

SENATE JOURNAL
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TWENTY-SECOND LEGISLATURE
FIRST SPECIAL SESSION

Juneau, Alaska

Friday

June 8, 2001

Second Day

Pursuant to adjournment the Senate was called to order by President Halford at 11:42 a.m.

The roll showed nineteen members present. Senator Green was excused from a call of the Senate.

The prayer was offered by the Chaplain, Senator Pearce. Senator Hoffman moved and asked unanimous consent that the prayer be spread. Without objection, it was so ordered.

Grant, O God, that Your holy and life-giving Spirit
may so move every human heart, and especially the
hearts of the people of this land, that barriers which
divide us may crumble, suspicions disappear, and
hatreds cease; that our divisions being healed, we
may live in justice and peace. Amen.

Senator Austerman led the Senate in the Pledge of Allegiance.

Certification

Senator Leman moved and asked unanimous consent that the journal for the first legislative day of the First Special Session be approved as certified by the Secretary. Without objection, it was so ordered.

Standing Committee Reports**HB 260**

The Finance Committee considered CS FOR HOUSE BILL NO. 260(FIN) am COMMERCIAL PASSENGER VESSEL REGULATION & FEES, and recommended it be replaced with

SENATE CS FOR CS FOR HOUSE BILL NO. 260(FIN) "An Act relating to marine passenger vessels; and providing for an effective date." (Title Change Authorized by SCR 18)

The following fiscal information was published today:

Fiscal Note No. 5, Department of Environmental Conservation

Fiscal Note No. 6, Department of Transportation and Public Facilities

Fiscal Note No. 7, Department of Law

Signing do pass: Senator Donley, Cochair, Senators Wilken, Leman.
Signing no recommendation: Senator Kelly, Cochair, Senators Austerman, Hoffman, Olson, Ward.

The bill was referred to Rules Committee.

Recess

Senator Leman moved and asked unanimous consent that the Senate stand in recess to a call of the Chair. Without objection, the Senate recessed at 11:47 a.m.

After Recess

The Senate reconvened at 8:25 p.m.

Standing Committee Reports (continued)**HB 260**

The Rules Committee considered CS FOR HOUSE BILL NO. 260(FIN) am COMMERCIAL PASSENGER VESSEL REGULATION & FEES. Signing no recommendation: Senator Pearce, Chair, Senator Therriault. Signing to calendar: Senator Ellis. Signing under other recommendations: Senators Phillips, Cowdery.

The bill is on today's calendar.

Consideration of the Calendar

Second Reading of House Bills

HB 260

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" was read the second time.

Senator Kelly, Cochair, moved and asked unanimous consent for the adoption of the Finance Senate Committee Substitute offered on page 1786. Objections were heard.

The question being: "Shall SENATE CS FOR CS FOR HOUSE BILL NO. 260(FIN) "An Act relating to marine passenger vessels; and providing for an effective date" be adopted?" The roll was taken with the following result:

CSHB 260(FIN) am
Second Reading
Adopt Finance Senate Committee Substitute?

YEAS: 7 NAYS: 12 EXCUSED: 1 ABSENT: 0

Yeas: Donley, Kelly, Leman, Taylor, Therriault, Torgerson, Wilken

Nays: Austerman, Cowdery, Davis, Ellis, Elton, Halford, Hoffman, Lincoln, Olson, Pearce, Phillips, Ward

Excused: Green

and so, SENATE CS FOR CS FOR HOUSE BILL NO. 260(FIN) failed to be adopted.

CS FOR HOUSE BILL NO. 260(FIN) am was before the Senate in second reading.

Senators Halford, Phillips offered Amendment No. 1:

Page 1, line 1 through Page 2, line 19:

Delete all material.

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

Page 2, line 21 through page 3, line 14:
Delete all material.

Renumber sections accordingly.

Page 3, line 15, preceding "Sec. 2":

Insert: "Section 1. AS 43 is amended by adding a new chapter to read:

Chapter 52. Excise Tax on Travel Aboard Commercial Passenger Vessels.

Sec. 43.52.010. Levy of excise tax on overnight accommodations on commercial passenger vessels. There is imposed an excise tax on travel on commercial passenger vessels providing overnight accommodations in the state's marine water.

Sec. 43.52.020. Rate of tax. The tax imposed by AS 43.52.010 - 43.52.095 is levied at a rate of \$10 a passenger per voyage.

Sec. 43.52.030. Liability for payment of tax. A passenger traveling on a commercial passenger vessel providing overnight accommodations in state marine water is liable for the tax imposed by AS 43.52.010 - 43.52.095. The tax shall be collected and is due and payable to the department

(1) by the person who provides travel aboard a commercial vessel for which the tax is payable; and

(2) in the manner and at the times required by the department by regulation.

Sec. 43.52.040. Disposition of receipts. (a) The proceeds from the tax on travel on commercial passenger vessels providing overnight accommodations in the state's marine water shall be deposited in a special commercial vessel passenger tax account in the general fund. The legislature may appropriate money from this account for state-owned port and harbor facilities.

Sec. 43.52.050. Administration. (a) The department shall

(1) administer this chapter; and

(2) collect, supervise, and enforce the collection of taxes due under this chapter and penalties as provided in AS 43.05.

(b) The department may adopt regulations necessary for the administration of this chapter.

Sec. 43.52.095. Definitions. In this chapter,

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

(A) a vessel that does not provide overnight accommodations for at least 249 passengers for hire, determined with reference to the number of lower berths; or

(B) noncommercial vessels, warships, and vessels operated by the state, the United States, or a foreign government;

(2) "marine water of the state" and "state marine water" have the meaning given to "waters" in AS 46.03.900, except that they include only marine waters.

(3) "passenger" means a person whom a common carrier has contracted to carry from one place to another."

Re-number following sections accordingly.

Page 3, line 16, following "6A":

Delete "**Alaska Commercial Passenger Vessel Coastal Protection**"

Insert "**Commercial Passenger Vessel Environmental Compliance**"

Page 3, lines 17-21:

Delete all material.

Insert "**Sec. 46.03.460. Program established.** (a) There is established the commercial passenger vessel environmental compliance program providing for

(1) terms and conditions of vessel discharges;

(2) independent verification of environmental compliance;

and"

Page 4, line 22, preceding "discharges":

Delete "permitting"

Insert "vessel"

Page 4, line 27, following "of":

Delete "**Permitting**"

Page 4, line 29, following "of":

Delete "permitting"

Insert "vessel"

Page 4, line 30, following "of":

Delete "permitting"

Insert "vessel"

Page 5, line 1, following "of":

Delete "permitting"

Insert "vessel"

Page 5, line 3, following "sewage,":

Delete "or"

Page 5, line 3, following "graywater":

Delete "except as permitted under"

Insert "or other wastes in a manner that violates"

Page 5, line 17, preceding "discharges":

Delete "permitting"

Insert "vessel"

Page 5, line 18, following "of":

Delete "permitting"

Insert "vessel"

Page 5, line 22, following "of":

Delete "permitting"

Insert "vessel"

Page 5, line 23, following "of":

Delete "permitting"

Insert "vessel"

Page 5, line 24, following "of":

Delete "permitting"

Insert "vessel"

Page 5, line 31, following "of":

Delete "permitting"

Insert "vessel"

Page 6, line 5, preceding "discharges":

Delete "permitting"

Insert "vessel"

Page 6, line 8, following "of":

Delete "permitting"

Insert "vessel"

Page 6, lines 15-18:

Delete all material.

Insert "(b) Except as provided in (h) of this section or under AS 46.03.462(c) - (d), a person may not discharge sewage from a commercial passenger vessel into the marine waters of the state that has suspended solids greater than 150 milligrams per liter or a fecal coliform count greater than 200 colonies per 100 milliliters except that the department may by regulation adopt a protocol for retesting for fecal coliform if this discharge limit for fecal coliform is exceeded, under which a discharger will be considered to be in compliance with the fecal coliform limit, if the geometric mean of fecal coliform count in the samples considered under the protocol does not exceed 200 colonies per 100 milliliters. Upon submission by the owner or operator of a small commercial passenger vessel of a plan for interim protective measures, the department shall extend the time for compliance of that vessel with this subsection."

Page 6, lines 19-25:

Delete all material.

Insert "(c) Except as provided in (h) of this section or under AS 46.03.462(c) - (d), a person may not discharge graywater or other wastes from a commercial passenger vessel into the marine waters of the state that has suspended solids greater than 150 milligrams per liter or a fecal coliform count greater than 200 colonies per 100 milliliters except that the department may by regulation adopt a protocol for retesting for fecal coliform if this discharge limit for fecal coliform is exceeded, under which a discharger will be considered to be in compliance with the fecal coliform limit, if the geometric mean of fecal coliform count in the samples considered under the protocol does not exceed 200 colonies per 100 milliliters. Upon submission by the owner or operator of a large commercial passenger vessel of a plan for interim protective measures, the department shall extend the time for

compliance of that vessel with this subsection for a period of time that ends not later than January 1, 2003. Upon submission by the owner or operator of a small commercial passenger vessel of a plan for interim protective measures, the department shall extend the time for compliance of that vessel with this subsection."

Page 6, line 27, following "sewage":

Delete "and"

Insert ", "

Page 6, line 27, following "graywater":

Insert "and other wastes discharged from commercial passenger vessels"

Page 6, line 29, following "discharges,":

Insert "the materials and substances handled on the vessels,"

Page 7, line 1, following "sewage":

Delete "or"

Insert ", "

Following "graywater":

Insert "or other wastes"

Page 7, line 1, following "from a":

Insert "large"

Page 7, line 11, following "sewage":

Delete "or"

Insert ", "

Page 7, line 12, following "graywater":

Insert "or other wastes"

Page 7, line 13:

Insert a new subsection to read

"(f) Except as provided in (h) of this section, a person may not discharge sewage from a small commercial passenger vessel unless the sewage has been processed through a properly operated and properly maintained marine sanitation device."

ReNUMBER following sections accordingly.

Page 7, line 24, following "sewage":

Delete "or"

Insert ", "

Following "graywater":

Insert "or other wastes"

Page 7, line 28, following "sewage":

Delete "and"

Insert ", "

Following "graywater":

Insert "and other wastes"

Page 7, line 29, following "that":

Delete "is"

Insert "are"

Page 7, line 30 through page 8, line 5:

Delete all material.

Insert "with a sampling technique approved by the department before the sample is collected. The number of routine samples for each vessel to be collected under this subsection shall be the greater of two per calendar year or the number of samples required to be collected under federal statutes and regulations for sewage, graywater or other waste discharges."

Page 8, line 9, following "sewage":

Delete "and"

Insert ", "

Following "graywater":

Insert "and other wastes"

Following "that":

Delete "is"

Insert "are"

Page 8, line 15, following "other":

Delete "pollutants"

Insert "parameters"

Page 8, line 26, following "under":

Insert "(a),"

Page 9, line 9, following "sewage":

Delete "or"

Insert ","

Following "graywater":

Insert "or other wastes"

Page 9, line 11, following "sewage":

Delete "or"

Insert ","

Following "graywater":

Insert "or other waste"

Page 9, line 31:

Delete all material.

Insert "offloading in this state or disposing into the marine waters of the state of nonhazardous solid waste other than sewage; and"

Page 10, line 1, following "(2)":

Delete "disposal or"

Page 10, line 3, following "the":

Delete "disposal or"

Page 10, line 8, following "imposed":

Delete "a coastal protection"

Insert "an environmental compliance"

Page 11, line 12, following "46.03.482.":

Delete "Alaska commercial passenger vessel coastal protection"

Insert "Commercial passenger vessel environmental compliance"

Page 11, line 13, following "The":

Delete "Alaska commercial passenger vessel coastal protection"

Insert "commercial passenger vessel environmental compliance"

Page 11, line 20, following "related to":

Delete "as"

Insert "AS"

Page 11, line 26, following "operational":

Delete "and administrative"

Page 11, lines 26-27, following "prepare":

Delete "a report that assesses"

Insert "reports that assess"

Page 11, line 29, following "operational":

Delete "and administrative"

Page 12, lines 1-4:

Delete all material.

Insert "(d) The unexpended and unobligated balance of an appropriation made from the fund to the department for the purposes described in (c) of this section lapses into the fund on December 31 following the end of the period for which the appropriation was made."

Page 12, line 24, following "sewage":

Delete "and"

Insert ", "

Page 12, line 25, following "graywater":

Insert "and other wastes"

Page 13, lines 16-17, following "means the":

Delete "Alaska commercial passenger vessel coastal protection"

Insert "commercial passenger vessel environmental compliance"

Page 13, following line 19:

Insert "(7) "large commercial passenger vessel" means a commercial passenger vessel that provides overnight accommodations for 250 or more passengers for hire, determined with reference to the number of lower berths;"

Re-number the following paragraphs accordingly.

Page 13, following line 31:

Insert "(12) "small commercial passenger vessel" means a commercial passenger vessel that provides overnight accommodations for 249 or fewer passengers for hire, determined with reference to the number of lower berths;"

Renumber the following paragraphs accordingly.

Page 15, line 6, following "under the":

Delete "Alaska commercial passenger vessel coastal protection"

Insert "commercial passenger vessel environmental compliance"

Page 15, line 25, following "graywater":

Delete "or"

Insert ","

Following "sewage":

Insert "or other wastes"

Page 16, lines 28 through page 17, line 2:

Delete all material.

Insert "APPLICABILITY OF REPORTING REQUIREMENTS.

(a) Notwithstanding AS 46.03.461(a), enacted by sec. 1 of this Act, the first registration required under AS 46.03.461(a) for the owner or operator of a commercial passenger vessel that is subject to that section and is in the marine waters of the state on July 1, 2001, is 11:59 p.m., Alaska Daylight Time, on July 3, 2001.

Page 17, line 11, following "of the":

Delete "coastal protection fee, the coastal protection"

Insert "environmental compliance fee, the environmental compliance"

Page 17, line 13, following "to operate in":

Insert "marine"

Page 17, line 17, following "last voyage in":

Insert "marine"

Page 17, line 20 preceding "waters":

Insert "marine"

Page 17, line 24:

Delete "AS 46.03.461 - 46.03.490"

Insert "AS 46.03.463(a) - (d) and 46.03.480"

Page 18, line 1:

Delete "REPORT"

Insert "REPORTS"

Page 18, line 1, following "(a)":

Insert "By December 1, 2002, the department shall submit to the governor a report that assesses the information received by the department for the cruise ship seasons of 2000, 2001, and 2002 related to small commercial passenger vessels. The report must include

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

(2) evaluation of the sewage and graywater treatment systems and technologies on the vessels, including an evaluation of whether small commercial passenger vessels should be made subject to the requirements of AS 46.03.463(e) on and after January 1, 2004; and

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

(b)"

ReNUMBER the following subsections accordingly.

Page 18, line 7, following "sewage":

Delete "and"

Insert ", "

Following "graywater":

Insert "and other wastes"

Page 18, lines 13-15, following "(c)":

Delete all material.

Insert "While producing the assessments required under this section, the department shall consult its own records, appropriate federal and state agencies, owners and operators of passenger and other vessels, affected parties and other appropriate sources of information."

Page 18, line 18, following "in this section":

Insert "(1) "commercial passenger vessel" has the meaning given in AS 46.03.490, enacted by sec. 1 of this Act;
(2)"

Renumber the following sections accordingly.

Page 18, line 19, following "Conservation":

Insert ";
(3) "small commercial passenger vessel" has the meaning given in AS 46.03.490 enacted by sec. 1 of this Act"

Senator Lemman moved for the adoption of Amendment No. 1. Objections were heard.

President Halford requested that Senator Lemman serve as President pro tempore. Senator Halford participated in debate of Amendment No. 1 from the floor. President pro tempore Lemman returned to the floor. President Halford returned as presiding officer.

The question being: "Shall Amendment No. 1 be adopted?" The roll was taken with the following result:

CSHB 260(FIN) am
Second Reading
Amendment No. 1

YEAS: 9 NAYS: 10 EXCUSED: 1 ABSENT: 0

Yeas: Ellis, Elton, Halford, Hoffman, Lemman, Lincoln, Olson, Pearce, Phillips

Nays: Austerman, Cowdery, Davis, Donley, Kelly, Taylor, Therriault, Torgerson, Ward, Wilken

Excused: Green

and so, Amendment No. 1 failed.

Senator Kelly offered Amendment No. 2:

Page 2, line 21, through page 3, line 14:
Delete all material.

Renumber the following bill sections accordingly.

Senator Kelly moved for the adoption of Amendment No. 2. Objections were heard.

The question being: "Shall Amendment No. 2 be adopted?" The roll was taken with the following result:

CSHB 260(FIN) am
Second Reading
Amendment No. 2

YEAS: 8 NAYS: 11 EXCUSED: 1 ABSENT: 0

Yeas: Donley, Kelly, Leman, Phillips, Taylor, Therriault, Torgerson, Wilken

Nays: Austerman, Cowdery, Davis, Ellis, Elton, Halford, Hoffman, Lincoln, Olson, Pearce, Ward

Excused: Green

and so, Amendment No. 2 failed.

Senator Leman moved that the Senate rescind its previous action in failing to adopt the Finance Senate Committee Substitute, then withdrew his motion.

Senator Leman offered Amendment No. 3:

Page 1, line 1 through page 2, line 19

Delete all material.

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

Page 2, line 21 through page 3, line 14:

Delete all material.

Renumber sections accordingly.

Page 3, line 16, following "6A":

Delete **"Alaska Commercial Passenger Vessel Coastal Protection"**

Insert **"Commercial Passenger Vessel Environmental Compliance"**

Page 3, lines 17-21:

Delete all material.

Insert "**Sec. 46.03.460. Program established.** (a) There is established the commercial passenger vessel environmental compliance program providing for

(1) terms and conditions of vessel discharges;

(2) independent verification of environmental compliance;

and"

Page 4, line 22, preceding "discharges":

Delete "permitting"

Insert "vessel"

Page 4, line 27, following "of":

Delete "**Permitting**"

Page 4, line 29, following "of":

Delete "permitting"

Insert "vessel"

Page 4, line 30, following "of":

Delete "permitting"

Insert "vessel"

Page 5, line 1, following "of":

Delete "permitting"

Page 5, line 3, following "sewage,":

Delete "or"

Page 5, line 3, following "graywater":

Delete "except as permitted under"

Insert "or other wastes in a manner that violates"

Page 5, line 17, preceding "discharges":

Delete "permitting"

Insert "vessel"

Page 5, line 18, following "of":

Delete "permitting"
Insert "vessel"

Page 5, line 22, following "of":

Delete "permitting"
Insert "vessel"

Page 5, line 23, following "of":

Delete "permitting"
Insert "vessel"

Page 5, line 24, following "of":

Delete "permitting"
Insert "vessel"

Page 5, line 31, following "of":

Delete "permitting"
Insert "vessel"

Page 6, line 5, preceding "discharges":

Delete "permitting"
Insert "vessel"

Page 6, line 8, following "of":

Delete "permitting"
Insert "vessel"

Page 6, Lines 15-18:

Delete all material.

Insert "(b) Except as provided in (h) of this section or under AS 46.03.462(c) - (d), a person may not discharge sewage from a commercial passenger vessel into the marine waters of the state that has suspended solids greater than 150 milligrams per liter or a fecal coliform count greater than 200 colonies per 100 milliliters except that the department may by regulation adopt a protocol for retesting for fecal coliform if this discharge limit for fecal coliform is exceeded, under which a discharger will be considered to be in compliance with the fecal coliform limit, if the geometric mean of fecal coliform count in the samples considered under the protocol does not exceed 200

colonies per 100 milliliters. Upon submission by the owner or operator of a small commercial passenger vessel of a plan for interim protective measures, the department shall extend the time for compliance of that vessel with this subsection."

Page 6, lines 19-25:

Delete all material.

Insert "(c) Except as provided in (h) of this section or under AS 46.03.462(c) - (d), a person may not discharge graywater or other wastes from a commercial passenger vessel into the marine waters of the state that has suspended solids greater than 150 milligrams per liter or a fecal coliform count greater than 200 colonies per 100 milliliters except that the department may by regulation adopt a protocol for retesting for fecal coliform if this discharge limit for fecal coliform is exceeded, under which a discharger will be considered to be in compliance with the fecal coliform limit, if the geometric mean of fecal coliform count in the samples considered under the protocol does not exceed 200 colonies per 100 milliliters. Upon submission by the owner or operator of a large commercial passenger vessel of a plan for interim protective measures, the department shall extend the time for compliance of that vessel with this subsection for a period of time that ends not later than January 1, 2003. Upon submission by the owner or operator of a small commercial passenger vessel of a plan for interim protective measures, the department shall extend the time for compliance of that vessel with this subsection."

Page 6, line 27, following "sewage":

Delete "and"

Insert ", "

Page 6, line 27, following "graywater":

Insert "and other wastes discharged from commercial passenger vessels"

Page 6, line 29, following "discharges,":

Insert "the materials and substances handled on the vessels,"

Page 7, line 1, following "sewage":

Delete "or"

Insert ", "

Following "graywater":

Insert "or other wastes"

Page 7, line 1, following "from a":

Insert "large"

Page 7, line 11, following "sewage":

Delete "or"

Insert ", "

Page 7, line 12, following "graywater":

Insert "or other wastes"

Page 7, line 13:

Insert a new subsection to read

"(f) Except as provided in (h) of this section, a person may not discharge sewage from a small commercial passenger vessel unless the sewage has been processed through a property operated and properly maintained marine sanitation device."

Renumber following sections accordingly.

Page 7, line 24, following "sewage":

Delete "or"

Insert ", "

Following "graywater":

Insert "or other wastes"

Page 7, line 28, following "sewage":

Delete "and"

Insert ", "

Following "graywater":

Insert "and other wastes"

Page 7, line 29, following "that":

Delete "is"

Insert "are"

Page 7, line 30 through page 8, line 5:

Delete all material.

Insert "with a sampling technique approved by the department before the sample is collected. The number of routine samples for each vessel to be collected under this subsection shall be the greater of two per calendar year or the number of samples required to be collected under federal statutes and regulations for sewage, graywater or other waste discharges."

Page 8, line 9, following "sewage":

Delete "and"

Insert " ,"

Following "graywater":

Insert "and other wastes"

Following "that":

Delete "is"

Insert "are"

Page 8, line 15, following "other":

Delete "pollutants"

Insert "parameters"

Page 8, line 26, following "under":

Insert "(a),"

Page 9, line 9, following "sewage":

Delete "or"

Insert " ,"

Following "graywater":

Insert "or other wastes"

Page 9, line 11, following "sewage":

Delete "or"

Insert " ,"

Following "graywater":

Insert "or other waste"

Page 9, line 31:

Delete all material.

Insert "offloading in this state or disposing into the marine waters of the state of nonhazardous solid waste other than sewage; and"

Page 10, line 1, following "(2)":

Delete "disposal or"

Page 10, line 3, following "the":

Delete "disposal or"

Page 10, line 8, following "imposed":

Delete "a coastal protection"

Insert "an environmental compliance"

Page 11, line 12, following "**46.03.482.**":

Delete "**Alaska commercial passenger vessel coastal protection**"

Insert "**Commercial passenger vessel environmental compliance**"

Page 11, line 13, following "The":

Delete "Alaska commercial passenger vessel coastal protection"

Insert "commercial passenger vessel environmental compliance"

Page 11, line 20, following "related to":

Delete "as"

Insert "AS"

Page 11, line 26, following "operational":

Delete "and administrative"

Page 11, lines 26-27, following "prepare":

Delete "a report that assesses"

Insert "reports that assess"

Page 11, line 29, following "operational":

Delete "and administrative"

Page 12, lines 1-4:

Delete all material.

Insert "(d) The unexpended and unobligated balance of an appropriation made from the fund to the department for the purposes described in (c) of this section lapses into the fund on December 31 following the end of the period for which the appropriation was made."

Page 12, line 24, following "sewage":

Delete "and"

Insert " ,"

Page 12, line 25, following "graywater":

Insert "and other wastes"

Page 13, lines 16-17, following "means the":

Delete "Alaska commercial passenger vessel coastal protection"

Insert "commercial passenger vessel environmental compliance"

Page 13, following line 19:

Insert "(7) "large commercial passenger vessel" means a commercial passenger vessel that provides overnight accommodations for 250 or more passengers for hire, determined with reference to the number of lower berths;"

Re-number the following paragraphs accordingly.

Page 13, following line 31:

Insert "(12) "small commercial passenger vessel" means a commercial passenger vessel that provides overnight accommodations for 249 or fewer passengers for hire, determined with reference to the number of lower berths;"

Re-number the following paragraphs accordingly.

Page 15, line 6, following "under the":

Delete "Alaska commercial passenger vessel coastal protection"

Insert "commercial passenger vessel environmental compliance"

Page 15, line 25, following "graywater":

Delete "or"

Insert ", "

Following "sewage":

Insert "or other wastes"

Page 16, lines 28 through page 17, line 2:

"APPLICABILITY OF REPORTING REQUIREMENTS. (a) Notwithstanding AS 46.03.461(a), enacted by sec. 1 of this Act, the first registration required under AS 46.03.461(a) for the owner or operator of a commercial passenger vessel that is subject to that section and is in the marine waters of the state on July 1, 2001, is 11:59 p.m., Alaska Daylight Time, on July 3, 2001.

Page 17, line 11, following "of the":

Delete "coastal protection fee, the coastal protection"

Insert "environmental compliance fee, the environmental compliance"

Page 17, line 13, following "to operate in":

Insert "marine"

Page 17, line 17, following "last voyage in":

Insert "marine"

Page 17, line 20 preceeding "waters":

Insert "marine"

Page 17, line 24:

Delete "AS 46.03.461 - 46.03.490"

Insert "AS 46.03.463(a) - (d) and 46.03.480"

Page 18, line 1:

Delete "REPORT"

Insert "REPORTS"

Page 18, line 1, following "(a)":

Insert "By December 1, 2002, the department shall submit to the governor a report that assesses the information received by the department for the cruise ship seasons of 2000, 2001, and 2002 related to small commercial passenger vessels. The report must include

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

(2) evaluation of the sewage and graywater treatment systems and technologies on the vessels, including an evaluation of whether small commercial passenger vessels should be made subject to the requirements of AS 46.03.463(e) on and after January 1, 2004; and

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

(b)"

Renumber the following subsections accordingly.

Page 18, line 7, following "sewage":

Delete "and"

Insert ","

Following "graywater":

Insert "and other wastes"

Page 18, lines 13-15, following "(c)":

Delete all material.

Insert "While producing the assessments required under this section, the department shall consult its own records, appropriate federal and state agencies, owners and operators of passenger and other vessels, affected parties and other appropriate sources of information."

Page 18, line 18, following "in this section":

Insert "(1) "commercial passenger vessel" has the meaning given in AS 46.03.490, enacted by sec. 1 of this Act;

(2)"

Renumber the following sections accordingly.

Page 18, line 19, following "Conservation":

Insert ";

(3) "small commercial passenger vessel" has the meaning given in AS 46.03.490 enacted by sec. 1 of this Act"

Senator Leman moved and asked unanimous consent for the adoption of Amendment No. 3. Without objection, Amendment No. 3 was adopted.

Senator Leman moved and asked unanimous consent that the bill be considered engrossed, advanced to third reading and placed on final passage. Without objection, it was so ordered.

CS FOR HOUSE BILL NO. 260(FIN) am S "An Act relating to marine passenger vessels; and providing for an effective date" was read the third time.

Senator Kelly moved that the Senate return to second reading to rescind its previous action in adopting Amendment No. 3. Without objection, it was so ordered.

The question being: "Shall the Senate rescind its previous action?" The roll was taken with the following result:

CSHB 260(FIN) am S
Rescind Previous Action

YEAS: 7 NAYS: 12 EXCUSED: 1 ABSENT: 0

Yeas: Austerman, Cowdery, Kelly, Taylor, Therriault, Ward, Wilken

Nays: Davis, Donley, Ellis, Elton, Halford, Hoffman, Leman, Lincoln, Olson, Pearce, Phillips, Torgerson

Excused: Green

and so, the action was not rescinded.

CS FOR HOUSE BILL NO. 260(FIN) am S was automatically in third reading.

The question being: "Shall CS FOR HOUSE BILL NO. 260(FIN) am S "An Act relating to marine passenger vessels; and providing for an effective date" pass the Senate?" The roll was taken with the following result:

CSHB 260(FIN) am S
Third Reading - Final Passage
Effective Dates

YEAS: 15 NAYS: 4 EXCUSED: 1 ABSENT: 0

Yeas: Davis, Donley, Ellis, Elton, Halford, Hoffman, Leman, Lincoln, Olson, Phillips, Taylor, Therriault, Torgerson, Ward, Wilken

Nays: Austerman, Cowdery, Kelly, Pearce

Excused: Green

and so, CS FOR HOUSE BILL NO. 260(FIN) am S passed the Senate.

Senator Leman moved and asked unanimous consent that the vote on the passage of the bill be considered the vote on the effective date clauses. Senator Taylor objected, then withdrew his objection. There being no further objections, it was so ordered.

Reconsideration of House Bills

HB 260

Senator Leman gave notice of reconsideration on CS FOR HOUSE BILL NO. 260(FIN) am S and moved and asked unanimous consent that it be taken up at this time. Without objection, it was so ordered and the bill was before the Senate on reconsideration.

The question to be reconsidered: "Shall CS FOR HOUSE BILL NO. 260(FIN) am S "An Act relating to marine passenger vessels; and providing for an effective date" pass the Senate?" The roll was taken with the following result:

CSHB 260(FIN) am S
Third Reading - On Reconsideration
Effective Dates

YEAS: 16 NAYS: 3 EXCUSED: 1 ABSENT: 0

Yeas: Davis, Donley, Ellis, Elton, Halford, Hoffman, Leman, Lincoln, Olson, Pearce, Phillips, Taylor, Therriault, Torgerson, Ward, Wilken

Nays: Austerman, Cowdery, Kelly

Excused: Green

and so, CS FOR HOUSE BILL NO. 260(FIN) am S passed the Senate on reconsideration.

Senator Leman moved and asked unanimous consent that the vote on the passage of the bill be considered the vote on the effective date clauses. Without objection, it was so ordered and the bill was referred to the Secretary for engrossment.

Citations

Honoring – Chief Steward Nancy Abbott
Senator(s) Taylor, Hoffman, Wilken, Ward, Pearce, Green, Kelly, Austerman, Lincoln, Davis, Elton, Halford, Leman, Therriault

Honoring – Gruening Middle School Project Citizen Team
Senator(s) Phillips, Donley, Hoffman, Wilken, Ward, Pearce, Green, Kelly, Taylor, Austerman, Lincoln, Davis, Elton, Halford, Leman, Therriault

Honoring – Alaska Humanities Forum, Urban and Rural Youth Exchange Program
Senator(s) Ellis, Hoffman, Wilken, Ward, Halford, Elton, Davis, Lincoln, Austerman, Taylor, Kelly, Green, Pearce, Leman, Therriault

Honoring – Jeff C. Harriman, A Heroic Alaskan
Senator(s) Leman, Ellis, Donley, Hoffman, Wilken, Ward, Pearce, Green, Kelly, Taylor, Austerman, Lincoln, Davis, Elton, Halford, Therriault
Representative(s) Guess

Honoring – Kevin Bruno and Are Lee

Senator(s) Ellis, Hoffman, Wilken, Ward, Halford, Elton, Davis,
Lincoln, Austerman, Taylor, Kelly, Green, Pearce, Leman, Therriault
Representative(s) Guess

Honoring – Mountain View Elementary School Students

Senator(s) Ellis, Hoffman, Wilken, Ward, Pearce, Green, Kelly,
Taylor, Austerman, Lincoln, Davis, Elton, Halford, Leman, Donley,
Therriault
Representative(s) Guess

Honoring – Mountain View Community

Senator(s) Ellis, Hoffman, Wilken, Ward, Halford, Elton, Davis,
Lincoln, Austerman, Taylor, Kelly, Green, Pearce, Leman, Donley,
Therriault
Representative(s) Guess

Honoring – Colonel Richard L. Stouder, Former Garrison
Commander, United States Army Alaska

Representative(s) Mulder

Senator(s) Phillips, Donley, Hoffman, Wilken, Ward, Pearce, Green,
Kelly, Taylor, Austerman, Lincoln, Davis, Elton, Halford, Leman,
Therriault

Honoring – Eugenia Primis, Miss Alaska 2001

Representative(s) Dyson

Senator(s) Halford, Pearce, Green, Kelly, Taylor, Austerman, Lincoln,
Davis, Elton, Hoffman, Wilken, Ward, Leman, Therriault

Honoring – Dr. Virginia Weaver Juettner

Representative(s) Kott

Senator(s) Phillips, Donley, Hoffman, Wilken, Ward, Ellis, Halford,
Elton, Davis, Lincoln, Austerman, Taylor, Kelly, Green, Pearce,
Leman, Therriault

Honoring – Charles Dexter, Usibelli Award Winner

Representative(s) Hayes

Senator(s) Wilken, Hoffman, Ward, Pearce, Green, Kelly, Taylor,
Austerman, Lincoln, Davis, Elton, Halford, Leman, Therriault

Honoring – Brigadier General George J. Cannelos
Representative(s) Mulder
Senator(s) Phillips, Pearce, Donley, Hoffman, Wilken, Ward, Green,
Kelly, Taylor, Austerman, Lincoln, Davis, Elton, Halford, Leman,
Therriault

Honoring – Leon Nathaniel Bus, Eagle Scout
Representative(s) Hudson, Kerttula
Senator(s) Elton, Hoffman, Wilken, Ward, Ellis, Halford, Davis,
Lincoln, Austerman, Taylor, Kelly, Green, Pearce, Leman, Therriault

Honoring – Brett Fairchild, Eagle Scout
Representative(s) Hudson, Kerttula
Senator(s) Elton, Hoffman, Wilken, Ward, Ellis, Pearce, Green, Kelly,
Taylor, Austerman, Lincoln, Davis, Halford, Leman, Therriault

Commemorating – National POW/MIA Recognition Day, September
21, 2001
Senator(s) Leman, Phillips, Hoffman, Wilken, Ward, Ellis, Pearce,
Green, Kelly, Taylor, Austerman, Lincoln, Davis, Elton, Halford,
Donley, Therriault

Recognizing – 19th Fighter Squadron, Elmendorf Air Force Base,
Hughes Trophy Winner
Senator(s) Leman, Pearce, Hoffman, Wilken, Ward, Green, Kelly,
Taylor, Austerman, Lincoln, Davis, Elton, Halford, Donley, Therriault
Representative(s) Murkowski

In Memoriam – Carol McAnulty Lechner
Senator(s) Austerman, Hoffman, Wilken, Ward, Pearce, Green, Kelly,
Taylor, Lincoln, Davis, Elton, Halford, Leman, Therriault
Representative(s) Stevens

In Memoriam – Walter Covich
Senator(s) Leman, Donley, Hoffman, Wilken, Ward, Pearce, Green,
Kelly, Taylor, Austerman, Lincoln, Davis, Elton, Halford, Therriault

In Memoriam – Fred G. Ruppert
Representative(s) Hayes
Senator(s) Wilken, Hoffman, Ward, Halford, Elton, Davis, Lincoln,
Austerman, Taylor, Kelly, Green, Pearce, Leman, Therriault

In Memoriam – Wilton Terrence White
Representative(s) Stevens
Senator(s) Austerman, Hoffman, Wilken, Ward, Pearce, Green, Kelly,
Taylor, Lincoln, Davis, Elton, Halford, Leman, Therriault

In Memoriam – Janet Jay (Lambert) Braley
Representative(s) Kohring
Senator(s) Halford, Pearce, Green, Kelly, Taylor, Austerman, Lincoln,
Davis, Elton, Hoffman, Wilken, Ward, Leman, Therriault

Senator Leman moved and asked unanimous consent that the citations be adopted. Without objection, the citations were adopted and referred to the Secretary for transmittal.

Citations

Senator Leman moved and asked unanimous consent that the following citations be made a special order of business. Without objection, it was so ordered.

Special Order of Business

In Memoriam – Phil R. Holdsworth
Senator(s) Halford, Pearce, Wilken, Phillips, Therriault, Donley,
Leman, Green, Kelly, Taylor, Austerman, Lincoln, Davis, Elton
Representative(s) Harris

Honoring – Reverend Dr. Robert Nelson
Senator(s) Donley, Wilken, Ellis, Leman, Therriault, Pearce, Green,
Kelly, Taylor, Austerman, Lincoln, Davis, Elton, Halford

Honoring – Reverend Chuck Eddy
Senator(s) Donley, Wilken, Ellis, Leman, Therriault, Pearce, Green,
Kelly, Taylor, Austerman, Lincoln, Davis, Elton, Halford

Senator Leman moved and asked unanimous consent that the citations be adopted. Without objection, the citations were adopted and referred to the Secretary for transmittal.

Unfinished Business**SB 206**

President Halford made the following committee referral change to SENATE BILL NO. 206 "An Act relating to registration plates and parking permits for persons with disabilities and to illegal use of parking spaces for persons with disabilities" (page 1262). He replaced the State Affairs Committee referral with a Transportation Committee referral.

The bill was referred to the Transportation Committee.

President Halford made the following appointments:

Joint Committee on Natural Gas Pipelines

Senator Torgerson, Chair
Senator Halford
Senator Kelly
Senator Ellis
Senator Olson, Alternate

Alaska Aerospace Development Corporation

Senator Therriault
Senator Olson, Alternate

Alaska Commission on Postsecondary Education

Senator Wilken

Pacific Fisheries Legislative Task Force

Senator Taylor
Senator Austerman
Senator Elton

Western Legislative Forestry Task Force

Senator Taylor
Senator Elton

Alaska Seafood Marketing Institute

Senator Leman (ex-officio member)

Exxon Valdez Oil Spil Trustee Council

Senator Leman (ex-officio member)

Interim Working Group on School Construction and Maintenance

Senator Lincoln

Bond Reimbursement and Grant Review Committee

Senator Therriault

Senator Elton

Telecommunications Information Council

Senator Olson

Council of State Government - West

Energy Committee:

Senator Olson

Senator Austerman

Committee on Aging:

Senator Davis

Fiscal Affairs Committee:

Senator Olson

Future of Western Legislatures Committee:

Senator Hoffman

Natural Resources, Mining and Agriculture Committee

Senator Green

Trade and Transportation Committee

Senator Olson

Council of State Government

Annual Meeting Committee:

Senator Ward

International Committee

Senator Cowdery

Senator Olson

Committee on Suggested State Legislation

Senator Therriault

Agricultural Policy Task Force

Senator Green

Corrections and Public Safety Task Force

Senator Ward

Environmental Task Force
Senator Davis
Health Capacity Task Force
Senator Olson

Recess

Senator Leman moved and asked unanimous consent that the Senate stand in recess to a call of the Chair. Without objection, the Senate recessed at 10:30 p.m.

After Recess

The Senate reconvened at 12:41 a.m.

President Halford stated the Senate would return to Messages from the House. Without objection, the Senate returned to:

Messages from the House

HB 260

Message dated June 8 was read, stating the House failed to concur in the Senate 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" and respectfully requests the Senate to recede from its amendment, namely:

CS FOR HOUSE BILL NO. 260(FIN) am S "An Act relating to marine passenger vessels; and providing for an effective date."
(Title Change Authorized by SCR 18)

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

Representative Mulder, Chair
Representative Hudson
Representative Kerttula

Senator Leman moved that the Senate recede from its amendment and recommended the body vote no.

The question being: "Shall the Senate recede from its amendment?"
The roll was taken with the following result:

CSHB 260(FIN) am S
Shall the Senate recede from its amendment
to CSHB 260(FIN) am?

YEAS: 5 NAYS: 11 EXCUSED: 1 ABSENT: 3

Yeas: Austerman, Kelly, Taylor, Ward, Wilken

Nays: Davis, Donley, Ellis, Elton, Halford, Hoffman, Leman,
Lincoln, Olson, Pearce, Torgerson

Excused: Green

Absent: Cowdery, Phillips, Therriault

and so, the Senate failed to recede.

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

Senator Leman
Senator Ellis
Senator Halford

President Halford granted the Senate members limited powers of free conference on the following specific point:

Regarding the definition of "other wastes"

The Secretary was requested to notify the House.

Announcements

Announcements are at the end of the journal.

Engrossment

HB 260

CS FOR HOUSE BILL NO. 260(FIN) am S "An Act relating to marine passenger vessels; and providing for an effective date" was engrossed, signed by the President and Secretary and returned to the House for consideration.

Adjournment

Senator Leman moved and asked unanimous consent that the Senate stand in adjournment until 10:00 a.m., June 9, 2001. Without objection, the Senate adjourned at 12:44 a.m.

Heidi Vogel
Secretary of the Senate

June 2001

Announcements

Americans with Disabilities Act Notice - Persons with disabilities who require special accommodation or alternative communication formats to access committee meetings may contact the appropriate committee office or the Legislative Information Office in their community. Reasonable advance notice is needed to accommodate the request. For further information, call the ADA Coordinator at 465-3854 Voice/465-4980 TDD.

STANDING COMMITTEES

+ indicates teleconference

= indicates bill previously heard/scheduled

FINANCE

Jun 08 Friday Senate Finance 532 10:00 AM
 -- Rescheduled from 6/7/01 --
 HB 260 COMMER.PASSENGER VESSEL REGULATION & FEES
 Uniform Rule 23 Waived

JUDICIARY

Jun 08 Friday Butrovich 205 9:30 AM
 -- Continued from 6/7/01 --
 Current Status of Katie John Appeal

RULES

Jun 08 Friday Fahrenkamp 203 2:10 PM
 HB 260 COMMER.PASSENGER VESSEL REGULATION & FEES

JOINT COMMITTEES**CONFERENCE COMMITTEE ON HB 260**

Jun 09 Saturday Butrovich 205 8:00 AM
 HB 260 COMMER.PASSENGER VESSEL REGULATION & FEES

