

**CS FOR HOUSE BILL NO. 260(FIN)**

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-SECOND LEGISLATURE - FIRST SESSION

BY THE HOUSE FINANCE COMMITTEE

Offered: 4/29/01

Referred: Today's Calendar

Sponsor(s): HOUSE FINANCE COMMITTEE

**A BILL**

**FOR AN ACT ENTITLED**

1 "An Act requiring the owners or operators of certain passenger vessels operating in the  
2 marine waters of the state to register the vessels; establishing information-gathering,  
3 record keeping, and reporting requirements relating to the vessels' graywater,  
4 hazardous substances, hazardous wastes, and sewage; prohibiting the discharge of  
5 untreated sewage from the vessels unless exempted; placing limits on discharges of  
6 treated sewage and graywater from the vessels unless exempted; providing that there is  
7 no audit report privilege for complying with a requirement that the owner or operator  
8 of a commercial passenger vessel must report discharges of sewage or graywater that  
9 violate laws; establishing a commercial passenger vessel coastal protection fund;  
10 establishing a fee on commercial passenger vessels, that are not exempt from the fee, for  
11 each voyage during which the vessels operate in the marine waters of the state based on  
12 the overnight accommodation capacity of the vessels determined with reference to the

1 **number of lower berths; establishing penalties for failure to comply with certain laws**  
 2 **relating to the vessels; authorizing the Department of Environmental Conservation to**  
 3 **encourage and recognize superior environmental protection efforts related to**  
 4 **commercial passenger vessels; authorizing exemptions from some laws relating to**  
 5 **discharges from the vessels and from the fee requirements related to the vessels;**  
 6 **authorizing the Department of Environmental Conservation to adopt regulations to**  
 7 **implement laws relating to commercial passenger vessels and directing the department**  
 8 **to use negotiated regulation procedures, when appropriate, to develop the regulations;**  
 9 **requiring a report from the Department of Environmental Conservation concerning**  
 10 **matters relating to the vessels; and providing for an effective date."**

11 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

12 \* **Section 1.** The uncodified law of the State of Alaska is amended by adding a new section  
 13 to read:

14 FINDINGS. The legislature finds that

15 (1) federal and international laws pertaining to regulation of commercial  
 16 passenger vessels have been deficient and inadequately enforced in the past;

17 (2) although federal law regulating commercial passenger vessels was recently  
 18 enhanced, it still does not require reporting to the state or provide for direct enforcement by  
 19 the state;

20 (3) although the state should work collaboratively with the federal government  
 21 and industry, it should not be dependent on the federal government for information regarding  
 22 commercial passenger vessels operating in waters of this state or for enforcement for  
 23 environmental violations by commercial passenger vessels;

24 (4) in order to properly manage its resources and provide for sustainable use,  
 25 the state must know the quantity, composition, location, and frequency of discharges of  
 26 graywater and sewage from commercial passenger vessels into the state's water;

27 (5) it is necessary to monitor the discharges of graywater and sewage from

1 commercial passenger vessels traveling in state waters, and commercial passenger vessels  
2 should bear the requisite costs of the monitoring.

3 \* **Sec. 2.** AS 46.03 is amended by adding new sections to read:

4 **Article 6A. Commercial Passenger Vessels.**

5 **Sec. 46.03.460. Registration requirements.** (a) Except as provided in  
6 AS 46.03.487, each calendar year in which the owner or operator of a commercial  
7 passenger vessel intends to operate, or cause or allow to be operated, the vessel in the  
8 marine waters of the state, the owner or operator of the vessel shall register with the  
9 department. The registration shall be completed no later than 72 hours after any  
10 commercial passenger vessel of the owner or operator calls upon a port in the state.  
11 The registration must include the following information:

12 (1) the vessel owner's business name and, if different, the vessel  
13 operator's business name for each commercial passenger vessel of the owner that is  
14 scheduled to be in the marine waters of the state during the calendar year;

15 (2) the postal address, electronic mail address, telephone number, and  
16 facsimile number for the principal place of each business identified under (1) of this  
17 subsection;

18 (3) the name and address of an agent for service of process for each  
19 business identified under (1) of this subsection; the owner and operator shall  
20 continuously maintain a designated agent for service of process whenever a  
21 commercial passenger vessel of the owner or operator is in the marine waters of the  
22 state, and the agent must be an individual resident of this state, a domestic corporation,  
23 or a foreign corporation having a place of business in and authorized to do business in  
24 this state; and

25 (4) the name or call sign of and Port of Registry for each of the owner's  
26 or operator's vessels that is scheduled either to call upon a port in this state or  
27 otherwise to be in the marine waters of the state during the calendar year occurring  
28 after the date of registration.

29 (b) Registration under (a) of this section shall be signed under oath by the  
30 owner or operator.

31 (c) Upon request of the department, the registrant shall submit registration

1 information required under this section electronically.

2 **Sec. 46.03.463. Prohibited discharges; limitations on discharges.** (a)

3 Except as provided in (f) of this section or AS 46.03.488, a person may not discharge  
4 untreated sewage from a commercial passenger vessel into the marine waters of the  
5 state.

6 (b) Except as provided in (f) of this section, AS 46.03.488, or other applicable  
7 law or regulation, a person may not discharge treated sewage from a commercial  
8 passenger vessel into the marine waters of the state that has a fecal coliform bacterial  
9 count greater than 200 colonies per 100 milliliters or suspended solids greater than 150  
10 milligrams per liter.

11 (c) Except as provided in (f) of this section, AS 46.03.488, or other applicable  
12 law or regulation, beginning January 1, 2003, a person may not discharge graywater  
13 from a commercial passenger vessel into the marine waters of the state that has a fecal  
14 coliform bacterial count greater than 200 colonies per 100 milliliters or suspended  
15 solids greater than 150 milligrams per liter.

16 (d) Except as provided in (e) and (f) of this section, a person may not  
17 discharge treated sewage or graywater from a commercial passenger vessel into the  
18 marine waters of the state unless

19 (1) the vessel is underway and proceeding at a speed of not less than  
20 six knots;

21 (2) the vessel is not less than one nautical mile from the nearest shore,  
22 except in areas designated by the department;

23 (3) the discharge complies with all applicable vessel effluent standards  
24 established under the federal cruise ship legislation and any other applicable law; and

25 (4) the vessel is not in an area where the discharge of treated sewage or  
26 graywater is prohibited.

27 (e) The provisions of (d)(1) and (2) of this section do not apply to a discharge  
28 permitted under sec. 1404(b) or (c) of the federal cruise ship legislation.

29 (f) The provisions of (a) - (d) of this section do not apply to discharges made  
30 for the purpose of securing the safety of the commercial passenger vessel or saving  
31 life at sea, provided that all reasonable precautions have been taken for the purpose of

1 preventing or minimizing the discharge.

2 **Sec. 46.03.465. Logbook and sampling requirements.** (a) The owner or  
3 operator of a commercial passenger vessel shall maintain a logbook and, upon request  
4 of the department, provide to the department a report detailing the dates, times, and  
5 locations, and the volumes or flow-rates of any discharge of sewage or graywater into  
6 the marine waters of the state. The information in the report required under this  
7 subsection may be provided by referring to and including copies of other reports  
8 concerning the discharge of sewage or graywater that are required by substantially  
9 equivalent state or federal reporting requirements.

10 (b) While a commercial passenger vessel is present in the marine waters of the  
11 state, the owner or operator of the vessel shall collect samples of the vessel's treated  
12 sewage and graywater that is being discharged into the marine waters of the state

13 (1) with a sampling technique approved by the department before the  
14 sample is collected;

15 (2) at least twice during the time period consisting of May, June, July,  
16 August, and September each year; if the vessel is in the marine waters of the state  
17 during more than one of the months specified in this paragraph, the samples required  
18 by this subsection shall be collected in two different months; the samples shall be  
19 collected at least 15 days apart unless the vessel is in the marine waters of the state for  
20 less than 15 days during the time period described in this paragraph, in which case the  
21 samples shall be collected on the first and last day that the vessel is in the marine  
22 waters of the state during that time period; and

23 (3) no less frequently than samples are required to be collected under  
24 federal laws and regulations for treated sewage or graywater discharges.

25 (c) The owner or operator of a vessel required to collect samples under (b) of  
26 this section shall have the samples tested to measure fecal coliform, ammonia, residual  
27 chlorine, pH (degree of acidity or alkalinity), biochemical oxygen demand (BOD), and  
28 total suspended solids in the samples with an analytical testing method that was  
29 approved by the department before the testing is conducted. A laboratory used for  
30 testing under this subsection may not disclose the testing results to any person other  
31 than the department, the United States Coast Guard, or the owner or operator of the

1 vessel.

2 (d) If the owner or operator of a commercial passenger vessel has, when  
3 complying with another state or federal law that requires substantially equivalent  
4 information gathering, gathered the type of information required under (a), (b), or (c)  
5 of this section, the owner or operator shall be considered to be in compliance with that  
6 subsection if the information is also provided to the department.

7 **Sec. 46.03.470. Record keeping requirements.** An owner or operator  
8 subject to AS 46.03.465 shall record the information required to be gathered under that  
9 section and shall maintain the records for three years after the date the information  
10 was gathered.

11 **Sec. 46.03.475. Reporting requirements.** (a) An owner or operator of a  
12 commercial passenger vessel who becomes aware of a discharge that violates  
13 AS 46.03.463 shall immediately report that discharge to the department. There is no  
14 audit report privilege under AS 09.25.450 for this information.

15 (b) If the owner or operator of a commercial passenger vessel operating in the  
16 marine waters of the state is required by the Administrator of the Environmental  
17 Protection Agency or the secretary of the federal department in which the United  
18 States Coast Guard is operating to collect samples and test sewage or graywater and  
19 keep records of the sampling and testing, the owner or operator shall, within 21 days  
20 after the sewage or graywater is tested, submit to the department a copy of the records.

21 (c) Within 21 days after the testing required under AS 46.03.465(c), the owner  
22 or operator shall submit a written report to the department that contains the  
23 measurements required under AS 46.03.465(c) and describes the sampling technique  
24 and analytical testing methods used. The information in the report required under this  
25 subsection may be provided by referring to, and including copies of, other reports that  
26 are required by substantially equivalent state or federal reporting requirements.

27 (d) If the owner or operator of a commercial passenger vessel operating in the  
28 marine waters of the state is required by the laws of the United States or by the laws of  
29 Canada or of a province or territory of Canada to file a report or to provide notice of a  
30 discharge or offloading of a hazardous waste, as defined in AS 46.03.900, or of a  
31 hazardous substance, as defined in AS 46.03.826, that was generated, discharged, or

1 offloaded while the vessel was operating in the marine waters of the state, the owner  
 2 or operator shall submit to the department a copy of the report or notice within 21 days  
 3 after providing the report or notice to an agency of the government of the United  
 4 States or to an agency of the government of Canada or of a province or territory of  
 5 Canada.

6 (e) Upon request of the department, the reports required under this section  
 7 shall be submitted electronically.

8 (f) This section does not relieve the owner or operator of a commercial  
 9 passenger vessel from other applicable reporting requirements of state or federal law.

10 **Sec. 46.03.480. Fees.** (a) Except as provided in AS 46.03.488, there is  
 11 imposed a coastal protection fee on each commercial passenger vessel, other than a  
 12 vessel operated by the state, operating in the marine waters of the state.

13 (b) The fee imposed by (a) of this section is a separate fee for each voyage  
 14 during which the commercial passenger vessel operates in marine waters of the state  
 15 and is based on the overnight accommodation capacity of the vessel, determined with  
 16 reference to the number of lower berths, as follows:

17 (1) \$75 for a commercial passenger vessel with overnight  
 18 accommodations for at least 50 but not more than 99 passengers for hire;

19 (2) \$175 for a commercial passenger vessel with overnight  
 20 accommodations for at least 100 but not more than 249 passengers for hire;

21 (3) \$375 for a commercial passenger vessel with overnight  
 22 accommodations for at least 250 but not more than 499 passengers for hire;

23 (4) \$750 for a commercial passenger vessel with overnight  
 24 accommodations for at least 500 but not more than 999 passengers for hire;

25 (5) \$1,250 for a commercial passenger vessel with overnight  
 26 accommodations for at least 1,000 but not more than 1,499 passengers for hire;

27 (6) \$1,750 for a commercial passenger vessel with overnight  
 28 accommodations for at least 1,500 but not more than 1,999 passengers for hire;

29 (7) \$2,250 for a commercial passenger vessel with overnight  
 30 accommodations for at least 2,000 but not more than 2,499 passengers for hire;

31 (8) \$2,750 for a commercial passenger vessel with overnight

1 accommodations for at least 2,500 but not more than 2,999 passengers for hire;

2 (9) \$3,250 for a commercial passenger vessel with overnight  
3 accommodations for at least 3,000 but not more than 3,499 passengers for hire;

4 (10) \$3,750 for a commercial passenger vessel with overnight  
5 accommodations for 3,500 or more passengers for hire.

6 (c) A commercial passenger vessel operating in marine waters of the state is  
7 liable for the fee imposed by this section. The fee is due and payable to the  
8 department in the manner and at the times required by the department by regulation.

9 (d) The fee described in this section may not be imposed during any calendar  
10 year that begins on or after January 1, 2004, unless the legislature determines by law  
11 that imposition of the fee for that calendar year is required to pay for the department's  
12 operational and administrative costs necessary to carry out activities under  
13 AS 46.03.460 - 46.03.490 and under department regulations establishing standards for  
14 marine vessel visible emissions adopted under AS 46.14.

15 **Sec. 46.03.482. Alaska commercial passenger vessel coastal protection**  
16 **fund.** (a) The Alaska commercial passenger vessel coastal protection fund is created  
17 in the general fund.

18 (b) The fund consists of the following, all of which shall be deposited in the  
19 fund upon receipt:

20 (1) money received by the department in payment of fees under  
21 AS 46.03.480;

22 (2) money received under AS 46.03.760(e) as a result of a violation  
23 related to AS 46.03.460 - 46.03.490 unless the money would otherwise be deposited in  
24 the oil and hazardous substance release prevention and response fund established by  
25 AS 46.08.010;

26 (3) money appropriated to the fund by the legislature;

27 (4) earnings on the fund.

28 (c) The legislature may make appropriations from the fund to the department  
29 to pay for the department's operational and administrative costs necessary to prepare a  
30 report that assesses the information received by the department under AS 46.03.475  
31 for the cruise ship seasons of 2001, 2002, and 2003 and the information received by

1 the department for the cruise ship season of 2000 and for the department's operational  
 2 and administrative costs necessary to carry out activities under AS 46.03.460 -  
 3 46.03.490 and under department regulations establishing standards for marine vessel  
 4 visible emissions adopted under AS 46.14.

5 (d) Money from an appropriation made to the fund remaining in the fund at  
 6 the end of a fiscal year does not lapse and remains available for appropriation under  
 7 (c) of this section in successive fiscal years.

8 (e) This section is not intended to create a dedicated fund.

9 **Sec. 46.03.485. Recognition program.** The department may engage in  
 10 efforts to encourage and recognize superior environmental protection efforts made by  
 11 the owners or operators of commercial passenger vessels that exceed the requirements  
 12 established by law.

13 **Sec. 46.03.487. Exemption for commercial passenger vessels in innocent**  
 14 **passage.** AS 46.03.460 and AS 46.03.465 - 46.03.482 do not apply to a commercial  
 15 passenger vessel that operates in the marine waters of the state solely in innocent  
 16 passage. For purposes of this section, a vessel is engaged in innocent passage if its  
 17 operation in marine waters of the state, regardless of whether the vessel is a United  
 18 States or foreign-flag vessel, would constitute innocent passage under the

19 (1) Convention on the Territorial Sea and the Contiguous Zone,  
 20 April 29, 1958, 15 U.S.T. 1606; or

21 (2) United Nations Convention on the Law of the Sea 1982,  
 22 December 10, 1982, United Nations Publication No. E. 83.V.5, 21 I.L.M. 1261  
 23 (1982).

24 **Sec. 46.03.488. Exemption for certain smaller vessels.** (a) If a commercial  
 25 passenger vessel is granted an exemption under this section, during the period for  
 26 which the exemption is granted,

27 (1) the prohibitions described in AS 46.03.463(a) - (c) do not apply to  
 28 a discharge from the vessel; and

29 (2) the vessel is exempt from imposition of the coastal protection fee  
 30 payable under AS 46.03.480.

31 (b) The department may grant an exemption under this section for a

1 commercial passenger vessel if the

2 (1) vessel has an overnight accommodation capacity of 200 or fewer,  
3 determined with reference to the number of lower berths available for passengers for  
4 hire;

5 (2) owner or operator demonstrates that environmental protection  
6 equivalent to that afforded by the prohibitions in AS 46.03.463(a) - (c) can be attained  
7 through other means appropriate for the specific configuration or operation of the  
8 vessel and the owner or operator agrees to use those other means;

9 (3) owner or operator submits satisfactory evidence that additional  
10 time is needed to make the changes that would be necessary to eliminate the  
11 discharges that are prohibited under AS 46.03.463(a) - (c); and

12 (4) owner or operator agrees to comply with additional terms and  
13 conditions that may be imposed by the department under (c) of this section.

14 (c) As a condition of granting an exemption under this section, the department  
15 may impose special terms and conditions to require additional environmental  
16 protection or research if necessary to prevent the vessel owner or operator who has an  
17 exemption under this section from obtaining a significant economic advantage over its  
18 competitors as a result of the exemption.

19 (d) An exemption under this section is valid for one year. The department  
20 may renew an exemption for additional one-year periods if the owner or operator, at  
21 the time of renewal, demonstrates that the requirements of (b) of this section continue  
22 to be satisfied. However, notwithstanding other provisions of this subsection, an  
23 exemption granted under this section is not valid after January 1, 2006.

24 **Sec. 46.03.489. Regulations.** The department may adopt regulations that are  
25 necessary for the implementation of AS 46.03.460 - 46.03.490. The department shall  
26 use negotiated regulation making under AS 44.62.710 - 44.62.800, as appropriate, to  
27 develop the regulations.

28 **Sec. 46.03.490. Definitions.** In AS 46.03.460 - 46.03.490,

29 (1) "agent for service of process" means an agent upon whom process,  
30 notice, or demand required or permitted by law to be served upon the owner or  
31 operator may be served;

1                   (2) "commercial passenger vessel" means a vessel that carries  
2 passengers for hire except that "commercial passenger vessel" does not include a  
3 vessel

4                                 (A) authorized to carry fewer than 50 passengers;

5                                 (B) that does not provide overnight accommodations for at  
6 least 50 passengers for hire; or

7                                 (C) operated by the United States or a foreign government;

8                   (3) "discharge" means any release, however caused, from a  
9 commercial passenger vessel, and includes any escape, disposal, spilling, leaking,  
10 pumping, emitting, or emptying;

11                   (4) "federal cruise ship legislation" means secs. 1401 - 1414 of H.R.  
12 5666, as incorporated by reference into P.L. 106 - 554;

13                   (5) "fund" means the Alaska commercial passenger vessel coastal  
14 protection fund established under AS 46.03.482;

15                   (6) "graywater" means galley, dishwater, bath, and laundry waste  
16 water;

17                   (7) "marine waters of the state" means all waters within the territory of  
18 the state together with all of the waters of the Alexander Archipelago even if not  
19 within the territory of the state;

20                   (8) "passengers for hire" means vessel passengers for whom  
21 consideration is contributed as a condition of carriage on the vessel, whether directly  
22 or indirectly flowing to the owner, charterer, operator, agent, or any other person  
23 having an interest in the vessel;

24                   (9) "sewage" means human body wastes and the wastes from toilets  
25 and other receptacles intended to receive or retain human body waste;

26                   (10) "treated sewage" means sewage that meets all applicable effluent  
27 limitation standards and processing requirements of 33 U.S.C. 1251 - 1376 (Federal  
28 Water Pollution Control Act), as amended, the federal cruise ship legislation, and  
29 regulations adopted under 33 U.S. 1251 - 1376 or under the federal cruise ship  
30 legislation;

31                   (11) "untreated sewage" means sewage that is not treated sewage;

1 (12) "vessel" means any form or manner of watercraft, other than a  
2 seaplane on the water, whether or not capable of self-propulsion;

3 (13) "voyage" means a vessel trip to or from one or more ports of call  
4 in the state with the majority of the passengers for hire completing the entire vessel  
5 trip; a vessel trip involving stops at more than one port of call is considered a single  
6 voyage so long as the majority of passengers for hire complete the entire trip;

7 (14) "waters of the Alexander Archipelago" means all waters under the  
8 sovereignty of the United States within or near Southeast Alaska, beginning at a point  
9 58 degrees 11 minutes 41 seconds North, 136 degrees 39 minutes 25 seconds West  
10 (near Cape Spencer Light), thence southeasterly along a line three nautical miles  
11 seaward of the baseline from which the breadth of the territorial sea is measured in the  
12 Pacific Ocean and the Dixon Entrance, except where this line intersects geodesics  
13 connecting the following five pairs of points: (A) 58 degrees 05 minutes 17 seconds  
14 North, 136 degrees 33 minutes 49 seconds West and 58 degrees 11 minutes 41  
15 seconds North, 136 degrees 39 minutes 25 seconds West (Cross Sound); (B) 56  
16 degrees 09 minutes 40 seconds North, 134 degrees 40 minutes 00 seconds West and  
17 55 degrees 49 minutes 15 seconds North, 134 degrees 17 minutes 40 seconds West  
18 (Chatham Strait); (C) 55 degrees 49 minutes 15 seconds North, 134 degrees 17  
19 minutes 40 seconds West and 55 degrees 50 minutes 30 seconds North, 133 degrees  
20 54 minutes 15 seconds West (Sumner Strait); (D) 54 degrees 41 minutes 30 seconds  
21 North, 132 degrees 01 minutes 00 seconds West and 54 degrees 51 minutes 30  
22 seconds North, 131 degrees 20 minutes 45 seconds West (Clarence Strait); (E) 54  
23 degrees 51 minutes 30 seconds North, 131 degrees 20 minutes 45 seconds West and  
24 54 degrees 46 minutes 15 seconds North, 130 degrees 52 minutes 00 seconds West  
25 (Revillagigedo Channel); the portion of each such geodesic situated beyond three  
26 nautical miles from the baseline from which the breadth of the territorial sea is  
27 measured forms the outer limit of the waters of the Alexander Archipelago in those  
28 five locations.

29 \* **Sec. 3.** AS 37.05.146(b)(4) is amended by adding a new subparagraph to read:

30 (XX) receipts from the coastal protection fees imposed under  
31 AS 46.03.480;

1 \* **Sec. 4.** AS 46.03.760(e) is amended to read:

2 (e) A person who violates or causes or permits to be violated a provision of  
 3 AS 46.03.250 - 46.03.313, 46.03.460 - 46.03.475 [AS 46.03.250 - 46.03.314],  
 4 AS 46.14, or a regulation, a lawful order of the department, or a permit, approval, or  
 5 acceptance, or term or condition of a permit, approval, or acceptance issued under  
 6 AS 46.03.250 - 46.03.313, 46.03.460 - 46.03.475, [AS 46.03.250 - 46.03.314] or  
 7 AS 46.14 is liable, in a civil action, to the state for a sum to be assessed by the court of  
 8 not less than \$500 nor more than \$100,000 for the initial violation, nor more than  
 9 \$10,000 for each day after that on which the violation continues, and that shall reflect,  
 10 when applicable,

11 (1) reasonable compensation in the nature of liquidated damages for  
 12 any adverse environmental effects caused by the violation, that shall be determined by  
 13 the court according to the toxicity, degradability and dispersal characteristics of the  
 14 substance discharged, the sensitivity of the receiving environment, and the degree to  
 15 which the discharge degrades existing environmental quality; for a violation relating to  
 16 AS 46.14, the court, in making its determination under this paragraph, shall also  
 17 consider the degree to which the discharge causes harm to persons or property; **for a**  
 18 **violation of AS 46.03.463, the court, in making its determination under this**  
 19 **paragraph, shall also consider the volume of the graywater or sewage discharged;**  
 20 this paragraph may not be construed to limit the right of parties other than the state to  
 21 recover for personal injuries or damage to their property;

22 (2) reasonable costs incurred by the state in detection, investigation,  
 23 and attempted correction of the violation;

24 (3) the economic savings realized by the person in not complying with  
 25 the requirement for which a violation is charged; and

26 (4) the need for an enhanced civil penalty to deter future  
 27 noncompliance.

28 \* **Sec. 5.** AS 46.03.790(a) is amended to read:

29 (a) Except as provided in (d) of this section, a person is guilty of a class A  
 30 misdemeanor if the person with criminal negligence

31 (1) violates a provision of this chapter, AS 46.04, AS 46.09, or

1 AS 46.14, a regulation or order of the department, or a permit, approval, or  
 2 acceptance, or a term or condition of a permit, approval, or acceptance issued under  
 3 this chapter, AS 46.04, AS 46.09, or AS 46.14;

4 (2) fails to provide information or provides false information required  
 5 by AS 46.03.465, 46.03.475, 46.03.755, AS 46.04, or AS 46.09, or by a regulation  
 6 adopted by the department under AS 46.03.755, 46.03.489, AS 46.04, or AS 46.09;

7 (3) makes a false statement or representation in an application, label,  
 8 manifest, record, report, permit, or other document filed, maintained, or used for  
 9 purposes of compliance with AS 46.03.250 - 46.03.313 [AS 46.03.250 - 46.03.314]  
 10 applicable to hazardous wastes or a regulation adopted by the department under  
 11 AS 46.03.250 - 46.03.313 [AS 46.03.250 - 46.03.314];

12 (4) makes a false statement, representation, or certification in an  
 13 application, notice, record, report, permit, or other document filed, maintained, or used  
 14 for purposes of compliance with AS 46.03.460 - 46.03.475, AS 46.14, or a regulation  
 15 adopted under AS 46.03.489 or AS 46.14; or

16 (5) renders inaccurate a monitoring device or method required to be  
 17 maintained under AS 46.14, a regulation adopted under AS 46.14, or a permit issued  
 18 by the department or a local air quality control program under AS 46.14.

19 \* **Sec. 6.** AS 46.03.488 is repealed January 1, 2006.

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

22 **APPLICABILITY OF REPORTING REQUIREMENTS.** (a) Notwithstanding  
 23 AS 46.03.460(a), enacted by sec. 2 of this Act, the first registration required under  
 24 AS 46.03.460(a) for the owner or operator of a commercial passenger vessel that is in the  
 25 marine waters of the state on July 1, 2001, is 11:59 p.m., Alaska Daylight Time, on July 3,  
 26 2001, regardless of whether the vessel has called upon or will call upon a port in the state on  
 27 or after July 1, 2001.

28 (b) The information-gathering and record keeping requirements of AS 46.03.465 and  
 29 46.03.470, enacted by sec. 2 of this Act, apply on and after July 1, 2001. The first report that  
 30 is due under AS 46.03.475, enacted by sec. 2 of this Act, is due August 21, 2001.

31 \* **Sec. 8.** The uncodified law of the State of Alaska is amended by adding a new section to

1 read:

2 TRANSITION: INITIAL IMPLEMENTATION OF FEES. (a) For a commercial  
3 passenger vessel voyage occurring on or after July 1, 2001, and before the effective date of  
4 regulations adopted by the department under AS 46.03.480, enacted by sec. 2 of this Act,  
5 providing for payment of the coastal protection fee, the coastal protection fee required by  
6 AS 46.03.480, enacted by sec. 2 of this Act, for each voyage during which the commercial  
7 passenger vessel is scheduled to operate in waters of this state, is due and payable to the  
8 department on or before July 31 of the calendar year in which the voyage is scheduled to  
9 occur. An additional amount owed under this subsection because of an unscheduled voyage,  
10 or a refund request under this subsection because of a canceled voyage, must be submitted to  
11 the department within 30 days after the vessel's last voyage in waters of the state in that  
12 calendar year.

13 (b) The fee imposed under this section is not applicable until January 1, 2002, to  
14 commercial passenger vessels with an overnight accommodation capacity of 200 or fewer,  
15 determined by the number of lower berths available for passengers for hire. On and after  
16 January 1, 2002, the fee imposed under this section is not applicable to a commercial  
17 passenger vessel that is operating under an exemption granted under AS 46.03.488, enacted  
18 by sec. 2 of this Act.

19 (c) The fee described in this section may not be imposed during any calendar year that  
20 begins on or after January 1, 2004, unless the legislature determines by law that imposition of  
21 the fee for that calendar year is required to pay for the department's operational and  
22 administrative costs necessary to carry out activities under AS 46.03.460 - 46.03.490, enacted  
23 by sec. 2 of this Act, and under department regulations establishing standards for marine  
24 vessel visible emissions adopted under AS 46.14.

25 (d) In this section, "commercial passenger vessel," "department," "passengers for  
26 hire," "voyage," and "waters" have the meanings given in AS 46.03.490, enacted by sec. 2 of  
27 this Act.

28 \* **Sec. 9.** The uncodified law of the State of Alaska is amended by adding a new section to  
29 read:

30 DELAYED APPLICABILITY TO SMALLER VESSELS. (a) Notwithstanding sec.  
31 12 of this Act, AS 46.03.463(a) and (b) and 46.03.480, enacted by sec. 2 of this Act, do not

1 apply until January 1, 2002, in the case of commercial passenger vessels with an overnight  
 2 accommodation capacity of 200 or fewer, determined by the number of lower berths available  
 3 for passengers for hire.

4 (b) In this section, "commercial passenger vessel" and "passengers for hire" have the  
 5 meanings given in AS 46.03.490, enacted by sec. 2 of this Act.

6 \* **Sec. 10.** The uncodified law of the State of Alaska is amended by adding a new section to  
 7 read:

8 ASSESSMENT REPORT. (a) By January 15, 2004, the Department of  
 9 Environmental Conservation shall submit to the governor a report that assesses the  
 10 information received by the department under AS 46.03.475 for the cruise ship seasons of  
 11 2001, 2002, and 2003 and information received by the department for the cruise ship season  
 12 of 2000. The report must include

13 (1) a characterization, to the extent possible, of the risks to the marine and  
 14 human environments posed by the discharge of sewage and graywater from commercial  
 15 passenger vessels;

16 (2) evaluation of the sewage and graywater treatment systems and  
 17 technologies on the vessels; and

18 (3) recommendations for future action by the state in relation to the matters  
 19 discussed in the report.

20 (b) While producing the assessment required under this section, the department shall  
 21 consult appropriate federal agencies, owners and operators of passenger vessels, and other  
 22 interested parties.

23 (c) The department shall notify the legislature when the report required under this  
 24 section has been submitted to the governor.

25 (d) In this section, "department" means the Department of Environmental  
 26 Conservation.

27 \* **Sec. 11.** The uncodified law of the State of Alaska is amended by adding a new section to  
 28 read:

29 INSTRUCTION TO REVISOR. (a) When AS 46.03.488 is repealed, the revisor of  
 30 statutes shall correct the following statutes to remove references to AS 46.03.488:

31 (1) AS 46.03.463(a) - (c); and

1                   (2) AS 46.03.480(a).

2                   (b) To the extent necessary to maintain a grammatically and substantively coherent  
3 sentence, the revisor, when removing a reference to AS 46.03.488 under (a) of this section,  
4 may also remove or modify language surrounding the reference in order to implement  
5 removal of the reference.

6                   \* **Sec. 12.** This Act takes effect July 1, 2001.