

SENATE JOURNAL
ALASKA STATE LEGISLATURE
TWENTY-SEVENTH LEGISLATURE
FIRST SESSION

Juneau, Alaska

Friday

March 11, 2011

Fifty-third Day

Pursuant to adjournment the Senate was called to order by President Stevens at 10:02 a.m.

The roll showed nineteen members present. Senator Olson was excused from a call of the Senate.

The prayer was offered by the Chaplain, Dr. Paul Beran, Pastor Emeritus of Resurrection Lutheran Church. Senator Hoffman moved and asked unanimous consent that the prayer be spread. Without objection, it was so ordered.

Gracious Father, we pray for the people and nation of Japan. Take this earthquake tragedy into your molding hands, and by your grace, cause even good to come out of it.

We have come into this hallowed hall from many backgrounds; varied regions; and unique experiences. We have walked our journeys of life, sometimes with poise, and other times stumbling. Thank You for each person here. Give us the patience to deeply listen to one another, not that we might refute, but that we might better understand. Then with understanding, help us to give wise leadership to Alaska and all her special people. This I pray in the matchless name of the one who came, not to be served, but to serve, Jesus the Christ. Amen.

Senator French led the Senate in the Pledge of Allegiance.

Certification

Senator Meyer moved and asked unanimous consent that the journals for the fifty-first and fifty-second legislative days and House and Senate Joint Journal Supplement No. 4 be approved as certified by the Secretary. Without objection, it was so ordered.

Messages from the House

Message dated March 10 was read stating the House passed and transmitted for consideration:

First Reading and Reference of House Bills

HB 108

CS FOR HOUSE BILL NO. 108(FIN) BY THE HOUSE FINANCE COMMITTEE, entitled:

"An Act making appropriations for the operating and loan program expenses of state government and for certain programs, capitalizing funds, amending appropriations, and making reappropriations; and providing for an effective date."

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

HB 109

CS FOR HOUSE BILL NO. 109(FIN) BY THE HOUSE FINANCE COMMITTEE, entitled:

"An Act making appropriations for the operating and capital expenses of the state's integrated comprehensive mental health program; and providing for an effective date."

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

Communications

The following reports are on file in the Office of the Secretary of the Senate:

Alaska Seismic Hazards Safety Commission Report to the Governor and State Legislature, February 2011
from John L. Aho, Chair, Alaska Seismic Hazards Safety Commission
in accordance with AS 44.37.067

Alaska Salmon Fisheries Enhancement Program 2010 Annual Report
from Bruce White, Alaska Department of Fish and Game, Division of
Commercial Fisheries

Standing Committee Reports

Report dated March 9 was read stating:

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

Board of Governors of the Alaska Bar

William Granger

State Board of Parole

Daniel Morris

Alaska Police Standards Council

Kelly Alzaharna

Rebecca Hamon

Bernice Troglio

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 report: Senator French, Chair; Senators Coghill, Wielechowski, Paskvan, McGuire.

Report dated March 10 was read stating:

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

Commissioner - Department of Transportation and Public Facilities

Marc Luiken

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

Signing the report: Senator Kookesh, Chair; Senators Egan, Thomas, Menard, Huggins.

SB 61

The Judiciary Committee considered SENATE BILL NO. 61 "An Act making corrective amendments to the Alaska Statutes as recommended by the revisor of statutes; and providing for an effective date" and recommended the adoption of the State Affairs Committee Substitute offered on page 315.

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

The following previously published fiscal information applies:

Fiscal Note No. 1, zero, Department of Law

The bill was referred to the Rules Committee.

SB 87

The Labor and Commerce Committee considered SENATE BILL NO. 87 "An Act establishing a program in the Department of Commerce, Community, and Economic Development for payment of grants to health care providers for care of patients who are 65 years of age or older." Signing do pass: Senator Egan, Chair; Senators Davis, Paskvan, Menard. Signing do not pass: Senator Giessel.

The following fiscal information was published today:

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

The bill was referred to the Finance Committee.

Introduction and Reference of Senate Bills

SB 82

SPONSOR SUBSTITUTE FOR SENATE BILL NO. 82 BY
SENATOR DAVIS, entitled:

"An Act relating to the procedures and jurisdiction of the Department of Health and Social Services for the care of children who are in state custody; relating to court jurisdiction and findings pertaining to children who are in state custody; and modifying the licensing requirements for foster care."

was read the first time and referred to the Health and Social Services and Judiciary Committees.

SB 97

SENATE BILL NO. 97 BY THE SENATE FINANCE COMMITTEE, entitled:

"An Act authorizing additional appropriations for public education and for community revenue sharing based on the price of Alaska North Slope crude oil, and adjusting the formula for payments to communities."

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

SB 98

SENATE BILL NO. 98 BY SENATORS WIELECHOWSKI, Coghill, Ellis, Menard, McGuire, Giessel, Egan, Paskvan, Thomas, entitled:

"An Act relating to biometric information."

was read the first time and referred to the State Affairs and Judiciary Committees.

Consideration of the Calendar**Citations**

Honoring - Kinross Fort Knox Mine

Senator(s) Thomas, Paskvan, Coghill, Stevens, Davis, Dyson, Egan, Ellis, Giessel, Hoffman, Huggins, Kookesh, McGuire, Menard, Meyer, Olson, Stedman, Wagoner, Wielechowski
Representative(s) Miller, Guttentberg, Kawasaki, Thompson, Wilson, T

Honoring - Raymond Jensen, Career and Technical Education
Secondary Instructor of the Year

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

Honoring - Aware Women of Distinction

Representative(s) Kerttula, Munoz

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

Honoring - The Bristol Bay Area Pilots and First Responders
Following the Tragedy of August 9, 2010

Representative(s) Edgmon

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

Honoring - Alyeska Pipeline Service Company

Representative(s) Feige

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

Honoring - West Anchorage High Football Team, 2010 4A Alaska
State Champions

Representative(s) Holmes

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

Honoring - Iron Dog Champions, Tyler Huntington and Chris Olds

Representative(s) Dick, Fairclough

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

In Memoriam - Charlie Crow

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

Representative(s) Dick

In Memoriam - Everett Wilbur Stone, Jr.

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

Representative(s) Austerman

In Memoriam - Thomas Raymond Quick

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

Representative(s) Austerman

In Memoriam - Stephen Kreber

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

Representative(s) Austerman

In Memoriam - Kathryn Anna Maughan Pyrah

Representative(s) Stoltze

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

In Memoriam - Homer Lee Mayo

Representative(s) Neuman, Stoltze, Gatto, Keller

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

In Memoriam - Waureen L. "Donnie" Darilek
Representative(s) Neuman, Stoltze, Gatto, Keller
Senator(s) Huggins, Menard, Stevens, Coghill, Davis, Dyson, Egan,
Ellis, Giessel, Hoffman, Kookesh, McGuire, Meyer, Olson, Paskvan,
Stedman, Thomas, Wagoner, Wielechowski

Senator Meyer 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 Dyson moved and asked unanimous consent to be excused from a call of the Senate from 1:00 p.m. plane time, March 18 through evening plane time, March 21. Without objection, Senator Dyson was excused.

Senator Giessel moved and asked unanimous consent to be excused from a call of the Senate from 1:00 p.m. plane time, March 18 through morning plane time, March 21. Without objection, Senator Giessel was excused.

Announcements

Announcements are at the end of the journal.

Adjournment

Senator Meyer moved and asked unanimous consent that the Senate stand in adjournment until 11:00 a.m., March 14, 2011. Without objection, the Senate adjourned at 10:29 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 15	Tuesday	Beltz 105 (tsbldg)	3:30 PM
+ SB 96	APPLICATION OF VILLAGE SAFE WATER ACT		
+	Bills Previously Heard/Scheduled		
Mar 17	Thursday	Beltz 105 (tsbldg)	3:30 PM
+	Bills Previously Heard/Scheduled		
Mar 22	Tuesday	Beltz 105 (tsbldg)	3:30 PM
	No Meeting Scheduled		
Mar 24	Thursday	Beltz 105 (tsbldg)	3:00 PM
+	Planning for Alaska's Regional Ports and Harbors		
Mar 29	Tuesday	Beltz 105 (tsbldg)	3:00 PM
+	Price of Oil's Impact to State and Municipal Governments		
Mar 31	Thursday	Beltz 105 (tsbldg)	3:30 PM
+	Confirmation Hearing: Susan Bell, Commissioner, Department of Commerce, Community and Economic Development		

EDUCATION

Mar 11	Friday	Terry Miller Gym	8:00 AM
	-- Location Change --		
	Joint House/Senate Education Committee Meeting		
+	Presentation: Higher Education and Career Readiness Task Force		

EDUCATION (continued)

Mar 14 Monday Beltz 105 (tsbldg) 8:00 AM
 += SB 84 VOC ED FUNDING/BASE STUDENT ALLOCATION
 += SB 6 PREKINDERGARTEN SCHOOL PROGRAMS/PLANS
 -- Above Bill: Time Permitting --
 + Bills Previously Heard/Scheduled

Mar 16 Wednesday Beltz 105 (tsbldg) 8:00 AM
 Presentation:
 + Fetal Alcohol Spectrum Disorders in the Schools

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

FINANCE

Mar 11 Friday Senate Finance 532 9:00 AM
 -- MEETING CANCELED --
 + Bills Previously Heard/Scheduled

Mar 14 Monday Senate Finance 532 9:00 AM
 += SB 46 BUDGET: CAPITAL
 Agency Overviews
 + Bills Previously Heard/Scheduled

Mar 14 Monday Senate Finance 532 1:00 PM
 += SB 46 BUDGET: CAPITAL
 Agency Overviews
 + Bills Previously Heard/Scheduled

Mar 15 Tuesday Senate Finance 532 9:00 AM
 += SB 46 BUDGET: CAPITAL
 Agency Overviews
 + Bills Previously Heard/Scheduled

Mar 15 Tuesday Senate Finance 532 1:00 PM

Mar 15 Tuesday Senate Finance 532 3:00 PM
 += SB 46 BUDGET: CAPITAL
 Agency Overviews
 + Bills Previously Heard/Scheduled

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FINANCE (continued)

Mar 16	Wednesday	Senate Finance 532	9:00 AM
+= SB 46	BUDGET: CAPITAL		
	Agency Overviews		
+	Bills Previously Heard/Scheduled		
Mar 16	Wednesday	Senate Finance 532	1:00 PM
+= SB 46	BUDGET: CAPITAL		
	Agency Overviews		
+	Bills Previously Heard/Scheduled		
Mar 17	Thursday	Senate Finance 532	9:00 AM
+= SB 46	BUDGET: CAPITAL		
	Agency Overviews		
+	Bills Previously Heard/Scheduled		
Mar 17	Thursday	Senate Finance 532	5:00 PM
	-Statewide Public Testimony-		
+= SB 46	BUDGET: CAPITAL		
+	Bills Previously Heard/Scheduled		
Mar 18	Friday	Senate Finance 532	9:00 AM
+= SB 46	BUDGET: CAPITAL		
	Agency Overviews		
+	Bills Previously Heard/Scheduled		

HEALTH & SOCIAL SERVICES

Mar 11	Friday	Butrovich 205	1:30 PM
	No Meeting Scheduled		
Mar 14	Monday	Butrovich 205	1:30 PM
+ HB 21	SUICIDE PREVENTION COUNCIL MEMBERS		
+ SCR 1	LUPUS AWARENESS MONTH		
+ SB 82	FOSTER CARE LICENSING/STATE CUSTODY		
	Bills Previously Heard/Scheduled		
Mar 16	Wednesday	Beltz 105 (tsbldg)	1:30 PM
	-- Location Change --		
+ SB 15	SEX OFFENDER/UNDERAGE ALCOHOL OFFENSE		
+ SB 8	STUDENT QUESTIONNAIRES AND SURVEYS		
	Bills Previously Heard/Scheduled		

HEALTH & SOCIAL SERVICES (continued)

Mar 18 Friday Beltz 105 (tsbldg) 1:30 PM
 No Meeting Scheduled

JUDICIARY

Mar 11 Friday Beltz 105 (tsbldg) 1:30 PM
 += SB 9 RAISE COMP. SCHOOL ATTENDANCE AGE/TRUANCY
 + SCR 2 UNIFORM RULES: PRESIDING OFFICER PRO TEM
 + Bills Previously Heard/Scheduled

Mar 14 Monday Beltz 105 (tsbldg) 1:30 PM
 + Status of Litigation: Criminal Division,
 Department of Law
 + HB 7 SYNTHETIC CANNABINOIDS
 + Bills Previously Heard/Scheduled

Mar 16 Wednesday Butrovich 205 1:30 PM
 -- Location Change --
 + Confirmation Hearing:
 John J. Burns, Attorney General
 -- Testimony <Invitation Only> --

Mar 18 Friday Beltz 105 (tsbldg) 1:30 PM
 += SB 86 PROTECTION OF VULNERABLE ADULTS/MINORS
 += SB 30 RETURN OF SEIZED PROPERTY
 + Bills Previously Heard/Scheduled

LABOR & COMMERCE

Mar 15 Tuesday Beltz 105 (tsbldg) 2:00 PM
 -- Note: Meeting Times Have Changed --
 + SB 40 USE OF RECORDED MESSAGES
 + Bills Previously Heard/Scheduled

Mar 17 Thursday Beltz 105 (tsbldg) 2:00 PM
 + Bills Previously Heard/Scheduled

RESOURCES

Mar 11	Friday	Butrovich 205	3:30 PM
	Bills Previously Heard/Scheduled		
+ SB 49	PRODUCTION TAX ON OIL AND GAS		
	Presentation by Sponsor		
Mar 14	Monday	Butrovich 205	3:30 PM
+ SB 49	PRODUCTION TAX ON OIL AND GAS		
	Presentation: Oil and Gas Production Tax Status		
	Report to the Legislature		
	Bryan Butcher, Commissioner, Dept. of Revenue		
	Bills Previously Heard/Scheduled		
Mar 16	Wednesday	Butrovich 205	3:30 PM
+ SB 49	PRODUCTION TAX ON OIL AND GAS		
	Presentation on Oil and Gas Tax Credits		
	Lenny Dees, Master Auditor, Dept. of Revenue		
	Bills Previously Heard/Scheduled		
Mar 18	Friday	Butrovich 205	3:30 PM
+ SB 49	PRODUCTION TAX ON OIL AND GAS		
	Petroleum Fiscal System Design		
	Florent Rousset, Gaffney Cline & Associates		
	Bills Previously Heard/Scheduled		

STATE AFFAIRS

Mar 15	Tuesday	Butrovich 205	9:00 AM
	Senate Bill:		
+	An Act Relating to Biometric Information		
	<Pending Introduction & Referral>		
+ SB 89	LEGISLATIVE ETHICS ACT		
	Bills Previously Heard/Scheduled		
Mar 17	Thursday	Butrovich 205	9:00 AM
+	Confirmation Hearings:		
	State Commission for Human Rights - Jerrad "Shea" Hutchings		
	Alaska Public Offices Commission - Kenneth Kirk		
+ SB 94	SECOND VERSE OF ALASKA'S STATE SONG		
	Bills Previously Heard/Scheduled		

TRANSPORTATION

Mar 15 **Tuesday** **Butrovich 205** **1:00 PM**
 += SB 93 SPECIALTY LICENSE PLATES
 + Bills Previously Heard/Scheduled

Mar 17 **Thursday** **Butrovich 205** **1:00 PM**
 No Meeting Scheduled

FINANCE SUBCOMMITTEES**ADMINISTRATION**

Mar 15 **Tuesday** **Fahrenkamp 203** **5:30 PM**
 + Closeout

COMMERCE, COMMUNITY & ECONOMIC DEV

Mar 15 **Tuesday** **Fahrenkamp 203** **3:00 PM**
 -- Location Change --
 Closeout

CORRECTIONS

Mar 17 **Thursday** **Butrovich 205** **1:00 PM**
 -- Time Change from 5:30 pm & Location Change --
 + Closeout

COURT SYSTEM

Mar 15 **Tuesday** **Sen Conf Rm 103 Tsb** **3:00 PM**
 + Closeout

EDUCATION & EARLY DEVELOPMENT

Mar 15 **Tuesday** **Butrovich 205** **5:15 PM**
 + Closeout

ENVIRONMENTAL CONSERVATION

Mar 14 **Monday** **Butrovich 205** **12:00 PM**
 + Department Overview and FY 12 Budget Request

Mar 17 **Thursday** **Beltz 105 (tsbldg)** **11:00 AM**
 + Closeout

FISH & GAME

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

GOVERNOR

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

HEALTH & SOCIAL SERVICES

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

LABOR & WORKFORCE DEVELOPMENT

Mar 14 **Monday** **Beltz 105 (tsbldg)** **4:00 PM**
 -- Location Change --
 Budget Closeout

LAW

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

LEGISLATURE

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

MILITARY & VETERANS' AFFAIRS

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

NATURAL RESOURCES

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

PUBLIC SAFETY

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

REVENUE

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

TRANSPORTATION & PUBLIC FACILITIES

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

UNIVERSITY OF ALASKA

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

JOINT COMMITTEES**ALASKA NORTHERN WATERS TASK FORCE**

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

HIGHER EDUC/CAREER READINESS TASK FORCE

Mar 11	Friday	Terry Miller Gym	8:00 AM
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-- Time Change --

+ Discuss Preliminary (Draft) Recommendations to the Legislature:

-- Public Testimony Available on Request --

8:00 - Roundtable Discussion with both Alaska State Senate & House Education Committees

10:00 - Break for Legislative Business & Lunch

1:00 - Discussion & Review of Preliminary Recommendations: Slate S, cont. (or Slate U)

1:45 - Discussion & Review of Preliminary Recommendations: Slate U

3:15 - Wrap up, Unfinished Task Force Business, Closing Comments

Note: Members of the Public Wishing to Testify May Request to do so at Anytime by Signing-In at the Meeting, or by Contacting Their Local Legislative Information Office

LEGISLATIVE BUDGET & AUDIT

Mar 29	Tuesday	House Finance 519	8:00 AM
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Audits: Executive Session

+ Other Committee Business

-- Teleconference <Invitation Only> --

LEGISLATIVE COUNCIL

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

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

OTHER MEETINGS**FISH CAUCUS**

Mar 15 **Tuesday** **Capitol 106** **12:00 PM**
+ Unveiling of the Financial Report for the Community
Development Quota Program (CDQ)
Larry Cotter President of WACDA

JOINT LEGISLATIVE HEALTH CAUCUS

Mar 24 **Thursday** **Beltz 105 (tsbldg)** **12:00 PM**
+ Highways to Health
Transportation from Alaska

JOINT SESSION

Mar 22 **Tuesday** **House Chamber** **11:00 AM**
Annual Address by the Honorable
Mark Begich, U.S. Senator