

2001 SESSION

SENATE SUBSTITUTE

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HOUSE BILL NO. 2417

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the Senate Committee on Agriculture, Conservation and Natural Resources
on February 16, 2001)

(Patron Prior to Substitute—Delegate Morgan)

A BILL to amend and reenact § 28.2-520 of the Code of Virginia, relating to the use of hydraulic dredges; penalty.

Be it enacted by the General Assembly of Virginia:

1. That § 28.2-520 of the Code of Virginia is amended and reenacted as follows:

§ 28.2-520. Use of hydraulic dredges prohibited; penalty.

A. It shall be unlawful for any person, *unless he has been issued a permit by the Commission pursuant to subsection B*, to (i) take or catch ~~hard-shell~~ clams through the use of a hydraulic dredge or (ii) have on board his boat a hydraulic dredge designed for harvesting seafood.

B. The Commission may issue a permit authorizing the possession and use of a hydraulic dredge for the purpose of (a) harvesting cultured, hard-shell clams on privately leased grounds, (b) transiting state waters, or (c) conducting legitimate aquaculture research.

C. Notwithstanding the provisions of clause (ii) of subsection A, a person may have on board his boat a hydraulic dredge designed for harvesting seafood when traveling to or from docks for maintenance or repair of the boat or equipment, or when off-loading catches made in federal waters.

D. The Commission and the Virginia Institute of Marine Science may possess and use hydraulic dredges to take and catch ~~hard-shell clams~~ shellfish on an experimental basis. ~~However, a permit to take and catch hard-shell clams through the use of hydraulic dredges shall not be issued to any other person.~~

~~BE.~~ Any person who takes or catches ~~hard-shell clams~~ using a hydraulic dredge ~~violates this section~~ is guilty of a Class 1 misdemeanor.

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HB2417S1