

HOUSE JOURNAL
ALASKA STATE LEGISLATURE
TWENTY-SECOND LEGISLATURE
FIRST SPECIAL SESSION

Juneau, Alaska

Friday

June 8, 2001

Second Day

Pursuant to adjournment the House was called to order by Speaker Porter at 12 noon.

Roll call showed 28 members present. Representatives Green, Masek, and Meyer had been previously excused from a call of the House today. Representatives Dyson, Joule, Kerttula, McGuire, Moses, Mulder, Murkowski, and Ogan were absent and their presence was noted later.

Representative James moved and asked unanimous consent that the following member be excused from a call of the House. There being no objection, the member was excused as noted:

Representative Kookesh - from noon today to 8:30 a.m., June 11, 2001

The invocation was offered by Chaplain Designee, Representative Hudson. Representative Davies moved and asked unanimous consent that the invocation be spread on the journal. There being no objection, it appears below:

Heavenly Father, Here we are again - a collection of mere mortal men and women attempting to serve our fellow Alaskans.

Lord, as we struggle to find the right course of action and the proper balance point in this important cruise ship matter, we need Your strength, Your humility, and Your steady hand upon each shoulder here on this floor of Alaska's House. In the Name of the Lord. Amen

The Pledge of Allegiance was led by Representative James.

CERTIFICATION OF THE JOURNAL

Representative James moved and asked unanimous consent that the journal for the first legislative day of the First Special Session be approved as certified by the Chief Clerk. There being no objection, it was so ordered.

INTRODUCTION OF CITATIONS

The following citations were introduced and taken up later as a Special Order of Business:

Honoring - Birchwood Dynamics Choral Group
By Representative Dyson

Honoring - Reverend Dr. Robert Nelson
By Senator Donley

Honoring - Reverend Chuck Eddy
By Senator Donley

In Memoriam - Joseph "Toshi" Nishimura
By Representatives Mulder, McGuire

In Memoriam - Elizabeth R. Folger "Pinky"
By Senator Lincoln

**The presence of Representatives Kerttula and Mulder was noted.

SPECIAL ORDER OF BUSINESS

Representative James moved and asked unanimous consent that the citations introduced today be taken up as a Special Order of Business at this time. There being no objection, it was so ordered.

Representative James moved and asked unanimous consent that citations be approved. There being no objection, the following citations were approved and sent to enrolling:

Honoring - Birchwood Dynamics Choral Group

By Representatives Dyson, Porter, Berkowitz, Bunde, Chenault, Cissna, Coghill, Crawford, Croft, Davies, Guess, Halcro, Harris, Hayes, Hudson, James, Kerttula, Kohring, Kott, Lancaster, McGuire, Mulder, Murkowski, Rokeberg, Stevens, Williams, Wilson

Honoring - Reverend Dr. Robert Nelson

By Senator Donley; Representatives Porter, Berkowitz, Bunde, Chenault, Cissna, Coghill, Crawford, Croft, Davies, Dyson, Fate, Foster, Guess, Halcro, Harris, Hayes, Hudson, James, Kerttula, Kohring, Kott, Lancaster, McGuire, Mulder, Murkowski, Rokeberg, Stevens, Williams, Wilson

Honoring - Reverend Chuck Eddy

By Senator Donley; Representatives Porter, Berkowitz, Bunde, Chenault, Cissna, Coghill, Crawford, Croft, Davies, Dyson, Fate, Foster, Guess, Halcro, Harris, Hayes, Hudson, James, Kerttula, Kohring, Kott, Lancaster, McGuire, Mulder, Murkowski, Rokeberg, Stevens, Williams, Wilson

In Memoriam - Joseph "Toshi" Nishimura

By Representatives Mulder, McGuire, Porter, Berkowitz, Bunde, Chenault, Cissna, Coghill, Crawford, Croft, Davies, Dyson, Fate, Foster, Guess, Halcro, Harris, Hayes, Hudson, James, Kerttula, Kohring, Kott, Lancaster, McGuire, Morgan, Murkowski, Rokeberg, Stevens, Williams, Wilson

In Memoriam - Elizabeth R. Folger "Pinky"

By Senator Lincoln; Representatives Porter, Berkowitz, Bunde, Chenault, Cissna, Coghill, Crawford, Croft, Davies, Dyson, Fate, Foster, Guess, Halcro, Harris, Hayes, Hudson, James, Kerttula, Kohring, Kott, Lancaster, McGuire, Morgan, Mulder, Murkowski, Rokeberg, Scalzi, Stevens, Williams, Wilson

The Speaker stated that, without objection, the House would recess to a call of the Chair; and so, the House recessed at 12:19 p.m.

AFTER RECESS

The Speaker called the House back to order at 11:18 p.m.

**The presence of Representatives Dyson, Joule, McGuire, Moses, and Murkowski was noted.

UNFINISHED BUSINESS

Representative James moved and asked unanimous consent that the following member be excused from a call of the House. There being no objection, the member was excused as noted:

Representative Fate - from 7:05 p.m. today to noon, June 10, 2001

The Speaker stated that, without objection, the House revert to:

MESSAGES FROM THE SENATE**HB 260**

A message dated June 8, 2001, was read stating the Senate has passed:

CS FOR HOUSE BILL NO. 260(FIN) am

"An Act requiring the owners or operators of certain commercial passenger vessels operating in the marine waters of the state to register with the Department of Environmental Conservation; establishing information-gathering, record keeping, and reporting requirements relating to the vessels' graywater, sewage, hazardous substances, hazardous wastes, solid wastes, and other pollutants; establishing certain sampling, testing, reporting, and record-keeping requirements as terms and conditions of permitting discharges from the vessels; authorizing the Department of Environmental Conservation to provide for independent verification of compliance by the vessels, and to monitor and supervise discharges from the vessels; prohibiting the discharge of untreated sewage from the vessels; placing limits on discharges of treated sewage and graywater from the vessels; providing that there is no audit report privilege for complying with a requirement that the owner or operator of a commercial passenger vessel must

report discharges of sewage or graywater that violate laws; establishing a fee, ranging from \$.70 - \$1.75 per berth, with a maximum of \$3,750 per voyage, on commercial passenger vessels that are not operated by the state for each voyage during which the vessels operate in the marine waters of the state based on the overnight accommodation capacity of the vessels determined with reference to the number of lower berths; providing for a fee for vessels operated by the state to be determined by an agreement between the commissioner of environmental conservation and the commissioner of transportation and public facilities; authorizing the Department of Environmental Conservation to research, monitor, and study discharges and releases from commercial passenger vessels, including the opacity of air emissions from the vessels; establishing penalties for failure to comply with certain laws relating to the vessels; authorizing the Department of Environmental Conservation to encourage and recognize superior environmental protection efforts related to commercial passenger vessels; authorizing the Department of Environmental Conservation to adopt regulations to implement laws relating to commercial passenger vessels and directing the department to use negotiated regulation procedures, when appropriate, to develop the regulations; establishing a commercial passenger vessel coastal protection fund; requiring a report from the Department of Environmental Conservation concerning matters relating to the vessels; and providing for an effective date."

with the following amendment and it is transmitted for consideration:

CS FOR HOUSE BILL NO. 260(FIN) am S

"An Act relating to marine passenger vessels; and providing for an effective date."

(SCR 18 - title change resolution)

CSHB 260(FIN) am is under Unfinished Business.

A message dated May 8, 2001, was read stating the Senate has passed the following and it is transmitted for consideration:

**FIRST READING AND REFERENCE
OF SENATE RESOLUTIONS****SCR 18**

SENATE CONCURRENT RESOLUTION NO. 18 by the Senate Rules Committee:

Suspending Rules 24(c), 35, 41(b), and 42(e), Uniform Rules of the Alaska State Legislature, concerning House Bill No. 260, relating to commercial passenger vessels so that the title may read "An Act relating to marine passenger vessels; and providing for an effective date."

was read the first time.

CONCUR IN SENATE AMENDMENTS**HB 260**

Representative James moved and asked unanimous consent that the House consider the Senate message (page 1832) on the following at this time:

CS FOR HOUSE BILL NO. 260(FIN) am

"An Act requiring the owners or operators of certain commercial passenger vessels operating in the marine waters of the state to register with the Department of Environmental Conservation; establishing information-gathering, record keeping, and reporting requirements relating to the vessels' graywater, sewage, hazardous substances, hazardous wastes, solid wastes, and other pollutants; establishing certain sampling, testing, reporting, and record-keeping requirements as terms and conditions of permitting discharges from the vessels; authorizing the Department of Environmental Conservation to provide for independent verification of compliance by the vessels, and to monitor and supervise discharges from the vessels; prohibiting the discharge of untreated sewage from the vessels; placing limits on discharges of treated sewage and graywater from the vessels; providing that there is no audit report privilege for complying with a requirement that the owner or operator of a commercial passenger vessel must report discharges of sewage or graywater that violate laws;

establishing a fee, ranging from \$.70 - \$1.75 per berth, with a maximum of \$3,750 per voyage, on commercial passenger vessels that are not operated by the state for each voyage during which the vessels operate in the marine waters of the state based on the overnight accommodation capacity of the vessels determined with reference to the number of lower berths; providing for a fee for vessels operated by the state to be determined by an agreement between the commissioner of environmental conservation and the commissioner of transportation and public facilities; authorizing the Department of Environmental Conservation to research, monitor, and study discharges and releases from commercial passenger vessels, including the opacity of air emissions from the vessels; establishing penalties for failure to comply with certain laws relating to the vessels; authorizing the Department of Environmental Conservation to encourage and recognize superior environmental protection efforts related to commercial passenger vessels; authorizing the Department of Environmental Conservation to adopt regulations to implement laws relating to commercial passenger vessels and directing the department to use negotiated regulation procedures, when appropriate, to develop the regulations; establishing a commercial passenger vessel coastal protection fund; requiring a report from the Department of Environmental Conservation concerning matters relating to the vessels; and providing for an effective date."

and

CS FOR HOUSE BILL NO. 260(FIN) am S

"An Act relating to marine passenger vessels; and providing for an effective date."

(SCR 18- title change resolution)

Objection was heard.

Representative Berkowitz placed a call of the House.

**The presence of Representative Ogan was noted.

The call was satisfied.

The question being: "Shall the House consider the Senate message on CSHB 260(FIN) am at this time?" The roll was taken with the following result:

CSHB 260(FIN) am S

Concur

Consider at this time

YEAS: 24 NAYS: 11 EXCUSED: 5 ABSENT: 0

Yeas: Bunde, Chenault, Coghill, Dyson, Foster, Halcro, Harris, Hudson, James, Kohring, Kott, Lancaster, McGuire, Morgan, Mulder, Murkowski, Ogan, Porter, Rokeberg, Scalzi, Stevens, Whitaker, Williams, Wilson

Nays: Berkowitz, Cissna, Crawford, Croft, Davies, Guess, Hayes, Joule, Kapsner, Kerttula, Moses

Excused: Fate, Green, Kookesh, Masek, Meyer

And so, the motion passed.

Representative James moved that the House concur in the Senate amendment to CSHB 260(FIN) am, thus adopting CSHB 260(FIN) am S, and recommended that the members vote no.

The question being: "Shall the House concur in the Senate amendment to CSHB 260(FIN) am?" The roll was taken with the following result:

CSHB 260(FIN) am S

Concur

YEAS: 11 NAYS: 24 EXCUSED: 5 ABSENT: 0

Yeas: Berkowitz, Cissna, Crawford, Croft, Davies, Guess, Hayes, Joule, Kapsner, Kerttula, Moses

Nays: Bunde, Chenault, Coghill, Dyson, Foster, Halcro, Harris, Hudson, James, Kohring, Kott, Lancaster, McGuire, Morgan, Mulder, Murkowski, Ogan, Porter, Rokeberg, Scalzi, Stevens, Whitaker, Williams, Wilson

Excused: Fate, Green, Kookesh, Masek, Meyer

And so, the House failed to concur in the Senate amendment, thus failing to adopt CSHB 260(FIN) am S.

The Chief Clerk was instructed to so notify the Senate and respectfully request it to recede.

In the event the Senate fails to recede from its amendment, the Speaker appointed the following members to a Conference Committee to meet with the like committee from the Senate to consider the above bills:

Representative Mulder, Chair
Representative Hudson
Representative Kerttula

ANNOUNCEMENTS

House committee schedules are published daily under separate cover.

ADJOURNMENT

Representative James moved and asked unanimous consent that the House adjourn until 9:30 a.m., June 9, 2001. There being no objection, the House adjourned at 12 midnight.

Suzi Lowell
Chief Clerk