



State of Wisconsin
2023 - 2024 LEGISLATURE

LRB-1328/P1
ZDW:skw

DOA:.....Hutter, BB0296 - Ballast water

FOR 2023-2025 BUDGET -- NOT READY FOR INTRODUCTION

AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau

ENVIRONMENT

WATER QUALITY

Ballast water discharge

Under current law, DNR may issue a general permit authorizing a vessel that is 79 feet or greater in length to discharge ballast water into the waters of the state. DNR may charge an application fee of \$1,200 and a \$345 annual fee for the permit. DNR must use collected fees to administer the permit program.

This bill repeals these provisions and provides that the owner or operator of any commercial vessel subject to the requirements of the federal Vessel Incidental Discharge Act that has operated outside this state must pay DNR \$650 per arrival to a port of this state. Under the bill, the owner or operator of a commercial vessel subject to these requirements, including a vessel engaged in coastwise trade, may not be required to pay more than \$3,250 in fees per calendar year. DNR must use collected fees for management, administration, inspection, monitoring, and enforcement activities relating to incidental discharges, including ballast water discharges.

Under current law, an employee or agent of DNR may board and inspect any vessel that is subject to requirements relating to environmental protection requirements for tank vessels or open burning on commercial vessels to determine compliance with those requirements.

The bill provides that DNR may enter into a memorandum of agreement with the U.S. Coast Guard authorizing an employee or agent of DNR to board and inspect any vessel that is subject to the requirements under the bill to determine compliance with the federal Vessel Incidental Discharge Act.

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:

SECTION 1. 20.370 (4) (aj) of the statutes is amended to read:

20.370 (4) (aj) *Water resources—ballast water discharge permits commercial vessel arrival fees*. From the general fund, all moneys received from fees collected under ~~s. 283.35 (1m) to administer and enforce the ballast water discharge permit program under s. 283.35 (1m) and for grants under 2009 Wisconsin Act 28, section 9137 (3w) s. 299.65 for management, administration, inspection, monitoring, and enforcement activities relating to incidental discharges, including ballast water discharges.~~

***NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

SECTION 2. 283.35 (1m) of the statutes is repealed.

SECTION 3. 299.65 of the statutes is created to read:

***NOTE: Rather than create a definition for a word that is only used once, I incorporated the reference to “coastwise vessel” in the text of sub. (1).

***NOTE: Rather than create a definition for the federal act, I cross-referenced it directly in sub. (1) (a) and (c).

299.65 Commercial vessels subject to federal Vessel Incidental Discharge Act. (1) (a) Subject to pars. (b) and (c), the owner or operator of any commercial vessel subject to the requirements of the federal Vessel Incidental Discharge Act under [33 USC 1322](#) (p) that has operated outside this state shall pay to the department, no later than 5 days prior to arriving in a port of this state, \$650 per arrival to a port of this state.

(b) The owner or operator of a commercial vessel engaged in coastwise trade that is subject to the requirements of [46 USC 55101](#) to [55103](#) may not be required to pay more than \$3,250 in fees per calendar year under this subsection.

(c) The owner or operator of a commercial vessel that is subject to the requirements of the federal Vessel Incidental Discharge Act under [33 USC 1322](#) (p) may not be required to pay more than \$3,250 in fees per calendar year under this subsection.

(2) The department may adjust the amount of the fee under sub. (1) (a) once every 5 years to account for any changes in the U.S. consumer price index for all urban consumers, U.S. city average, as determined by the U.S. department of labor for the month of October immediately preceding the date of adjustment, as provided under [33 USC 1322](#) (p) (9) (A) (iv) (III) (aa).

(3) The department shall credit all fees collected under sub. (1) (a) to the appropriation account under s. 20.370 (4) (aj).

SECTION 4. 299.66 of the statutes is renumbered 299.66 (1).

SECTION 5. 299.66 (2) of the statutes is created to read:

299.66 **(2)** (a) The department may enter into a memorandum of agreement with the U.S. Coast Guard concerning implementation and enforcement of the provisions of [33 USC 1322](#) and any regulations promulgated by the secretary of the U.S. department of homeland security under [33 USC 1322](#) (p) (5).

(b) If the department enters into a memorandum of agreement with the U.S. Coast Guard under par. (a), an employee or agent of the department may board and inspect any vessel that is subject to s. 299.65 to determine the state of compliance with the federal Vessel Incidental Discharge Act under [33 USC 1322](#) (p) and any regulations promulgated thereunder.

SECTION 9132. Nonstatutory provisions; Natural Resources.

(1) NOTIFICATION OF U.S. COAST GUARD RULES FOR VESSEL DISCHARGE. When the department of natural resources determines that the secretary of the U.S. department of homeland security has promulgated final, effective, and enforceable rules under [33 USC 1322](#) (p) (5), the department shall notify the legislative reference bureau. The legislative reference bureau shall publish a notice in the Wisconsin Administrative Register that specifies that date.

SECTION 9432. Effective dates; Natural Resources.

(1) COMMERCIAL VESSELS SUBJECT TO FEDERAL VESSEL INCIDENTAL DISCHARGE ACT. The treatment of ss. 20.370 (4) (aj), 283.35 (1m), and 299.65, the renumbering of s. 299.66, and the creation of s. 299.66 (2) take effect on the date specified in the notice published in the Wisconsin Administrative Register under SECTION 9132 (1) of this act.

(END)