# SENATE JOURNAL

## ALASKA STATE LEGISLATURE

## TWENTY-SECOND LEGISLATURE -- SECOND SESSION

Juneau, Alaska

Thursday

March 28, 2002

## Seventy-fourth Day

Pursuant to adjournment the Senate was called to order by President Halford at 10:16 a.m.

The roll showed seventeen members present. Senators Davis, Hoffman, Lincoln were excused from a call of the Senate.

The prayer was offered by the Chaplain, Father Tom Moffatt of the St. Nicholas Russian Orthodox Church. Senator Cowdery moved and asked unanimous consent that the prayer be spread. Without objection, it was so ordered.

Let us pray to the Lord. Lord, have mercy. We ask this day that You remember and have mercy on the soul of the newly departed Edgar Paul Boyko. We thank You, O Master, Lover of Mankind, King of the Ages and Bestower of good things, Who destroys enmity and grants peace to the human race, and Who can grant peace to Your servants. Instill in them the fear of You and confirm in them love - one for the other. Extinguish every dispute and banish all temptation to anger. For You are our peace and to You we ascribe glory: to the Father, and to the Son and to the Holy Spirit, now and ever and unto ages of ages. Amen.

Senator Leman led the Senate in the Pledge of Allegiance.

## Certification

Senator Leman moved and asked unanimous consent that the journal for the seventy-third legislative day be approved as certified by the Secretary. Without objection, it was so ordered.

#### **Standing Committee Reports**

#### SB 263

The Judiciary Committee considered SENATE BILL NO. 263 "An Act relating to the subsequent acquisition of title to, or an interest in, real property by a person to whom the property has purportedly been granted in fee or fee simple; and providing for an effective date" and recommended it be replaced with

CS FOR SENATE BILL NO. 263(JUD) (forthcoming)

Signing do pass: Senator Taylor, Chair, Senators Ellis, Cowdery.

The following previously published fiscal information applies: Fiscal Note No. 1, zero, Senate Labor and Commerce Committee

The bill was referred to the Rules Committee.

## HB 40

The Judiciary Committee considered CS FOR HOUSE BILL NO. 40(FIN) "An Act providing for the revocation of driving privileges by a court for a driver convicted of a violation of traffic laws in connection with a fatal motor vehicle or commercial motor vehicle accident; amending Rules 43 and 43.1, Alaska Rules of Administration; and providing for an effective date" and recommended it be replaced with

SENATE CS FOR CS FOR HOUSE BILL NO. 40(JUD)

Signing do pass: Senator Taylor, Chair, Senators Cowdery, Ellis.

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Fiscal information forthcoming.

The bill was referred to the Finance Committee.

#### HB 157

The Judiciary Committee considered CS FOR HOUSE BILL NO. 157(JUD) am "An Act relating to trust companies and providers of fiduciary services; amending Rules 6 and 12, Alaska Rules of Civil Procedure, Rule 40, Alaska Rules of Criminal Procedure, Rules 204, 403, 502, 602, and 611, Alaska Rules of Appellate Procedure, and Rules 7.2 and 7.3, Alaska Rules of Professional Conduct; and providing for an effective date" and recommended it be replaced with

SENATE CS FOR CS FOR HOUSE BILL NO. 157(JUD) (forthcoming)

Signing do pass: Senator Taylor, Chair, Senators Ellis, Cowdery.

The following previously published fiscal information applies: Fiscal Note No. 2, zero, Department of Community and Economic Development

The bill was referred to the Rules Committee.

#### HB 298

The Resources Committee considered CS FOR HOUSE BILL NO. 298(L&C) "An Act relating to authorizing the Alaska Railroad Corporation to lease land for a period of up to 55 years." Signing do pass: Senator Torgerson, Chair, Senators Taylor, Stevens, Wilken, Elton, Halford.

The following previously published fiscal information applies:

Fiscal Note No. 1, zero, Department of Community and Economic Development

The bill was referred to the Finance Committee.

# 2556 SB 319

The Rules Committee considered SENATE BILL NO. 319 "An Act relating to shallow natural gas leasing; and providing for an effective date." Signing to calendar: Senator Phillips, Chair, Senators Cowdery, Therriault.

The bill is on today's calendar.

## **SJR 37**

The Rules Committee considered SENATE JOINT RESOLUTION NO. 37 Proposing an amendment to the Constitution of the State of Alaska relating to officers and employees of the executive branch. Signing to calendar: Senator Phillips, Chair, Senators Therriault, Halford, Cowdery. Signing under other recommendations: Senator Ellis.

The resolution is on today's calendar.

## **SJR 38**

The Rules Committee considered SENATE JOINT RESOLUTION NO. 38 Proposing amendments to the Constitution of the State of Alaska relating to information regarding proposed expenditures. Signing to calendar: Senator Phillips, Chair, Senators Therriault, Halford, Cowdery. Signing under other recommendations: Senator Ellis.

The resolution is on today's calendar.

### SCR 28

The Rules Committee considered SENATE CONCURRENT RESOLUTION NO. 28 Establishing the Joint Legislative Salmon Industry Task Force. Signing to calendar: Senator Phillips, Chair, Senators Cowdery, Therriault.

The resolution is on today's calendar.

#### **Consideration of the Calendar**

#### Second Reading of Senate Bills

#### SB 319

SENATE BILL NO. 319 "An Act relating to shallow natural gas leasing; and providing for an effective date" was read the second time.

Senator Kelly, Cochair, moved and asked unanimous consent for the adoption of the Finance Committee Substitute offered on page 2535. Without objection, CS FOR SENATE BILL NO. 319(FIN) "An Act relating to shallow natural gas; and providing for an effective date" was adopted and read the second time.

Senator Leman moved and asked unanimous consent that the bill be considered engrossed, advanced to third reading and placed on final passage. Without objection, it was so ordered.

CS FOR SENATE BILL NO. 319(FIN) was read the third time.

The question being: "Shall CS FOR SENATE BILL NO. 319(FIN) "An Act relating to shallow natural gas; and providing for an effective date" pass the Senate?" The roll was taken with the following result:

CSSB 319(FIN) Third Reading - Final Passage Effective Dates

#### YEAS: 17 NAYS: 0 EXCUSED: 3 ABSENT: 0

Yeas: Austerman, Cowdery, Donley, Ellis, Elton, Green, Halford, Kelly, Leman, Olson, Phillips, Stevens, Taylor, Therriault, Torgerson, Ward, Wilken

Excused: Davis, Hoffman, Lincoln

and so, CS FOR SENATE BILL NO. 319(FIN) passed the Senate.

Senator Leman moved and asked unanimous consent that the vote on the passage of the bill be considered the vote on the effective date clauses. Without objection, it was so ordered and the bill was referred to the Secretary for engrossment.

#### **Third Reading of Senate Bills**

**SB 180** 

CS FOR SENATE BILL NO. 180(FIN) was read the third time.

The question being: "Shall CS FOR SENATE BILL NO. 180(FIN) "An Act implementing pay differentials based on geographic areas for certain state employees and for members of the Alaska State Defense Force; relating to cost-of-living differentials for state aid to municipalities; and providing for an effective date" pass the Senate?" The roll was taken with the following result:

CSSB 180(FIN) Third Reading - Final Passage Effective Date

## YEAS: 14 NAYS: 3 EXCUSED: 3 ABSENT: 0

Yeas: Austerman, Cowdery, Donley, Green, Halford, Kelly, Leman, Phillips, Stevens, Taylor, Therriault, Torgerson, Ward, Wilken

Nays: Ellis, Elton, Olson

Excused: Davis, Hoffman, Lincoln

and so, CS FOR SENATE BILL NO. 180(FIN) passed the Senate.

Senator Leman moved and asked unanimous consent that the vote on the passage of the bill be considered the vote on the effective date clause. Without objection, it was so ordered.

Senator Ellis gave notice of reconsideration and moved and asked unanimous consent that the bill be available for reconsideration on April 2. Without objection, it was so ordered.

#### **Second Reading of Senate Resolutions**

#### **SJR 37**

SENATE JOINT RESOLUTION NO. 37 Proposing an amendment to the Constitution of the State of Alaska relating to officers and employees of the executive branch, was read the second time.

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Senator Leman moved and asked unanimous consent that the resolution be considered engrossed, advanced to third reading and placed on final passage. Senator Ellis objected.

The question being: "Shall the resolution be advanced to third reading?" The roll was taken with the following result:

SJR 37

Advance from Second to Third Reading?

YEAS: 14 NAYS: 3 EXCUSED: 3 ABSENT: 0

Yeas: Austerman, Cowdery, Donley, Green, Halford, Kelly, Leman, Phillips, Stevens, Taylor, Therriault, Torgerson, Ward, Wilken

Nays: Ellis, Elton, Olson

Excused: Davis, Hoffman, Lincoln

and so, the resolution failed to advance to third reading.

SENATE JOINT RESOLUTION NO. 37 will be on the April 2 calendar.

#### **SJR 38**

SENATE JOINT RESOLUTION NO. 38 Proposing amendments to the Constitution of the State of Alaska relating to information regarding proposed expenditures, was read the second time.

Senator Leman moved and asked unanimous consent that the resolution be considered engrossed, advanced to third reading and placed on final passage. Senator Ellis objected.

The question being: "Shall the resolution be advanced to third reading?" The roll was taken with the following result:

SJR 38 Advance from Second to Third Reading?

YEAS: 14 NAYS: 3 EXCUSED: 3 ABSENT: 0

Yeas: Austerman, Cowdery, Donley, Green, Halford, Kelly, Leman, Phillips, Stevens, Taylor, Therriault, Torgerson, Ward, Wilken

Nays: Ellis, Elton, Olson

Excused: Davis, Hoffman, Lincoln

and so, the resolution failed to advance to third reading.

SENATE JOINT RESOLUTION NO. 38 will be on the April 2 calendar.

#### SCR 28

SENATE CONCURRENT RESOLUTION NO. 28 Establishing the Joint Legislative Salmon Industry Task Force, was read the second time.

Senator Torgerson, Chair, moved and asked unanimous consent for the adoption of the Resources Committee Substitute offered on page 2341. Without objection, CS FOR SENATE CONCURRENT RESOLUTION NO. 28(RES) was adopted, read the second time and was before the Senate on final passage.

Senators Taylor, Halford, Stevens, Leman, Ellis, Elton, Cowdery, Donley, Ward, Kelly, Therriault, Olson, Torgerson moved and asked unanimous consent to be shown as cosponsors on the resolution. Without objection, it was so ordered.

The question being: "Shall CS FOR SENATE CONCURRENT RESOLUTION NO. 28(RES) Establishing the Joint Legislative Salmon Industry Task Force, pass the Senate?" The roll was taken with the following result:

CSSCR 28(RES) Second Reading - Final Passage

#### YEAS: 17 NAYS: 0 EXCUSED: 3 ABSENT: 0

Yeas: Austerman, Cowdery, Donley, Ellis, Elton, Green, Halford, Kelly, Leman, Olson, Phillips, Stevens, Taylor, Therriault, Torgerson, Ward, Wilken

Excused: Davis, Hoffman, Lincoln

and so, CS FOR SENATE CONCURRENT RESOLUTION NO. 28(RES) passed the Senate and was referred to the Secretary for engrossment.

### **Reconsideration of Senate Resolutions**

#### **SCR 29**

Senator Elton requested that the reconsideration on SENATE CONCURRENT RESOLUTION NO. 29 be taken up. The resolution was before the Senate on reconsideration.

The question to be reconsidered: "Shall SENATE CONCURRENT RESOLUTION NO. 29 Relating to urging the Governor to institute a hiring freeze on state government, pass the Senate?" The roll was taken with the following result:

SCR 29 Second Reading - Final Passage On Reconsideration

## YEAS: 14 NAYS: 3 EXCUSED: 3 ABSENT: 0

Yeas: Austerman, Cowdery, Donley, Green, Halford, Kelly, Leman, Phillips, Stevens, Taylor, Therriault, Torgerson, Ward, Wilken

Nays: Ellis, Elton, Olson

Excused: Davis, Hoffman, Lincoln

and so, SENATE CONCURRENT RESOLUTION NO. 29 passed the Senate on reconsideration and was referred to the Secretary for engrossment.

#### Citations

Senator Leman moved and asked unanimous consent that the following citation be made a special order of business. Without objection, it was so ordered.

### **Special Order of Business**

In Memoriam – Edgar Paul Boyko Senator(s) Halford, Ward, Leman, Wilken, Green, Kelly, Taylor, Austerman, Lincoln, Davis, Elton Senator Leman moved and asked unanimous consent that the citation be adopted. Without objection, the citation was adopted and referred to the Secretary for transmittal.

## **Unfinished Business**

Senator Elton moved and asked unanimous consent to be excused from a call of the Senate on April 4. Without objection, Senator Elton was excused.

#### **SB 308**

The reconsideration on CS FOR SENATE BILL NO. 308(FIN) "An Act relating to the Alaska coastal management program and the responsibilities of the Alaska Coastal Policy Council; and providing for an effective date" was not taken up this legislative day and the bill was referred to the Secretary for engrossment.

#### Announcements

Announcements are at the end of the journal.

### Engrossment

#### **SB 308**

CS FOR SENATE BILL NO. 308(FIN) "An Act relating to the Alaska coastal management program and the responsibilities of the Alaska Coastal Policy Council; and providing for an effective date" was engrossed, signed by the President and Secretary and transmitted to the House for consideration.

### SB 319

CS FOR SENATE BILL NO. 319(FIN) "An Act relating to shallow natural gas; and providing for an effective date" was engrossed, signed by the President and Secretary and transmitted to the House for consideration.

#### **SCR 28**

CS FOR SENATE CONCURRENT RESOLUTION NO. 28(RES) Establishing the Joint Legislative Salmon Industry Task Force, was engrossed, signed by the President and Secretary and transmitted to the House for consideration.

#### SCR 29

SENATE CONCURRENT RESOLUTION NO. 29 Relating to urging the Governor to institute a hiring freeze on state government, was engrossed, signed by the President and Secretary and transmitted to the House for consideration.

#### Enrollment

#### **SCR 23**

SENATE CONCURRENT RESOLUTION NO. 23 am H Relating to declaring April 6, 2002, as Alaska Tartan Day, was enrolled, signed by the President and Secretary, Speaker and Chief Clerk and the engrossed and enrolled copies transmitted to the Office of the Governor at 2:18 p.m., March 28, 2002.

#### Adjournment

Senator Leman moved and asked unanimous consent that the Senate stand in adjournment until 11:00 a.m., April 2, 2002. Without objection, the Senate adjourned at 10:45 a.m.

Heidi Vogel Secretary of the Senate

March 2002

#### Announcements

Americans with Disabilities Act Notice - Persons with disabilities who require special accommodation or alternative communication formats to access committee meetings may contact the appropriate committee office or the Legislative Information Office in their community. Reasonable advance notice is needed to accommodate the request. For further information, call the ADA Coordinator at 465-3854 Voice/465-4980 TDD.

## STANDING COMMITTEES

+ indicates teleconference

= indicates bill previously heard/scheduled

#### **COMMUNITY & REGIONAL AFFAIRS**

Mar 29	Friday No Meeting Scheduled	Fahrenkamp 203	1:30 PM
Apr 01	Monday No Meeting Scheduled	Fahrenkamp 203	1:30 PM
Apr 03	Wednesday Location Change	Senate Finance 532	1:30 PM
+	Joint w/(S)Health, Educ Services Statewide School Safety School Closure, Kivalin	//McQueen	

Apr 05	Friday	Fahrenkamp 203	1:30 PM
	No Meeting Scheduled		

#### FINANCE

Ma	ır 28	Thursday	Senate Finance 532	9:30 AM
		Meeting Canceled		
=	HB 359	SUPPLEMENTAL APP	ROP TOURISM MARKETI	NG
		<pending referral=""></pending>		

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# FINANCE (Continued)

Ap = = = =	SB 59 SB 140	PROBATION AND PA CONTROL OF NUISAN FEDERAL FUNDS TO SMALL WATER-POW	ROLE FEES NCE WILD ANIMALS MUNICIPALITIES FOR RO ER DEVELOPMENT PROJE IARKETING INSTITUTE/TA Scheduled	CTS
Ар =				NC
Ар	r 04 HB 298	<b>Thursday</b> LEGISLATIVE APPRO	Senate Finance 532 WAL OF RAILROAD LEAS	

- HB 58 UNEMPLOYMENT COMPENSATION BENEFITS
  - Bills Previously Heard/Scheduled -- Teleconference Upon Request --

## HEALTH, EDUCATION & SOCIAL SERVICES

Apr 01	Monday No Meeting Scheduled	Butrovich 205	1:30 PM
Apr 03	Wednesday Location Change	Senate Finance 532	1:30 PM
+	Joint w/(S) Community Statewide School Safety Closure, Kivalina Above Item Reschedu	//McQueen School	

# HEALTH, EDUCATION & SOCIAL SERVICES (Continued)

Apr 17	Wednesday	House Finance 519	1:00 PM	
+	Joint w/(H) Health, Ed	lucation and Social		
	Services, (H) Finance, (H) Special			
	Committee on Educat	ion		
	Standards-Based Educ	cation		
	Gates Foundations' Co	ontributions to		
	Education in Alaska			
	Baldrige Plan used by	Chugach Schools		
	-	-		

## JUDICIARY

Mar 29	Friday No Meeting Scheduled	Beltz 211	1:30 PM
Apr 01	<b>Monday</b> No Meeting Scheduled	Beltz 211	1:30 PM
Apr 03	Wednesday No Meeting Scheduled	Beltz 211	1:30 PM
Apr 05	Friday No Meeting Scheduled	Beltz 211	1:30 PM

## **LABOR & COMMERCE**

Mar 28	Thursday	Beltz 211	1:30 PM
+	Confirmation Hearings:		
	AK State Board of Public Accountation	ncy	
	Alcoholic Beverage Control Board		
	Architects, Engineers and Land Surv	veyors	
	Board of Barbers and Hairdressers		
	Board of Chiropractic Examiners		
	AK Workers' Compensation Board		
+= HB 212	WORKERS' COMP: CONTRACTO	RS & SUBCONT	RACTOR
	Bills Previously Heard/Scheduled		

# LABOR & COMMERCE (Continued)

Apr 02		Beltz 211	1:30 PM
+= HB 389	MUNI TAX EXEMPTION:		OPERTY
	Above Item Rescheduled f		
	COMMON INTEREST OW		STMTS
+ HB 306	EUTHANASIA FOR DOME		
+	Bills Previously Heard/Sched	luled	
Apr 04	Thursday	Beltz 211	1:30 PM
+	Confirmation Hearings:		
	AK Labor Relations Agency		
	Board of Marine Pilots		
	Certified Real Estate Apprais	sers	
	Real Estate Commission		
	Regulatory Commission of A	laska	
HB 389	MUNI TAX EXEMPTION:	DETERIORATED PRO	OPERTY
	<above item="" rescheduled="" th="" to<=""><th>4/2/02&gt;</th><th></th></above>	4/2/02>	
+ HB 355	MOBILE TELECOMMUNI	CATIONS TAX	
	<pending referral=""></pending>		
+	Bills Previously Heard/Sched	luled	
Apr 09	Tuesday Ser	nate Finance 532	1:30 PM
	Location Change		
	Joint w/(H)		
+	Nursing Workforce Issues Fc	orum	
+	Bills Previously Heard/Sched	luled	

# RESOURCES

Mar 29	Friday No Meeting Scheduled	Butrovich 205	3:30 PM
Apr 01	<b>Monday</b> No Meeting Scheduled	Butrovich 205	3:30 PM

# **RESOURCES (Continued)**

Apr 03	Wednesday	Butrovich 205	3:30 PM
SB 219	FED/STATE NAVIGABLE	WATERS COMMISS	ION
SB 353	AGRICULT. PROG.COORI	DINATOR/ANIMAL I	FEED
SB 354	PRICES PAID BY MILK PI	ROCESSING PLANTS	5
SB 356	GENERAL PERMIT FOR V	VATER / WASTE DIS	SPOSAL
HJR 44	ALASKA NATURAL GAS	PIPELINE ROUTE	
	Bills Previously Heard/Sche	duled	
Apr 05	Friday No Meeting Scheduled	Butrovich 205	3:30 PM

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# RULES

Mar 28	Thursday	Fahrenkamp 203	8:30 AM
	Time Change		
SB 182	PRO RATA REDUCTIO	NS IN BENEFIT PROGRA	AMS
SB 270	BOARD OF DISPENSIN	IG OPTICIANS	
SB 279	SPORT FISH LICENSES	S FOR 9/11 RESPONDERS	5
SB 299	WORKERS' COMPENS	ATION BOARD PANELS	
SB 319	SHALLOW NATURAL	GAS: LEASING & DISCH	IARGES
SCR 28	JOINT LEGIS SALMON	INDUSTRY TASK FOR	CE
Apr 03	Wednesday	Fahrenkamp 203	10:30 AM
SB 205	CONTROL OF NUISAN	ICE WILD ANIMALS	
	<pending referral=""></pending>		
SB 220	SCOPE OF PRACTICE	OF HAIRDRESSING	
SB 342	LONG TERM CARE ON	ABUDSMAN	

Mar 28	Thursday	Beltz 211	3:30 PM
	No Meeting Scheduled		

# **STATE AFFAIRS (Continued)**

= = =	HB 162 HB 262 HB 331 HJR 30	<b>Tuesday</b> ABSENCES UNDER LONGE BUILDING SAFETY ACCOU PRESENTMENT OF GOVER DESECRATION OF U.S. FLA SEPT 11 DAY OF REMEMBI Bills Previously Heard/Schedu	JNT NOR'S APPOINTEES AG RANCE	
-	r 04		Beltz 211	3:30 PM
=	SB 159 SJR 43	Bills Previously Heard/Schedu	MENTS ON FED PRC led 	OGRAMS
		TRANSPORTA	TION	
Ma	r 28	Thursday No Meeting Scheduled	Butrovich 205	1:30 PM
Ар	r 02	Tuesday No Meeting Scheduled	Butrovich 205	1:30 PM
Арі =		Thursday ELECTRIC PERSONAL VEH MOTOR VEHICLE REPAIRS Bills Previously Heard/Schedu		

## FINANCE SUBCOMMITTEES

## COMMUNITY AND ECONOMIC DEVELOPMENT

Apr 04	Thursday Department Closeout	Senate Finance 532	3:30 PM
Apr 09	<b>Tuesday</b> Department Closeout	Senate Finance 532	3:30 PM

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# FINANCE SUBCOMMITTEES (Continued)

# COURT SYSTEM

Apr 03	Wednesday	Terry Miller 104	8:00 AM
	EDUCATION & EA	RLY DEVELOPMENT	
Apr 04	Thursday Overview: FY03 Opera Karen Rehfeld, Educati Director, Dept of Ed &	on Support Services	7:30 AM
	ENVIRONMENTA	L CONSERVATION	
Apr 02	<b>Tuesday</b> Dept of Environmental Operating Budget Over		1:00 PM
	FISH &	& GAME	
Apr 03	Wednesday Department Closeout	Senate Finance 532	3:30 PM
Apr 10	Wednesday Department Closeout	Senate Finance 532	3:30 PM
	L	AW	
Apr 03	Wednesday	Terry Miller 104	5:30 PM

# FINANCE SUBCOMMITTEES (Continued)

## REVENUE

Mar 28	<b>Thursday</b> Alaska Housing Finance Continued from 3/27/	1 0	8:30 AM
Mar 28	<b>Thursday</b> Meeting Canceled Revenue Operating Bud	Senate Finance 532 get Closeout	10:00 AM
Apr 02	Tuesday Revenue Operating Bud 		9:00 AM ES

Mar 28	Thursday	Beltz 211	8:00 AM
	Location Change		
	Overview: DOT/PF FY03 Budget Request		

## JOINT COMMITTEES

## **LEGISLATIVE BUDGET & AUDIT**

Apr 08	Monday	House Finance 519	12:00 PM	

## **OMBUDSMAN SELECTION COMMITTEE**

Apr 02	Tuesday	Butrovich 205	5:00 PM

## SELECT CMTE ON LEGISLATIVE ETHICS

Apr 09	Tuesday	Fahrenkamp 203	3:30 PM
+	Public Comment	_	
	Committee Members and Officers		
	Review of State Benefit & Loan Programs		
	Staff Reports, Late Disclosures		
	Advisory Opinion 02-01		

## **OTHER MEETINGS**

## CHILDREN'S CAUCUS

Apr 02 +	<b>Tuesday</b> Smart Start/Strong Future	Fahrenkamp 203	12:00 PM
<b>Apr 09</b>	<b>Tuesday</b>	Fahrenkamp 203	12:00 PM
+	Child Abuse Prevention N	etwork	