



Senate Fiscal Agency
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BILL ANALYSIS

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House Bill 4603 (Substitute H-1 as reported without amendment)

Sponsor: Representative David Palsrok

House Committee: Natural Resources, Great Lakes, Land Use and Environment

Senate Committee: Natural Resources and Environmental Affairs

CONTENT

The bill would amend Part 31 (Water Resources Protection) of the Natural Resources and Environmental Protection Act to provide that a discharge into the State's waters from an oceangoing vessel of any ballast water would be prima facie evidence of a violation of Part 31 and would subject the responsible person to the penalties prescribed in Section 3115 of the Act, unless the discharge were authorized by a permit, order, or rule of the Department of Environmental Quality (DEQ).

The bill is tie-barred to Senate Bill 332, which would amend Part 31 to do the following:

- Require the DEQ to facilitate the formation of an interstate "Great Lakes Aquatic Nuisance Species Coalition" to implement water pollution laws that prohibit the discharge of aquatic nuisance species (ANS) into the Great Lakes.
- Require all oceangoing vessels engaging in port operations to obtain a permit from the DEQ beginning January 1, 2007, and prescribe a permit fee.
- Require a permit applicant to demonstrate that the vessel would not discharge ANS, or, if the vessel would discharge ballast water or other waste or waste effluent, that the vessel operator would use environmentally sound technology and methods to prevent the discharge of ANS.

MCL 324.3109

Legislative Analyst: Julie Koval

FISCAL IMPACT

The bill would have an indeterminate fiscal impact on State and local government.

There are no data available to indicate how many people would be subject to the penalties under Section 3115 for discharging the ballast water of an oceangoing vessel into the waters of the State. Additional civil fine revenue collected from civil defendants would benefit the State's General Fund. Additional penal fine revenue collected from criminal defendants would benefit public libraries. Local governments would incur any additional costs, which vary by county, for offenders sentenced to serve time in local facilities. The State would incur the costs of felony probation at an average annual cost of \$2,000 per offender, and the cost of incarceration in a State facility at an average annual cost of \$28,000 per offender.

Date Completed: 5-11-05

Fiscal Analyst: Bethany Wicksall

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Bill Analysis @ www.senate.michigan.gov

This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.