

# VIRGINIA ACTS OF ASSEMBLY -- 2004 SESSION

## CHAPTER 860

*An Act to amend and reenact § 28.2-201 of the Code of Virginia, relating to authority to increase saltwater license and permit fees.*

[H 1024]

Approved April 14, 2004

**Be it enacted by the General Assembly of Virginia:**

**1. That § 28.2-201 of the Code of Virginia is amended and reenacted as follows:**

§ 28.2-201. Authority of Commission to make regulations, establish licenses, and prepare fishery management plans; enforcement; penalty for violation of regulation.

The Commission may:

1. Promulgate regulations, including those for taking seafood, necessary to promote the general welfare of the seafood industry and to conserve and promote the seafood and marine resources of the Commonwealth. The Commission may also promulgate regulations necessary for the conservation and reasonable use of surf clams.

2. Establish a ~~license~~ *new licenses and fees* commensurate with other licenses in an amount not to exceed \$100 for any device used for taking or catching seafood in the tidal waters of the Commonwealth when the device (i) is not otherwise licensed in this title and (ii) is used for commercial purposes. The Commission may specify, when issuing such a ~~license~~ *licenses*, any ~~restriction~~ *restrictions* or control over the ~~device~~ *devices* or the ~~person~~ *persons* operating the device.

3. *Establish fees for permits required for delayed or limited entry fisheries, shellfish relaying, scientific collections, and for the administrative transfer of these permits among fisherman, where applicable.*

4. *Beginning July 1, 2004, and not more frequently than every three years thereafter, increase fees for tidal fisheries licenses and permits that are authorized under this title or by regulation promulgated pursuant to Article 2 (§ 28.2-209 et seq.) of this chapter. Any fee increase for such licenses and permits shall be capped at \$5 or a percentage equal to the increase in the Consumer Price Index calculated from the time the fee was last set or adjusted, whichever is greater. Beginning July 1, 2004, any amounts generated from the increases in commercial fishing licenses and permits shall be paid into the Marine Fishing Improvement Fund for the purposes authorized by § 28.2-208, and any amounts generated from the increases in recreational fishing licenses shall be paid into the Virginia Saltwater Recreational Fishing Development Fund for the purposes authorized by § 28.2-302.3.*

5. *The Commission shall ensure that increases in licenses and fees are equitably distributed among resource user groups.*

6. Prepare fishery management plans containing evaluations of regulatory management options, based upon scientific, economic, biological, and sociological information, and use them in the development of regulations. The Commissioner may appoint a fisheries advisory committee and its chairman, consisting of representatives of the various fishery user groups, to assist in the preparation and implementation of the fishery management plans. The Commission may expend funds to compensate the members of the committee pursuant to § 2.2-2825.

4 7. Provide for enforcement of any regulation governing surf clams by any law-enforcement officer of any agency of the Commonwealth or its political subdivisions or by any law-enforcement officer of any agency of the federal government. Enforcement agreements with other agencies or political subdivisions shall be stated in the regulation.