

Sen. Loren Leman

June 4, 2001

Knowles' Session Not Necessary

On Thursday the Legislature returns to Juneau at the request of the governor to consider cruise ship discharge legislation. We took this issue seriously during the regular legislative session, have been working on it during the past month, and will direct our full attention to it during the time we are in Juneau.

Protection of our environment is an issue that most Alaskans can agree on. We all want clean air and water. On the surface expanding state oversight of cruise ships seems to be a simple issue and some people believe that the Legislature should have quickly and easily passed a bill during our regular session.

But crafting legislation is not simple. Many different conditions must be considered before a bill can be passed and regulations put in place. Questions were raised regarding the overlap of our efforts with federal agencies, whether the prohibitive cost of necessary equipment would drive small ships from Alaska, and even if our own state ferries would be able to meet the proposed standards, and at what cost.

Hearings were held on cruise ship legislation in the House and the Senate. After deliberation among key House members, the Department of Environmental Conservation (DEC) and cruise ship industry representatives, House Bill 260 emerged, passed out of the House, and arrived in the Senate less than a week before the end of session.

With only a few days remaining in the regular session, the Senate held a hearing on the bill in our Transportation Committee. At this hearing, the Small Cruise Ship Association and DEC proposed 13 technical amendments to HB 260, demonstrating that this bill was far from a finished product when it passed the House.

The members of both legislative bodies owe the people of Alaska the full value of a bicameral legislature. This means that the House and Senate are obligated to consider carefully any legislation passed by the other body, and not simply "rubber-stamp" our approval, even when we are under considerable time pressure.

HB 260 was not rushed out of the Senate before the end of session. However, since the Legislature adjourned on May 8, further work has been done on the bill, to ensure that the final product will provide reasonable standards at a reasonable cost to both the state and the industry.

Also during this interim, the cruise ship industry presented a memorandum of understanding to the state, outlining its willingness to abide by the provisions of HB 260 for this summer's cruise season. This would have been sufficient to protect the state while giving adequate time for the Legislature to pass a bill next January. But Gov. Knowles declined to accept this constructive approach and instead called the Legislature back to Juneau.

On a recent statewide radio program in which I participated, Michelle Brown, commissioner of DEC, said that this proposed memorandum of understanding was unacceptable to the state because “we are a state of laws, not private agreements with industries.” This is somewhat surprising, considering the administration’s penchant for negotiated rule making, veto of clarifying air quality legislation and charter agreement with British Petroleum that was rejected by the Federal Trade Commission.

The members of the Legislature had the option of calling our own special session to continue working on HB 260. But we chose not to because we believe that the provisions are in place for state oversight to keep our waters clean this summer.

While we do not believe that this special session is necessary, we will continue to work constructively to ensure appropriate state oversight and protection of our air and water.