

**DRAFT ONLY
NOT APPROVED FOR
INTRODUCTION**

HOUSE BILL NO. _____

Aquatic invasive species-2.

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 for inspection fees; providing civil and
6 criminal penalties; and 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;

9

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;

20

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

7

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

10

11 (a) No person shall:

12

13 (i) Launch any conveyance into the waters of
 14 this state without first complying with aquatic invasive
 15 species prevention requirements established by commission
 16 rule;

17

18 (ii) Possess, import, export, ship, transport or
 19 cause to be possessed, imported, exported, shipped or
 20 transported an aquatic invasive species, except as
 21 authorized by the commission;

22

1 (iii) Release, place, plant or cause to be
2 released, placed or planted an aquatic invasive species
3 into the waters of the state; or
4

5 (iv) Refuse to comply with the inspection
6 requirements or any order issued under this article.
7

8 (b) A person who knows that an aquatic invasive
9 species is present at a specific location shall immediately
10 report that knowledge and all pertinent information to the
11 commission.
12

13 **23-4-203. Enforcement.**
14

15 (a) In order to prevent, control, contain, monitor
16 and whenever possible eradicate aquatic invasive species
17 from the waters of this state, the commission shall
18 promulgate rules and regulations to administer and enforce
19 the provisions of this article and, in consultation and
20 coordination with the department of transportation and the
21 department of state parks and cultural resources shall
22 establish, operate and maintain aquatic invasive species
23 check stations in order to inspect conveyances. The

1 commission shall establish check stations at points of
2 entry to the state or other facilities and sites throughout
3 the state as necessary to carry out the provisions of this
4 article.

5

6 (b) Every conveyance shall stop at authorized
7 mandatory aquatic invasive species check stations in
8 accordance with rules established by the commission. Upon
9 a reasonable suspicion that an aquatic invasive species may
10 be present, a peace officer may:

11

12 (i) Require the owner of a conveyance to
13 decontaminate the conveyance; or

14

15 (ii) Decontaminate or impound and quarantine the
16 conveyance as provided in this section.

17

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

21

1 (d) Any peace officer is authorized to stop and
2 inspect for the presence of aquatic invasive species or for
3 proof of required inspection any conveyance:

4
5 (i) Immediately prior to a vessel being launched
6 into waters of the state;

7
8 (ii) Prior to departing from the waters of this
9 state or a vessel staging area;

10
11 (iii) That is visibly transporting any aquatic
12 plant material; or

13
14 (iv) Upon a reasonable suspicion that an aquatic
15 invasive species may be present.

16
17 (e) A peace officer may order the decontamination of
18 a conveyance upon a determination that an aquatic invasive
19 species is present after conducting an inspection as
20 provided in this section.

21
22 (f) A peace officer may impound and quarantine a
23 conveyance if:

1

2 (i) The peace officer finds that an aquatic
3 invasive species is present after conducting an inspection
4 authorized by this section;

5

6 (ii) The person transporting the conveyance
7 refuses to submit to an inspection authorized by this
8 section; or

9

10 (iii) The person transporting the conveyance
11 refuses to comply with an order authorized by this section
12 to decontaminate the conveyance.

13

14 (g) An impoundment and quarantine of a conveyance may
15 continue for the reasonable period necessary to inspect and
16 decontaminate the conveyance and to ensure that the aquatic
17 invasive species has been completely eradicated from the
18 conveyance or is no longer living.

19

20 **23-4-204. Rulemaking authority; fees.**

21

22 (a) The commission shall promulgate rules to
23 administer and enforce the provisions of this article.

1

2 (b) The commission may establish and collect fees in
3 accordance with the following:

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5 (i) Fees shall be established by rule or
6 regulation promulgated in accordance with the Wyoming
7 Administrative Procedure Act;

8

9 (ii) Fees shall be established in an amount to
10 ensure that, to the extent practicable, the total revenue
11 generated from the fees collected approximates, but does
12 not exceed, the direct and indirect costs of administering
13 the regulatory provisions required under this article.

14

15 **23-4-205. Penalties.**

16

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

21

1 ***** Staff note: Willfully is knowingly with bad**
2 **motive. The committee needs to decide the intent necessary**
3 **for this crime. *****

4
5 (b) In addition to any other criminal penalty
6 provided in this section any person who knowingly or
7 willfully violates any provision of this article, may be
8 assessed civil penalties in an amount not to exceed the
9 costs incurred by the commission in enforcing the
10 provisions of this article. The commission may enforce the
11 provisions of this section, including an action for civil
12 penalties or injunctive relief.

13
14 **Section 2.** This act is effective immediately upon
15 completion of all acts necessary for a bill to become law
16 as provided by Article 4, Section 8 of the Wyoming
17 Constitution.

18

19

(END)