

# SENATE JOURNAL

## ALASKA STATE LEGISLATURE

### TWENTY-THIRD LEGISLATURE -- FIRST SESSION

Juneau, Alaska

Thursday

March 13, 2003

#### Fifty-second Day

Pursuant to adjournment the Senate was called to order by President Therriault at 11:09 a.m.

The roll showed seventeen members present. Senator Lincoln was excused from a call of the Senate. Senators Ogan, Taylor were absent.

The prayer was offered by the Chaplain, Pastor Greg Lindsay of the Northern Light United Church. Senator Olson moved and asked unanimous consent that the prayer be spread. Without objection, it was so ordered.

In deepest respect for the religious tradition of each person present, let us pause for a moment of prayer and reflection. Let us pray:

God of love, justice and peace, we know how hard it is to be still in Your presence and to listen for Your voice. Our minds are filled with to-do lists, our thoughts are focused on last minute conversations and our spirits are pushed to the edge with fatigue and busyness. Help us tune out the business at hand for one minute, to just listen.

O God, You care for each person here with a love that knows no end. Bring each of us into Your presence right now to sense and feel Your love for us.

I pray, O God, that You touch each person here at his or her point of need. Bring healing and comfort and a renewed sense of purpose. Refashion our days to better serve the people with energy, imagination and enthusiasm and love. For each day we have to serve You, O God, we give thanks. Amen.

Senator Ellis led the Senate in the Pledge of Allegiance.

### **Certification**

Senator Ben Stevens moved and asked unanimous consent that the journal for the fifty-first legislative day, Senate Journal Supplement No. 2 and House and Senate Joint Journal Supplement No. 6 be approved as certified by the Secretary. Without objection, it was so ordered.

The presence of Senator Ogan was noted.

### **Messages from the House**

Message dated March 12 was read, stating the House has confirmed the appointments of Dennis "Skip" Cook and Herman G. Walker, Jr. as public members to the Select Committee on Legislative Ethics.

Message dated March 12 was read, stating the House passed and transmitted for consideration:

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

##### **HB 64**

CS FOR HOUSE BILL NO. 64(JUD) BY THE HOUSE JUDICIARY COMMITTEE, entitled:

"An Act relating to court approval of the purchase of structured settlements."

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

##### **HB 124**

HOUSE BILL NO. 124 BY REPRESENTATIVE HOLM, entitled:

"An Act relating to commercial motor vehicle drivers and their employers and to railroad-highway grade crossings; and providing for an effective date."

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

### **Standing Committee Reports**

#### **SB 25**

The Finance Committee considered SENATE BILL NO. 25 "An Act relating to the teachers' housing loan program in the Alaska Housing Finance Corporation; and providing for an effective date" and recommended it be replaced with

CS FOR SENATE BILL NO. 25(FIN) "An Act relating to the acquisition of teachers' housing by regional educational attendance areas and to teachers' housing loan programs in the Alaska Housing Finance Corporation; and providing for an effective date."

Signing do pass: Senator Wilken, Cochair; Senators Taylor, Hoffman, Olson, Ben Stevens. Signing do not pass: Senator Green, Cochair. Signing no recommendation: Senator Bunde.

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

The bill was referred to the Rules Committee.

#### **SB 41**

The Health, Education and Social Services Committee considered SPONSOR SUBSTITUTE FOR SENATE BILL NO. 41 "An Act relating to medical care and crimes relating to medical care, including medical care and crimes relating to the medical assistance program" and recommended it be replaced with

CS FOR SPONSOR SUBSTITUTE FOR SENATE  
BILL NO. 41(HES)

Signing do pass: Senator Dyson, Chair; Senators Green, Wilken. Signing no recommendation: Senator Davis.

Fiscal information forthcoming.

The bill was referred to the Judiciary Committee.

**SB 79**

The Finance Committee considered SENATE BILL NO. 79 "An Act extending the termination date of the Alaska Minerals Commission." Signing do pass: Senators Green, Wilken, Cochairs; Senators Taylor, Hoffman, Bunde, Ben Stevens, Olson.

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.

**HB 12**

The Judiciary Committee considered CS FOR HOUSE BILL NO. 12(JUD) am "An Act relating to the crime of harassment committed by use of electronic communication" and recommended the adoption of the House Judiciary Letter of Intent (House Journal, page 181). Signing do pass: Senator Seekins, Chair; Senators Ellis, French, Ogan, Therriault.

The following previously published fiscal information applies:

Fiscal Note No. 1, zero, Department of Law

Fiscal Note No. 2, zero, Department of Public Safety

Fiscal Note No. 3, indeterminate, Department of Administration

The bill was referred to the Finance Committee.

**SJR 5**

The Judiciary Committee considered SENATE JOINT RESOLUTION NO. 5 Urging the President of the United States and the Congress to act to ensure that federal agencies do not retain records relating to lawful purchase or ownership of firearms gathered through the Brady Handgun Bill instant check system, and recommended the adoption of the State Affairs Committee Substitute offered on page 170.

Signing do pass: Senator Seekins, Chair; Senators Ellis, French, Ogan, Therriault.

The following previously published fiscal information applies:  
Fiscal Note No. 1, zero, Legislative Agency

The resolution was referred to the Rules Committee.

**SJR 8**

The Judiciary Committee considered SENATE JOINT RESOLUTION NO. 8 Relating to the division of the Ninth Circuit Court of Appeals. Signing do pass: Senator Seekins, Chair; Senators Ellis, French, Ogan, Therriault.

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

The resolution was referred to the Rules Committee.

**Introduction and Reference of  
Senate Resolutions**

**SJR 12**

SENATE JOINT RESOLUTION NO. 12 BY SENATOR GARY STEVENS,

Supporting the halibut by-catch utilization project of the Alaska Food Coalition.

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

**Consideration of the Calendar**

**Second Reading of Senate Bills**

**SB 71**

SENATE BILL NO. 71 "An Act relating to funding for transportation enhancement projects" was read the second time.

Senator Cowdery, Chair, moved and asked unanimous consent for the adoption of the Transportation Committee Substitute offered on page 295. Senator Ellis objected, then withdrew his objection. There being no further objections, CS FOR SENATE BILL NO. 71(TRA) "An Act relating to funding for transportation projects; and providing for an effective date" was adopted.

The presence of Senator Taylor was noted.

**SB 71**

Senator Ben Stevens moved and asked unanimous consent that the bill be considered engrossed, advanced to third reading and placed on final passage.

Senator Ellis objected.

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

CSSB 71(TRA)

Advance from Second to Third Reading?

**YEAS: 12 NAYS: 7 EXCUSED: 1 ABSENT: 0**

Yeas: Bunde, Cowdery, Dyson, Green, Ogan, Seekins, Stevens B, Stevens G, Taylor, Therriault, Wagoner, Wilken

Nays: Davis, Ellis, Elton, French, Guess, Hoffman, Olson

Excused: Lincoln

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

CS FOR SENATE BILL NO. 71(TRA) will be on the March 17 calendar.

**Third Reading of House Bills**

**HB 100**

SENATE CS FOR CS FOR HOUSE BILL NO. 100(FIN) am S was read the third time.

The question being: "Shall SENATE CS FOR CS FOR HOUSE BILL NO. 100(FIN) am S "An Act making supplemental and other appropriations; amending appropriations; making appropriations to capitalize funds; and providing for an effective date" pass the Senate?" The roll was taken with the following result:

SCS CSHB 100(FIN) am S  
Third Reading - Final Passage  
Effective Date

**YEAS: 18 NAYS: 1 EXCUSED: 1 ABSENT: 0**

Yeas: Bunde, Cowdery, Davis, Dyson, Elton, French, Green, Guess, Hoffman, Ogan, Olson, Seekins, Stevens B, Stevens G, Taylor, Therriault, Wagoner, Wilken

Nays: Ellis

Excused: Lincoln

and so, SENATE CS FOR CS FOR HOUSE BILL NO. 100(FIN) am S passed the Senate.

Senator Ben Stevens 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.

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

#### **SJR 7**

SENATE JOINT RESOLUTION NO. 7 Expressing support for Vancouver, British Columbia's, bid for the 2010 Olympic Winter Games and the Paralympic Winter Games, was read the second time.

Senator Ben Stevens 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. 7 was read the third time.

The question being: "Shall SENATE JOINT RESOLUTION NO. 7 Expressing support for Vancouver, British Columbia's, bid for the 2010 Olympic Winter Games and the Paralympic Winter Games, pass the Senate?" The roll was taken with the following result:

SJR 7

Third Reading - Final Passage

**YEAS: 19 NAYS: 0 EXCUSED: 1 ABSENT: 0**

Yeas: Bunde, Cowdery, Davis, Dyson, Ellis, Elton, French, Green, Guess, Hoffman, Ogan, Olson, Seekins, Stevens B, Stevens G, Taylor, Therriault, Wagoner, Wilken

Excused: Lincoln

and so, SENATE JOINT RESOLUTION NO. 7 passed the Senate and was referred to the Secretary for engrossment.

### **Second Reading of House Resolutions**

**HCR 8**

HOUSE CONCURRENT RESOLUTION NO. 8 was read the second time and was before the Senate on final passage.

Senators Hoffman, Taylor, Ben Stevens, Guess, Ogan, Ellis, Elton, Davis, Seekins, Wagoner, Gary Stevens, Dyson, French, Olson, Therriault, Cowdery moved and asked unanimous consent to be shown as cross sponsors on the resolution. Without objection, it was so ordered.

The question being: "Shall HOUSE CONCURRENT RESOLUTION NO. 8 Requesting the Governor to declare March 16 - 22, 2003, to be Inhalants and Poisons Awareness Week, pass the Senate?" The roll was taken with the following result:



HCR 8

Second Reading - Final Passage

**YEAS: 19 NAYS: 0 EXCUSED: 1 ABSENT: 0**

Yeas: Bunde, Cowdery, Davis, Dyson, Ellis, Elton, French, Green, Guess, Hoffman, Ogan, Olson, Seekins, Stevens B, Stevens G, Taylor, Therriault, Wagoner, Wilken

Excused: Lincoln

and so, HOUSE CONCURRENT RESOLUTION NO. 8 passed the Senate, was signed by the President and Secretary and returned to the House.

### **Unfinished Business**

Senator Ellis moved that the following statement be adopted as the Sense of the Senate: "It is the sense of the Alaska Senate that we must not sacrifice our liberty in the name of enhanced security or we may find that we have sacrificed both our liberty and our safety, in which case terrorism will have prevailed. We reaffirm our sworn commitment to defending the Bill of Rights. Finally, we insist that measures implemented in the name of security must infringe on no more of Alaskans' civil liberties than necessary to actually make the public safer." Objections were heard.

President Therriault stated that, in accordance with section 381 of Mason's Manual of Legislative Procedure, the document would be referred to the State Affairs Committee.

Senator Wagoner moved and asked unanimous consent to be excused from a call of the Senate from March 24, 8:00 a.m., through March 26, afternoon plane time. Without objection, Senator Wagoner was excused.

Senator Bunde moved and asked unanimous consent to be excused from a call of the Senate from March 14, afternoon plane time, through March 17, morning plane time. Without objection, Senator Bunde was excused.

Senator Ben Stevens moved and asked unanimous consent that President Therriault be excused from a call of the Senate on March 16, to evening plane time. Without objection, Senator Therriault was excused.

Senator French moved and asked unanimous consent to be excused from a call of the Senate on March 17, to morning plane time. Without objection, Senator French was excused.

Senator Seekins moved and asked unanimous consent to be excused from a call of the Senate from March 14, morning plane time, through March 16, evening plane time. Without objection, Senator Seekins was excused.

**SJR 12**

Senators Wilken, Guess, Bunde, Seekins, Wagoner, Dyson, French, Ben Stevens moved and asked unanimous consent to be shown as cosponsors on SENATE JOINT RESOLUTION NO. 12 Supporting the halibut by-catch utilization project of the Alaska Food Coalition. Without objection, it was so ordered.

**Announcements**

Announcements are at the end of the journal.

**Engrossment****HB 100**

SCS CSHB 100(FIN) am S "An Act making supplemental and other appropriations; amending appropriations; making appropriations to capitalize funds; and providing for an effective date" was engrossed, signed by the President and Secretary and returned to the House for consideration.

**SJR 7**

SENATE JOINT RESOLUTION NO. 7 Expressing support for Vancouver, British Columbia's, bid for the 2010 Olympic Winter Games and the Paralympic Winter Games, was engrossed, signed by the President and Secretary and transmitted to the House for consideration.

**Adjournment**

Senator Ben Stevens moved and asked unanimous consent that the Senate stand in adjournment until 11:00 a.m., March 17, 2003. Without objection, the Senate adjourned at 12:02 p.m.

Kirsten Waid  
Secretary of the Senate

March 2003

**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**

<b>Mar 14</b>	<b>Friday</b>	<b>Fahrenkamp 203</b>	<b>1:30 PM</b>
	No Meeting Scheduled		
<b>Mar 17</b>	<b>Monday</b>	<b>Fahrenkamp 203</b>	<b>1:30 PM</b>
	Bills Previously Heard/Scheduled		
+= SB 38	ADOPTION OF SAFETY CODES		
+ SB 118	BOROUGH INSPECTION: FOOD/AQUATIC FARMS <Testimony by Invitation Only>		
+ SB 136	RESIDENTIAL PROPERTY TAX EXEMPTION		
<b>Mar 19</b>	<b>Wednesday</b>	<b>Fahrenkamp 203</b>	<b>1:30 PM</b>
	No Meeting Scheduled		
<b>Mar 21</b>	<b>Friday</b>	<b>Fahrenkamp 203</b>	<b>1:30 PM</b>
	No Meeting Scheduled		

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**FINANCE**

<b>Mar 13</b>	<b>Thursday</b>	<b>Senate Finance 532</b>	<b>9:00 AM</b>
SB 79	EXTEND ALASKA MINERALS COMMISSION Bills Previously Heard/Scheduled		
<b>Mar 14</b>	<b>Friday</b>	<b>Senate Finance 532</b>	<b>9:00 AM</b>
	Bills Previously Heard/Scheduled		

**FINANCE (continued)**

**Mar 17 Monday Senate Finance 532 9:00 AM**  
 SB 100 APPROP: CAPITAL PROJECTS  
 Bills Previously Heard/Scheduled

**Mar 18 Tuesday Senate Finance 532 9:00 AM**  
 = SB 100 APPROP: CAPITAL PROJECTS  
 Bills Previously Heard/Scheduled

**Mar 19 Wednesday Senate Finance 532 9:00 AM**  
 = SB 100 APPROP: CAPITAL PROJECTS  
 Bills Previously Heard/Scheduled

**Mar 20 Thursday Senate Finance 532 9:00 AM**  
 = SB 100 APPROP: CAPITAL PROJECTS  
 Bills Previously Heard/Scheduled

**Mar 21 Friday Senate Finance 532 9:00 AM**  
 No Meeting Scheduled

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**HEALTH, EDUCATION & SOCIAL SERVICES**

**Mar 17 Monday Butrovich 205 1:30 PM**  
 + SB 95 72-HOUR NOTICE OF TEACHER STRIKE  
 + SB 30 ABORTION: INFORMED CONSENT; INFORMATION  
 Bills Previously Heard/Scheduled  
 += SB 55 TAMPERING WITH PUBLIC RECORDS  
 += SB 8 TAMPERING WITH PUBLIC RECORDS

**Mar 19 Wednesday Butrovich 205 1:30 PM**  
 No Meeting Scheduled

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**JUDICIARY**

**Mar 14 Friday Beltz 211 1:30 PM**  
 No Meeting Scheduled

**JUDICIARY (continued)**

**Mar 17 Monday Beltz 211 1:30 PM**  
 + Bills Previously Heard/Scheduled  
 + Confirmation Hearing:  
 Violent Crimes Compensation Board -  
 LeRoy Barker  
 + SB 2 PARENT LIABILITY FOR DAMAGE BY CHILD  
 + SB 49 2003 REVISOR'S BILL  
 + HB 68 OFFICE OF VICTIMS' RIGHTS: INCLUDE MUNIS

**Mar 19 Wednesday Beltz 211 1:30 PM**  
 Bills Previously Heard/Scheduled  
 SB 9 CLEANUP OF ILLEGAL DRUG SITES  
 SJR 3 CONST AM: APPROPRIATION/SPENDING LIMIT

**Mar 21 Friday Beltz 211 1:30 PM**  
 No Meeting Scheduled

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**LABOR & COMMERCE**

**Mar 13 Thursday Beltz 211 1:30 PM**  
 + SB 82 ALCOHOLIC BEVERAGE TAX FOR WINE & OTHERS  
 + HB 82 COMMERCIAL ELECTRONIC MAIL  
 + SB 102 CHARITABLE GAMING REVENUE  
 Bills Previously Heard/Scheduled

**Mar 18 Tuesday Beltz 211 1:30 PM**  
 + SB 86 INTEREST ON DELINQUENT TAXES  
 + HB 9 HOME INSPECTORS/CONTRACTORS  
 + SB 114 INCREASE BUSINESS LICENSE FEE  
 Bills Previously Heard/Scheduled

**Mar 20 Thursday Beltz 211 1:30 PM**  
 No Meeting Scheduled

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**RESOURCES**

<b>Mar 13</b>	<b>Thursday</b>	<b>Beltz 211</b>	<b>12:30 PM</b>
	-- Meeting Canceled --		
	Subcommittee Meeting		
= HB 69	REGULATION OF SHALLOW NATURAL GAS		
<b>Mar 14</b>	<b>Friday</b>	<b>Butrovich 205</b>	<b>3:30 PM</b>
	No Meeting Scheduled		
<b>Mar 17</b>	<b>Monday</b>	<b>Butrovich 205</b>	<b>3:30 PM</b>
	No Meeting Scheduled		
<b>Mar 19</b>	<b>Wednesday</b>	<b>Butrovich 205</b>	<b>3:30 PM</b>
	No Meeting Scheduled		
<b>Mar 21</b>	<b>Friday</b>	<b>Butrovich 205</b>	<b>3:30 PM</b>
	No Meeting Scheduled		
<b>Mar 24</b>	<b>Monday</b>	<b>Butrovich 205</b>	<b>3:30 PM</b>
+ SB 70	BD OF FISHERIES MEETINGS/EMERGENCY ORDERS		
+ SB 143	COASTAL MANAGEMENT PROGRAMS		
	Bills Previously Heard/Scheduled		
<b>Mar 25</b>	<b>Tuesday</b>	<b>Butrovich 205</b>	<b>8:30 AM</b>
	Subcommittee Meeting		
= HB 69	REGULATION OF SHALLOW NATURAL GAS		
<b>Mar 26</b>	<b>Wednesday</b>	<b>Butrovich 205</b>	<b>3:30 PM</b>
+ SB 50	ROYALTY GAS CONTRACTS		
	Bills Previously Heard/Scheduled		
<b>Mar 28</b>	<b>Friday</b>	<b>Butrovich 205</b>	<b>3:30 PM</b>
+ SB 122	NONRES.GAME TAG FEES/WILDLIFE TOUR PASS		
+ SB 97	ATTY FEES: PUBLIC INTEREST LITIGANTS		
	Bills Previously Heard/Scheduled		

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**STATE AFFAIRS**

**Mar 13 Thursday Beltz 211 3:30 PM**  
 SB 83 SVEN HAAKANSON AIRPORT AT OLD HARBOR  
 += SB 65 CORRECTIONAL FACILITY EXPANSION  
 += SB 99 CORRECTIONAL FACILITIES

**Mar 18 Tuesday Beltz 211 3:30 PM**  
 SJR 10 PLEDGE OF ALLEGIANCE RESOLUTION  
 HB 140 BENEFITS FOR CERTAIN RIP PARTICIPANTS  
 <Pending Referral>  
 SB 115 CORRECTIONAL INDUSTRIES PROGRAM EXPENSES  
 + HB 46 PRIMARY ELECTION BALLOTS  
 SB 24 SPECIAL ABSENTEE BALLOTS  
 Bills Previously Heard/Scheduled

**Mar 20 Thursday Beltz 211 3:30 PM**  
 No Meeting Scheduled

**Mar 25 Tuesday Beltz 211 3:30 PM**  
 = SB 26 STATE EMPLOYEES CALLED TO MILITARY DUTY  
 SB 69 BOARD OF FISHERIES CONFLICTS OF INTEREST  
 + SB 119 ELIMINATE APOC  
 Bills Previously Heard/Scheduled

**TRANSPORTATION**

**Mar 13 Thursday Butrovich 205 1:15 PM**  
 -- Time and Location Change --  
 + Joint w/(H) Transportation  
 Airport Bond Issues

**Mar 18 Tuesday Butrovich 205 1:30 PM**  
 -- Rescheduled from 3/11/03 --  
 += SB 31 RAILROAD UTILITY CORRIDOR TO & IN CANADA  
 <Above Bill Hearing Postponed>  
 Bills Previously Heard/Scheduled

**Mar 20 Thursday Butrovich 205 1:30 PM**  
 No Meeting Scheduled

**Mar 25 Tuesday Butrovich 205 1:30 PM**  
 += SB 40 CONSTRUCTION OF HIGHWAYS BY DOTPF



**FINANCE SUBCOMMITTEES****ADMINISTRATION**

**Mar 13      Thursday                                      Beltz 211              8:00 AM**  
 Dept of Administration Budget Overview  
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**COMMUNITY AND ECONOMIC DEVELOPMENT**

**Mar 14      Friday                                      Terry Miller 104              8:00 AM**  
 -- Rescheduled from 3/11/03 --  
 Initial Budget Discussions  
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**FISH & GAME**

**Mar 13      Thursday                                      Senate Finance 532              3:30 PM**  
**Mar 25      Tuesday                                      Senate Finance 532              3:30 PM**  
**Apr 03      Thursday                                      Senate Finance 532              3:30 PM**  
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**LAW**

**Mar 18      Tuesday                                      Fahrenkamp 203              4:00 PM**  
 Dept of Law Budget Overview  
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**PUBLIC SAFETY**

**Mar 18      Tuesday                                      Senate Finance 532              4:00 PM**  
**Apr 01      Tuesday                                      Fahrenkamp 203              4:00 PM**  
**Apr 08      Tuesday                                      Fahrenkamp 203              4:00 PM**  
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**FINANCE SUBCOMMITTEES (continued)****TRANSPORTATION & PUBLIC FACILITIES**

**Mar 18**      **Tuesday**                      **Senate Finance 532**              **8:00 AM**  
 Dept of Transportation/Public Facilities  
 FY04 Operating Budget Overview

**Mar 20**      **Thursday**                      **Senate Finance 532**              **8:00 AM**  
 Dept of Transportation/Public Facilities  
 FY04 Operating Budget Overview

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**JOINT COMMITTEES****LEGISLATIVE BUDGET & AUDIT**

**Mar 27**      **Thursday**                      **House Finance 519**              **4:00 PM**  
 Audits and Other Committee Business  
 Including an Executive Session

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**OTHER MEETINGS****FISH CAUCUS**

**Mar 19**      **Wednesday**                      **Butrovich 205**              **12:00 PM**  
 Restoring Razor Clams: Economic  
 Opportunities in Mariculture -  
 Jackie Timothy, Mariculture Coordinator,  
 Dept of Fish and Game

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**JOINT SESSION**

**Mar 31**      **Monday**                      **House Chamber**              **11:00 AM**  
 Address by U.S. Senator Ted Stevens