

Senate Bill No. 403

(By Senators Laird, Barnes, Edgell, Facemire, Prezioso, Snyder,
Unger, Miller and Beach)

[Introduced January 22, 2014; referred to the Committee on
Natural Resources.]

A BILL 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 as
6 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 ponds.

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

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

20 (d) It is unlawful for any person to possess, sell, offer for
21 sale, import, bring or cause to be brought or imported into

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

(NOTE: The purpose of this bill is to regulate the importation and possession of certain injurious aquatic species.

Strike-throughs indicate language that would be stricken from the present law, and underscoring indicates new language that would be added.)