

**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 conveyance; providing for decontamination orders; providing
4 for impoundment and quarantine; providing for rules;
5 providing civil and criminal penalties; and providing for
6 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 wildlife or plant species that have been
6 determined by the commission to pose a significant threat
7 to the aquatic resources 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 or thermally treat a conveyance in accordance
18 with rules promulgated by the commission in order to remove
19 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;

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 chemically
 6 treating water in the conveyance.

7

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

10

11 (a) No person shall:

12

13 (i) Possess, import, export, ship or transport
 14 an aquatic invasive species;

15

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

19

20 (iii) Refuse to comply with an order issued
 21 under this article.

22

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

5

6 **23-4-203. Enforcement.**

7

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

17

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

20

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

23

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

3

4 (c) The commission may monitor the waters of this
5 state for the presence of aquatic invasive species, but
6 only if the commission has received permission to monitor
7 from the person controlling access to the waters. The
8 commission may restrict waters to watercraft usage as
9 provided in W.S. 41-13-211(b) in order to carry out the
10 purposes of this article.

11

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

15

16 (i) Prior to a vessel being launched onto waters
17 of the state;

18

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

21

22 (iii) That is visible transporting any aquatic
23 plant material; or

1

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

4

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

9

10 (f) Except as provided in subsection (g) of this
11 section, a peace officer may impound and quarantine a
12 conveyance if:

13

14 (i) The peace officer finds or reasonably
15 believes that an aquatic invasive species may be present
16 after conducting an inspection authorized by this section;

17

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

21

1 (iii) The person transporting the conveyance
2 refuses to comply with an order authorized by this section
3 to decontaminate the conveyance.

4
5 (g) An impoundment and quarantine of a conveyance may
6 continue for the reasonable period necessary to inspect and
7 decontaminate the conveyance and to ensure that the aquatic
8 invasive species has been completely eradicated from the
9 conveyance and is no longer living. Notwithstanding any
10 provision to the contrary, no motor vehicle that is drawing
11 a conveyance shall be impounded or quarantined pursuant to
12 this section, however the conveyance that is being drawn is
13 subject to impoundment and quarantine as provided in this
14 section.

15
16 **23-4-204. Rulemaking authority.**

17
18 The commission shall promulgate rules to administer
19 and enforce the provisions of this article.

20
21 **23-4-205. Penalties.**

22

1 (a) Person who knowingly or willfully violates the
2 provisions of this article or any order under this article
3 is guilty of a high misdemeanor punishable as provided in
4 W.S. 23-6-202(a)(ii).

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

12
13 **Section 2.** This act is effective immediately upon
14 completion of all acts necessary for a bill to become law
15 as provided by Article 4, Section 8 of the Wyoming
16 Constitution.

17

18

(END)