LRB-4236/1 RCT:lmk&jld:rs

2005 SENATE BILL 679

April 3, 2006 – Introduced by Senators Cowles and Roessler, cosponsored by Representatives Krawczyk, Molepske, Hines, Musser, Ott, Black, Vos, Pocan, Kessler, Berceau, Lehman and Hahn. Referred to Committee on Natural Resources and Transportation.

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

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 can 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 infected 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:

SENATE BILL 679

Lakes, as determined by the department.

20.370	(4) (aw)	Water resources -	— ballast water manageme	nt. All moneys
received un	der s. 23.2	45 (2) (d) for balla	ast water management.	
SECTION	on 2. 23.24	45 of the statutes	is created to read:	
23.245	5 Ballast	water managem	ent. (1) DEFINITIONS. In the	his section:
(a) "A	quatic nui	sance species" has	s the meaning given in s. 30	.1255 (1).
(b) "B	allast wate	er" means water a	nd associated solids taken or	n board a vessel
to control or	maintain	the vessel's trim, d	draft, or stability, or to contro	ol stresses on the
vessel.				
(c) "In	ternational	Joint Commission	n" means the commission es	tablished by the
boundary w	ater agree	ement of 1909 bety	ween the United States and	Canada.
(d) "O	ceangoing	vessel" means a ve	essel that operates on the Gr	eat Lakes or the
St. Lawrenc	ce Waterwa	ay after operating	in waters of the Atlantic O	cean.
(e) "St	t. Lawrence	e Waterway" mea	ns the St. Lawrence River, th	he St. Lawrence
Riverway, a	ınd the Gu	lf of St. Lawrence		
(2) PE	ERMIT. (a)	Beginning on Jan	uary 1, 2007, an oceangoing	vessel may not
use a port	in this sta	te unless the per	son operating the oceangoi	ng vessel has a
permit from	ı the depar	tment under this	section for the oceangoing	vessel.
(b) Th	ıe departm	ent may issue a p	ermit for an oceangoing vess	sel only if one of
the followin	g applies:			
1. The	e person op	erating the oceang	going vessel demonstrates to	the department
that the oce	angoing ve	essel is not capabl	le of taking on ballast water	·.
2. The	e person op	erating the oceang	going vessel demonstrates to	the department
that the oce	angoing ve	essel is equipped v	vith environmentally sound	technology that
can be used	l to preven	t the introduction	of aquatic nuisance species	s into the Great

SENATE BILL 679

(c) The department shall condition a permit for an oceangoing vessel that takes
on ballast water on the use of the technology described in par. (b) 2.
(d) 1. A person applying for a permit under this section shall pay an application
fee of \$750.
2. A person to whom the department issues a permit under this section shall
pay an annual fee of \$8,700.
(3) Penalty. A person who violates sub. (2) (a) or who violates a permit issued
under this section is subject to a forfeiture of not more than \$25,000 for each day of
violation.
(4) COOPERATION. The department shall cooperate with other states, Canadian
provinces, the International Joint Commission, the Great Lakes Commission, and
other interested groups to ensure the development and use of methods for the control
of aquatic nuisance species that are broadly protective of the waters of the state, as

(END)

defined in s. 281.01 (18), and other natural resources.