

SENATE JOURNAL
ALASKA STATE LEGISLATURE
TWENTY-FIFTH LEGISLATURE
SECOND SESSION

Juneau, Alaska

Tuesday

March 18, 2008

Sixty-fourth Day

Pursuant to adjournment the Senate was called to order by President Green at 10:47 a.m.

The roll showed twenty members present.

The prayer was offered by the Chaplain, Pastor Tom Matthews of Douglas Island Bible Church. Senator Hoffman moved and asked unanimous consent that the prayer be spread. Without objection, it was so ordered.

Dear Lord,

Your Word tells us that you are an ever present help in the time of need. With that confidence and hope, I bring this body before you in prayer.

Thank you for your grace! That unmerited favor that only you can bestow on those who would call on you for help. I thank you Lord also for your mercy, that you withhold judgment that is so often deserved. I thank you for your love, that all-encompassing agape love, a love that knows no limits, that is freely offered to those who would receive it.

Lord, I also want to thank you for your gift of this great land of Alaska. We have the privilege of living in one of the most glorious areas of your creation. I pray that you would guide this body and the rest of our state government in making decisions that will help preserve this gift, Alaska, and its resources for the generations to come.

Thank you for the freedoms we enjoy as citizens of this great country. Thank you for the system of government that we have in place, a system that demands the voice of its people, rather than ignoring their pleas.

May this body be granted wisdom and discernment in all they discuss today. In the name of Jesus Christ I lift this prayer. Amen.

Senator Hoffman led the Senate in the Pledge of Allegiance.

Certification

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

Recess

Senator Ellis moved and asked unanimous consent that the Senate stand in recess to the Joint Session. Without objection, the Senate recessed at 10:55 a.m.

After Recess

Joint Session in the House

Speaker Harris called the House to order and in accordance with Uniform Rule 51 turned the gavel over to President Green, who called the Joint Session to order at 11:08 a.m.

The purpose of the Joint Session was to hear an address by the Honorable U.S. Senator Lisa Murkowski.

Senator Ellis moved and asked unanimous consent that the roll call of the Senate be waived and all members be shown as present. Without objection, it was so ordered.

Representative Samuels moved and asked unanimous consent that the roll call of the House be waived and all members be shown as present. Without objection, it was so ordered.

President Green appointed Representative Nelson and Senator McGuire to escort Senator Murkowski to the Joint Session.

The Senate Sergeant at Arms, Gary Stambaugh, announced Senator Murkowski's entrance to the House Chamber.

The Honorable Lisa Murkowski was escorted to the rostrum and welcomed by President Green.

Senator Murkowski delivered her address. This address appears in Senate and House Joint Journal Supplement No. 15.

Following her address, there was a question and answer period. Senator Lisa Murkowski received a standing ovation and was escorted from the chamber by Senator McGuire and Representative Nelson.

Senator Ellis moved and asked unanimous consent that the Joint Session stand in adjournment. Without objection, President Green adjourned the Joint Session at 12:03 p.m.

After Recess

In the Senate

The Senate reconvened at 12:47 p.m.

Messages from the House

SB 125

Message dated March 17 was read, stating the House has adopted the report of the Free Conference Committee considering CS FOR SENATE BILL NO. 125(FIN) and HOUSE CS FOR CS FOR SENATE BILL NO. 125(FIN), thus adopting:

FREE CONFERENCE CS FOR SENATE BILL NO. 125 "An Act relating to the accounting and payment of contributions under the retirement plans of the Public Employees' Retirement System of Alaska and the Teachers' Retirement System, to calculations of contributions under those retirement plans, and to participation in, and termination of and amendments to participation in, the defined benefit plans of those systems; relating to recovery of an award of damages or other recovery by those systems; relating to employer contributions to the health reimbursement arrangement plan; relating to participation in the public employees' defined contribution plan by certain elected officials; making conforming amendments; and providing for an effective date."

The Senate adopted FREE CONFERENCE CS FOR SENATE BILL NO. 125 on March 14 (page 2204).

The bill was referred to the Secretary for engrossment and enrollment.

Message dated March 17 was read, stating the House passed and transmitted for consideration:

First Reading and Reference of House Bills

HB 193

CS FOR HOUSE BILL NO. 193(STA) BY THE HOUSE STATE AFFAIRS COMMITTEE, entitled:

"An Act relating to the composition of the Alaska Police Standards Council; and providing for an effective date."

was read the first time and referred to the State Affairs Committee.

HB 295

HOUSE BILL NO. 295 BY REPRESENTATIVE LYNN, entitled:

"An Act relating to the filing or recording of documents and records with the Department of Natural Resources, to the inspection and copying of

filed and recorded documents, and to the filing of secured transaction records under the Uniform Commercial Code; and providing for an effective date."

was read the first time and referred to the Labor and Commerce Committee.

HB 330

CS FOR HOUSE BILL NO. 330(RES) BY THE HOUSE RESOURCES COMMITTEE, entitled:

"An Act relating to noxious weed, invasive plant and agricultural pest management and education; and providing for an effective date."

was read the first time and referred to the Resources and Finance Committees.

HB 370

CS FOR HOUSE BILL NO. 370(RES) BY THE HOUSE RESOURCES COMMITTEE, entitled:

"An Act relating to forested land management and protection from wildland fire and other destructive agents; changing the term 'forest fire' to 'wildland fire' where it appears in the Alaska Statutes; and providing for an effective date."

was read the first time and referred to the Resources Committee.

Concur Messages**SB 256**

Message received at 10:45 a.m., March 18 was read, stating the House passed and returned for consideration CS FOR SENATE BILL NO. 256(FIN) am(efd fld) "An Act making supplemental appropriations, capital appropriations, reappropriations, and other appropriations; making an appropriation to the senior benefits payment program;

amending certain appropriations; ratifying certain expenditures; and making appropriations to capitalize funds" with the following amendments:

HOUSE CS FOR CS FOR SENATE BILL NO. 256(FIN) am H "An Act making supplemental appropriations, capital appropriations, reappropriations, and other appropriations; making an appropriation to the senior benefits payment program; amending certain appropriations; ratifying certain expenditures; making appropriations to capitalize funds; and providing for an effective date." (technical title change)

Senator Ellis moved that the Senate concur in the House amendments.

The question being: "Shall the Senate concur in the House amendments?" The roll was taken with the following result:

HCS CSSB 256(FIN) am H
Shall the Senate Concur in the House Amendments
to CSSB 256(FIN) am(efd fld)? Effective Dates

YEAS: 15 NAYS: 5 EXCUSED: 0 ABSENT: 0

Yeas: Cowdery, Davis, Ellis, Elton, French, Green, Hoffman, Huggins, Kookesh, McGuire, Olson, Stedman, Stevens, Thomas, Wielechowski

Nays: Bunde, Dyson, Therriault, Wagoner, Wilken

and so, the Senate concurred in the House amendments, thus adopting HOUSE CS FOR CS FOR SENATE BILL NO. 256(FIN) am H "An Act making supplemental appropriations, capital appropriations, reappropriations, and other appropriations; making an appropriation to the senior benefits payment program; amending certain appropriations; ratifying certain expenditures; making appropriations to capitalize funds; and providing for an effective date."

Senator Ellis moved and asked unanimous consent that the vote on concurrence be considered the vote on the effective date clauses. Without objection, it was so ordered.

The Secretary was requested to notify the House.

The bill was referred to the Secretary for enrollment.

Standing Committee Reports

Reports dated March 17 were read, stating:

In accordance with AS 39.05.080, the Resources Committee reviewed the following and recommends the appointments be forwarded to a joint session for consideration:

Board of Game

Lewis D. "Lew" Bradley

Craig L. Fleener

Ted H. Spraker

This does not reflect an intent by any of the members to vote for or against the confirmation of the individuals during any further sessions.

Signing the reports: Senator Huggins, Chair; Senators Wielechowski, Stevens, Green.

SB 214

The Resources Committee considered SENATE BILL NO. 214 "An Act relating to big game hunting by nonresident members of the military service and their dependents; and providing for an effective date" and recommended it be replaced with

CS FOR SENATE BILL NO. 214(RES) "An Act relating to hunting licenses and tags for nonresident members of the military service and their dependents; and providing for an effective date."

Signing do pass: Senator Huggins, Chair; Senators Stevens, McGuire, Green. Signing no recommendation: Senator Wielechowski.

The following fiscal information was published today:

Fiscal Note No. 1, Department of Fish and Game

President Green added a Finance Committee referral to the bill.

The bill was referred to the Finance Committee.

SB 293

The Judiciary Committee considered SENATE BILL NO. 293 "An Act relating to electronic communication devices and to personal information" and recommended it be replaced with

CS FOR SENATE BILL NO. 293(JUD) "An Act relating to electronic communication devices and to personal information and making certain violations related to electronic communication devices unfair trade practices."

Signing no recommendation: Senator French, Chair; Senators Therriault, Wielechowski. Signing do pass: Senator McGuire.

The following previously published fiscal information applies:
Fiscal Note No. 1, zero, Department of Law

The bill was referred to the Rules Committee.

Consideration of the Calendar**Second Reading of Senate Bills****SB 209**

SENATE BILL NO. 209 "An Act extending the termination date of the Alaska Commission on Aging; and providing for an effective date" was read the second time.

Senator Ellis 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.

SENATE BILL NO. 209 was read the third time.

The question being: "Shall SENATE BILL NO. 209 "An Act extending the termination date of the Alaska Commission on Aging; and providing for an effective date" pass the Senate?" The roll was taken with the following result:

SB 209

Third Reading - Final Passage

Effective Date

YEAS: 20 NAYS: 0 EXCUSED: 0 ABSENT: 0

Yeas: Bunde, Cowdery, Davis, Dyson, Ellis, Elton, French, Green, Hoffman, Huggins, Kookesh, McGuire, Olson, Stedman, Stevens, Therriault, Thomas, Wagoner, Wielechowski, Wilken

and so, SENATE BILL NO. 209 passed the Senate.

Senator Ellis 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 and the bill was referred to the Secretary for engrossment.

SB 249

SENATE BILL NO. 249 "An Act establishing the Alaska capstone avionics revolving loan fund and relating to the fund; and providing for an effective date" was read the second time.

Senator Ellis 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.

SENATE BILL NO. 249 was read the third time.

The question being: "Shall SENATE BILL NO. 249 "An Act establishing the Alaska capstone avionics revolving loan fund and relating to the fund; and providing for an effective date" pass the Senate?" The roll was taken with the following result:

SB 249

Third Reading - Final Passage

Effective Dates

YEAS: 20 NAYS: 0 EXCUSED: 0 ABSENT: 0

Yeas: Bunde, Cowdery, Davis, Dyson, Ellis, Elton, French, Green, Hoffman, Huggins, Kookesh, McGuire, Olson, Stedman, Stevens, Therriault, Thomas, Wagoner, Wielechowski, Wilken

and so, SENATE BILL NO. 249 passed the Senate.

Senator Ellis 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.

Second Reading of Senate Resolutions

SJR 17

SENATE JOINT RESOLUTION NO. 17 Urging the United States Congress to provide a means for consistently sharing, on an ongoing basis, revenue generated from oil and gas development on the outer continental shelf with all coastal energy-producing states to ensure that those states develop, support, and maintain necessary infrastructure and preserve environmental integrity, was read the second time.

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

SENATE JOINT RESOLUTION NO. 17 was read the third time.

Senators French, Dyson, Thomas, Wagoner, Bunde, Therriault, McGuire, Wilken, Stedman, Elton, Hoffman, Ellis, Green, Olson moved and asked unanimous consent to be shown as cosponsors on the resolution. Without objection, it was so ordered.

The question being: "Shall SENATE JOINT RESOLUTION NO. 17 Urging the United States Congress to provide a means for consistently sharing, on an ongoing basis, revenue generated from oil and gas

development on the outer continental shelf with all coastal energy-producing states to ensure that those states develop, support, and maintain necessary infrastructure and preserve environmental integrity, pass the Senate?" The roll was taken with the following result:

SJR 17

Third Reading - Final Passage

YEAS: 20 NAYS: 0 EXCUSED: 0 ABSENT: 0

Yeas: Bunde, Cowdery, Davis, Dyson, Ellis, Elton, French, Green, Hoffman, Huggins, Kookesh, McGuire, Olson, Stedman, Stevens, Therriault, Thomas, Wagoner, Wielechowski, Wilken

and so, SENATE JOINT RESOLUTION NO. 17 passed the Senate and was referred to the Secretary for engrossment.

Citations

Honoring – Salvation Army Serendipity Adult Day Center

Representative(s) Cissna

Senator(s) Davis, Green, Bunde, Cowdery, Dyson, Ellis, Elton, Hoffman, Huggins, Kookesh, McGuire, Olson, Stedman, Stevens, Therriault, Thomas, Wagoner, Wielechowski, Wilken

In Memoriam – Robert "Robbie" Allan King

Senator(s) Stevens, Green, Bunde, Cowdery, Davis, Dyson, Ellis, Elton, Hoffman, Huggins, Kookesh, McGuire, Olson, Stedman, Therriault, Thomas, Wagoner, Wielechowski, Wilken

Representative(s) LeDoux

In Memoriam – Roy James Evans, Jr.

Senator(s) Stevens, Green, Bunde, Cowdery, Davis, Dyson, Ellis, Elton, Hoffman, Huggins, Kookesh, McGuire, Olson, Stedman, Therriault, Thomas, Wagoner, Wielechowski, Wilken

Representative(s) Seaton

In Memoriam – Kent A. Lindsey

Representative(s) Seaton

Senator(s) Stevens, Green, Bunde, Cowdery, Davis, Dyson, Ellis, Elton, Hoffman, Huggins, Kookesh, McGuire, Olson, Stedman, Therriault, Thomas, Wagoner, Wielechowski, Wilken

In Memoriam – Daniel Alex

Representative(s) Stoltze, Fairclough

Senator(s) Huggins, Dyson, Green, Bunde, Cowdery, Davis, Ellis, Elton, Hoffman, Kookesh, McGuire, Olson, Stedman, Stevens, Therriault, Thomas, Wagoner, Wielechowski, Wilken

In Memoriam – Helen Oleta Griffin Gwin

Representative(s) Seaton

Senator(s) Stevens, Green, Bunde, Cowdery, Davis, Dyson, Ellis, Elton, Hoffman, Huggins, Kookesh, McGuire, Olson, Stedman, Therriault, Thomas, Wagoner, Wielechowski, Wilken

Senator Ellis moved and asked unanimous consent that the citations be adopted. Without objection, the citations were adopted and referred to the Secretary for transmittal.

Unfinished Business

Senator McGuire moved and asked unanimous consent to be excused from a call of the Senate from March 21 through March 24 and from April 22 through April 27. Without objection, Senator McGuire was excused.

Senator Wielechowski moved and asked unanimous consent to be excused from a call of the Senate on March 24 to morning plane time. Without objection, Senator Wielechowski was excused.

Senator Bunde moved and asked unanimous consent to be excused from a call of the Senate from evening plane time, March 20 through morning plane time, March 24. Without objection, Senator Bunde was excused.

Senator Wagoner moved and asked unanimous consent to amend a prior excusal (page 2229) in order be excused from a call of the Senate from March 20 through March 24. Without objection, Senator Wagoner was excused.

Senator Huggins moved and asked unanimous consent to be excused from a call of the Senate from plane time, March 21 through evening plane time, March 23. Without objection, Senator Huggins was excused.

SB 293

Senator Therriault moved and asked unanimous consent to be shown as a cosponsor on SENATE BILL NO. 293 "An Act relating to electronic communication devices and to personal information." Without objection, it was so ordered.

SCR 19

The reconsideration on SPONSOR SUBSTITUTE FOR SENATE CONCURRENT RESOLUTION NO. 19 Relating to implementation of the recommendations of the Governor's Summit on Early Learning, was not taken up this legislative day and the resolution was referred to the Secretary for engrossment.

Announcements

Announcements are at the end of the journal.

Engrossment**SB 209**

SENATE BILL NO. 209 "An Act extending the termination date of the Alaska Commission on Aging; and providing for an effective date" was engrossed, signed by the President and Secretary and transmitted to the House for consideration.

SB 249

SENATE BILL NO. 249 "An Act establishing the Alaska capstone avionics revolving loan fund and relating to the fund; and providing for an effective date" was engrossed, signed by the President and Secretary and transmitted to the House for consideration.

SJR 17

SENATE JOINT RESOLUTION NO. 17 Urging the United States Congress to provide a means for consistently sharing, on an ongoing basis, revenue generated from oil and gas development on the outer continental shelf with all coastal energy-producing states to ensure that those states develop, support, and maintain necessary infrastructure and preserve environmental integrity, was engrossed, signed by the President and Secretary and transmitted to the House for consideration.

SCR 19

SPONSOR SUBSTITUTE FOR SENATE CONCURRENT RESOLUTION NO. 19 Relating to implementation of the recommendations of the Governor's Summit on Early Learning, was engrossed, signed by the President and Secretary and transmitted to the House for consideration.

Adjournment

Senator Ellis moved and asked unanimous consent that the Senate stand in adjournment until 11:00 a.m., March 19, 2008. Without objection, the Senate adjourned at 1:40 p.m.

Kirsten Waid
Secretary of the Senate

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 18 Tuesday Beltz 211 3:30 PM

+ SB 304 CFEC AS INFORMATION RESOURCE

+ SB 228 MUNICIPAL LAND USE REGULATION
Bills Previously Heard/Scheduled

Mar 20 Thursday Beltz 211 3:30 PM

-- MEETING CANCELED --

+ Bills Previously Heard/Scheduled

FINANCE

Mar 18 Tuesday Senate Finance 532 9:00 AM

-- Continued from 03/17/08 --

+ HB 310 APPROP: OPERATING BUDGET/LOANS/FUNDS

+ HB 312 APPROP: MENTAL HEALTH BUDGET

+ Bills Previously Heard/Scheduled

Mar 19 Wednesday Senate Finance 532 9:00 AM

+ SB 285 STATE INTERVENTION IN SCHOOL DISTRICT

+ SB 265 SEX OFFENDERS & CHILD KIDNAPPERS

+ Bills Previously Heard/Scheduled

+ HB 310 APPROP: OPERATING BUDGET/LOANS/FUNDS

+ HB 312 APPROP: MENTAL HEALTH BUDGET

Amendments

FINANCE (continued)

Mar 20	Thursday	Senate Finance 532	9:00 AM
	No Meeting Scheduled		
Mar 21	Friday	Senate Finance 532	9:00 AM
+= SB 28	LIMIT OVERTIME FOR REGISTERED NURSES		
+= SB 201	PUBLIC FINANCE WEBSITE		
+	Bills Previously Heard/Scheduled		
Mar 22	Saturday	Senate Finance 532	10:00 AM
+	Bills Previously Heard/Scheduled		

HEALTH, EDUCATION & SOCIAL SERVICES

Mar 19	Wednesday	Butrovich 205	1:30 PM
+= SB 206	CHILDREN'S TRUST GRANT FOR ENDOWMENT		
+= SB 210	APPROP: ALASKA COMMUNITY FOUNDATION		
+	Bills Previously Heard/Scheduled		
+= SB 107	NATUROPATHS		
+= SJR 18	CHILD PRODUCT SAFETY		
Mar 21	Friday	Butrovich 205	1:30 PM
	No Meeting Scheduled		

JUDICIARY

Mar 19	Wednesday	Beltz 211	1:30 PM
+= SB 234	CRIMINAL LAW/PROCEDURE: OMNIBUS BILL		
+	Bills Previously Heard/Scheduled		
Mar 21	Friday	Beltz 211	1:30 PM
+ HJR 34	FEDERAL FUNDING FOR DNA TESTING		
+= HB 163	PROPERTY FORECLOSURES AND EXECUTIONS		
+	Confirmation Hearing: Alaska Public Offices Commission		
	<Rescheduled from 03/14/08>		
+	Bills Previously Heard/Scheduled		

LABOR & COMMERCE

Mar 18 Tuesday Beltz 211 1:30 PM

- + SB 179 DEPENDENT HEALTH INSURANCE; AGE LIMIT
- + SB 263 ARCHITECTS, ENGRS, SURVEYORS BD/EXEMPTION
Bills Previously Heard/Scheduled
- + SB 297 NONUNION PUBLIC EMPLOYEE SALARY & BENEFIT
- + HB 65 PERSONAL INFORMATION & CONSUMER CREDIT

Mar 20 Thursday Beltz 211 1:30 PM

- + HB 320 SEARCH & RESCUE: CERTIFICATION/WORK.COMP
Bills Previously Heard/Scheduled

Mar 22 Saturday Beltz 211 10:00 AM

-- NOTE: Meeting Time --
Bills Previously Heard/Scheduled

RESOURCES

Mar 19 Wednesday Butrovich 205 3:30 PM

- + SB 284 BOARD OF FISHERIES: MEMBERSHIP
- + HJR 14 EXXON PLAINTIFFS; H.R. 2419, SEC. 12801
- + Confirmation Hearing:
AK Commercial Fisheries Entry Commission
- + Bills Previously Heard/Scheduled
-- Testimony <Time Limit May Be Set> --

Mar 21 Friday Butrovich 205 3:30 PM

- MEETING CANCELED --
- + Confirmation Hearings:
Big Game Commercial Services Board
- + SB 237 MGMT OF SUSTAINABLE SALMON FISHERIES
- + SB 301 LEASE-PURCHASE: HATCHERY
Bills Previously Heard/Scheduled
-- Testimony <Time Limit May Be Set> --

Mar 22 Saturday Butrovich 205 11:00 AM

- MEETING CANCELED --
- + Bills Previously Heard/Scheduled
-- Testimony <Time Limit May Be Set> --

- + Bills Previously Heard/Scheduled

SPECIAL COMMITTEES (continued)**SPECIAL COMMITTEE ON EDUCATION (continued)**

Mar 21	Friday	Butrovich 205	8:00 AM
+	Bills Previously Heard/Scheduled		

Mar 22	Saturday	Butrovich 205	10:00 AM
+	Bills Previously Heard/Scheduled		

JOINT COMMITTEES**ARMED SERVICES COMMITTEE**

Mar 18	Tuesday	Butrovich 205	9:00 AM
+	Address on Veterans' Issues by the Honorable Lisa Murkowski, U.S. Senator		

LEGISLATIVE BUDGET & AUDIT

Mar 25	Tuesday	House Finance 519	8:30 AM
	Final Audits - FY08 Statewide Single Audit Dept. of Admin., AK Data Enterprise Reporting System Preliminary Audits - Dept. of Natural Resources, Matanuska Maid Dept. Environmental Conservation, Div. of Spill Prevention & Response		

LEGISLATIVE COUNCIL

Mar 20	Thursday	Senate Finance 532	5:00 PM
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Charitable Event Approval - Alaska Youth Choir
Touring Dinner/Fundraiser
FY07 Legislature Audit
Cutting Edge Development, Inc. Contract
Amendment
Coldfoot Environmental Services, Inc.
Contract Approval
Goldstein Improvement Co. Lease Renewal
Approval
Childcare Subcommittee
90 Day Session Subcommittee
Litigation Update by Jim Foster

OTHER MEETINGS**JOINT LEGISLATIVE HEALTH CAUCUS**

Mar 19	Wednesday	Butrovich 205	12:00 PM
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-- MEETING CANCELED --
Measuring Success: Improving Health
Indicators

Apr 02	Wednesday	Butrovich 205	12:00 PM
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High Quality, Low Cost

JOINT SESSION

Mar 18	Tuesday	House Chamber	11:00 AM
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-- Date Change --
Annual Address by the Honorable
Lisa Murkowski, U.S. Senator