

**DRAFT ONLY
NOT APPROVED FOR
INTRODUCTION**

HOUSE BILL NO. _____

Aquatic invasive species.

Sponsored by: Joint Travel, Recreation, Wildlife and
Cultural Resources Interim Committee

A BILL

for

1 AN ACT relating to game and fish; providing for control of
2 aquatic invasive species; providing for inspection of
3 conveyances; providing for decontamination orders;
4 providing for impoundment and quarantine; providing for
5 rules; providing civil and criminal penalties; and
6 providing for an effective date.

7

8 *Be It Enacted by the Legislature of the State of Wyoming:*

9

10 **Section 1.** W.S. 23-4-201 through 23-4-205 are created
11 to read:

12

13 **23-4-201. Definitions.**

1

2 (a) As used in this article:

3

4 (i) "Aquatic invasive species" means exotic or
5 non-native aquatic organisms that have been determined by
6 the commission to pose a significant threat to the aquatic
7 resources, water supplies or water infrastructure of the
8 state;

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10 (ii) "Conveyance" means a motor vehicle, vessel,
11 trailer or any associated equipment or containers,
12 including but not limited to live wells, ballast tanks and
13 bilge areas that may contain or carry an aquatic invasive
14 species;

15

16 (iii) "Decontaminate" means to wash, drain, dry
17 or chemically, thermally or otherwise treat a conveyance in
18 accordance with rules promulgated by the commission in
19 order to remove or destroy an aquatic invasive species;

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21 (iv) "Equipment" means an article, tool,
22 implement or device capable of containing or transporting
23 water or an aquatic invasive species;

1

2 (v) "Inspect" means to examine a conveyance
3 pursuant to procedures established by the commission in
4 order to determine whether an aquatic invasive species is
5 present, and includes examining, draining or treating water
6 in the conveyance.

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8 **23-4-202. Prohibition on aquatic invasive species;**
9 **reporting.**

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11 (a) No person shall:

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13 (i) Possess, import, export, ship, transport or
14 cause to be possessed, imported, exported, shipped or
15 transported an aquatic invasive species, except as
16 authorized by the commission;

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18 (ii) Release, place, plant or cause to be
19 released, placed or planted an aquatic invasive species
20 into the waters of the state; or

21

22 (iii) Refuse to comply with an order issued
23 under this article.

1

2 (b) A person who knows that an aquatic invasive
3 species is present at a specific location shall immediately
4 report that knowledge and all pertinent information to the
5 commission.

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7 **23-4-203. Enforcement.**

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9 (a) In order to prevent, control, contain, monitor
10 and whenever possible eradicate aquatic invasive species
11 from the waters of this state, the commission is authorized
12 to establish, operate and maintain aquatic invasive species
13 check stations in order to inspect conveyances. The
14 commission may establish check stations at points of entry
15 to the state or other facilities and sites throughout the
16 state as necessary to carry out the provisions of this
17 article.

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19 (b) Upon a reasonable suspicion that an aquatic
20 invasive species may be present, a peace officer may:

21

22 (i) Require the owner of a conveyance to
23 decontaminate the conveyance; or

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2 (ii) Inspect a conveyance and, if an aquatic
3 invasive species is determined to be present,
4 decontaminate or impound and quarantine the conveyance as
5 provided in this section.

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7 (c) The commission may restrict watercraft usage on
8 waters of the state as provided in W.S. 41-13-211(b) in
9 order to carry out the provisions of this article.

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11 (d) Any peace officer is authorized to stop and
12 inspect for the presence of aquatic invasive species any
13 conveyance:

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15 (i) Immediately prior to a vessel being launched
16 onto waters of the state;

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18 (ii) Prior to departing from the waters of this
19 state or a vessel staging area;

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21 (iii) That is visibly transporting any aquatic
22 plant material; or

23

1 (iv) Upon a reasonable suspicion that an aquatic
2 invasive species may be present.

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4 (e) A peace officer is authorized to order the
5 decontamination of a conveyance upon a determination that
6 an aquatic invasive species is present after conducting an
7 inspection as provided in this section.

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9 (f) A peace officer may impound and quarantine a
10 conveyance if:

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12 (i) The peace officer finds that an aquatic
13 invasive species is present after conducting an inspection
14 authorized by this section;

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16 (ii) The person transporting the conveyance
17 refuses to submit to an inspection authorized by this
18 section; or

19

20 (iii) The person transporting the conveyance
21 refuses to comply with an order authorized by this section
22 to decontaminate the conveyance.

23

1 (g) An impoundment and quarantine of a conveyance may
2 continue for the reasonable period necessary to inspect and
3 decontaminate the conveyance and to ensure that the aquatic
4 invasive species has been completely eradicated from the
5 conveyance or is no longer living.

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7 **23-4-204. Rulemaking authority.**

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9 The commission shall promulgate rules to administer and
10 enforce the provisions of this article.

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12 **23-4-205. Penalties.**

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14 (a) Any person who knowingly or willfully violates
15 the provisions of this article or any order under this
16 article is guilty of a high misdemeanor punishable as
17 provided in W.S. 23-6-202(a)(ii).

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19 ***** Staff note: see staff note in 10 LSO 0152.W1. *****

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21 (b) In addition to any other criminal penalty
22 provided in this section any person who knowingly or
23 willfully violates any provision of this article, may be

1 assessed civil penalties in an amount not to exceed the
2 costs incurred by the commission in enforcing the
3 provisions of this article. The commission may enforce the
4 provisions of this section, including an action for civil
5 penalties or injunctive relief.

6

7 **Section 2.** This act is effective immediately upon
8 completion of all acts necessary for a bill to become law
9 as provided by Article 4, Section 8 of the Wyoming
10 Constitution.

11

12

(END)