SENATE BILL NO. 40

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

[PASSED MARCH 7, 2014; IN EFFECT NINETY DAYS FROM PASSAGE.]
Senate Bill No. 403

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

[Passed March 7, 2014; in effect ninety days from passage.]

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.

(a) It is unlawful for any person to release any fish, water animal or other aquatic organism, alive or dead, or any part, nest or egg thereof into the waters of this state except as authorized by a stocking permit issued by the director: Provided, That nothing in this subsection shall be construed as restricting the release of fish, water animal or other aquatic organism into the waters of this state from which they were taken by lawful methods: Provided, however, That nothing in this subsection shall be construed as restricting the release of
10 native or established species of fish in privately owned
11 ponds.
12
13 (b) A stocking permit is not required for the stocking of
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 salmonidae set forth
16 in section thirteen of this article.
17
18 (c) A stocking permit is not required for the stocking of
19 black bass provided that the Division of Natural Resources is
20 notified prior to stocking and is provided a disease-free
21 certification.
22
23 (d) It is unlawful for any person to possess, sell, offer for
24 sale, import, bring or cause to be brought or imported into
25 this state or release into the waters of this state, in a live state,
26 any bighead carp (Hypophthalmichthys nobilis), silver carp
27 (Hypophthalmichthys molitrix), black carp
28 (Mylopharyngodon piceus), largescale silver carp
29 (Hypophthalmichthys harmandi), diploid white amur
30 (Ctenopharyngodon idella) or snakehead (Channa spp.),
31 gametes or eggs of the same, or any hybrids of these species.
32 The director may not issue a stocking permit to any person
33 for the species and their hybrids listed in this subsection, but
34 may issue written authorization for the importation or
35 possession of these species or their hybrids into this state if
36 the importation or possession does not violate any federal law
37 and if the use is limited to scientific research.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Chairman Senate Committee

Chairman House Committee

Originated in the Senate.

In effect ninety days from passage.

Clerk of the Senate

Clerk of the House of Delegates

President of the Senate

Speaker of the House of Delegates

The within is approved this 18th Day of March, 2014.

Governor
MAR 17 2014

Time 1:20 pm