

Amendment E.2 Sectional Analysis

This amendment authorizes the legislature to appropriate 50 percent of the cruise ship head tax monies annually to upgrade community wastewater facilities in cruise ship ports of call. It allows cruise ships to have a waiver from meeting water quality standards at the point of discharge as long as funds are allocated to the upgrade of shore-based treatment facilities, and cruise ships use these facilities when they are port.

Section 1. Adds language to the enabling language of the cruise ship head tax to authorize the use of head tax funds to plan, design, build, modify, construct, or rehabilitate wastewater and sewage systems and treatment works.

Section 2. Allows the legislature to appropriate up to 50 percent of the cruise ship head tax funds to plan, design, build, modify, construct or rehabilitate wastewater and sewage systems and treatment works in cruise ship ports of call to ensure that these systems meet water quality standards at the point of discharge.

Page 2, lines 11-17 establishes that cruise ships will meet water quality standards at the point of discharge, and provides a waiver to this requirement, found in Section 5.

Section 4. Conditional language requiring cruise ships to meet water quality standards at the point of discharge *if* the cruise ship head tax is repealed.

Section 5. Allows cruise ships a waiver from point of discharge standard until 2013 and extendable on a continuing two year basis if:

1. one wastewater treatment facility able to meet point of discharge standard comes on line by 2013
2. while present in a community with a treatment facility able to meet point of discharge standard, cruise ships discharge to this facility
3. one additional facility comes on line every two years

Section 6. Conditional language repealing waiver language *if* cruise ship head tax is repealed.

Section 7. Conditional language enacting sections 4 and 6 if not later than 2020 a final judgment in court of competent jurisdiction is made finding the cruise ship head tax unconstitutional, or if the head tax is repealed.

Section 8. Effective date for waiver provisions

Section 9. Effective date on conditional language stating that the repeals take effect on the earlier of the date a court finds the head tax unconstitutional, or the head tax is repealed.

Section 10. Immediate effective date for modification of cruise ship head tax statute

A M E N D M E N T

OFFERED IN THE HOUSE

TO: CSHB 134(CRA)

1 Page 1, line 2:

2 Delete "waste water;"

3 Insert "wastewater, to wastewater, sewage, and treatment projects in certain
4 communities, including shore-based wastewater treatment facilities that serve
5 commercial passenger vessels, and to the disposition of proceeds of the excise tax levied
6 on travel aboard commercial passenger vessels;"

7

8 Page 1, following line 4:

9 Insert new bill sections to read:

10 **** Section 1.** AS 43.52.230(a) is amended to read:

11 (a) The proceeds from the tax on travel on commercial passenger vessels
12 providing overnight accommodations in the state's marine water shall be deposited in a
13 special ["] commercial vessel passenger tax account ["] in the general fund. The
14 legislature may appropriate money from this account for the purposes described in (b)
15 ~~- (d)~~ [AND (c)] of this section, for state-owned port and harbor facilities, other
16 services to properly provide for vessel or watercraft visits, to enhance the safety and
17 efficiency of interstate and foreign commerce, to plan, design, build, modify,
18 construct, or rehabilitate wastewater and sewage systems and treatment works,
19 and [SUCH] other lawful purposes as determined by the legislature.

20 *** Sec. 2.** AS 43.52.230 is amended by adding a new subsection to read:

21 (d) The legislature may appropriate up to 50 percent of the money deposited
22 into the commercial vessel passenger tax account to the Department of Environmental
23 Conservation for planning, designing, building, modifying, constructing, or

1 rehabilitating wastewater and sewage systems and treatment works in ports of call in
2 which commercial passenger vessels load or unload passengers to ensure that
3 untreated sewage, treated sewage, graywater, and other wastewater generated by the
4 community and treated wastewater generated by commercial passenger vessels is not
5 discharged in a manner that violates any applicable effluent limits or standards under
6 state or federal law, including Alaska Water Quality Standards governing pollution at
7 the point of discharge."
8

9 Renumber the following bill sections accordingly.

10
11 Page 1, line 6:

12 Delete "The"

13 Insert "Except as provided under AS 46.03.464(a), the [THE]"
14

15 Page 1, line 11:

16 Delete "[AT THE POINT OF DISCHARGE]"

17 Insert "at the point of discharge"
18

19 Page 2, line 9:

20 Delete all material and insert:

21 "* **Sec. 4.** AS 46.03.462(b), as amended by sec. 3 of this Act, is amended to read:

22 (b) **The** [EXCEPT AS PROVIDED UNDER AS 46.03.464(a), THE]
23 minimum standard terms and conditions for all discharge permits authorized under this
24 section require that the owner or operator

25 (1) may not discharge untreated sewage, treated sewage, graywater, or
26 other wastewaters in a manner that violates any applicable effluent limits or standards
27 under state or federal law, including Alaska Water Quality Standards governing
28 pollution at the point of discharge;

29 (2) shall maintain records and provide the reports required under
30 AS 46.03.465(a);

31 (3) shall collect and test samples as required under AS 46.03.465(b)

1 and (d) and provide the reports with respect those samples required by
2 AS 46.03.475(c);

3 (4) shall report discharges in accordance with AS 46.03.475(a);

4 (5) shall allow the department access to the vessel at the time samples
5 are taken under AS 46.03.465 for purposes of taking the samples or for purposes of
6 verifying the integrity of the sampling process; and

7 (6) shall submit records, notices, and reports to the department in
8 accordance with AS 46.03.475(b), (d), and (e).

9 * **Sec. 5.** AS 46.03 is amended by adding a new section to read:

10 **Sec. 46.03.464. Shore-based wastewater treatment facilities.** (a)
11 Notwithstanding AS 46.03.462(b)(1), the Department of Environmental Conservation
12 may provide a waiver effective July 1, 2011, through June 30, 2013, from the point of
13 discharge requirement imposed under that paragraph for a discharge of treated
14 wastewater from a commercial passenger vessel that is capable of discharging treated
15 wastewater to a shore-based wastewater treatment facility. The waiver may be
16 extended for an additional two-year period if

17 (1) not later than July 1, 2013, at least one shore-based wastewater
18 treatment facility becomes fully operational; and

19 (2) as a condition of the waiver, while present in a community with a
20 shore-based wastewater treatment facility to load or unload passengers, the vessel
21 discharges its treated wastewater to the facility.

22 (b) A waiver granted under (a) of this section may be extended for an
23 additional two-year period if, during the previous two years,

24 (1) at least one additional shore-based wastewater treatment facility
25 becomes fully operational; and

26 (2) as a condition of the waiver, while present in a community with a
27 shore-based wastewater treatment facility to load or unload passengers, the vessel
28 discharges its treated wastewater to the facility.

29 (c) In this section, "shore-based wastewater treatment facility" means a
30 wastewater treatment facility located in a community in which commercial passenger
31 vessels load or unload passengers that

1 (1) does not violate any applicable effluent limits or standards under
2 state or federal law, including Alaska Water Quality Standards governing pollution at
3 the point of discharge; and

4 (2) is capable of receiving discharges of treated wastewater from
5 commercial passenger vessels.

6 * **Sec. 6.** AS 46.03.464 is repealed.

7 * **Sec. 7.** The uncodified law of the State of Alaska is amended by adding a new section to
8 read:

9 **CONDITIONAL EFFECT OF SECS. 4 AND 6.** (a) Sections 4 and 6 of this Act take
10 effect only if, not later than June 30, 2020,

11 (1) a court of competent jurisdiction enters a final judgment on the merits that
12 is no longer subject to appeal or petition for certiorari holding that the excise tax levied on
13 travel aboard commercial passenger vessels under AS 43.52.200 is unconstitutional; or

14 (2) AS 43.52.200 is repealed.

15 (b) If the excise tax is found unconstitutional as described in (a) (1) of this section, the
16 attorney general shall promptly notify the revisor of statutes, the commissioner of
17 environmental conservation, and the commissioner of revenue of the date that the excise tax
18 was found unconstitutional.

19 * **Sec. 8.** Sections 3 and 5 of this Act take effect January 1, 2011.

20 * **Sec. 9.** If, under sec. 7 of this Act, secs. 4 and 6 of this Act take effect, they take effect on
21 the earlier of the date

22 (1) a court of competent jurisdiction enters a final judgment on the merits that
23 is no longer subject to appeal or petition for certiorari holding that the excise tax levied on
24 travel aboard commercial passenger vessels under AS 43.52.200 is unconstitutional; or

25 (2) AS 43.52.200 is repealed.

26 * **Sec. 10.** Except as provided in secs. 8 and 9 of this Act, this Act takes effect immediately
27 under AS 01.10.070(c)."