: Fraise and Johnson.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

\*Pursuant to Senate Rule 40, the Legislative Service Bureau reported nonsubstantive changes to the members of the Transportation Committee on [Senate File 315](#), and they were attached to the committee report.

**GOVERNOR'S APPOINTEE PLACED ON  
EN BLOC CALENDAR**

The following appointee, assigned to standing committee for investigation, was placed on the En Bloc Calendar with recommendation for confirmation:

**HUMAN RESOURCES**

Ruth White – Director of the Department of Human Rights

**GOVERNOR'S APPOINTEE PLACED ON  
INDIVIDUAL CONFIRMATION CALENDAR**

The following appointee, assigned to standing committee for investigation, was placed on the Individual Confirmation Calendar with recommendation for confirmation:

**ECONOMIC GROWTH**

Michael Blouin – Director of the Department of Economic Development