



## House Bill 217

### Sectional Analysis

*“An Act relating to commercial passenger vessel environmental compliance; relating to commercial passenger vessel fees; establishing the wastewater infrastructure grant fund; repealing the authority for citizens' suits relating to commercial passenger vessel environmental compliance; and providing for an effective date.”*

**Section 1** – Amends AS 46.03.460 to clarify that DEC has organizational flexibility to regulate cruise ships with personnel from different DEC divisions (air, water, etc.), rather than “silo-ing” cruise ship regulators in a separate program and directing DEC to adopt regulations implementing the simplified environmental compliance statutes.

**Section 2** – Repeals and reenacts AS 46.03.463 to simplify and broadly consolidate existing subsections (a) – (c), (e), and (f) into a single subsection, enabling DEC to set specific discharge limits and requirements in regulation. It retains former section (h) in statute as new section (b) to clarify that discharges for the purpose of vessel safety are allowed.

**Section 3** – Amends AS 46.03.465(a) to substitute “wastewater” for “sewage, graywater, or other wastewaters,” and to provide DEC with flexibility to establish the form and timing for cruise ships to report to DEC in order to provide for more effective oversight.

**Section 4** – Amends AS 46.03.465(b) to clarify that for vessels authorized to discharge in state waters, samples will be collected on a schedule that meets the department’s oversight requirements. As previously described, the term “wastewater” consolidates existing definitions.

**Section 5** – Amends AS 46.03.465(c) to clarify DEC’s authority to inspect vessel wastewater and air emissions systems while they are in state waters.

**Section 6** – Amends AS 46.03.465(d) to strengthen the requirements for samples to better ensure compliance with standards. Makes necessary changes to conform to Section 2.

**Section 7** – Amends AS 46.03.465(f) to authorize DEC to require information be submitted in a form specified by the department to provide for more effective oversight.

**Section 8** – Conforming amendment to AS 46.03.465(h) to reflect the deletion of AS 46.03.462 in Section 14. Makes the requirements apply to all commercial passenger vessels, not just the large, permitted vessels.

**Section 9** – Amends AS 46.03.480(a) to establish a simplified environmental compliance fee of \$5 per lower berth per voyage on all commercial passenger vessels operating in state waters. This

replaces both the \$4 fee for the ocean rangers and the matrix of general environmental compliance fees. This amendment also reduces the \$5 fee by \$1 for vessels that use electronic monitoring systems that will improve DEC's ability to efficiently oversee environmental compliance. This section also includes a rebate to the vessel at the conclusion of the season for unoccupied lower berths, placing the responsibility on the vessel to apply for the rebate and demonstrate the number of unoccupied berths. As noted in Section 24, this amendment to the fee structure would become effective January 1, 2024.

**Section 10** – Repeals and reenacts AS 46.03.480(b) to temporarily maintain the current fee structure for small vessels.

**Section 11** – Repeals and reenacts AS 46.03.480(c) to simplify and make conforming changes.

**Section 12** – Amends AS 46.03.482(c) to remove obsolete language and to broaden the stated purposes for which the legislature might appropriate the collected fees to include the grant program created by Section 13.

**Section 13** – Adds a new section, AS 46.03.483, creating a grant fund and authorizing DEC to create a grant program for municipalities to assist with building or improving wastewater treatment systems or facilities that are impacted by service to cruise ship passengers.

**Section 14** – Amends the definition of a commercial passenger vessel in AS 46.03.490(2)(B) to be consistent with federal law.

**Section 15** – Amends the definition of a small commercial passenger vessel in AS 46.03.490(13) to be consistent with federal law.

**Section 16** – Amends AS 46.03.490 to add a definition for wastewater.

**Section 17** – Repeals various statutes governing commercial passenger vessels.

**Section 18** – Repeals the ocean ranger statute.

**Section 19** – Repeals AS 46.03.480(b) on December 31, 2024. This allows small vessels an additional year under the current fee structure before they are subject to the higher fees of the new structure.

**Section 20** – Transition language added to the uncodified law to authorize DEC to work on regulations prior to the effective date of January 1, 2024.

**Section 21** – Effective Date of April 1, 2020 for Section 18.

**Section 22** – Requests that the revisor of statutes change the title of AS 46.03.460 to reflect the language in Section 1.

**Section 23** – Provides an immediate effective date for Sections 18, 20, and 21.

**Section 24** – Provides an effective date of January 1, 2024 for the remainder of the bill.