

**SENATE JOURNAL**  
**ALASKA STATE LEGISLATURE**  
**TWENTY-SEVENTH LEGISLATURE**

**FIRST SESSION**

**Juneau, Alaska**

**Monday**

**February 28, 2011**

**Forty-second Day**

Pursuant to adjournment the Senate was called to order by President Stevens at 11:00 a.m.

The roll showed seventeen members present. Senators Coghill, Kookesh, Stedman were excused from a call of the Senate.

The prayer was offered by the Chaplain, Reverend Sarah Schurr of the Unitarian Universalist Fellowship of Juneau and Fairbanks. Senator Hoffman moved and asked unanimous consent that the prayer be spread. Without objection, it was so ordered.

I invoke the Spirit of God, called by so many different names in so many different places and in so many different hearts.

Bless those who have answered the call to be leaders among the people. May they be their best selves in doing this important work. Those who are elected by their peers to speak for their community and carry forth the needs and wants of Alaskan people from all over this vast state. Bless those who have stepped forward to be keepers of the vision and the mission of our government and the trustees of our future. May they call on the gift of listening, as they hear the petitionary voices of their constituents and the well intentioned voices of their legislative colleagues. May they call on the gift of reason, as they thoughtfully consider complex matters of law and policy set before them, many of which have no simple answer. May they call on the gift of compassion, as they consider the impact of their decisions on citizens

who are dealing with difficult times. Lastly, may they call on the gift of courage, as they assume this great responsibility of leadership and sacred stewardship of tomorrow.

May it be so.

Senator Davis led the Senate in the Pledge of Allegiance.

### **Certification**

Senator Meyer moved and asked unanimous consent that the journals for the thirty-ninth through forty-first legislative days be approved as certified by the Secretary. Without objection, it was so ordered.

### **Messages from the House**

Message dated February 25 was read stating the House passed and transmitted for consideration:

#### **First Reading and Reference of House Bills**

##### **HB 98**

HOUSE BILL NO. 98 BY REPRESENTATIVES JOHNSON, Hawker, Keller, Costello, Chenault, Olson, Millett, Fairclough, Kerttula, Feige, Thomas, P.Wilson, Kawasaki, entitled:

"An Act relating to display, folding, presentment, and retirement of the state flag."

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

### **Communications**

The following report is on file in the Office of the Secretary of the Senate:

State of Alaska Citizens' Advisory Commission on Federal Areas 2010  
Annual Report  
from Stan Leaphart, Executive Director  
in accordance with AS 41.37.220(f)

**Standing Committee Reports****SB 11**

The Judiciary Committee considered SENATE BILL NO. 11 "An Act relating to the commission of a crime when the defendant directed the conduct constituting the crime at the victim based on the victim's race, sex, color, creed, physical or mental disability, sexual orientation, gender identity, ancestry, or national origin." Signing do pass: Senator French, Chair; Senator Wielechowski. Signing do not pass: Senator Coghill. Signing no recommendation: Senator Paskvan.

The following fiscal information was published today:

Fiscal Note No. 1, indeterminate, Department of Corrections

Fiscal Note No. 2, zero, Department of Law

The bill was referred to the Finance Committee.

**SB 39**

The Judiciary Committee considered SENATE BILL NO. 39 "An Act ratifying an interstate compact to elect the President and Vice-President of the United States by national popular vote; and making related changes to statutes applicable to the selection by voters of electors for candidates for President and Vice-President of the United States and to the duties of those electors." Signing do pass: Senator French, Chair. Signing do not pass: Senator Coghill. Signing no recommendation: Senators Wielechowski, Paskvan.

The following previously published fiscal information applies:

Fiscal Note No. 1, zero, Office of the Governor

The bill was referred to the Finance Committee.

**Consideration of the Calendar****Second Reading of Senate Bills****SB 3**

SENATE BILL NO. 3 "An Act providing for funding for school lunch and breakfast" was read the second time.

Senator Hoffman, Cochair, moved and asked unanimous consent for the adoption of the Finance Committee Substitute offered on page 337. Without objection, CS FOR SENATE BILL NO. 3(FIN) "An Act providing for funding for school lunch and breakfast; and providing for an effective date" was adopted.

Senator Meyer 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. 3(FIN) was read the third time.

The question being: "Shall CS FOR SENATE BILL NO. 3(FIN) "An Act providing for funding for school lunch and breakfast; and providing for an effective date" pass the Senate?" The roll was taken with the following result:

CSSB 3(FIN)

Third Reading - Final Passage

Effective Date

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

Yeas: Davis, Dyson, Egan, Ellis, French, Giessel, Hoffman, Huggins, McGuire, Menard, Meyer, Olson, Paskvan, Stevens, Thomas, Wagoner, Wielechowski

Excused: Coghill, Kookesh, Stedman

and so, CS FOR SENATE BILL NO. 3(FIN) passed the Senate.

Senator Meyer 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.

### Citations

In Memoriam - Howard Verrue Elliott

Senator(s) Hoffman, Stevens, Coghill, Davis, Dyson, Egan, Ellis, Giessel, Huggins, Kookesh, McGuire, Menard, Meyer, Olson, Paskvan, Stedman, Thomas, Wagoner, Wielechowski

Representative(s) Herron

Senator Meyer 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**

#### **HB 98**

Senators McGuire, Giessel, Meyer, Menard, Ellis, Wagoner, Egan, Dyson, Stevens moved and asked unanimous consent to be shown as cross sponsors on HOUSE BILL NO. 98 "An Act relating to display, folding, presentment, and retirement of the state flag." Without objection, it was so ordered.

Senator Paskvan moved and asked unanimous consent to be excused from a call of the Senate from morning plane time, March 2 through evening plane time, March 6. Without objection, Senator Paskvan was excused.

Senator Huggins moved and asked unanimous consent to amend a prior excusal (page 236) in order to be excused from a call of the Senate from afternoon plane time, March 1 through morning plane time, March 8. Without objection, Senator Huggins was excused.

Senator Meyer moved and asked unanimous consent to return to reports of standing committees. Without objection, the Senate returned to:

### **Standing Committee Reports**

#### **SB 8**

The Education Committee considered SENATE BILL NO. 8 "An Act relating to questionnaires and surveys administered in the public schools." Signing do pass: Senator Thomas, Cochair; Senators Davis, French. Signing no recommendation: Senator Meyer, Cochair; Senator Stevens.

The following fiscal information was published today:

Fiscal Note No. 1, zero, Department of Health and Social Services

The bill was referred to the Health and Social Services Committee.

**Announcements**

Announcements are at the end of the journal.

**Engrossment****SB 3**

CS FOR SENATE BILL NO. 3(FIN) "An Act providing for funding for school lunch and breakfast; and providing for an effective date" was engrossed, signed by the President and Secretary and transmitted to the House for consideration.

**Adjournment**

Senator Meyer moved and asked unanimous consent that the Senate stand in adjournment until 11:00 a.m., March 1, 2011. Without objection, the Senate adjourned at 11:41 a.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 01      Tuesday                      Beltz 105 (tsbldg)              3:30 PM**  
No Meeting Scheduled

**Mar 03      Thursday                      Beltz 105 (tsbldg)              3:30 PM**  
No Meeting Scheduled

**Mar 08      Tuesday                      Beltz 105 (tsbldg)              3:30 PM**  
+    HB 65 SENIOR CITIZEN HOUSING DEV. FUND GRANTS  
+    SB 94 SECOND VERSE OF ALASKA'S STATE SONG

**Mar 10      Thursday                      Beltz 105 (tsbldg)              3:30 PM**  
No Meeting Scheduled

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**EDUCATION**

**Feb 28      Monday                      Beltz 105 (tsbldg)              8:00 AM**  
+= SB 8 STUDENT QUESTIONNAIRES AND SURVEYS  
+    SB 6 PREKINDERGARTEN SCHOOL PROGRAMS/PLANS  
+    University of Alaska Chancellor's Presentation  
+    Bills Previously Heard/Scheduled

**Mar 02      Wednesday                      Beltz 105 (tsbldg)              8:00 AM**  
No Meeting Scheduled

**Mar 04      Friday                      Beltz 105 (tsbldg)              8:00 AM**  
No Meeting Scheduled

**EDUCATION (continued)**

**Mar 07 Monday Beltz 105 (tsbldg) 8:00 AM**  
 + SB 84 VOC ED FUNDING/BASE STUDENT ALLOCATION  
 + SB 73 EDUC. FUNDING: BASIC/SPEC  
 NEEDS/TRANSPORT  
 + Bills Previously Heard/Scheduled

**Mar 09 Wednesday Barnes 124 8:00 AM**  
 + Joint House/Senate Education Committee Meeting  
 Presentation:  
 Best Beginnings/Early Childhood Program

**Mar 11 Friday Barnes 124 8:00 AM**  
 Joint House/Senate Education Committee Meeting  
 + Presentation:  
 Higher Education and Career Readiness Task Force

**Mar 18 Friday Barnes 124 8:00 AM**  
 Joint House/Senate Education Committee Meeting  
 + Presentation:  
 State Board of Education and Early Development

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**FINANCE**

**Feb 28 Monday Senate Finance 532 9:00 AM**  
 No Meeting Scheduled

**Mar 01 Tuesday Senate Finance 532 9:00 AM**  
 No Meeting Scheduled

**Mar 02 Wednesday Senate Finance 532 9:00 AM**  
 No Meeting Scheduled

**Mar 03 Thursday Senate Finance 532 9:00 AM**  
 No Meeting Scheduled

**Mar 04 Friday Senate Finance 532 9:00 AM**  
 No Meeting Scheduled

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**HEALTH & SOCIAL SERVICES**

**Feb 28 Monday Butrovich 205 1:30 PM**  
 += SB 27 FLAME RETARDANTS AND TOXIC CHEMICALS  
 + SB 52 MENTAL HEALTH CARE INSURANCE BENEFIT  
 Bills Previously Heard/Scheduled

**Mar 02 Wednesday Butrovich 205 1:30 PM**  
 No Meeting Scheduled

**Mar 04 Friday Butrovich 205 1:30 PM**  
 No Meeting Scheduled

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**JUDICIARY**

**Feb 28 Monday Beltz 105 (tsbldg) 1:30 PM**  
 + SB 30 RETURN OF SEIZED PROPERTY  
 + SB 61 2011 REVISOR'S BILL  
 + Bills Previously Heard/Scheduled

**Mar 02 Wednesday Beltz 105 (tsbldg) 1:30 PM**  
 No Meeting Scheduled

**Mar 04 Friday Beltz 105 (tsbldg) 1:30 PM**  
 No Meeting Scheduled

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**LABOR & COMMERCE**

**Mar 01 Tuesday Beltz 105 (tsbldg) 2:00 PM**  
 -- Note Time Change from 1:30 p.m. --  
 + SB 87 GRANTS FOR SENIORS' MEDICAL CARE  
 + Bills Previously Heard/Scheduled  
 += SB 68 COMMERCIAL FISHING & AGRICULTURE BANK  
 += SB 92 DENTISTS/DENTAL HYGIENISTS/ASSISTANTS

**Mar 03 Thursday Beltz 105 (tsbldg) 1:30 PM**  
 No Meeting Scheduled

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**RESOURCES**

**Feb 28      Monday                      Butrovich 205              3:30 PM**  
 Bills Previously Heard/Scheduled  
 += SB 85 TAX CREDIT FOR NEW OIL & GAS  
 DEVELOPMENT  
 Presentation by Departments  
 += SB 91 SPORT FISHING GUIDING SERVICES  
 Public Testimony

**Mar 02      Wednesday                      Butrovich 205              3:30 PM**  
 No Meeting Scheduled

**Mar 04      Friday                      Butrovich 205              3:30 PM**  
 No Meeting Scheduled  
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**RULES**

**Feb 28      Monday                      Butrovich 205              12:00 PM**  
 SCR 5 UNIFORM RULES; MASON'S MANUAL  
 -- Testimony <Invitation Only> --  
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**STATE AFFAIRS**

**Mar 01      Tuesday                      Butrovich 205              9:00 AM**  
 += SB 93 SPECIALTY LICENSE PLATES  
 Delegating Authority to DMV  
 += SB 2 LICENSE PLATES: NATIONAL RIFLE ASSN.  
 += SB 16 SPECIAL REQUEST LICENSE PLATES  
 Choose Life and Pro-Family, Pro-Choice  
 + SB 36 OPT-OUT CHARITABLE GIVING PROGRAM  
 + SCR 1 LUPUS AWARENESS MONTH  
 Bills Previously Heard/Scheduled

**Mar 03      Thursday                      Butrovich 205              9:00 AM**  
 No Meeting Scheduled  
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**TRANSPORTATION**

**Mar 01      Tuesday                      Butrovich 205              1:00 PM**

-- Meeting Postponed to March 8 --

+ SB 37 TRANSPORTATION INFRASTRUCTURE FUND

+ Bills Previously Heard/Scheduled

**Mar 03      Thursday                      Butrovich 205              1:00 PM**

No Meeting Scheduled

**Mar 08      Tuesday                      Butrovich 205              1:00 PM**

-- Meeting Postponed from March 1 --

+ SB 37 TRANSPORTATION INFRASTRUCTURE FUND

+ Bills Previously Heard/Scheduled

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**FINANCE SUBCOMMITTEES****COMMERCE, COMMUNITY & ECONOMIC DEV**

**Mar 08      Tuesday                      Senate Finance 532              3:00 PM**

Divisions TBA

**Mar 15      Tuesday                      Senate Finance 532              3:00 PM**

Closeout

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**CORRECTIONS**

**Mar 08      Tuesday                      Fahrenkamp 203              5:30 PM**

-- Rescheduled from 3/3/11 --

Rehabilitation and Parole Initiatives

**Mar 10      Thursday                      Fahrenkamp 203              5:30 PM**

Inmate Health Care, Medical Information System

Community Residential Centers, Community Jails

**Mar 17      Thursday                      Fahrenkamp 203              5:30 PM**

Closeout

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**COURT SYSTEM**

<b>Mar 15</b>	<b>Tuesday</b>	<b>Sen Conf Rm 103 Tsb</b>	<b>3:00 PM</b>
+	Closeout		

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**EDUCATION & EARLY DEVELOPMENT**

<b>Mar 01</b>	<b>Tuesday</b>	<b>Fahrenkamp 203</b>	<b>4:00 PM</b>
+	FY12 Budget Request		

<b>Mar 10</b>	<b>Thursday</b>	<b>Fahrenkamp 203</b>	<b>4:00 PM</b>
+	FY12 Budget Request		

<b>Mar 17</b>	<b>Thursday</b>	<b>Fahrenkamp 203</b>	<b>4:00 PM</b>
+	Closeout		

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**ENVIRONMENTAL CONSERVATION**

<b>Mar 07</b>	<b>Monday</b>	<b>Butrovich 205</b>	<b>12:00 PM</b>
+	Department Overview and FY 12 Budget Request		

<b>Mar 10</b>	<b>Thursday</b>	<b>Fahrenkamp 203</b>	<b>2:30 PM</b>
+	Department Overview and FY 12 Budget Request		

<b>Mar 14</b>	<b>Monday</b>	<b>Butrovich 205</b>	<b>12:00 PM</b>
+	Department Overview and FY 12 Budget Request		

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**FISH & GAME**

<b>Mar 10</b>	<b>Thursday</b>	<b>Beltz 105 (tsbldg)</b>	<b>8:00 AM</b>
+	Other topics of interest to the committee not covered previously, Budget Amendments, Q&A		
	-- Testimony <Invitation Only> --		

<b>Mar 17</b>	<b>Thursday</b>	<b>Beltz 105 (tsbldg)</b>	<b>8:00 AM</b>
+	Budget Close Out		
	-- Testimony <Invitation Only> --		

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**GOVERNOR**

**Mar 16      Wednesday      Senate Finance 532      3:00 PM**  
 Closeout

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**HEALTH & SOCIAL SERVICES**

**Mar 09      Wednesday      Beltz 105 (tsbldg)      3:30 PM**  
 +      Other topics of interest to the committee not  
 covered previously, Q&A, Governor's Budget  
 Amendments  
 -- Testimony <Invitation Only> --

**Mar 16      Wednesday      Beltz 105 (tsbldg)      3:30 PM**  
 +      Budget Close Out  
 -- Testimony <Invitation Only> --

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**LABOR & WORKFORCE DEVELOPMENT**

**Mar 09      Wednesday      Fahrenkamp 203      4:00 PM**  
 Budget Overview Continued (if necessary)

**Mar 10      Thursday      Fahrenkamp 203      11:00 AM**  
 Budget: Department Addresses Additional Questions  
 and Overview of House Budget Actions

**Mar 14      Monday      Fahrenkamp 203      4:00 PM**  
 Budget Closeout

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**LAW**

**Mar 01      Tuesday      Fahrenkamp 203      1:30 PM**  
 -- MEETING CANCELED --  
 Budget Detail

**Mar 08      Tuesday      Fahrenkamp 203      1:30 PM**  
 Budget Detail

**Mar 15      Tuesday      Fahrenkamp 203      1:30 PM**  
 Subcommittee Closeout

**LEGISLATURE**

**Mar 16      Wednesday      Senate Finance 532      3:10 PM**  
Closeout

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**MILITARY & VETERANS' AFFAIRS**

**Mar 08      Tuesday      Butrovich 205      12:00 PM**  
+ Overview of the Department & FY12 Budget Request

**Mar 10      Thursday      Butrovich 205      12:00 PM**  
+ Overview of the Department & FY 12 Budget Request

**Mar 15      Tuesday      Butrovich 205      12:00 PM**  
+ Overview of the Department & FY12 Budget Request

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**NATURAL RESOURCES**

**Mar 08      Tuesday      Fahrenkamp 203      12:00 PM**  
Budget & Department Overview Continued  
(if necessary)

**Mar 11      Friday      Fahrenkamp 203      12:00 PM**  
Budget - Department Addresses Committee Questions  
Overview of House Budget Actions

**Mar 17      Thursday      Fahrenkamp 203      12:00 PM**  
Budget Closeout

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**PUBLIC SAFETY**

**Mar 08      Tuesday      Beltz 105 (tsbldg)      8:00 AM**  
+ Pre-Close-Out and Question/Answer Session  
-- Testimony <Invitation Only> --

**Mar 15      Tuesday      Beltz 105 (tsbldg)      8:00 AM**  
+ Budget Close-Out  
-- Testimony <Invitation Only> --

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**REVENUE**

**Mar 03      Thursday                  Fahrenkamp 203                  1:30 PM**  
 -- MEETING CANCELED --  
 Budget Detail

**Mar 10      Thursday                  Fahrenkamp 203                  1:30 PM**  
 -- Agenda Change to Include Alaska PFD Corp --  
 Budget Detail Including Perm Fund Dividend Corp

**Mar 17      Thursday                  Fahrenkamp 203                  1:30 PM**  
 Subcommittee Closeout

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**TRANSPORTATION & PUBLIC FACILITIES**

**Mar 01      Tuesday                  Fahrenkamp 203                  8:00 AM**  
 -- MEETING CANCELED --  
 Budget Detail

**Mar 08      Tuesday                  Fahrenkamp 203                  8:00 AM**  
 -- Agenda Changed to Include AMHS --  
 Budget Detail Including Alaska Marine Hwy System

**Mar 15      Tuesday                  Fahrenkamp 203                  8:00 AM**  
 Subcommittee Closeout

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**UNIVERSITY OF ALASKA**

**Mar 17      Thursday                  Senate Finance 532                  8:30 AM**  
 Closeout

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**JOINT COMMITTEES****ALASKA NORTHERN WATERS TASK FORCE**

**Mar 14      Monday                  Capitol 106                  12:00 PM**  
 +      Organizational

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**HIGHER EDUC/CAREER READINESS TASK FORCE**

**Mar 10      Thursday                  Terry Miller Gym                  9:00 AM**  
 +                  Discuss Preliminary (Draft) Recommendations  
                          to the Legislature  
                          Detailed Agenda to be Announced

**Mar 11      Friday                          Terry Miller Gym                  1:00 PM**  
 +                  Discuss Preliminary (Draft) Recommendations  
                          to the Legislature  
                          Detailed Agenda to be Announced

**LEGISLATIVE BUDGET & AUDIT**

**Feb 28      Monday                          House Finance 519                  8:00 AM**  
 +                  Audits: Executive Session  
                          Other Committee Business  
                          -- Teleconference <Invitation Only> --

**Mar 29      Tuesday                          House Finance 519                  8:00 AM**  
 +                  Audits: Executive Session  
                          Other Committee Business  
                          -- Teleconference <Invitation Only> --

**LEGISLATIVE COUNCIL**

**Mar 17      Thursday                          House Finance 519                  11:00 AM**  
                          Agenda Forthcoming

**Apr 07      Thursday                          House Finance 519                  11:00 AM**  
                          Agenda Forthcoming

**SELECT COMMITTEE ON LEGISLATIVE ETHICS**

**Feb 28      Monday                          Fahrenkamp 203                  9:30 AM**  
 +                  Senate Subcommittee: Executive Session  
 +                  Public Comment  
                          Executive Session  
 +                  Public Session



**SELECT COMMITTEE ON LEGISLATIVE ETHICS  
(continued)**

<b>Feb 28</b>	<b>Monday</b>	<b>Fahrenkamp 203</b>	<b>3:00 PM</b>
+	Full Committee: Open Session		
+	Public Comment		
+	Chair/Staff Report		
+	Advisory Opinion 11-02 Requested by Rep Gara		
+	Recognize and Thank For-Profit Businesses		
+	Advisory Opinion 11-01		
	Executive Session		
+	Legislation Update		

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**OTHER MEETINGS**

**FISH CAUCUS**

<b>Mar 01</b>	<b>Tuesday</b>	<b>Capitol 106</b>	<b>12:00 PM</b>
+	Tongass Mariculture, Rodger Painter		

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**JOINT SESSION**

<b>Mar 09</b>	<b>Wednesday</b>	<b>House Chamber</b>	<b>11:00 AM</b>
	State of the Judiciary Address by Chief Justice Walter Carpeneti		
<b>Mar 22</b>	<b>Tuesday</b>	<b>House Chamber</b>	<b>11:00 AM</b>
	Annual Address by the Honorable Mark Begich, U.S. Senator		

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**UNIVERSITY BOOSTERS CAUCUS**

<b>Feb 28</b>	<b>Monday</b>	<b>Capitol 106</b>	<b>4:00 PM</b>
	Special Legislative Briefing: Welcoming Chancellor Brian Rogers of UAF, Outgoing Chancellor Fran Ulmer and Incoming Chancellor Tom Case of UAA, and Chancellor John Pugh of UAS Final Update from Chancellor Ulmer and Celebration of her Career in Public Service		