

2003 SESSION

HOUSE SUBSTITUTE

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HOUSE BILL NO. 1504

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the House Committee on Agriculture, Chesapeake and Natural Resources
on January 15, 2003)

(Patron Prior to Substitute—Delegate Pollard)

A BILL to amend and reenact § 28.2-515 of the Code of Virginia, relating to harvesting private oyster beds.

Be it enacted by the General Assembly of Virginia:

1. That § 28.2-515 of the Code of Virginia is amended and reenacted as follows:

§ 28.2-515. Dredging or scraping on private ground; permit required.

Any resident of the Commonwealth holding under legal assignment an oyster-planting ground of at least ~~three~~ 3 acres in ~~one~~ 1 tract or adjoining tracts and having paid the rent may dredge or scrape his tracts at any time *from sunrise until sunset*, except on Sunday ~~or at night~~ if the resident has obtained from the Commission a permit for each boat so used. The permit shall show the name of the lessee and the name or number of the boat, date of issue, and date of expiration. The expiration date shall not be more than ~~twelve~~ 12 months from the date of issue and may be renewed for like periods. *A special exemption may be granted on such a permit to allow dredging or scraping 1 hour prior to sunrise from June 15 to September 1, provided that the resident notify the Commission at least 24 hours prior to such activity.* The Commission may, after a hearing, refuse to grant or renew a permit to dredge or scrape any oyster-planting ground unless it is proved that the holder has planted seed oysters or shells and is using the planting ground for the cultivation of oysters. The Commission may refuse to grant the permit if it appears at the hearing that the holder of the ground is a habitual violator of the seafood laws. An applicant for the permit shall have the right of appeal from any decision of the Commission refusing to grant the permit as provided in Article 3 (§ 28.2-216 et seq.) of Chapter 2 of *this subtitle*.

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