

HOUSE BILL NO. HB0018

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; providing an appropriation; and
7 providing for an effective date.

8

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

10

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

13

14

ARTICLE 2

15

AQUATIC INVASIVE SPECIES

16

1 **23-4-201. Definitions.**

2

3 (a) As used in this article:

4

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

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

16

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

21

1 (iv) "Equipment" means an article, tool,
2 implement or device capable of containing or transporting
3 water or aquatic invasive species;

4

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

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11 **23-4-202. Prohibition on aquatic invasive species;**
12 **mandatory conveyance checks; reporting.**

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14 (a) No person shall:

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

20

21 (ii) Possess, import, export, ship, transport or
22 cause to be possessed, imported, exported, shipped or

1 transported an aquatic invasive species, except as
2 authorized by the commission;

3

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

7

8 (iv) Refuse to comply with the inspection
9 requirements or any order issued under this article.

10

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

15

16 **23-4-203. Enforcement.**

17

18 (a) In order to prevent, control, contain, monitor
19 and whenever possible eradicate aquatic invasive species
20 from the waters of this state, the commission shall
21 promulgate rules and regulations to administer and enforce
22 the provisions of this article and, in consultation and
23 coordination with the department of transportation and the

1 department of state parks and cultural resources shall
2 establish, operate and maintain aquatic invasive species
3 check stations in order to inspect conveyances. The
4 commission shall establish check stations at points of
5 entry to the state or other facilities and sites throughout
6 the state as necessary to carry out the provisions of this
7 article.

8

9 (b) Every conveyance shall stop at authorized
10 mandatory aquatic invasive species check stations in
11 accordance with rules established by the commission. Upon
12 probable cause that an aquatic invasive species may be
13 present, a peace officer may:

14

15 (i) Require the owner of a conveyance to
16 decontaminate the conveyance; or

17

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

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

1

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

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6 (i) Immediately prior to a boat, vessel or
7 watercraft being launched into waters of the state;

8

9 (ii) Prior to departing from the waters of this
10 state or a boat, vessel or watercraft staging area;

11

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

14

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

17

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

22

1 (f) A peace officer may impound and quarantine a
2 conveyance if:

3

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

7

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

11

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

15

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

21

22 **23-4-204. Rulemaking authority; fees.**

23

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

3

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

6

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

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

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17 **23-4-205. Penalties.**

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

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1 (b) In addition to any other criminal penalty
2 provided in this section any person who violates any
3 provision of this article, may be assessed civil penalties
4 in an amount not to exceed the costs incurred by the
5 commission in enforcing the provisions of this article.
6 The commission may bring a civil action in any court of
7 competent jurisdiction for civil penalties or injunctive
8 relief.

9

10 **Section 2.** There is appropriated two million five
11 hundred thousand dollars (\$2,500,000.00) from the general
12 fund to the game and fish department. This appropriation
13 shall be for the period beginning with the effective date
14 of this act and ending June 30, 2012. This appropriation
15 shall only be expended for the purposes of this act.
16 Notwithstanding any other provision of law, this
17 appropriation shall not be transferred or expended for any
18 other purpose and any unexpended, unobligated funds
19 remaining from this appropriation shall revert as provided
20 by law on June 30, 2012.

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1 **Section 3.** This act is effective immediately upon
2 completion of all acts necessary for a bill to become law
3 as provided by Article 4, Section 8 of the Wyoming
4 Constitution.

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(END)