



2003 ASSEMBLY BILL 316

May 8, 2003 - Introduced by Representatives GUNDERSON, HUNDERTMARK, KRAWCZYK, ALBERS, BIES, BOYLE, FREESE, GRONEMUS, GROTHMAN, HINES, KERKMAN, LASSA, J. LEHMAN, M. LEHMAN, LEMAHIEU, MCCORMICK, D. MEYER, MILLER, OLSEN, OTT, PLOUFF, STASKUNAS, STONE, TOWNSEND, VAN ROY and VRAKAS, cosponsored by Senators COWLES, ROESSLER, KEDZIE, SCHULTZ and WIRCH. Referred to Committee on Natural Resources.

1 **AN ACT to create** 30.125 of the statutes; **relating to:** ballast water management
2 to control aquatic nuisance species.

Analysis by the Legislative Reference Bureau

This bill relates to the treatment and other management of ballast water in vessels operating on the Great Lakes to prevent the introduction and to minimize the spread of aquatic nuisance species. 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.

The bill requires the Department of Natural Resources (DNR) to determine, by six months after the bill is enacted, whether ballast water management practices proposed by the Shipping Federation of Canada are being complied with by all oceangoing vessels operating on the portions of the Great Lakes within the boundaries of this state. By that date, DNR must also determine whether ballast water management practices proposed jointly by the Lake Carriers' Association and the Canadian Shipowners' Association are being complied with by all nonoceangoing vessels operating on the portions of the Great Lakes within the boundaries of this state. The bill requires DNR to maintain a list, beginning six months after the bill is enacted, of the vessels that are complying with these standards. The bill prohibits DNR from awarding a grant, a loan, or other financial assistance to the owner or operator of a vessel that operates on the portions of the Great Lakes within the boundaries of this state and that is not on the list or to a person in this state who has a contract for the transportation of cargo with a person who owns or operates a vessel

ASSEMBLY BILL 316

that operates on the portions of the Great Lakes within the boundaries of this state and that is not on the list.

The bill requires DNR to identify, also by six months after the bill is enacted, any available ballast water treatment methods that could be used by oceangoing vessels to prevent the introduction of aquatic nuisance species into the Great Lakes while protecting the safety of the vessels. If DNR does identify any ballast water management methods, it must also determine a date after which those methods could be used by all oceangoing vessels operating on the portions of the Great Lakes within the boundaries of this state. If DNR is not able to identify any ballast water treatment methods that satisfy these requirements by six months after the bill is enacted, but later does so, it must determine a date after which such a ballast water treatment method could be used by all oceangoing vessels operating on the portions of the Great Lakes within the boundaries of this state. The bill requires DNR to maintain a list, beginning after the date on which it determines that a safe ballast water treatment method could be used by all oceangoing vessels, of the vessels that are complying with such a ballast water treatment method. The bill prohibits DNR from awarding a grant, a loan, or other financial assistance to a person who owns or operates an oceangoing vessel that operates on the portions of the Great Lakes within the boundaries of this state and that is not on the list or to a person in this state who has a contract for the transportation of cargo with the owner or operator of an oceangoing vessel that operates on the portions of the Great Lakes within the boundaries of this state and that is not on the list.

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:

1 **SECTION 1.** 30.125 of the statutes is created to read:

2 **30.125 Ballast water management. (1) DEFINITIONS.** In this section:

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

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

7 (c) “Ballast water treatment method” means one or more of the following
8 methods of treating ballast water and sediments to remove or destroy living
9 organisms:

ASSEMBLY BILL 316

1 1. Filtration.

2 2. The use of biocides or ultraviolet light.

3 3. Thermal methods.

4 4. Another treatment technique approved by the department.

5 (d) "Nonocean-going vessel" means a vessel that takes on ballast water and that
6 is not an ocean-going vessel.

7 (e) "Ocean-going vessel" means a vessel that takes on ballast water and that
8 operates on the Great Lakes or the St. Lawrence Waterway after operating outside
9 of the Great Lakes and the St. Lawrence Waterway in waters of the Atlantic Ocean.

10 (f) "Sediment" means matter that settles out of ballast water in a vessel.

11 (g) "St. Lawrence Waterway" means the St. Lawrence River, the St. Lawrence
12 Riverway, and the Gulf of St. Lawrence.

13 **(2) COOPERATION.** The department shall cooperate with the U.S. and Canadian
14 governments, other states, Canadian provinces, and the maritime industry to
15 prevent the introduction of aquatic nuisance species into the Great Lakes and to
16 minimize the spread of aquatic nuisance species within the Great Lakes.

17 **(3) INITIAL REQUIREMENTS.** (a) 1. By the first day of the 6th month beginning
18 after the effective date of this subdivision [revisor inserts date], the department
19 shall determine whether the ballast water management practices that were
20 proposed by the Shipping Federation of Canada to the Michigan department of
21 environmental quality on June 7, 2000, are being complied with by all ocean-going
22 vessels operating on the portions of the Great Lakes within the boundaries of this
23 state.

24 2. Upon request by the department, the owner or operator of an ocean-going
25 vessel that operates on the portions of the Great Lakes within the boundaries of this

ASSEMBLY BILL 316**SECTION 1**

1 state shall provide information needed to determine whether the vessel is complying
2 with the ballast water management practices described in subd. 1. The owner or
3 operator shall provide the information on a form developed by the department to be
4 consistent with forms used in other states and the Canadian provinces.

5 (b) 1. By the first day of the 6th month beginning after the effective date of this
6 subdivision ... [revisor inserts date], the department shall determine whether the
7 ballast water management practices that were proposed jointly by the Lake Carriers'
8 Association and the Canadian Shipowners' Association to the Michigan department
9 of environmental quality on January 26, 2001, are being complied with by all
10 nonocean-going vessels operating on the portions of the Great Lakes within the
11 boundaries of this state.

12 2. If a nonocean-going vessel that is a ferry used to transport motor vehicles
13 across Lake Michigan has a configuration that prevents compliance with one or more
14 of the ballast water management practices described in subd. 1., the department
15 shall, by the first day of the 6th month beginning after the effective date of this
16 subdivision ... [revisor inserts date], identify alternative ballast water management
17 practices with which the vessel could comply and determine whether the vessel is
18 complying with those alternative ballast water management practices.

19 3. Upon request by the department, the owner or operator of a nonocean-going
20 vessel that operates on the portions of the Great Lakes within the boundaries of this
21 state shall provide information showing whether the vessel is complying with the
22 ballast water management practices described in subd. 1. or 2. The owner or operator
23 shall provide the information on a form developed by the department to be consistent
24 with forms used in other states and the Canadian provinces.

ASSEMBLY BILL 316

1 (c) By the first day of the 6th month beginning after the effective date of this
2 paragraph ... [revisor inserts date], the department shall determine whether the St.
3 Lawrence Seaway Management Corporation and the Saint Lawrence Seaway
4 Development Corporation have made the ballast water management practices
5 described in pars. (a) 1. and (b) 1. conditions of passage on the St. Lawrence Seaway.

6 (d) 1. By the first day of the 6th month beginning after the effective date of this
7 subdivision ... [revisor inserts date], the department shall determine whether one
8 or more ballast water treatment methods could be used by oceangoing vessels to
9 prevent the introduction of aquatic nuisance species into the Great Lakes while
10 protecting the safety of the vessels, their crews, and their passengers, and, if so,
11 identify the ballast water treatment method or ballast water treatment methods.

12 2. If the department identifies one or more ballast water treatment methods
13 under subd. 1. the department shall, by the first day of the 6th month beginning after
14 the effective date of this subdivision ... [revisor inserts date], determine a date after
15 which one or more of those ballast water treatment methods could be used by all
16 oceangoing vessels operating on the portions of the Great Lakes within the
17 boundaries of this state.

18 3. If the department does not identify any ballast water treatment methods
19 under subd. 1. the department shall, by the first day of the 6th month beginning after
20 the effective date of this subdivision ... [revisor inserts date], determine the actions
21 needed to develop, test, and make available to vessel owners one or more ballast
22 water treatment methods that would satisfy the requirements in subd. 1.

23 4. If the department does not identify any ballast water treatment methods
24 under subd. 1. but at any time after making the determination under subd. 1.
25 identifies one or more ballast water treatment methods that satisfy the

ASSEMBLY BILL 316**SECTION 1**

1 requirements of subd. 1., the department shall determine a date after which one or
2 more of those ballast water treatment methods could be used by all oceangoing
3 vessels operating on the portions of the Great Lakes within the boundaries of this
4 state.

5 (e) By the first day of the 6th month beginning after the effective date of this
6 paragraph [revisor inserts date], the department shall submit to the governor
7 and, under s. 13.172 (3), to the standing committees of the legislature with primary
8 jurisdiction over issues relating to natural resources and the environment a report
9 that describes the determinations made by the department under pars. (a) to (d).

10 (4) SUBSEQUENT REQUIREMENTS. (a) 1. By the first day of the 18th month
11 beginning after the effective date of this subdivision [revisor inserts date], if the
12 department has identified one or more ballast water treatment methods under sub.
13 (3) (d) 1. or 4., the department shall determine whether all oceangoing vessels that
14 are operating on the portions of the Great Lakes within the boundaries of this state
15 are using one of those ballast water treatment methods to prevent the introduction
16 of aquatic nuisance species into the Great Lakes. If the department determines that
17 some oceangoing vessels operating on the portions of the Great Lakes within the
18 boundaries of this state are not using one of those ballast water treatment methods
19 by the date specified under sub. (3) (d) 2. or 4., the department shall determine the
20 reasons that they are not doing so.

21 2. Upon request by the department, the owner or operator of an oceangoing
22 vessel that operates on the portions of the Great Lakes within the boundaries of this
23 state shall provide information needed to determine whether the vessel is using a
24 ballast water treatment method identified under sub. (3) (d) 1. or 4. by the date
25 specified under sub. (3) (d) 2. or 4. The owner or operator shall provide the

ASSEMBLY BILL 316

1 information on a form developed by the department to be consistent with forms used
2 in other states and the Canadian provinces.

3 (b) By the first day of the 18th month beginning after the effective date of this
4 paragraph [revisor inserts date], the department shall determine whether the St.
5 Lawrence Seaway Management Corporation and the Saint Lawrence Seaway
6 Development Corporation have made the use of a ballast water treatment method
7 a condition of passage on the St. Lawrence Seaway.

8 (c) By the first day of the 18th month beginning after the effective date of this
9 paragraph [revisor inserts date], the department shall submit to the governor
10 and, under s. 13.172 (3), to the standing committees of the legislature with primary
11 jurisdiction over issues relating to natural resources and the environment a report
12 that describes the determinations made by the department under pars. (a) and (b).

13 **(5) LISTS.** (a) Beginning on the first day of the 6th month beginning after the
14 effective date of this paragraph [revisor inserts date], the department shall
15 compile and maintain a list of all oceangoing vessels operating on the portions of the
16 Great Lakes within the boundaries of this state that it determines have complied
17 with the ballast water management practices described in sub. (3) (a) 1. during the
18 previous 12 months and of all of the nonoceangoing vessels operating on the portions
19 of the Great Lakes within the boundaries of this state that it determines have
20 complied with the ballast water management practices described in sub. (3) (b) 1. or
21 2. during the previous 12 months. The department shall update the list continually
22 and shall provide access to the list on the Internet.

23 (b) Beginning after the date determined by the department under sub. (3) (d)
24 2. or 4., the department shall compile and maintain a list of all oceangoing vessels
25 operating on the portions of the Great Lakes within the boundaries of this state that

ASSEMBLY BILL 316**SECTION 1**

1 have been using a ballast water treatment method identified under sub. (3) (d) 1. or
2 4. during the previous 12 months. The department shall update the list continually
3 and shall provide access to the list on the Internet.

4 (c) The department shall annually distribute copies of the lists under pars. (a)
5 and (b) to each person in this state who has a contract for the transportation of cargo
6 with an operator of an oceangoing vessel or a nonoceangoing vessel.

7 (d) The department shall provide copies of the initial lists under pars. (a) and
8 (b) and of the annual lists under par. (c) to the governor and, under s. 13.172 (3), to
9 the standing committees of the legislature with primary jurisdiction over issues
10 relating to natural resources and the environment.

11 **(6) INELIGIBILITY.** (a) Notwithstanding ss. 281.75 (7) (a) and 292.65 (8) (c), after
12 the first day of the 6th month beginning after the effective date of this paragraph
13 [revisor inserts date], the department may not award a grant, a loan, or other
14 financial assistance to any of the following:

15 1. A person who owns or operates an oceangoing vessel or a nonoceangoing
16 vessel that operates on the portions of the Great Lakes within the boundaries of this
17 state and that is not on the list compiled under sub. (5) (a).

18 2. A person in this state who has a contract for the transportation of cargo with
19 a person described in subd. 1.

20 (b) After the department compiles a list under sub. (5) (b), the department may
21 not award a grant, a loan, or other financial assistance to any of the following:

22 1. A person who owns or operates an oceangoing vessel that operates on the
23 portions of the Great Lakes within the boundaries of this state and that is not on the
24 list compiled under sub. (5) (b).

