

WEST VIRGINIA LEGISLATURE

2016 REGULAR SESSION

Committee Substitute

for

House Bill 4330

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

[Originating in the Committee on the Judiciary;

February 24, 2016.]

1 A BILL 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 nothing in this subsection shall be construed as
7 restricting does not restrict:

8 (1) The release of fish, water animal or other aquatic organism into the waters of this state
9 from which they were taken by lawful methods; ~~Provided, however, That nothing in this subsection~~
10 ~~shall be construed as restricting or~~

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

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

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

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