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## SENATE BILL NO. 1086

Offered January 14, 2009

Prefiled January 13, 2009

A *BILL to amend and reenact §§ 28.2-227 and 29.1-416 of the Code of Virginia, relating to fees for nonresident commercial harvester's license.*

Patrons—Miller, J.C. and Stuart

Referred to Committee on Agriculture, Conservation and Natural Resources

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

**1. That §§ 28.2-227 and 29.1-416 of the Code of Virginia are amended and reenacted as follows:**

§ 28.2-227. Special nonresident harvester's license; fee and oath; revocation; penalty.

A. Any nonresident desiring to take or catch marine fish, crabs, or any other seafood, except oysters, clams, or other mollusks, from the tidal waters of the Commonwealth for which a license is required shall pay to any officer or agent a fee for a nonresident harvester's license. The fee, to be established by the Commission, shall be ~~no less than \$350 or more than \$1,150~~ *\$850 per year or as subsequently revised by the Commission pursuant to § 28.2-201. Three hundred fifty* Five hundred dollars of each fee shall be credited to the Virginia Marine Products Fund as provided under § 3.1-684.63. The remainder of the fee shall be credited to the Marine Fishing Improvement Fund, as established pursuant to § 28.2-208.

B. The license shall be required of each boat used in Virginia's tidal waters and shall be in addition to any other licenses required for the activity involved.

C. The nonresident shall state under oath his true name and address, the name and number of the boat being licensed, and that he will not violate any of the laws of this Commonwealth governing the taking and catching of seafood.

D. A nonresident harvester's license shall be required prior to the purchase of any other license for the harvesting of seafood. Revocation of this license in accordance with § 28.2-232 shall constitute revocation of any other license held by the nonresident under the provisions of this subtitle.

E. Any Virginia resident who enters into a partnership or other agreement with the intent to defeat the object of this section is guilty of a Class 1 misdemeanor.

§ 29.1-416. Netting fish.

A. The fee for a permit to net fish in inland waters, for private table use, or for sale where permitted, shall be as follows:

1. County dip net, three dollars and fifty cents each per year;
2. Gill net, eight dollars each per year;
3. Haul seine, seventeen dollars and fifty cents each per year; and
4. Haul seine to catch species designated by the Board for sale, forty-five dollars each per year.

B. The Board may permit a licensee to use dip nets or gill nets to take for sale fish of any designated species in the waters of Back Bay and its tributaries. However, any nonresident desiring to take or catch fish in Back Bay and its tributaries for which a permit is required and where such fishing is not prohibited, shall first pay ~~\$350~~ *\$850* per year, *or as subsequently revised by the Board pursuant to § 29.1-103*, to the Department for a nonresident harvester's permit. Such a permit shall be required for each boat used to take or catch fish in Back Bay and its tributaries, and shall be in addition to any other permit required for the activity involved.

INTRODUCED

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