

1 **Senate Bill No. 467**

2 (By Senators Laird, Edgell, Kirkendoll and Stollings)

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

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10 A BILL to amend and reenact §20-2-64 of the Code of West Virginia,
11 1931, as amended, relating to importation and release of
12 certain aquatic species; revising the stocking permit
13 requirements for the release of aquatic species into state
14 waters; and criminal penalties.

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

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

18 **ARTICLE 2. WILDLIFE RESOURCES.**

19 **§20-2-64. Regulating release of fish, water animals and other**
20 **aquatic organisms; stocking permit.**

21 (a) It is unlawful for any person to release any fish, water
22 animal or other aquatic organism, alive or dead, or any part, nest

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

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

13 (c) *Exceptions.* -

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

21 (2) Fish, water animals and other aquatic organisms lawfully
22 taken from the waters of this state may be released into the waters
23 from which they were taken, if the release occurs proximate in time

1 to the lawful taking.

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

4 (d) *Stocking permit.* - The director may issue a stocking
5 permit to release fish, water animals or other aquatic organisms
6 into the waters of this state. The form and requirements of the
7 permit application shall be established by the director and shall
8 include a disease free certification.

9 (e) Any person convicted of a violation of this section is
10 guilty of a misdemeanor punishable under section nine, article
11 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.)