

SENATE JOURNAL
ALASKA STATE LEGISLATURE
TWENTY-FOURTH LEGISLATURE
FIRST SESSION

Juneau, Alaska

Friday

April 1, 2005

Eighty-second Day

Pursuant to adjournment the Senate was called to order by President Stevens at 11:20 a.m.

The roll showed twenty members present.

The prayer was offered by the Chaplain, Pastor Gary Waterhouse of the Juneau and Sitka Seventh Day Adventist Church. Senator Hoffman moved and asked unanimous consent that the prayer be spread. Without objection, it was so ordered.

Lord, Thank You for each of these individuals in this room today, the senators, the clerks, the sergeant at arms and of course the pages. Thank You for each of them and the many hours they are on duty, and the work which was accomplished this week. And Lord, as the ending of this session is fast creeping up on us there will be many late nights and week-ends on duty, in an effort to get some needed legislation passed. Be with them in those times, to get their needed rest, to eat healthfully, get adequate exercise, and put their trust in You. And with the union of the physical, mental, and spiritual, they will be fully equipped to meet the challenges ahead.

When the work is completed for this day and many return to their homes, we pray for safety on the roads, in the air, and on the seas.

Thank You for hearing our prayer, O Lord, Amen.

Senator Green led the Senate in the Pledge of Allegiance.

Certification

Senator Gary Stevens moved and asked unanimous consent that the journal for the eighty-first legislative day be approved as certified by the Secretary. Without objection, it was so ordered.

Messages from the Governor

Letter dated March 29 and received March 31 was read, stating in accordance with AS 39.05.080, I submit the following names for legislative confirmation of appointment to the boards and commissions set out below:

State Commission for Human Rights

M. Chris Hayes - Fairbanks
Appointed: 3/18/2005 Term Expires: 3/1/2010

Barbara J. (Tamie) Miller - Wasilla
Appointed: 3/18/2005 Term Expires: 3/1/2009

Randy H. Eledge - Anchorage
Appointed: 3/18/2005 Term Expires: 3/1/2006

Lester C. Lunceford - Whittier
Appointed: 2/19/2003 Reappointed: 3/18/2005
Term Expires: 3/1/2010

The appointments were referred to the State Affairs Committee.

Alaska Oil and Gas Conservation Commission

Cathy P. Foerster - Anchorage
Appointed: 3/23/2005 Term Expires: 3/1/2007

The appointment was referred to the Resources Committee.

Board of Veterinary Examiners

Dr. Timothy L. Bowser - Soldotna

Appointed: 2/19/2003 Term Expires: 3/1/2004

Dr. Cynthia Ann Trout - Anchorage

Appointed: 3/23/2005 Term Expires: 3/1/2008

Alfred Agree - Trapper Creek

Appointed: 3/23/2005 Term Expires: 3/1/2008

The appointments were referred to the Labor and Commerce Committee.

The resumes for these appointments have been submitted to the Offices of the Senate Secretary and the Chief Clerk.

Communications

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

Alaska Taxable 2004, Municipal Taxation – Rates and Policies, Full Value Determination, Population and G.O. Bonded Debt
Volume XLIV, January 2005
from Steve Van Sant, State Assessor
Department of Commerce, Community, and Economic Development

Disclosure letters received in accordance with AS 24.60 will be published in Senate Journal Supplement No. 2 and House and Senate Joint Journal Supplement No. 6.

Standing Committee Reports**SB 16**

The Transportation Committee considered SPONSOR SUBSTITUTE FOR SENATE BILL NO. 16 "An Act relating to the powers and duties of the Department of Transportation and Public Facilities; repealing the requirement for a long-range program for highway

construction and maintenance; and repealing a requirement that public facilities comply with energy standards adopted by the Department of Transportation and Public Facilities" and recommended it be replaced with

CS FOR SPONSOR SUBSTITUTE FOR SENATE BILL NO. 16(TRA) "An Act relating to the powers and duties of the Department of Transportation and Public Facilities; repealing the requirement for a long-range program for highway construction and maintenance; and repealing a requirement that public facilities comply with energy standards adopted by the Department of Transportation and Public Facilities; and providing for an effective date."

Signing do pass: Senator Huggins, Chair. Signing no recommendation: Senators Therriault, Cowdery, French, Kookesh.

The following fiscal information was published today:

Fiscal Note No. 1, zero, Department of Transportation and Public Facilities
Fiscal Note No. 2, zero, Department of Public Safety

The bill was referred to the Finance Committee.

SB 54

Forthcoming Judiciary Committee Substitute (page 736) for SENATE BILL NO. 54 "An Act relating to notification to victims of sexual assault; relating to protective orders; and relating to arrests for crimes involving sexual assault, violation of protective orders, or violation of conditions of release" was received today:

CS FOR SENATE BILL NO. 54(JUD) "An Act relating to protective orders for crimes involving sexual assault or stalking, to notifications to victims of sexual assault, and to mandatory arrest for crimes involving violation of protective orders and violation of conditions of release; and amending Rule 65, Alaska Rules of Civil Procedure."

SB 130

The Labor and Commerce Committee considered SENATE BILL NO. 130 "An Act relating to a special deposit for workers' compensation and employers' liability insurers; relating to assigned risk pools; relating to workers' compensation insurers; stating the intent of the legislature, and setting out limitations, concerning the interpretation, construction, and implementation of workers' compensation laws; relating to the Alaska Workers' Compensation Board; assigning certain Alaska Workers' Compensation Board functions to the division of workers' compensation in the Department of Labor and Workforce Development and to that department, and authorizing the board to delegate administrative and enforcement duties to the division; establishing a Workers' Compensation Appeals Commission; providing for workers' compensation hearing officers in workers' compensation proceedings; relating to workers' compensation medical benefits and to charges for and payment of fees for the medical benefits; relating to agreements that discharge workers' compensation liability; relating to workers' compensation awards; relating to reemployment benefits and job dislocation benefits; relating to coordination of workers' compensation and certain disability benefits; relating to division of workers' compensation records; relating to release of treatment records; relating to an employer's failure to insure and keep insured or provide security; providing for appeals from compensation orders; relating to workers' compensation proceedings; providing for supreme court jurisdiction of appeals from the Workers' Compensation Appeals Commission; providing for a maximum amount for the cost-of-living adjustment for workers' compensation benefits; relating to attorney fees; providing for the department to enter into contracts with nonprofit organizations to provide information services and legal representation to injured employees; providing for administrative penalties for employers uninsured or without adequate security for workers' compensation; relating to fraudulent acts or false or misleading statements in workers' compensation and penalties for the acts or statements; providing for members of a limited liability company to be included as an employee for purposes of workers' compensation; establishing a workers' compensation benefits guaranty fund; relating to the second injury fund; making conforming amendments; providing for a study and report by the medical services review committee; and providing for an effective date" and recommended it be replaced with

CS FOR SENATE BILL NO. 130(L&C) "An Act relating to a special deposit for workers' compensation and employers' liability insurers; relating to assigned risk pools; relating to workers' compensation insurers; stating the intent of the legislature, and setting out limitations, concerning the interpretation, construction, and implementation of workers' compensation laws; relating to the Alaska Workers' Compensation Board; assigning certain Alaska Workers' Compensation Board functions to the division of workers' compensation in the Department of Labor and Workforce Development and to that department, and authorizing the board to delegate administrative and enforcement duties to the division; providing for workers' compensation hearing officers in workers' compensation proceedings; relating to workers' compensation medical benefits and to charges for and payment of fees for the medical benefits; relating to agreements that discharge workers' compensation liability; relating to workers' compensation awards; relating to reemployment benefits and job dislocation benefits; relating to coordination of workers' compensation and certain disability benefits; relating to division of workers' compensation records; relating to release of treatment records; relating to an employer's failure to insure and keep insured or provide security; relating to workers' compensation proceedings; providing for a maximum amount for the cost-of-living adjustment for workers' compensation benefits; relating to attorney fees with respect to workers' compensation; providing for the department to enter into contracts with nonprofit organizations to provide information services and legal representation to injured employees; providing for administrative penalties for employers uninsured or without adequate security for workers' compensation; relating to fraudulent acts or false or misleading statements in workers' compensation and penalties for the acts or statements; providing for members of a limited liability company to be included as an employee for purposes of workers' compensation; establishing a workers' compensation benefits guaranty fund; relating to the second injury fund; making conforming amendments; providing for a study and report by the medical services review committee; and providing for an effective date." Signing do pass: Senator Bunde, Chair; Senator Ben Stevens. Signing no recommendation: Senator Seekins. Signing amend: Senators Davis, Ellis.

Fiscal information forthcoming.

The following previously published fiscal information applies:
Fiscal Note No. 2, zero, Department of Commerce, Community,
and Economic Development

President Stevens added a Judiciary Committee referral to the bill.

The bill was referred to the Judiciary, then Finance Committees.

SB 133

The Transportation Committee considered SENATE BILL NO. 133 "An Act establishing the Aviation Advisory Board; and providing for an effective date." Signing do pass: Senator Huggins, Chair; Senators Cowdery, Kookesh. Signing no recommendation: Senators Therriault, French.

The following previously published fiscal information applies:
Fiscal Note No. 1, zero, Department of Transportation and Public Facilities

The bill was referred to the Finance Committee.

SB 147

The Labor and Commerce Committee considered SENATE BILL NO. 147 "An Act providing for a sport fishing facility surcharge on sport fishing licenses; providing for the construction and renovation of state sport fishing facilities and for other projects beneficial to the sport fish resources of the state as a public enterprise; and authorizing the issuance of revenue bonds to finance those projects." Signing do pass: Senator Bunde, Chair; Senators Davis, Seekins, Ben Stevens. Signing no recommendation: Senator Ellis.

The following fiscal information was published today:
Fiscal Note No. 1, Department of Revenue
Fiscal Note No. 2, Department of Fish and Game

The bill was referred to the Finance Committee.

Introduction and Reference of Senate Bills**SB 158**

SENATE BILL NO. 158 BY SENATOR HUGGINS, entitled:

"An Act prohibiting the imposition of municipal sales and use taxes on state construction contracts and certain subcontracts; and providing for an effective date."

was read the first time and referred to the Community and Regional Affairs and Finance Committees.

SB 159

SENATE BILL NO. 159 BY SENATOR THERRIAULT, entitled:

"An Act relating to indecent exposure."

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

SB 160

SENATE BILL NO. 160 BY THE SENATE LABOR AND COMMERCE COMMITTEE, entitled:

"An Act relating to a procurement and electronic commerce tools program for state departments and instrumentalities of the state; and providing for an effective date."

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

Consideration of the Calendar**Second Reading of Senate Bills****SB 143**

SENATE BILL NO. 143 "An Act amending the definition of the term 'state agencies' as it applies under Executive Order No. 113; relating to information systems in the legislative branch and to the Telecommunications Information Council; and providing for an effective date" was read the second time.

Senator Therriault, Chair, moved and asked unanimous consent for the adoption of the State Affairs Committee Substitute offered on page 724. Without objection, CS FOR SENATE BILL NO. 143(STA) was adopted.

Senator Gary Stevens 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. 143(STA) was read the third time.

The question being: "Shall CS FOR SENATE BILL NO. 143(STA) "An Act amending the definition of the term 'state agencies' as it applies under Executive Order No. 113; relating to information systems in the legislative branch and to the Telecommunications Information Council; and providing for an effective date" pass the Senate?" The roll was taken with the following result:

CSSB 143(STA)
Third Reading - Final Passage
Effective Date

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

Yea: Bunde, Cowdery, Davis, Dyson, Ellis, Elton, French, Green, Guess, Hoffman, Huggins, Kookesh, Olson, Seekins, Stedman, Stevens B, Stevens G, Therriault, Wagoner, Wilken

and so, CS FOR SENATE BILL NO. 143(STA) passed the Senate.

Senator Gary 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.

Unfinished Business

Senator Cowdery moved and asked unanimous consent to be excused from a call of the Senate on April 4. Without objection, Senator Cowdery was excused.

Announcements

Announcements are at the end of the journal.

Engrossment**SB 143**

CS FOR SENATE BILL NO. 143(STA) "An Act amending the definition of the term 'state agencies' as it applies under Executive Order No. 113; relating to information systems in the legislative branch and to the Telecommunications Information Council; and providing for an effective date" was engrossed, signed by the President and Secretary and transmitted to the House for consideration.

Adjournment

Senator Gary Stevens moved and asked unanimous consent that the Senate stand in adjournment until 11:00 a.m., April 4, 2005. Without objection, the Senate adjourned at 11:50 a.m.

Kirsten Waid
Secretary of the Senate

April 2005

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

Apr 01	Friday	Beltz 211	1:30 PM
No Meeting Scheduled			
Apr 04	Monday	Beltz 211	1:30 PM
+ =	HB 108	WATER & SEWER UTILITIES OF POLIT. SUBDIV.	
+ =	SB 114	SERVICE AREAS IN SECOND CLASS BOROUGHS	
+ =		Bills Previously Heard/Scheduled	
+ =	SB 86	STATE/MUNI LIABILITY FOR ATTORNEY FEES	
Apr 06	Wednesday	Beltz 211	1:30 PM
+ =	SB 158	MUNI TAX ON STATE CONSTRUCTION CONTRACTS	
+ =		Bills Previously Heard/Scheduled	
Apr 08	Friday	Beltz 211	1:30 PM
Bills Previously Heard/Scheduled			

FINANCE

Apr 01	Friday	Senate Finance 532	9:00 AM
+ =	SB 141	PUBLIC EMPLOYEE/TEACHER RETIREMENT	
+ =		Bills Previously Heard/Scheduled	
+ =		-- Committee will recess to the call of	
+ =		the Chair, approximately 4:00 p.m.--	
Apr 02	Saturday	Senate Finance 532	10:00 AM
+ =	SB 141	-- Time Change --	
+ =		PUBLIC EMPLOYEE/TEACHER RETIREMENT	
+ =		Bills Previously Heard/Scheduled	

FINANCE (continued)

Apr 03	Sunday	Senate Finance 532	10:00 AM
-- Time Change --			
+ =	SB 141	PUBLIC EMPLOYEE/TEACHER RETIREMENT	
+		Bills Previously Heard/Scheduled	
Apr 04	Monday	Senate Finance 532	9:00 AM
+ =	SB 141	PUBLIC EMPLOYEE/TEACHER RETIREMENT	
+ =	SB 93	FISHING PERMIT AND VESSEL LICENSE FEES	
+ =	SB 155	APPROP: SCHOOLS/UNIV/VIROLOGY LAB/MUSEUM	
+ =	SB 112	TAX ON REAA RESIDENTS	
+		Bills Previously Heard/Scheduled	
Apr 05	Tuesday	Senate Finance 532	9:00 AM
+ =	SB 141	PUBLIC EMPLOYEE/TEACHER RETIREMENT	
+ =	SB 100	ENHANCED 911 SURCHARGES	
+ =	SB 88	POLICY ON GENERAL FUND REVENUE SHORTFALL	
+ =	SB 151	DECOUPLING FROM FED TAX DEDUCTION	
+ =	SB 70	CRIMES INVOLVING CONTROLLED SUBSTANCES	
+		Bills Previously Heard/Scheduled	
Apr 06	Wednesday	Senate Finance 532	9:00 AM
+ =	HCR 2	IN-STATE NATURAL GAS NEEDS	
+ =	SB 144	EMISSION CONTROL PROGRAM PERMITS/REGS	
+ =	SB 110	POLLUTION DISCHARGE & WASTE TRMT/DISPOSAL	
+ =	SB 103	OIL & GAS: REG. OF UNDERGROUND INJECTION	
+		Bills Previously Heard/Scheduled	
Apr 07	Thursday	Senate Finance 532	9:00 AM
+ =	SB 46	APPROP: CAPITAL BUDGET Revenue, Courts, DEC, DOT/PF	
+		Bills Previously Heard/Scheduled	
Apr 08	Friday	Senate Finance 532	9:00 AM
+ =	SB 71	NONUNION PUBLIC EMPLOYEE SALARY & BENEFIT	
+ =	SB 130	WORKERS' COMPENSATION <Pending Referral>	
+		Bills Previously Heard/Scheduled	

HEALTH, EDUCATION & SOCIAL SERVICES

Apr 01	Friday	Butrovich 205	1:30 PM
+= SB 74	CRIMES INVOLVING MARIJUANA/OTHER DRUGS		
Apr 04	Monday	Butrovich 205	1:30 PM
+ HB 85	PRESCRIBED MEDICATION FOR STUDENTS		
+= SB 10	PARENTAL LIABILITY FOR CHILD'S DAMAGE		
+	Bills Previously Heard/Scheduled		
Apr 06	Wednesday	Butrovich 205	1:30 PM
+= SB 125	LICENSING MEDICAL OR CARE FACILITIES		
+ SB 150	ALASKA CHILDREN'S TRUST FUND GRANTS		
+	Bills Previously Heard/Scheduled		
Apr 08	Friday	Butrovich 205	1:30 PM
No Meeting Scheduled			

JUDICIARY

Apr 04	Monday	Butrovich 205	8:30 AM
+= SB 117	RECORDED STATEMENTS OF CHILD VICTIMS		
+= SB 20	OFFENSES AGAINST UNBORN CHILDREN		
Apr 05	Tuesday	Butrovich 205	8:30 AM
+ SB 130	WORKERS' COMPENSATION		
+ SB 137	EVICTING INSTITUTIONAL PROPERTY USERS		
+	Bills Previously Heard/Scheduled		
Apr 06	Wednesday	Butrovich 205	8:30 AM
+ SB 128	BOROUGH INCORPORATION		
+ SB 135	ASSAULT & CUSTODIAL INTERFERENCE		
+	Bills Previously Heard/Scheduled		
Apr 07	Thursday	Butrovich 205	8:30 AM
+ SB 140	BAN INTERNET SPYWARE		
+ SB 132	HUMAN RIGHTS COMMISSION		
+	Bills Previously Heard/Scheduled		

LABOR & COMMERCE

Apr 05	Tuesday	Beltz 211	1:30 PM
+ SB 160	STATE PROCUREMENT ELECTRONIC TOOLS		
+ Senate Bill:	ENTEND BOARD OF OPTICIANS		
	<Pending Introduction & Referral>		
	Bills Previously Heard/Scheduled		
	Including But Not Limited to:		
+= SB 139	EXTENSIONS OF OCCUPATIONAL BDS/AGENCIES		
+= SJR 11	REPEAL TELECOMMUNICATIONS TAX		
+= SB 142	REGIONAL SCHOOL BD LAND/BLDG OWNERSHIP		
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Apr 07	Thursday	Beltz 211	1:30 PM
+ SB 145	LOANS FOR COMMERCIAL FISHING TENDERS		
+ HB 81	CONTRACTOR LICENSE ENFORCEMENT		
+ Bills Previously Heard/Scheduled			
	Including But Not Limited to:		
+= SB 108	INSURANCE		
+= SB 131	WAGE & HOUR ACT: EXEC/PROF/ADMIN/SALES		

RESOURCES

Apr 01	Friday	Butrovich 205	3:30 PM
	-- Meeting Canceled --		
+= SB 113	GULF OF ALASKA GROUNDFISH FISHERY		
	-- Testimony <Invitation Only> --		
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Apr 04	Monday	Butrovich 205	3:30 PM
+ SB 126	AQUATIC FARMING		
+ SJR 16	STATES' RIGHT TO REGULATE HUNTING/FISHING		
+ HJR 15	OPEN OCEAN AQUACULTURE		
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Apr 06	Wednesday	Butrovich 205	3:30 PM
+ SB 102	COASTAL MANAGEMENT PROGRAMS		
	-- Testimony <Invitation Only> --		
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Apr 08	Friday	Butrovich 205	3:30 PM
+= SB 85	OFF-ROAD VEHICLE USE ON DALTON HIGHWAY		
+ SB 96	UNIVERSITY LAND GRANT/STATE FOREST		
	-- Testimony <Invitation Only> --		

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STATE AFFAIRS

Apr 05	Tuesday	Beltz 211	3:30 PM
Confirmation Hearing: Brigadier General Tony Hart Bills Previously Heard/Scheduled			
Apr 07	Thursday	Beltz 211	3:30 PM
+ SB 154	JUVENILE DELINQUENCY PROCEEDINGS Bills Previously Heard/Scheduled		

TRANSPORTATION

Apr 05	Tuesday	Butrovich 205	1:30 PM
+ SB 153	Joint w/(H) Transportation Port of Tacoma - Briefing Federal Aviation Administration Weather Camera Program - Briefing Bills Previously Heard/Scheduled		
Apr 07	Thursday	Butrovich 205	1:30 PM
+ SB 153	INTERNATIONAL AIRPORTS REVENUE BONDS DOT/PF - Briefing of Projects: Wasilla Bypass McCarthy Road Mid Region (SE) Access aka Bradfield/ Gravina Island Bridge North Pole Rich Hwy/Dawson Interchange Fairbanks University Ave/Giest Road Intersection Bills Previously Heard/Scheduled		

FINANCE SUBCOMMITTEES

ADMINISTRATION

Apr 05	Tuesday	Butrovich 205	7:00 AM
FY06 Budget Review: Administration			

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

Apr 05 **Tuesday** **Senate Finance 532** **8:00 AM**
Budget Close Out:
Commerce, Community & Economic Dev

COURT SYSTEM

Apr 07 **Thursday** **Senate Finance 532** **3:20 PM**
Budget Close Out:
Court System

EDUCATION & EARLY DEVELOPMENT

Apr 06 **Wednesday** **Senate Finance 532** **4:30 PM**
Budget Close Out:
Education & Early Development

ENVIRONMENTAL CONSERVATION

Apr 07 **Thursday** **Senate Finance 532** **8:00 AM**
Budget Close Out:
Environmental Conservation

FISH & GAME

Apr 04 **Monday** **Fahrenkamp 203** **1:30 PM**
Budget Close Out:
Fish & Game

GOVERNOR

Apr 05 **Tuesday** **Senate Finance 532** **4:30 PM**
Budget Close Out:
Office of the Governor

FINANCE SUBCOMMITTEES

LABOR & WORKFORCE DEVELOPMENT

Apr 07 **Thursday** **Beltz 211** **8:15 AM**
Budget Close Out:
Labor & Workforce Development

LAW

Apr 07 **Thursday** **Fahrenkamp 203** **4:00 PM**
Budget Close Out:
Law

LEGISLATURE

Apr 05 **Tuesday** **Senate Finance 532** **4:00 PM**
Budget Close Out:
Legislature

MILITARY AND VETERANS AFFAIRS

Apr 01 **Friday** **Beltz 211** **4:00 PM**
FY06 Budget Review:
Military and Veterans Affairs

NATURAL RESOURCES

Apr 05 **Tuesday** **Beltz 211** **8:15 AM**
Budget Close Out:
Natural Resources

PUBLIC SAFETY

Apr 01 Friday Beltz 211 7:00 AM
FY06 Budget Review:
Public Safety

FINANCE SUBCOMMITTEES**REVENUE**

Apr 07 **Thursday** **Fahrenkamp 203** **1:30 PM**
Budget Close Out:
Revenue

UNIVERSITY OF ALASKA

Apr 01 **Friday** **Senate Finance 532** **8:00 AM**
FY06 Budget Overview:
University of Alaska

OTHER MEETINGS**JOINT LEGISLATIVE HEALTH CAUCUS**

Apr 06 **Wednesday** **Fahrenkamp 203** **12:00 PM**
"Hi-Tech Health: How Technology Improves
Our Health"
A Healthy Lunch Will Be Served