

# **WEST VIRGINIA LEGISLATURE**

**2016 REGULAR SESSION**

**ENROLLED**

**Committee Substitute**

**for**

**House Bill 4330**

(BY DELEGATES CADLE, IHLE, BUTLER, WELD, IRELAND,  
ZATEZALO, AZINGER, KELLY, ANDERSON, SOBONYA  
AND DEEM)

[Passed March 7, 2016; in effect from passage.]



1 AN ACT to amend and reenact §20-2-64 of the Code of West Virginia, 1931, as amended, relating  
2 to making it unlawful to take, give or receive, or agree to take, give or receive, any fish,  
3 water animal or other aquatic organism from state waters to stock a commercial fishing  
4 preserve or other privately owned pond for commercial purposes.

*Be it enacted by the Legislature of West Virginia:*

1 That §20-2-64 of the Code of West Virginia, 1931, as amended, be amended and  
2 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: (i) To release any fish, water animal or other aquatic  
2 organism, alive or dead, or any part, nest or egg thereof into the waters of this state except as  
3 authorized by a stocking permit issued by the director; or (ii) to take, give or receive, or agree to  
4 take, give or receive, any fish, water animal or other aquatic organism taken from the waters of  
5 this state for purposes of stocking any commercial fishing preserve, or other privately owned  
6 ponds, for commercial purposes: *Provided*, That this subsection does not restrict:

7 (1) The release of fish, water animal or other aquatic organism into the waters of this state  
8 from which they were taken by lawful methods; or

9 (2) The release of native or established species of fish in privately owned ponds for  
10 noncommercial purposes.

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

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

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

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*Chairman, Senate Committee*

Originating in the House.

In effect from passage.

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*Clerk of the House of Delegates*

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*Clerk of the Senate*

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*Speaker of the House of Delegates*

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*President of the Senate*

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The within ..... this the.....  
day of ....., 2016.

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*Governor*