

1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

2 *An Act to amend and reenact § 28.2-400.2 of the Code of Virginia and to repeal § 28.2-1000.1 of the*
3 *Code of Virginia, the second enactment of Chapter 41 of the Acts of Assembly of 2007, as amended*
4 *by Chapters 178 and 728 of the Acts of Assembly of 2010, Chapters 59 and 760 of the Acts of*
5 *Assembly of 2013, and Chapter 104 of the Acts of Assembly of 2014, and the fourth enactments of*
6 *Chapters 59 and 760 of the Acts of Assembly of 2013, as amended by Chapters 104 and 133 of the*
7 *Acts of Assembly of 2014, relating to management of the menhaden fishery.*

8 [S 1464]

9 Approved

10 **Be it enacted by the General Assembly of Virginia:**11 **1. That § 28.2-400.2 of the Code of Virginia is amended and reenacted as follows:**12 **§ 28.2-400.2. (Expires July 1, 2016) Total allowable landings for menhaden.**13 A. Except as provided for in subsections B, C, and D, the total allowable landings for menhaden
14 shall be 144,272.84 metric tons per year. *However, if the Atlantic States Marine Fisheries Commission*
15 *acts between May 1, 2015, and December 31, 2015, to increase the total allowable landings for*
16 *menhaden, the Governor may implement the revised quota by proclamation.*17 B. If the total allowable landings specified in subsection A are exceeded in any year, the total
18 allowable landings for the subsequent year will be reduced by the amount of the overage. Such overage
19 shall be deducted from the sector of the menhaden fishery that exceeded the allocation specified in
20 § 28.2-400.3.21 C. The Commissioner may request a transfer of menhaden landings from any other state that is a
22 member of the Atlantic States Marine Fisheries Commission. If the Commonwealth receives a transfer of
23 menhaden in any year from another state, the total allowable landings for only that year shall increase
24 by the amount of transferred landings. The Commissioner may transfer menhaden to another state only
25 if there are unused landings after December 15.26 D. Any portion of the one percent of the coast-wide total allowable catch set aside by the Atlantic
27 States Marine Fisheries Commission for episodic events that is unused as of September 1 of any year
28 shall be returned to Virginia and other states according to allocation guidelines established by the
29 Atlantic States Marine Fisheries Commission. Any such return of this portion of the coast-wide total
30 allowable catch to Virginia shall increase the total allowable landings for that year.31 **2. That the second enactment of Chapter 41 of the Acts of Assembly of 2007, as amended by**
32 **Chapters 178 and 728 of the Acts of Assembly of 2010, Chapters 59 and 760 of the Acts of**
33 **Assembly of 2013, and Chapter 104 of the Acts of Assembly of 2014, is repealed.**34 **3. That the fourth enactments of Chapters 59 and 760 of the Acts of Assembly of 2013, as**
35 **amended by Chapters 104 and 133 of the Acts of Assembly of 2014, are repealed.**36 **4. That § 28.2-1000.1 of the Code of Virginia is repealed.**37 **5. That an emergency exists and this act is in force from its passage.**

ENROLLED

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