



2007 ASSEMBLY BILL 86

February 22, 2007 - Introduced by Representatives MOLEPSKE, BIES, CULLEN, HAHN, HILGENBERG, HINTZ, KREUSER, POCAN, SHERIDAN, SINICKI, SOLETSKI, TOWNSEND, TURNER, WASSERMAN, ZEPNICK, RICHARDS, VOS, M. WILLIAMS, MASON, STEINBRINK, BLACK, SCHNEIDER, HRAYCHUCK, HEBL and J. OTT, cosponsored by Senators WIRCH, SCHULTZ, HANSEN, ROESSLER, LASSA, PLALE, RISSER and COGGS. Referred to Committee on Natural Resources.

1 **AN ACT** *to create* 20.370 (4) (aw) and 23.245 of the statutes; **relating to:** ballast
2 water management, making an appropriation, and providing a penalty.

Analysis by the Legislative Reference Bureau

This bill requires a person who operates an oceangoing vessel that uses a port in this state to obtain a permit from the Department of Natural Resources (DNR). To obtain a permit, the person must demonstrate to DNR that the vessel is not capable of taking on ballast water or that the vessel is equipped with technology that DNR determines will prevent the introduction of aquatic nuisance species into the Great Lakes. Aquatic nuisance species are plants and animals that are not native and that threaten the diversity or abundance of native species or the ecological stability of infested waters or that threaten commercial, agricultural, or recreational activities that are dependent on infested waters. A person who operates an oceangoing vessel without a permit or operates in violation of a permit is subject to a forfeiture (a civil monetary penalty) of up to \$25,000 for each day of violation.

For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

3 **SECTION 1.** 20.370 (4) (aw) of the statutes is created to read:

ASSEMBLY BILL 86**SECTION 1**

1 20.370 (4) (aw) *Water resources — ballast water management.* All moneys
2 received under s. 23.245 (2) (d) for ballast water management.

3 **SECTION 2.** 23.245 of the statutes is created to read:

4 **23.245 Ballast water management. (1) DEFINITIONS.** In this section:

5 (a) “Aquatic nuisance species” has the meaning given in s. 30.1255 (1).

6 (b) “Ballast water” means water and associated solids taken on board a vessel
7 to control or maintain the vessel’s trim, draft, or stability, or to control stresses on the
8 vessel.

9 (c) “International Joint Commission” means the commission established by the
10 boundary water agreement of 1909 between the United States and Canada.

11 (d) “Oceangoing vessel” means a vessel that operates on the Great Lakes or the
12 St. Lawrence Waterway after operating in waters of the Atlantic Ocean.

13 (e) “St. Lawrence Waterway” means the St. Lawrence River, the St. Lawrence
14 Riverway, and the Gulf of St. Lawrence.

15 **(2) PERMIT.** (a) Beginning on January 1, 2009, an oceangoing vessel may not
16 use a port in this state unless the person operating the oceangoing vessel has a
17 permit from the department under this section for the oceangoing vessel.

18 (b) The department may issue a permit for an oceangoing vessel only if one of
19 the following applies:

20 1. The person operating the oceangoing vessel demonstrates to the department
21 that the oceangoing vessel is not capable of taking on ballast water.

22 2. The person operating the oceangoing vessel demonstrates to the department
23 that the oceangoing vessel is equipped with environmentally sound technology the
24 use of which will prevent the introduction of aquatic nuisance species into the Great
25 Lakes, as determined by the department.

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1 (c) The department shall condition a permit for an oceangoing vessel that takes
2 on ballast water on the use of the technology described in par. (b) 2.

3 (d) 1. A person applying for a permit under this section shall pay an application
4 fee of \$750.

5 2. A person to whom the department issues a permit under this section shall
6 pay an annual fee of \$8,700.

7 **(3) PENALTY.** A person who violates sub. (2) (a) or who violates a permit issued
8 under this section is subject to a forfeiture of not more than \$25,000 for each day of
9 violation.

10 **(4) PUBLIC NUISANCE.** A vessel operated in violation of sub. (2) (a) or in violation
11 of a permit issued under this section is a public nuisance.

12 **(5) COOPERATION.** The department shall cooperate with other states, Canadian
13 provinces, the International Joint Commission, the Great Lakes Commission, and
14 other interested groups to ensure the development and use of methods for the control
15 of aquatic nuisance species that are broadly protective of the waters of the state, as
16 defined in s. 281.01 (18), and other natural resources.

17 **(END)**