S T A T E O F N E W Y O R K

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2015-2016 Regular Sessions

I N S E N A T E

May 14, 2015

Introduced by Sen. LAVALLE -- read twice and ordered printed, and when printed to be committed to the Committee on Commerce, Economic Development and Small Business

AN ACT to amend the economic development law, in relation to the establishment of a state small business commercial fishing industry advocate and the creation of a small business commercial fishing economic development program to promote small businesses in the state's commercial fishing industry

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. The economic development law is amended by adding a new article 23 to read as follows:

ARTICLE 23

SMALL BUSINESS COMMERCIAL FISHING INDUSTRY ECONOMIC DEVELOPMENT PROGRAM

SECTION 450. LEGISLATIVE FINDINGS AND INTENT.
451. DEFINITIONS.
452. NEW YORK STATE SMALL BUSINESS COMMERCIAL FISHING ADVOCATE ESTABLISHED.
453. POWERS OF THE ADVOCATE.
454. SMALL BUSINESS COMMERCIAL FISHING ECONOMIC DEVELOPMENT PROGRAM CREATED.
455. REPORTS.
456. ASSISTANCE OF OTHER STATE AGENCIES.
457. FUNCTIONS, POWERS AND DUTIES OF OTHER DEPARTMENTS AND STATE AGENCIES.

S 450. LEGISLATIVE FINDINGS AND INTENT. THE LEGISLATURE FINDS AND DETERMINES:

1. THAT THE STATE'S COMMERCIAL FISHING INDUSTRY CONSISTS OF HUNDREDS OF SMALL FAMILY-OWNED BUSINESSES ACROSS THE STATE THAT COLLECTIVELY PLAY A KEY ROLE IN THE CONTINUING ECONOMIC GROWTH AND VITALITY OF THE STATE;

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets [ ] is old law to be omitted.

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2. THAT THE COMMERCIAL FISHING INDUSTRY PRESENTS ECONOMIC DEVELOPMENT OPPORTUNITIES THAT COULD PROMOTE GROWTH THEREBY ENHANCING THE WELL-BEING OF THESE SMALL BUSINESS EMPLOYERS AND EMPLOYEES IN FISH PROCESSING, RETAIL MARKETS, RESTAURANTS, AND OTHER COMMERCIAL FISHING RELATED BUSINESSES, AS WELL AS PROMOTING THE ECONOMIC WELL-BEING OF FISHING FAMILIES THROUGHOUT THE STATE THROUGH JOB CREATION AND JOB RETENTION;

3. THAT THE COMMERCIAL FISHING INDUSTRY NEEDS ASSISTANCE TO PROMOTE THE INTERESTS OF THE SMALL BUSINESSES IN THIS INDUSTRY AND TO HELP NAVIGATE THE FEDERAL AND STATE REGULATORY REQUIREMENTS THAT OVERSEE THE INDUSTRY; AND

4. THAT THE STATE SMALL BUSINESS COMMERCIAL FISHING INDUSTRY WILL BE ENHANCED BY THE ESTABLISHMENT OF AN ECONOMIC DEVELOPMENT PROGRAM FOR THE SMALL BUSINESS COMMERCIAL FISHING INDUSTRY THAT PROMOTES LONG-TERM HEALTH AND ABUNDANCE OF FISHERIES RESOURCES AND HABITATS.

S 451. DEFINITIONS. FOR THE PURPOSES OF THIS ARTICLE, THE FOLLOWING TERMS SHALL HAVE THE FOLLOWING MEANINGS:

1. "STATE SMALL BUSINESS COMMERCIAL FISHING ADVOCATE" SHALL MEAN THE STATE SMALL BUSINESS COMMERCIAL FISHING ADVOCATE ESTABLISHED PURSUANT TO THIS ARTICLE.

2. "PROGRAM" SHALL MEAN THE COMMERCIAL FISHING ECONOMIC DEVELOPMENT PROGRAM ESTABLISHED PURSUANT TO THIS ARTICLE.

3. "SMALL BUSINESS COMMERCIAL FISHING INDUSTRY" SHALL MEAN THOSE BUSINESSES, AS DEFINED IN SECTION ONE HUNDRED THIRTY-ONE OF THIS CHAPTER INVOLVED IN THE HARVESTING, MARKETING, RESEARCH, PROCESSING OF FISH OR SHELLFISH OR PROVIDING ESSENTIAL INPUTS FOR OR SERVICES TO SUCH SMALL BUSINESSES AND SHALL INCLUDE JOB TRAINING AND PUBLIC INFORMATION PROGRAMS ASSOCIATED WITH SUCH PRODUCTS. FOR THE PURPOSES OF THIS SECTION, THE SMALL BUSINESS COMMERCIAL FISHING INDUSTRY SHALL FOCUS PRIMARILY ON FAMILY-OWNED AND OPERATED BUSINESSES.

S 452. NEW YORK STATE SMALL BUSINESS COMMERCIAL FISHING ADVOCATE ESTABLISHED. THERE IS HEREBY ESTABLISHED IN THE DEPARTMENT, THE STATE SMALL BUSINESS COMMERCIAL FISHING ADVOCATE TO REPRESENT THE INTERESTS OF THE SMALL BUSINESS COMMERCIAL FISHING INDUSTRY. THE SMALL BUSINESS COMMERCIAL FISHING ADVOCATE SHALL POSSESS KNOWLEDGE AND EXPERIENCE IN MATTERS AFFECTING THE SMALL BUSINESS COMMERCIAL FISHING INDUSTRY, INCLUDING THE IMPORTANCE OF MARINE FISHERIES MANAGEMENT AND CONSERVATION ROLES IN THE LONG-TERM VITALITY OF THE INDUSTRY, AND SHALL BE RESPONSIBLE FOR EXERCISING ALL THE POWERS GRANTED BY THIS ARTICLE, INCLUDING ADVISING THE COMMISSIONER ON MATTERS RELATING TO THE SMALL BUSINESS COMMERCIAL FISHING INDUSTRY, INCLUDING THE DIRECTION, CONTROL, AND OPERATION OF THE SMALL BUSINESS COMMERCIAL FISHING ECONOMIC DEVELOPMENT PROGRAM.

S 453. POWERS OF THE ADVOCATE. 1. THE ADVOCATE SHALL ADVISE THE COMMISSIONER ON MATTERS CONCERNING SMALL BUSINESS COMMERCIAL FISHING AND TO SERVE AS LIAISON BETWEEN THE STATE'S SMALL BUSINESS COMMERCIAL FISHING INDUSTRY AND THE COMMISSIONER WITH RESPECT TO THE DESIGN AND IMPLEMENTATION OF THE STATE'S POLICIES AND PROGRAMS RELATING TO COMMERCIAL FISHING IN A MANNER THAT SUPPORTS THE LONG-TERM HEALTH AND ABUNDANCE OF FISHERIES RESOURCES AND MANAGEMENT.

2. IN ADDITION, THE ADVOCATE SHALL HAVE THE FOLLOWING POWERS:

(A) TO IDENTIFY AND REVIEW COMMERCIAL FISHING RELATED ISSUES AND CURRENT STATE POLICIES AND PROGRAMS WHICH AFFECT THE SMALL BUSINESS COMMERCIAL FISHING INDUSTRY IN THE STATE;

(B) TO ADVISE THE DEPARTMENT IN ITS PROMOTION AND DEVELOPMENT OF ALTERNATIVE USES FOR SMALL BUSINESS COMMERCIAL FISHING VESSELS, SUCH AS TOURISM AND OTHER USES AND SERVICES IN THE STATE;

(C) TO ADVISE THE DEPARTMENT IN THE DEVELOPMENT AND IMPLEMENTATION OF THE STATE'S MARKETING AND BUSINESS DEVELOPMENT PROGRAM FOR THE SMALL BUSINESS COMMERCIAL FISHING INDUSTRY, INCLUDING LONG-RANGE STRATEGIES FOR PROMOTING THE INDUSTRY IN AN ECONOMICALLY SUSTAINABLE AND ENVIRONMENTALLY SOUND MANNER THAT SUPPORTS LONG-TERM VITALITY OF THE INDUSTRY;

(D) TO ADVISE THE DEPARTMENT, THE GOVERNOR AND THE LEGISLATURE CONCERNING RECOMMENDED LEGISLATION NECESSARY TO FOSTER AND PROMOTE THE LONG-TERM VITALITY AND DEVELOPMENT OF THE SMALL BUSINESS COMMERCIAL FISHING INDUSTRY WITHIN THE STATE;

(E) TO ADVISE THE DEPARTMENT, THE GOVERNOR AND THE LEGISLATURE CONCERNING EXISTING LAWS, RULES, AND REGULATIONS RELATED TO THE LONG-TERM VITALITY AND DEVELOPMENT OF THE SMALL BUSINESS COMMERCIAL FISHING INDUSTRY WITHIN THE STATE;

(F) TO PROMOTE THE DEVELOPMENT OF INTER-GOVERNMENTAL COOPERATION AMONG AGENCIES OF THE FEDERAL, STATE AND LOCAL GOVERNMENTS AND FOSTER COOPERATION BETWEEN PRIVATE INDUSTRY AND GOVERNMENT SO AS TO ASSURE THE LONG-TERM VITALITY OF THE SMALL BUSINESS COMMERCIAL FISHING INDUSTRY;

(G) TO ASSIST THE DEPARTMENT IN OBTAINING INFORMATION NECESSARY FOR THE DEVELOPMENT AND IMPROVEMENT OF STATE POLICIES AND PROGRAMS AFFECTING THE SMALL BUSINESS COMMERCIAL FISHING INDUSTRY IN THE STATE;

(H) TO ADMINISTER THE ECONOMIC DEVELOPMENT PROGRAM CREATED PURSUANT TO SECTION FOUR HUNDRED FIFTY-FOUR OF THIS ARTICLE; AND,

3. THE DEPARTMENT SHALL PROVIDE NECESSARY TECHNICAL AND STAFF ASSISTANCE TO THE STATE SMALL BUSINESS COMMERCIAL FISHING ADVOCATE.

S 454. SMALL BUSINESS COMMERCIAL FISHING ECONOMIC DEVELOPMENT PROGRAM CREATED. THERE IS HEREBY CREATED A SMALL BUSINESS COMMERCIAL FISHING ECONOMIC DEVELOPMENT PROGRAM UNDER THE JURISDICTION OF THE DEPARTMENT AND ADMINISTERED BY THE ADVOCATE, THE PURPOSE OF WHICH SHALL BE TO TARGET AND PROMOTE:

1. MARINE RESOURCES DEVELOPMENT IN WAYS WHICH ARE ECONOMICALLY SUSTAINABLE, ENVIRONMENTALLY SOUND, AND PROMOTES THE LONG-TERM HEALTH OF FISHERIES RESOURCES AND HABITAT;

2. PUBLIC AWARENESS AND UNDERSTANDING OF THE ECONOMIC, CULTURAL AND ENVIRONMENTAL IMPORTANCE OF NEW YORK'S SMALL BUSINESS COMMERCIAL FISHING INDUSTRY;

3. THE DEVELOPMENT, RETENTION, DIVERSIFICATION AND LONG-TERM VITALITY OF THE SMALL BUSINESS COMMERCIAL FISHING RESOURCES INDUSTRY IN WAYS THAT WILL ENHANCE RELATED EFFORTS OF FEDERAL, STATE AND LOCAL AGENCIES, COMMISSIONS, COMMITTEES, ASSOCIATIONS, TRADE GROUPS AND MANUFACTURERS;

4. ELECTRONIC AND OTHER INFORMATION SHARED RELATED TO THE SMALL BUSINESS COMMERCIAL FISHING INDUSTRY;

5. THE DEVELOPMENT OF FINANCING MECHANISMS FOR THE ESTABLISHMENT, RETENTION, DIVERSIFICATION AND LONG-TERM VITALITY OF THE SMALL BUSINESS COMMERCIAL FISHING INDUSTRY;

6. INCREASED CONSUMER AWARENESS OF THE SMALL BUSINESS COMMERCIAL FISHING INDUSTRY, ITS PRODUCTS AND SERVICES. FURTHER, TO ACT AS A LIAISON BETWEEN CONSUMERS, INDUSTRY, STATE AND FEDERAL AGENCIES, AND OTHER STAKEHOLDERS;

7. DEMONSTRATION PROJECTS WHICH WOULD IMPROVE BUSINESS PROFITABILITY AND LONG-TERM SUSTAINABILITY; AND,

8. THE REVIEW OF ANY REGULATORY BARRIERS WHICH MAY IMPEDE THE DEVELOPMENT, RETENTION, DIVERSIFICATION OR LONG-TERM VITALITY OF THE SMALL BUSINESS COMMERCIAL FISHING INDUSTRY.

S 455. REPORTS. THE ADVOCATE SHALL MAKE AN ANNUAL REPORT ON OR BEFORE JULY FIRST, TWO THOUSAND SIXTEEN AND EACH YEAR THEREAFTER TO THE GOVERNOR, THE DEPARTMENT, AND THE LEGISLATURE SETTING FORTH THE ACTIVITIES

UNDERTAKEN BY THE ADVOCATE. SUCH REPORT SHALL BE AVAILABLE TO THE PUBLIC FREE OF CHARGE ON A PUBLICLY AVAILABLE WEBSITE.

S 456. ASSISTANCE OF OTHER STATE AGENCIES. TO EFFECTUATE THE PURPOSES OF THIS ARTICLE, THE ADVOCATE MAY REQUEST AND SHALL BE ENTITLED TO RECEIVE FROM ANY STATE AGENCY, AND THE SAME ARE AUTHORIZED TO PROVIDE SUCH ASSISTANCE, SERVICE, FACILITIES AND DATA AS WILL ENABLE THE ADVOCATE TO CARRY OUT THE FUNCTIONS, POWERS AND DUTIES PROVIDED BY THIS ARTICLE. THE ADVOCATE MAY ENTER INTO COOPERATIVE AGREEMENTS WITH OTHER GOVERNMENT OFFICES TO EFFICIENTLY CARRY OUT ITS WORK.

S 457. FUNCTIONS, POWERS AND DUTIES OF OTHER DEPARTMENTS AND STATE AGENCIES. NOTHING CONTAINED IN THIS ARTICLE SHALL BE DEEMED TO DETRACT IN ANY WAY FROM THE FUNCTIONS, POWERS OR DUTIES PRESCRIBED BY LAW OF ANY DEPARTMENT OF THE STATE OR TO INTERRUPT OR PRECLUDE THE DIRECT RELATIONSHIP OF ANY SUCH DEPARTMENT OR AGENCY WITH OTHER AGENCIES, INDIVIDUALS OR CORPORATIONS FOR THE CARRYING OUT OF ITS FUNCTIONS, POWERS AND DUTIES.

S 2. Severability. If any provision of this act or the application thereof shall for any reason be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder of this act, but shall be confined in its operation to the provision thereof directly involved in the controversy in which the judgment shall have been rendered.

S 3. This act shall take effect immediately.