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SENATE BILL NO. 192

Senate Amendments in [] — January 20, 2010

A BILL to amend and reenact § 28.2-227 of the Code of Virginia, relating to fisheries; nonresident harvester's license.

Patron Prior to Engrossment—Senator Northam

Referred to Committee on Agriculture, Conservation and Natural Resources

Be it enacted by the General Assembly of Virginia:

1. That § 28.2-227 of the Code of Virginia is 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 or as subsequently revised by the Commission pursuant to § 28.2-201. Three hundred fifty dollars of each fee shall be credited to the Virginia Marine Products Fund as provided under § 3.2-2705. 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~~ the 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. [~~The Commission shall not issue any nonresident harvester's license to a resident of a coastal state that does not offer a comparable license for residents of the Commonwealth. No commercial fishing license shall be sold to a non-resident whose state of residence does not offer for sale the same or substantially similar license to a resident of the Commonwealth.~~]

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.

ENGROSSED

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