

**DRAFTER'S NOTE**  
**FROM THE**  
**LEGISLATIVE REFERENCE BUREAU**

LRB-3224/P1dn  
RCT:lmk:pg

Stephanie Hilton:

This is a preliminary version of the proposal to limit the introduction of invasive species into the Great Lakes by requiring permits for oceangoing vessels imposing limitations on the discharge of ballast water. The draft requires a permit from DNR. The enforcement procedure in ss. 23.50 to 23.90, which includes the authority to issue citations, would apply to this proposal. The Michigan legislation requires a permit for a vessel "engaging in port operations." I am uncertain of the meaning of that phrase, so I drafted the proposal to prohibit using a port in this state without a permit.

The U.S. Coast Guard has imposed requirements concerning ballast water. It is possible that if enacted this proposal would be challenged as being beyond the authority of a state because of its effect on interstate and international commerce. Article I, section 8, of the U.S. Constitution, gives Congress the power to regulate commerce with foreign nations and among the states. A ship entering the Great Lakes could be subject to conflicting requirements relating to ballast water imposed by different states and this fact might influence a court's decision.

Please let me know if you have any questions or want any changes in the draft. I will put it into introducible form when you are satisfied with the draft.

Rebecca C. Tradewell  
Managing Attorney  
Phone: (608) 266-7290  
E-mail: [becky.tradewell@legis.state.wi.us](mailto:becky.tradewell@legis.state.wi.us)