

Senate Bill No. 467

(By Senators Laird, Edgell, Kirkendoll and Stollings)

[Introduced March 6, 2013; referred to the Committee on Natural Resources; and then to the Committee on the Judiciary.]

A BILL to amend and reenact §20-2-64 of the Code of West Virginia, 1931, as amended, relating to importation and release of certain aquatic species; revising the stocking permit requirements for the release of aquatic species into state waters; and criminal penalties.

Be it enacted by the Legislature of West Virginia:

That §20-2-64 of the Code of West Virginia, 1931, as amended, be amended and reenacted to read as follows:

ARTICLE 2. WILDLIFE RESOURCES.

§20-2-64. Regulating release of fish, water animals and other aquatic organisms; stocking permit.

- 1 (a) It is unlawful for any person to release any fish, water
- 2 animal or other aquatic organism, alive or dead, or any part,

3 nest or egg thereof, into the waters of this state except as
4 authorized by a stocking permit issued by the director or as
5 otherwise provided in this section.

6 (b) It is unlawful, and no stocking permit may be issued,
7 for any person to possess, sell, offer for sale, import, bring or
8 cause to be brought or imported into this state or released into
9 the waters of this state, any live bighead carp
10 (*Hypophthalmichthys nobilis*), silver carp
11 (*Hypophthalmichthys molitrix*), black carp
12 (*Mylopharyngodon piceus*), largescale silver carp
13 (*Hypophthalmichthys harmandi*), diploid white amur
14 (*Ctenopharyngodon idella*) or snakehead (*Channa spp.*),
15 gametes or eggs of the same, or any hybrids of these species.

16 (c) *Exceptions.* –

17 (1) The species listed in subsection (b) may be possessed
18 or imported by a person solely for scientific research if the
19 possession or importation is not in violation of federal law
20 and the person submits prior written notice to the director
21 setting forth his or her name, residence, profession and

22 educational or scientific affiliation, the species and the
23 geographic location of the importation or possession.

24 (2) Fish, water animals and other aquatic organisms
25 lawfully taken from the waters of this state may be released
26 into the waters from which they were taken, if the release
27 occurs proximate in time to the lawful taking.

28 (3) Native or established species of fish may be released
29 into privately owned ponds.

30 (d) *Stocking permit.* – The director may issue a stocking
31 permit to release fish, water animals or other aquatic
32 organisms into the waters of this state. The form and
33 requirements of the permit application shall be established by
34 the director and shall include a disease free certification.

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36 (e) Any person convicted of a violation of this section is
37 guilty of a misdemeanor punishable under section nine,
38 article seven of this chapter.

(NOTE: The purpose of this bill is to revise stocking permit requirements for the release of aquatic species into state waters.

This section has been completely rewritten; therefore, strike-throughs and underscoring have been omitted.)