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SENATE BILL NO. 668**AMENDMENT IN THE NATURE OF A SUBSTITUTE**

(Proposed by the House Committee on Agriculture, Chesapeake and Natural Resources
on February 24, 2010)

(Patron Prior to Substitute—Senator Northam)

A BILL to amend and reenact § 28.2-302.1 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 28.2-302.1:1, relating to saltwater recreational fishing; conformance with national registry.

Be it enacted by the General Assembly of Virginia:

1. That § 28.2-302.1 of the Code of Virginia is amended and reenacted and that the Code of Virginia is amended by adding a section numbered 28.2-302.1:1 as follows:

§ 28.2-302.1. Recreational license required.

Except in areas under the jurisdiction of the Department of Game and Inland Fisheries and as provided in § 28.2-302.5, a person shall not take or catch fish with rod and reel, hand line, by spearing or gigging, with a cast net, with a dip net, or by using up to two eel pots in the tidal waters of the Commonwealth under the jurisdiction of the Commission without first obtaining a saltwater recreational fishing license. The license required by this section and issued pursuant to § 28.2-302.2, 28.2-302.2:1, 28.2-302.6, 28.2-302.7, 28.2-302.8, 28.2-302.9 or 28.2-302.10 shall not be transferable and shall be provided to a purchaser along with the following statement printed conspicuously on a separate form:

"WARNING: The federal government, through the National Marine Fisheries Service, has pressured the General Assembly of Virginia to discontinue certain exemptions to Virginia's fishing license laws. The exemptions Virginia is pressured to remove include the exemption for fishing off of a private dock and fishing from a recreational boat if such boat is already licensed. The General Assembly has declined to end such exemptions. As a result, any fisherman harvesting rockfish, shad, or other incidental anadromous species and any fisherman fishing more than three miles off the coast must obtain a separate federal license.

If you do not support this federal law, please contact your elected officials serving in the U.S. Congress.

Please be advised that no law-enforcement officer of the Commonwealth, including the Virginia Marine Police and conservation police officers, shall enforce the requirement to obtain such a federal license. Only the U.S. Coast Guard or other federal authorities shall enforce the additional federal license requirement."

§ 28.2-302.1:1. Saltwater recreational fishing; federal licensing requirements.

No law-enforcement officer, as defined in § 9.1-101, shall enforce federal laws and regulations requiring a resident of the Commonwealth to obtain a fishing license issued by the National Marine Fisheries Service.

2. That the provisions of this act shall expire upon the repeal or expiration of the regulations adopted by the National Marine Fisheries Service establishing a registry of recreational anglers fishing in federal waters pursuant to 50 CFR 600.1405 et seq., as amended.