

**HOUSE BILL NO. 260**

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-SECOND LEGISLATURE - FIRST SESSION

BY THE HOUSE FINANCE COMMITTEE

Introduced: 4/26/01

Referred: Finance

**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 and  
4 sewage; prohibiting the discharge of untreated sewage from the vessels unless exempted;  
5 placing limits on discharges of treated sewage and graywater from the vessels unless  
6 exempted; establishing a commercial passenger vessel coastal protection fund;  
7 establishing a fee on commercial passenger vessels, that are not exempt from the fee, for  
8 each voyage during which the vessels operate in the marine waters of the state based on  
9 the overnight accommodation capacity of the vessels determined with reference to the  
10 number of lower berths; establishing penalties for failure to comply with certain laws  
11 relating to the vessels; authorizing the Department of Environmental Conservation to  
12 encourage and recognize superior environmental protection efforts related to

1 **commercial passenger vessels; authorizing exemptions from some laws relating to**  
 2 **discharges from the vessels and from the fee requirements related to the vessels;**  
 3 **requiring a report from the Department of Environmental Conservation concerning**  
 4 **matters relating to the vessels; and providing for an effective date."**

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

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

8 FINDINGS. The legislature finds that

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

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

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

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

21 (5) it is necessary to monitor the discharges of graywater and sewage from  
 22 commercial passenger vessels traveling in state waters, and commercial passenger vessels  
 23 should bear the requisite costs of the monitoring.

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

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

26 **Sec. 46.03.460. Registration requirements.** (a) Except as provided in  
 27 AS 46.03.487, each calendar year in which the owner or operator of a commercial  
 28 passenger vessel intends to operate, or cause or allow to be operated, the vessel in the  
 29 marine waters of the state, the owner or operator of the vessel shall register with the

1 department. The registration shall be completed no later than 72 hours after any  
 2 commercial passenger vessel of the owner or operator calls upon a port in the state.  
 3 The registration must include the following information:

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

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

10 (3) the name and address of an agent for service of process for each  
 11 business identified under (1) of this subsection; the owner and operator shall  
 12 continuously maintain a designated agent for service of process whenever a  
 13 commercial passenger vessel of the owner or operator is in the marine waters of the  
 14 state, and the agent must be an individual resident of this state, a domestic corporation,  
 15 or a foreign corporation having a place of business in and authorized to do business in  
 16 this state; and

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

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

23 (c) Upon request of the department, the registrant shall submit registration  
 24 information required under this section electronically.

25 **Sec. 46.03.463. Prohibited discharges; limitations on discharges.** (a)  
 26 Except as provided in (f) of this section or AS 46.03.488, a person may not discharge  
 27 untreated sewage from a commercial passenger vessel into the marine waters of the  
 28 state.

29 (b) Except as provided in (f) of this section or AS 46.03.488, a person may not  
 30 discharge treated sewage from a commercial passenger vessel into the marine waters  
 31 of the state that fails to meet the effluent standards for treated sewage established by

1 the Administrator of the United States Environmental Protection Agency under sec.  
2 1407 of the federal cruise ship legislation. Until the Administrator promulgates the  
3 effluent standards, a person may not discharge treated sewage from a commercial  
4 passenger vessel into the marine waters of the state that has a fecal coliform bacterial  
5 count greater than 200 colonies per 100 milliliters or suspended solids greater than 150  
6 milligrams per liter.

7 (c) Except as provided in (f) of this section or AS 46.03.488, a person may not  
8 discharge graywater from a commercial passenger vessel into the marine waters of the  
9 state that fails to meet the effluent standards for graywater established by the  
10 Administrator of the United States Environmental Protection Agency under sec. 1407  
11 of the federal cruise ship legislation. If the Administrator has not adopted these  
12 federal effluent standards by January 1, 2003, then, beginning January 1, 2003, and  
13 ending when the Administrator does adopt these federal effluent standards, a person  
14 may not, except as provided in (f) of this section or AS 46.03.488, discharge  
15 graywater from a commercial passenger vessel into the marine waters of the state that  
16 has a fecal coliform bacterial count greater than 200 colonies per 100 milliliters or  
17 suspended solids greater than 150 milligrams per liter.

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

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

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

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

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

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

31 (f) The provisions of (a) - (d) of this section do not apply to discharges made

1 for the purpose of securing the safety of the commercial passenger vessel or saving  
2 life at sea, provided that all reasonable precautions have been taken for the purpose of  
3 preventing or minimizing the discharge.

4 **Sec. 46.03.465. Information-gathering requirements.** (a) The operator of a  
5 commercial passenger vessel shall maintain and, upon request of the department,  
6 produce a logbook detailing the times, types, volumes or flow-rates, and locations of  
7 any discharge of sewage or graywater into the marine waters of the state.

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

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

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

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

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

31 (d) If the owner or operator of a commercial passenger vessel has, when

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

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

9 **Sec. 46.03.475. Reporting requirements.** (a) An owner or operator of a  
 10 commercial passenger vessel who becomes aware of a discharge that violates  
 11 AS 46.03.463 shall immediately report that discharge to the department.

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

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

24 (d) Upon request of the department, the report required under this section shall  
 25 be submitted electronically.

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

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

31 (b) The fee imposed by (a) of this section is a separate fee for each voyage

1 during which the commercial passenger vessel operates in marine waters of the state  
 2 and is based on the overnight accommodation capacity of the vessel, determined with  
 3 reference to the number of lower berths, as follows:

4 (1) \$75 for a commercial passenger vessel with overnight  
 5 accommodations for at least 50 but not more than 99 passengers for hire;

6 (2) \$175 for a commercial passenger vessel with overnight  
 7 accommodations for at least 100 but not more than 249 passengers for hire;

8 (3) \$375 for a commercial passenger vessel with overnight  
 9 accommodations for at least 250 but not more than 499 passengers for hire;

10 (4) \$750 for a commercial passenger vessel with overnight  
 11 accommodations for at least 500 but not more than 999 passengers for hire;

12 (5) \$1,250 for a commercial passenger vessel with overnight  
 13 accommodations for at least 1,000 but not more than 1,499 passengers for hire;

14 (6) \$1,750 for a commercial passenger vessel with overnight  
 15 accommodations for at least 1,500 but not more than 1,999 passengers for hire;

16 (7) \$2,250 for a commercial passenger vessel with overnight  
 17 accommodations for at least 2,000 but not more than 2,499 passengers for hire;

18 (8) \$2,750 for a commercial passenger vessel with overnight  
 19 accommodations for at least 2,500 but not more than 2,999 passengers for hire;

20 (9) \$3,250 for a commercial passenger vessel with overnight  
 21 accommodations for at least 3,000 but not more than 3,499 passengers for hire;

22 (10) \$3,750 for a commercial passenger vessel with overnight  
 23 accommodations for 3,500 or more passengers for hire.

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

27 **Sec. 46.03.482. Alaska commercial passenger vessel coastal protection**  
 28 **fund.** (a) The Alaska commercial passenger vessel coastal protection fund is created  
 29 in the general fund.

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

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

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

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

8 (4) earnings on the fund.

9 (c) The legislature may make appropriations from the fund to the department  
10 to pay for the department's operational and administrative costs necessary to carry out  
11 activities under AS 46.03.460 - 46.03.490 and under department regulations  
12 establishing standards for marine vessel visible emissions adopted under AS 46.14.

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

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

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

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

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

29 (2) United Nations Convention on the Law of the Sea 1982,  
30 December 10, 1982, United Nations Publication No. E. 83.V.5, 21 I.L.M. 1261  
31 (1982).

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

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

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

8           (b) The department may grant an exemption under this section for a  
9 commercial passenger vessel if the

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

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

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

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

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

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

1           **Sec. 46.03.489. Regulations.** The department may adopt regulations that are  
2 necessary to implement exemptions under AS 46.03.460 - 46.03.490.

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

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

7           (2) "commercial passenger vessel" means a vessel that carries  
8 passengers for hire except that "commercial passenger vessel" does not include a  
9 vessel

10                           (A) authorized to carry fewer than 50 passengers; or

11                           (B) that does not provide overnight accommodations for at  
12 least 50 passengers for hire;

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

16           (4) "federal cruise ship legislation" means secs. 1401 - 1414 of H.R.  
17 5666, as incorporated by reference into P.L. 106 - 554;

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

20           (6) "graywater" means only galley, dishwater, bath, and laundry waste  
21 water; the term does not include other wastes or waste streams;

22           (7) "marine waters of the state" means all waters within the territory of  
23 the state together with all of the waters of the Alexander Archipelago even if not  
24 within the territory of the state;

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

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

31           (10) "treated sewage" means sewage that meets all applicable effluent

1 limitation standards and processing requirements of 33 U.S.C. 1251 - 1376 (Federal  
2 Water Pollution Control Act), as amended, the federal cruise ship legislation, and  
3 regulations adopted under 33 U.S. 1251 - 1376 or under the federal cruise ship  
4 legislation;

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

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

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

12 (14) "waters of the Alexander Archipelago" means all waters under the  
13 sovereignty of the United States within or near Southeast Alaska, beginning at a point  
14 58 degrees 11 minutes 41 seconds North, 136 degrees 39 minutes 25 seconds West  
15 (near Cape Spencer Light), thence southeasterly along a line three nautical miles  
16 seaward of the baseline from which the breadth of the territorial sea is measured in the  
17 Pacific Ocean and the Dixon Entrance, except where this line intersects geodesics  
18 connecting the following five pairs of points: (A) 58 degrees 05 minutes 17 seconds  
19 North, 136 degrees 33 minutes 49 seconds West and 58 degrees 11 minutes 41  
20 seconds North, 136 degrees 39 minutes 25 seconds West (Cross Sound); (B) 56  
21 degrees 09 minutes 40 seconds North, 134 degrees 40 minutes 00 seconds West and  
22 55 degrees 49 minutes 15 seconds North, 134 degrees 17 minutes 40 seconds West  
23 (Chatham Strait); (C) 55 degrees 49 minutes 15 seconds North, 134 degrees 17  
24 minutes 40 seconds West and 55 degrees 50 minutes 30 seconds North, 133 degrees  
25 54 minutes 15 seconds West (Sumner Strait); (D) 54 degrees 41 minutes 30 seconds  
26 North, 132 degrees 01 minutes 00 seconds West and 54 degrees 51 minutes 30  
27 seconds North, 131 degrees 20 minutes 45 seconds West (Clarence Strait); (E) 54  
28 degrees 51 minutes 30 seconds North, 131 degrees 20 minutes 45 seconds West and  
29 54 degrees 46 minutes 15 seconds North, 130 degrees 52 minutes 00 seconds West  
30 (Revillagigedo Channel); the portion of each such geodesic situated beyond three  
31 nautical miles from the baseline from which the breadth of the territorial sea is

1 measured forms the outer limit of the waters of the Alexander Archipelago in those  
2 five locations.

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

4 (XX) receipts from the coastal protection fees imposed under  
5 AS 46.03.480;

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

7 (e) A person who violates or causes or permits to be violated a provision of  
8 **AS 46.03.250 - 46.03.313, 46.03.460 - 46.03.475** [AS 46.03.250 - 46.03.314],  
9 AS 46.14, or a regulation, a lawful order of the department, or a permit, approval, or  
10 acceptance, or term or condition of a permit, approval, or acceptance issued under  
11 **AS 46.03.250 - 46.03.313, 46.03.460 - 46.03.475,** [AS 46.03.250 - 46.03.314] or  
12 AS 46.14 is liable, in a civil action, to the state for a sum to be assessed by the court of  
13 not less than \$500 nor more than \$100,000 for the initial violation, nor more than  
14 \$10,000 for each day after that on which the violation continues, and that shall reflect,  
15 when applicable,

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

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

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

31 (4) the need for an enhanced civil penalty to deter future

1 noncompliance.

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

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

5 (1) violates a provision of this chapter, AS 46.04, AS 46.09, or  
6 AS 46.14, a regulation or order of the department, or a permit, approval, or  
7 acceptance, or a term or condition of a permit, approval, or acceptance issued under  
8 this chapter, AS 46.04, AS 46.09, or AS 46.14;

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

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

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

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

24 \* **Sec. 6.** AS 46.03.480 is repealed January 1, 2004.

25 \* **Sec. 7.** AS 46.03.488 is repealed January 1, 2006.

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

28 APPLICABILITY OF REPORTING REQUIREMENTS. (a) Notwithstanding  
29 AS 46.03.460(a), enacted by sec. 2 of this Act, the first registration required under  
30 AS 46.03.460(a) for the owner or operator of a commercial passenger vessel that is in the  
31 marine waters of the state on July 1, 2001, is 11:59 p.m., Alaska Daylight Time, on July 3,

1 2001, regardless of whether the vessel has called upon or will call upon a port in the state on  
2 or after July 1, 2001.

3 (b) The information-gathering and record keeping requirements of AS 46.03.465 and  
4 46.03.470, enacted by sec. 2 of this Act, apply on and after July 1, 2001. The first report that  
5 is due under AS 46.03.475, enacted by sec. 2 of this Act, is due August 21, 2001.

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

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

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

25 (c) 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. 10.** 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 13 of this Act, AS 46.03.463(a) - (c) and 46.03.480, enacted by sec. 2 of this Act, do not apply

1 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. 11.** 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. 12.** 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. 13.** This Act takes effect July 1, 2001.