

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

Juneau, Alaska

Saturday

June 9, 2001

Third Day

Pursuant to adjournment the House was called to order by Speaker Porter at 10:19 a.m.

Roll call showed 33 members present. Representatives Fate, Green, Kookesh, Masek, and Meyer had been previously excused from a call of the House today. Representative Ogan was absent and his 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 Moses - from today to 9:30 p.m., June 13, 2001

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

Our Father in heaven, we come before You with grateful hearts. We are grateful for the wonder and beauty of Your creation. We are also grateful for the eyes to see it, the ears to hear, and the health to enjoy each new day. Thank You.

Now today we come before You ready to do our work, but pausing to yield to You, asking for wisdom and discernment as we consider the duty of our stewardship and the timing of our decisions.

We also pause to remember how You have every person as a special object of Your love. So help us to honor You as we honor one another in our duties today. In Jesus' name we pray. Amen

The Pledge of Allegiance was led by Representative Kapsner.

CERTIFICATION OF THE JOURNAL

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

MESSAGES FROM THE SENATE

HB 260

A message dated June 8, 2001, was read stating the Senate has failed to recede from its amendment to:

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."

namely,

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

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

The President appointed the following members to a Conference Committee to meet with the like committee from the House to consider the bills:

Senator Leman, Chair
Senator Halford
Senator Ellis

The message further stated that the President granted limited powers on the following specific point:

Regarding the definition of "other wastes".

The House members of the Conference Committee are Representatives Mulder (Chair), Hudson, and Kerttula (page 1837).

REPORTS OF SPECIAL COMMITTEES

HB 260

The Conference Committee considering:

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."

requests limited powers of free conference on the following specific point:

Change every reference to "other waste" to "other wastewater".

Under definitions:

"other wastewater" means graywater or sewage that is stored in or transferred to a ballast tank or other holding area on the vessel that may not be customarily used for storing graywater or sewage.

The request was signed by Representatives Mulder (Chair), Hudson, and Kerttula; and Senators Leman (Chair), Halford, and Ellis.

The Speaker granted the limited powers of free conference as requested.

The Chief Clerk was instructed to so notify the Senate.

The Senate message granting the Senate committee members limited powers of free conference is on page 1841.

**The presence of Representative Ogan was noted.

The Conference Committee with limited powers of free conference considering CSHB 260(FIN) am and CSHB 260(FIN) am S recommends the following be adopted:

CONFERENCE CS FOR HOUSE BILL NO. 260

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

The report was signed by Representatives Mulder (Chair), Hudson, Kerttula; and Senators Leman (Chair), Halford, Ellis.

A Conference Committee letter of intent for CCS HB 260, signed by Representative Mulder, Chair, and Senator Leman, Chair, appears below:

"It is the intent of the legislature that the State of Alaska receive reports of discharges of hazardous waste in the marine waters of this state."

The report is under Unfinished Business.

SPECIAL ORDER OF BUSINESS

SCR 18

Representative James moved and asked unanimous consent that the following be taken up as a Special Order of Business at this time:

SENATE CONCURRENT RESOLUTION NO. 18

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."

There being no objection, it was so ordered.

The question being: "Shall SCR 18 pass the House?" The roll was taken with the following result:

SCR 18
Special Order of Business

YEAS: 31 NAYS: 2 EXCUSED: 6 ABSENT: 1

Yeas: Berkowitz, Bunde, Chenault, Cissna, Coghill, Crawford, Croft, Davies, Foster, Guess, Halcro, Harris, Hayes, Hudson, James, Joule, Kapsner, Kerttula, Kohring, Kott, Lancaster, McGuire, Morgan, Mulder, Murkowski, Porter, Rokeberg, Stevens, Whitaker, Williams, Wilson

Nays: Ogan, Scalzi

Excused: Fate, Green, Kookesh, Masek, Meyer, Moses

Absent: Dyson

And so, SCR 18 passed the House, was signed by the Speaker and Chief Clerk and returned to the Senate.

UNFINISHED BUSINESS

HB 260

Representative James moved and asked unanimous consent that the House consider the Conference Committee with limited powers of free conference report on the following, which is under Unfinished Business (page 1844), 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)

There being no objection, it was so ordered.

Representative James moved that the House adopt the Conference Committee with limited powers of free conference report, thus adopting CCS HB 260 and recommended that the members vote yes.

The question being "Shall the House adopt the Conference Committee with limited powers of free conference report?" The roll was taken with the following result:

CCS HB 260

Adopt

YEAS: 29 NAYS: 5 EXCUSED: 6 ABSENT: 0

Yeas: Berkowitz, Bunde, Chenault, Cissna, Crawford, Croft, Davies, Foster, Guess, Halcro, Harris, Hayes, Hudson, James, Joule, Kapsner, Kerttula, Kott, Lancaster, McGuire, Morgan, Mulder, Murkowski, Porter, Rokeberg, Stevens, Whitaker, Williams, Wilson

Nays: Coghill, Dyson, Kohring, Ogan, Scalzi

Excused: Fate, Green, Kookesh, Masek, Meyer, Moses

And so, the House adopted the Conference Committee with limited powers of free conference report, thus adopting:

CONFERENCE CS FOR HOUSE BILL NO. 260

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

Representative James moved and asked unanimous consent that the roll call on the passage of the bill be considered the roll call on the effective date clauses. There being no objection, it was so ordered.

Representative James moved and asked unanimous consent that the House adopt the Conference Committee letter of intent (page 1844). There being no objection, it was so ordered.

The Chief Clerk was instructed to so notify the Senate.

* * * * *

Representative Kerttula requested that the House stand for a moment of silence to honor the life of Robert Hickerson.

MESSAGES FROM THE SENATE

HB 260

A message dated June 9, 2001, was received stating the Senate has adopted the Conference Committee with limited powers of free conference report on CSHB 260(FIN) am and CSHB 260(FIN) am S, thus adopting:

CONFERENCE CS FOR HOUSE BILL NO. 260

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

The Senate also adopted the Conference Committee letter of intent (page 1844).

The House has adopted CCS HB 260 (page 1847).

CCS HB 260 was referred to the Chief Clerk for engrossment and enrollment.

ADJOURNMENT

Representative James moved and asked unanimous consent that the House adjourn until 11:00 a.m., January 14, 2002. There being no objection, the House adjourned at 10:41 a.m.

Suzi Lowell
Chief Clerk