

**WEST VIRGINIA LEGISLATURE**  
**EIGHTY-FIRST LEGISLATURE**  
**REGULAR SESSION, 2014**



**ENROLLED**

**Senate Bill No. 403**

(BY SENATORS LAIRD, BARNES, EDGELL, FACEMIRE, PREZIOSO,  
SNYDER, UNGER, MILLER AND BEACH)

[PASSED MARCH 7, 2014; IN EFFECT NINETY DAYS FROM PASSAGE.]

E N R O L L E D

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(BY SENATORS LAIRD, BARNES, EDGELL, FACEMIRE, PREZIOSO,  
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AN ACT to amend and reenact §20-2-64 of the Code of West Virginia, 1931, as amended, relating to regulating the importation and possession of certain injurious aquatic species.

*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 animal 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:  
5 *Provided*, That nothing in this subsection shall be construed  
6 as restricting the release of fish, water animal or other aquatic  
7 organism into the waters of this state from which they were  
8 taken by lawful methods: *Provided, however*, That nothing in  
9 this subsection shall be construed as restricting the release of

10 native or established species of fish in privately owned  
11 ponds.

12 (b) A stocking permit is not required for the stocking of  
13 trout in waters of the state provided that the trout originate  
14 from a source within the state or meet the disease-free  
15 certification requirements for imported salmondiae set forth  
16 in section thirteen of this article.

17 (c) A stocking permit is not required for the stocking of  
18 black bass provided that the Division of Natural Resources is  
19 notified prior to stocking and is provided a disease-free  
20 certification.

21 (d) It is unlawful for any person to possess, sell, offer for  
22 sale, import, bring or cause to be brought or imported into  
23 this state or release into the waters of this state, in a live state,  
24 any bighead carp (*Hypophthalmichthys nobilis*), silver carp  
25 (*Hypophthalmichthys molitrix*), black carp  
26 (*Mylopharyngodon piceus*), largescale silver carp  
27 (*Hypophthalmichthys harmandi*), diploid white amur  
28 (*Ctenopharyngodon idella*) or snakehead (*Channa spp.*),  
29 gametes or eggs of the same, or any hybrids of these species.  
30 The director may not issue a stocking permit to any person  
31 for the species and their hybrids listed in this subsection, but  
32 may issue written authorization for the importation or  
33 possession of these species or their hybrids into this state if  
34 the importation or possession does not violate any federal law  
35 and if the use is limited to scientific research.

The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

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*Chairman Senate Committee*

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*Chairman House Committee*

Originated in the Senate.

In effect ninety days from passage.

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*Clerk of the Senate*

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*Clerk of the House of Delegates*

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*President of the Senate*

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*Speaker of the House of Delegates*

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The within ..... this  
the ..... Day of ....., 2014.

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*Governor*