## SENATE JOURNAL

## ALASKA STATE LEGISLATURE

## TWENTY-SECOND LEGISLATURE -- SECOND SESSION

Juneau, Alaska

Wednesday

March 6, 2002

## Fifty-second Day

Pursuant to adjournment the Senate was called to order by President Halford at 11:10 a.m.

The roll showed eighteen members present. Senators Austerman, Kelly were excused from a call of the Senate.

The prayer was offered by the Chaplain, Major Nila Fankhauser of The Salvation Army. Senator Hoffman moved and asked unanimous consent that the prayer be spread. Without objection, it was so ordered.

Lord, today I want to take a moment to pray for the families of the men and women who have so recently given their lives in service of our country in Afghanistan. I lift up the mother who has lost her child, the child who has lost a parent, the spouse who now has no partner. I pray that You will send Your spirit to comfort, console and help them to carry on. I pray that You will send those to come along side of them and help the hurting carry their burden of grief. These men and women gave their best, their very lives in service to our country. May each of us, this Senate body and each individual citizen commit anew to give their best to make our country, our great state and our neighborhoods safe and free.

As they consider the job at hand today, I ask for Your Divine guidance, wisdom and strength for each Senator. May Your will be done within this chamber, in our state and in our lives.

Amen.

Senator Stevens led the Senate in the Pledge of Allegiance.

#### Certification

Senator Leman moved and asked unanimous consent that the journals for the fiftieth and fifty-first legislative days be approved as certified by the Secretary. Without objection, it was so ordered.

## **Introduction of Guests**

Senator Phillips introduced the following members of the Yukon Legislative Assembly from the Yukon Territory, Canada: Mike McLarnon, Deputy Speaker, Member of the Yukon Liberal Party from Downtown Whitehorse; the Honorable Scott Kent, Minister of Economic Development and Member of the Yukon Liberal Party from Riverdale; Eric Fairclough, Leader of the Official Opposition and Member of the New Democratic Party from Mayo; Gary D. McRobb; Member of the New Democratic Party from Kluane; Peter W. Jenkins, Third Party Leader of the Yukon Party from the Klondike Region; Pat Michael, Chief Clerk of the Yukon Legislative Assembly and Floyd McCormick, Deputy Clerk of the Yukon Legislative Assembly.

## Messages from the House

#### **SCR 27**

Message dated March 4 was read, stating the House passed and returned:

SENATE CONCURRENT RESOLUTION NO. 27 Authorizing a recess by the Senate for a period of more than three days.

The resolution was referred to the Secretary for enrollment.

Message dated March 4 was read, stating the House passed and transmitted for consideration:

## First Reading and Reference of House Bills

#### **HB 254**

CS FOR SPONSOR SUBSTITUTE FOR HOUSE BILL NO. 254(FIN) BY THE HOUSE FINANCE COMMITTEE, entitled:

"An Act relating to the teachers' retirement system, the judicial retirement system, and the public employees' retirement system and to the tax qualification under the Internal Revenue Code of those systems; amending the definition of 'actuarial adjustment' in the teachers' retirement system and the public employees' retirement system; repealing certain provisions of the teachers' retirement system and the public employees' retirement system; amending the statutory limitation on payment of warrants to make an exception for warrants making benefit payments or refunds under various state retirement and benefit programs; and providing for an effective date."

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

#### **HB 276**

CS FOR HOUSE BILL NO. 276(L&C) BY THE HOUSE LABOR AND COMMERCE COMMITTEE, entitled:

"An Act relating to temporary permits and licenses by endorsement issued by the Board of Nursing; and relating to the delegation of nursing duties."

was read the first time and referred to the Labor and Commerce and Health, Education and Social Services Committees.

## HB 281

CS FOR HOUSE BILL NO. 281(JUD) BY THE HOUSE JUDICIARY COMMITTEE, entitled:

"An Act relating to civil liability for providing alcoholic beverages to a person under 21 years of age; and providing for an effective date."

was read the first time and referred to the Labor and Commerce and Judiciary Committees.

#### **HB 306**

CS FOR HOUSE BILL NO. 306(L&C) BY THE HOUSE LABOR AND COMMERCE COMMITTEE, entitled:

"An Act authorizing the Department of Community and Economic Development to issue permits to certain agencies to purchase, possess, and use certain drugs for euthanizing domestic animals."

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

#### **Communications**

Disclosure letters received in accordance with AS 24.60 will be published in Senate Journal Supplement No. 7 and Senate and House Joint Journal Supplement No. 14.

## **Standing Committee Reports**

## **SB 215**

The Finance Committee considered SENATE BILL NO. 215 "An Act relating to licensing common carriers to dispense alcoholic beverages; and providing for an effective date" and recommended it be replaced with

## CS FOR SENATE BILL NO. 215(FIN)

Signing do pass: Senator Kelly, Cochair, Senators Hoffman, Wilken, Ward, Leman. Signing no recommendation: Senator Donley, Cochair, Senators Green, Olson.

The following fiscal information was published today: Fiscal Note No. 2, Department of Revenue

The bill was referred to the Rules Committee.

## **SB 243**

The Finance Committee considered SENATE BILL NO. 243 "An Act extending the termination date of the Board of Chiropractic Examiners; and relating to chiropractors" and recommended it be replaced with

CS FOR SENATE BILL NO. 243(FIN)

Signing do pass: Senators Donley, Kelly, Cochairs, Senators Green, Leman, Wilken, Olson, Ward. Signing no recommendation: Senator Hoffman.

The following previously published fiscal information applies: Fiscal Note No. 1, Department of Community and Economic Development

The bill was referred to the Rules Committee.

#### SB 280

The Labor and Commerce Committee considered SENATE BILL NO. 280 "An Act permitting grants to certain regulated public utilities for water quality enhancement projects and water, wastewater, and solid waste systems" and recommended it be replaced with:

CS FOR SENATE BILL NO. 280(L&C) "An Act permitting grants to certain regulated public utilities for water quality enhancement projects and water supply and wastewater systems."

Signing do pass: Senator Stevens, Chair, Senators Leman, Davis. Signing no recommendation: Senator Torgerson.

The following fiscal information was published today:
Fiscal Note No. 1, Department of Environmental Conservation
Fiscal Note No. 2, zero, Department of Environmental
Conservation

The bill was referred to the Resources Committee.

#### **SB 295**

The Health, Education and Social Services Committee considered SENATE BILL NO. 295 "An Act relating to the disclosure of information regarding delinquent minors to certain licensing agencies; and providing for an effective date." Signing do pass: Senator Green, Chair, Senators Wilken, Leman, Davis, Ward.

The following fiscal information was published today: Fiscal Note No. 1, zero, Department of Health and Social Services

The bill was referred to the Judiciary Committee.

#### **SB 302**

The Health, Education and Social Services Committee considered SENATE BILL NO. 302 "An Act defining the term 'mental health professional' for the purpose of statutes relating to the evaluation of prisoners who may need psychological or psychiatric treatment, for the purpose of statutes relating to the evaluation of children in need of aid and delinquent minors who may need to be confined in a secure residential psychiatric treatment center or who should be released from such a center, for the purpose of statutes requiring certain professionals to report the possibility that a vulnerable adult has been abused or neglected, and for the purpose of statutes relating to mental health civil commitments." Signing do pass: Senator Green, Chair, Senators Wilken, Leman, Davis. Signing no recommendation: Senator Ward.

The following fiscal information was published today: Fiscal Note No. 1, zero, Department of Health and Social Services

The bill was referred to the Judiciary Committee.

## **SB 308**

The Resources Committee considered SENATE BILL NO. 308 "An Act relating to the Alaska coastal management program and the responsibilities of the Alaska Coastal Policy Council" and recommended it be replaced with

CS FOR SENATE BILL NO. 308(RES) "An Act relating to the Alaska coastal management program and the responsibilities of the Alaska Coastal Policy Council; and providing for an effective date." (technical title change)

Signing do pass: Senator Torgerson, Chair, Senators Taylor, Halford, Stevens, Wilken. Signing no recommendation: Senators Lincoln, Elton.

The following fiscal information was published today: Fiscal Note No. 1, zero, Office of the Governor

The bill was referred to the Finance Committee.

#### **SB 324**

The Labor and Commerce Committee considered SENATE BILL NO. 324 "An Act providing that a utility or electric operating entity owned and operated by a political subdivision of the state competing directly with a telecommunications utility is not subject to the Alaska Public Utilities Regulatory Act" and recommended it be replaced with:

## CS FOR SENATE BILL NO. 324(L&C)

Signing no recommendation: Senator Stevens, Chair, Senators Torgerson, Leman, Davis.

The following fiscal information was published today:

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

The bill was referred to the Judiciary Committee.

#### **SB 328**

The Labor and Commerce Committee considered SENATE BILL NO. 328 "An Act requiring that a nonresident big game hunter be accompanied by a big game guide who is providing big game hunting services to the nonresident under a contract with the nonresident or who is employed by a big game guide who has a contract to provide big game hunting services to the nonresident." Signing do pass: Senator Stevens, Chair, Senators Torgerson, Davis, Leman.

The following fiscal information was published today:
Fiscal Note No. 1, zero, Department of Public Safety
Fiscal Note No. 2, zero, Department of Community and Economic
Development

The bill was referred to the Rules Committee.

#### **SB 331**

The Judiciary Committee considered SENATE BILL NO. 331 "An Act relating to the jurisdiction of district courts." Signing do pass: Senator Taylor, Chair, Senators Cowdery, Therriault. Signing no recommendation: Senator Ellis.

The following fiscal information was published today: Fiscal Note No. 1, zero, Alaska Court System

The bill was referred to the Rules Committee.

#### **SB 343**

The Resources Committee considered SENATE BILL NO. 343 "An Act clarifying the term 'best technology' required for use in oil discharge prevention and contingency plans; affirming existing Department of Environmental Conservation regulations defining 'best technology' and oil discharge prevention and contingency plans approved using those regulations; and providing for an effective date" and recommended it be replaced with

CS FOR SENATE BILL NO. 343(RES)

Signing do pass: Senator Torgerson, Chair, Senators Taylor, Halford, Stevens, Wilken, Lincoln. Signing no recommendation: Senator Elton.

The following fiscal information was published today: Fiscal Note No. 1, zero, Department of Environmental Conservation

The bill was referred to the Rules Committee.

#### **SJR 41**

The Transportation Committee considered SENATE JOINT RESOLUTION NO. 41 Relating to reconstruction and paving of the Alaska Highway. Signing do pass: Senator Cowdery, Chair, Senators Wilken, Taylor, Elton, Ward.

The following fiscal information was published today: Fiscal Note No. 1, zero, Senate Transportation Committee

The resolution was referred to the Rules Committee.

#### **HJR 37**

The Transportation Committee considered HOUSE JOINT RESOLUTION NO. 37 Congratulating Alaska Airlines on its 70th Anniversary. Signing do pass: Senator Cowdery, Chair, Senators Wilken, Taylor, Elton, Ward.

The following previously published fiscal information applies: Fiscal Note No. 1, zero, House Rules Committee

The resolution was referred to the Rules Committee.

#### SB 11

The Rules Committee considered SENATE BILL NO. 11 "An Act relating to the legal age for attending school; and providing for an effective date." Signing to calendar: Senator Phillips, Chair, Senators Cowdery, Therriault, Ellis.

The following fiscal information was published today:
Fiscal Note No. 2, zero, Department of Education and Early
Development

The bill is on today's calendar.

## **SB 297**

The Rules Committee considered SENATE BILL NO. 297 "An Act moving employees of the Alaska mental health trust land unit of the Department of Natural Resources from the partially exempt service to the exempt service." Signing to calendar: Senator Phillips, Chair, Senators Cowdery, Therriault, Ellis.

The bill is on today's calendar.

#### HB 291

The Rules Committee considered CS FOR HOUSE BILL NO. 291(L&C) "An Act relating to the requirements for obtaining a residential contractor endorsement." Signing to calendar: Senator Phillips, Chair, Senators Cowdery, Therriault, Ellis.

The bill is on today's calendar.

#### **Introduction and Reference of Senate Bills**

#### **SB 346**

SENATE BILL NO. 346 BY THE SENATE HEALTH, EDUCATION AND SOCIAL SERVICES COMMITTEE, entitled:

"An Act relating to statewide school district correspondence study and state supported home schooling programs."

was read the first time and referred to the Health, Education and Social Services Committee.

#### **SB 347**

SENATE BILL NO. 347 BY THE SENATE FINANCE COMMITTEE, entitled:

"An Act relating to taxation."

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

### **Consideration of the Calendar**

## **Second Reading of Senate Bills**

#### **SB 11**

SENATE BILL NO. 11 "An Act relating to the legal age for attending school; and providing for an effective date" was read the second time.

Senator Donley, Cochair, moved and asked unanimous consent for the adoption of the Finance Committee Substitute offered on page 2336. Senator Ellis objected, then withdrew his objection. There being no further objections, CS FOR SENATE BILL NO. 11(FIN) "An Act relating to required school attendance; 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. 11(FIN) was read the third time.

The question being: "Shall CS FOR SENATE BILL NO. 11(FIN) "An Act relating to required school attendance; and providing for an effective date" pass the Senate?" The roll was taken with the following result:

CSSB 11(FIN) Third Reading - Final Passage Effective Date

## YEAS: 14 NAYS: 4 EXCUSED: 2 ABSENT: 0

Yeas: Cowdery, Donley, Elton, Green, Halford, Leman, Lincoln, Phillips, Stevens, Taylor, Therriault, Torgerson, Ward, Wilken

Nays: Davis, Ellis, Hoffman, Olson

Excused: Austerman, Kelly

and so, CS FOR SENATE BILL NO. 11(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 Davis gave notice of reconsideration.

#### SB 297

SENATE BILL NO. 297 "An Act moving employees of the Alaska mental health trust land unit of the Department of Natural Resources from the partially exempt service to the exempt service" was 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.

SENATE BILL NO. 297 was read the third time.

The question being: "Shall SENATE BILL NO. 297 "An Act moving employees of the Alaska mental health trust land unit of the Department of Natural Resources from the partially exempt service to the exempt service" pass the Senate?" The roll was taken with the following result:

SB 297

Third Reading - Final Passage

YEAS: 17 NAYS: 0 EXCUSED: 2 ABSENT: 1

Yeas: Cowdery, Davis, Donley, Elton, Green, Halford, Hoffman, Leman, Lincoln, Olson, Phillips, Stevens, Taylor, Therriault, Torgerson, Ward, Wilken

Excused: Austerman, Kelly

Absent: Ellis

and so, SENATE BILL NO. 297 passed the Senate and was referred to the Secretary for engrossment.

## **Second Reading of House Bills**

#### HB 291

CS FOR HOUSE BILL NO. 291(L&C) "An Act relating to the requirements for obtaining a residential contractor endorsement" was read the second time.

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

CS FOR HOUSE BILL NO. 291(L&C) was read the third time.

The question being: "Shall CS FOR HOUSE BILL NO. 291(L&C) "An Act relating to the requirements for obtaining a residential contractor endorsement" pass the Senate?" The roll was taken with the following result:

CSHB 291(L&C)

Third Reading - Final Passage

YEAS: 17 NAYS: 0 EXCUSED: 2 ABSENT: 1

Yeas: Cowdery, Davis, Donley, Elton, Green, Halford, Hoffman, Leman, Lincoln, Olson, Phillips, Stevens, Taylor, Therriault, Torgerson, Ward, Wilken

Excused: Austerman, Kelly

Absent: Ellis

and so, CS FOR HOUSE BILL NO. 291(L&C) passed the Senate, was signed by the President and Secretary and returned to the House.

### **Citations**

Honoring – Mark R. Hamilton Representative(s) Davies Senator(s) Wilken, Hoffman, Ellis, Stevens, Halford, Leman, Elton, Davis, Lincoln, Austerman, Taylor, Kelly, Green, Ward

Honoring – Audrey Breed Representative(s) Lancaster Senator(s) Torgerson, Hoffman, Stevens, Halford, Wilken, Leman, Elton, Davis, Lincoln, Austerman, Taylor, Kelly, Green, Ward

In Memoriam – Daniel A. Brusich Senator(s) Taylor, Hoffman, Stevens, Halford, Wilken, Leman, Elton, Davis, Lincoln, Austerman, Kelly, Green

In Memoriam – Thomas "Skip" Woodford Representative(s) Lancaster Senator(s) Torgerson, Hoffman, Stevens, Halford, Wilken, Leman, Elton, Davis, Lincoln, Austerman, Taylor, Kelly, Green, Ward

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

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

## **Special Order of Business**

Honoring – Richard Frank, Elder of the Year Senator(s) Lincoln, Halford, Kelly, Austerman, Davis, Leman, Green, Taylor, Elton, Wilken, Hoffman, Stevens

In Memoriam – Effie Kokrine, "Grandma Effie" 1919-2001 Senator(s) Lincoln, Halford, Kelly, Austerman, Davis, Leman, Green, Taylor, Elton, Wilken, Hoffman, Stevens Representative(s) Fate

Senator Leman 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**

#### **SB 337**

The reconsideration on SENATE BILL NO. 337 "An Act relating to eligibility for an exemption from municipal property taxes for certain seniors and disabled veterans" was not taken up this legislative day and the bill was referred to the Secretary for engrossment.

#### **HB 285**

Senators Lincoln, Davis, Elton, Olson moved and asked unanimous consent to be shown as cross sponsors on HOUSE BILL NO. 285 "An Act adding a second verse to the official Alaska state song." Without objection, it was so ordered.

## **SCR 25**

President Halford added a Judiciary Committee referral to SENATE CONCURRENT RESOLUTION NO. 25 Relating to the public trust for fish and wildlife in Alaska.

The resolution was returned to the Judiciary Committee.

Senator Davis moved and asked unanimous consent to be excused from a call of the Senate until morning plane time on March 13. Without objection, Senator Davis was excused.

#### Announcements

Announcements are at the end of the journal.

## **Engrossment**

#### SB 297

SENATE BILL NO. 297 "An Act moving employees of the Alaska mental health trust land unit of the Department of Natural Resources from the partially exempt service to the exempt service" was engrossed, signed by the President and Secretary and transmitted to the House for consideration.

## **SB 337**

SENATE BILL NO. 337 "An Act relating to eligibility for an exemption from municipal property taxes for certain seniors and disabled veterans" was engrossed, signed by the President and Secretary and transmitted to the House for consideration.

## **Enrollment**

## **SCR 27**

SENATE CONCURRENT RESOLUTION NO. 27 Authorizing a recess by the Senate for a period of more than three days, 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 12:15 p.m., March 6, 2002.

## Adjournment

Senator Leman moved and asked unanimous consent that the Senate stand in adjournment until 2:00 p.m., March 13, 2002. Without objection, the Senate adjourned at 12:05 p.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 06	Wednesday No Meeting Scheduled	Fahrenkamp 203	1:30 PM			
Mar 08	Friday No Meeting Scheduled	Fahrenkamp 203	1:30 PM			
FINANCE						
Mar 06 += SB 292 +	Wednesday Senate Finance 532 9:00 AN SUPPLEMENTAL APPROPRIATIONS Bills Previously Heard/Scheduled					
Mar 14 = SB 291 SB 347	Thursday SUPPLEMENTAL APP ALCOHOLIC BEVERA Bills Previously Heard/S Teleconference upon re	cheduled				
Mar 15 + SB 339 += SB 185 + HB 4	Friday INCREASE CRIMINAL PCE BASED ON HIGH (Subcommittee to take to MOTOR VEHICLES &	EST COST estimony)	9:00 AM			

Bills Previously Heard/Scheduled

## **HEALTH, EDUCATION & SOCIAL SERVICES**

Mar 06	Wednesday	Butrovich 205	1:30 PM
+	Bills Previously Heard/	Scheduled	

Mar 07 Thursday Senate Finance 532 8:00 AM

-- Time and Location Change --

+ Key Campaign

Mar 11 Monday Butrovich 205 1:30 PM

No Meeting Scheduled

Mar 13 Wednesday Butrovich 205 1:30 PM

No Meeting Scheduled

Mar 15 Friday Butrovich 205 1:30 PM

SB 346 SCHOOL DISTRICT CORRESPONDENCE STUDY

SB 264 MUNICIPAL BOND REIMBURSEMENT

Bills Previously Heard/Scheduled

## JUDICIARY

Mar 06 Wednesday Beltz 211 1:30 PM

+ Confirmation Hearings:

Board of Governors of the Alaska Bar-William A. Granger, Anchorage Commission on Judicial Conduct-Jeffrey M. Feldman, Anchorage Violent Crimes Compensation Board-Leslie D. Bogda Wheeler, Wasilla Bills Previously Heard/Scheduled

Mar 08 Friday Beltz 211 1:30 PM

No Meeting Scheduled

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#### **LABOR & COMMERCE**

Mar 07 Thursday Beltz 211 1:30 PM

No Meeting Scheduled

Mar 12 Tuesday Beltz 211 1:30 PM

No Meeting Scheduled

# LABOR & COMMERCE (continued)

+ SB 265		ING ING 'S/NURSE PRACTITION' RING/MEDICAL EXAM eduled				
RESOURCES						
+ SB 279	Wednesday ALLOW CDQ GROUPS T SPORT FISH LICENSES I REGULATION OF HOT S	O HOLD ENTRY PERM FOR 9/11 RESPONDERS				
Mar 08	Friday No Meeting Scheduled	<b>Butrovich 205</b>	3:30 PM			
RULES						
Mar 06	Wednesday <upon recess=""></upon>	Fahrenkamp 203				
SB 308		PROGRAM				
SB 222 SB 331 SB 343	Wednesday REQUIRE SLOW DRIVED DISTRICT COURT JURIS BEST AVAILABLE TECH ALASKA AIRLINES 70TH	RS TO PULL OVER DICTIONAL AMOUNT HNOLOGY:DISCHARGE H ANNIVERSARY				
STATE AFFAIRS						
Mar 07	Thursday No Meeting Scheduled	Beltz 211	3:30 PM			

TRANSPORTATION

Mar 07 Thursday Butrovich 205 1:30 PM

No Meeting Scheduled

JOINT COMMITTEES

ADMINISTRATIVE REGULATION REVIEW

Mar 20 Wednesday Capitol 102 8:30 AM

+ Regulation Changes for Special

(Correspondence) Schools Public Comment

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OMBUDSMAN SELECTION COMMITTEE

Mar 14 Thursday Butrovich 205 5:30 PM

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SELECT CMTE ON LEGISLATIVE ETHICS

Mar 26 Tuesday Butrovich 205 11:00 AM

Public Comment

Committee Members and Officers

Review of State Benefit & Loan Programs

Staff Reports, Late Disclosures Advisory Opinion 02-01

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OTHER MEETINGS

FISH CAUCUS

Mar 14 Thursday Butrovich 205 12:00 PM