

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

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2015-2016 Regular Sessions

I N A S S E M B L Y

May 13, 2015

Introduced by M. of A. THIELE -- read once and referred to the Committee
on 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;

2. THAT THE COMMERCIAL FISHING INDUSTRY PRESENTS ECONOMIC DEVELOPMENT OPPORTUNITIES THAT COULD PROMOTE GROWTH THEREBY ENHANCING THE WELL-BEING

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

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1 OF THESE SMALL BUSINESS EMPLOYERS AND EMPLOYEES IN FISH PROCESSING,
2 RETAIL MARKETS, RESTAURANTS, AND OTHER COMMERCIAL FISHING RELATED BUSI-
3 NESSES, AS WELL AS PROMOTING THE ECONOMIC WELL-BEING OF FISHING FAMILIES
4 THROUGHOUT THE STATE THROUGH JOB CREATION AND JOB RETENTION;

5 3. THAT THE COMMERCIAL FISHING INDUSTRY NEEDS ASSISTANCE TO PROMOTE
6 THE INTERESTS OF THE SMALL BUSINESSES IN THIS INDUSTRY AND TO HELP NAVI-
7 GATE THE FEDERAL AND STATE REGULATORY REQUIREMENTS THAT OVERSEE THE
8 INDUSTRY; AND

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

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

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

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

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

28 S 452. NEW YORK STATE SMALL BUSINESS COMMERCIAL FISHING ADVOCATE
29 ESTABLISHED. THERE IS HEREBY ESTABLISHED IN THE DEPARTMENT, THE STATE
30 SMALL BUSINESS COMMERCIAL FISHING ADVOCATE TO REPRESENT THE INTERESTS OF
31 THE SMALL BUSINESS COMMERCIAL FISHING INDUSTRY. THE SMALL BUSINESS
32 COMMERCIAL FISHING ADVOCATE SHALL POSSESS KNOWLEDGE AND EXPERIENCE IN
33 MATTERS AFFECTING THE SMALL BUSINESS COMMERCIAL FISHING INDUSTRY,
34 INCLUDING THE IMPORTANCE OF MARINE FISHERIES MANAGEMENT AND CONSERVATION
35 ROLES IN THE LONG-TERM VITALITY OF THE INDUSTRY, AND SHALL BE RESPONSI-
36 BLE FOR EXERCISING ALL THE POWERS GRANTED BY THIS ARTICLE, INCLUDING
37 ADVISING THE COMMISSIONER ON MATTERS RELATING TO THE SMALL BUSINESS
38 COMMERCIAL FISHING INDUSTRY, INCLUDING THE DIRECTION, CONTROL, AND OPER-
39 ATION OF THE SMALL BUSINESS COMMERCIAL FISHING ECONOMIC DEVELOPMENT
40 PROGRAM.

41 S 453. POWERS OF THE ADVOCATE. 1. THE ADVOCATE SHALL ADVISE THE
42 COMMISSIONER ON MATTERS CONCERNING SMALL BUSINESS COMMERCIAL FISHING AND
43 TO SERVE AS LIAISON BETWEEN THE STATE'S SMALL BUSINESS COMMERCIAL FISH-
44 ING INDUSTRY AND THE COMMISSIONER WITH RESPECT TO THE DESIGN AND IMPE-
45 LEMENTATION OF THE STATE'S POLICIES AND PROGRAMS RELATING TO COMMERCIAL
46 FISHING IN A MANNER THAT SUPPORTS THE LONG-TERM HEALTH AND ABUNDANCE OF
47 FISHERIES RESOURCES AND MANAGEMENT.

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

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

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

55 (C) TO ADVISE THE DEPARTMENT IN THE DEVELOPMENT AND IMPLEMENTATION OF
56 THE STATE'S MARKETING AND BUSINESS DEVELOPMENT PROGRAM FOR THE SMALL

1 BUSINESS COMMERCIAL FISHING INDUSTRY, INCLUDING LONG-RANGE STRATEGIES
2 FOR PROMOTING THE INDUSTRY IN AN ECONOMICALLY SUSTAINABLE AND ENVIRON-
3 MENTALLY SOUND MANNER THAT SUPPORTS LONG-TERM VITALITY OF THE INDUSTRY;
4 (D) TO ADVISE THE DEPARTMENT, THE GOVERNOR AND THE LEGISLATURE
5 CONCERNING RECOMMENDED LEGISLATION NECESSARY TO FOSTER AND PROMOTE THE
6 LONG-TERM VITALITY AND DEVELOPMENT OF THE SMALL BUSINESS COMMERCIAL
7 FISHING INDUSTRY WITHIN THE STATE;
8 (E) TO ADVISE THE DEPARTMENT, THE GOVERNOR AND THE LEGISLATURE
9 CONCERNING EXISTING LAWS, RULES, AND REGULATIONS RELATED TO THE
10 LONG-TERM VITALITY AND DEVELOPMENT OF THE SMALL BUSINESS COMMERCIAL
11 FISHING INDUSTRY WITHIN THE STATE;
12 (F) TO PROMOTE THE DEVELOPMENT OF INTER-GOVERNMENTAL COOPERATION AMONG
13 AGENCIES OF THE FEDERAL, STATE AND LOCAL GOVERNMENTS AND FOSTER COOPER-
14 ATION BETWEEN PRIVATE INDUSTRY AND GOVERNMENT SO AS TO ASSURE THE LONG-
15 TERM VITALITY OF THE SMALL BUSINESS COMMERCIAL FISHING INDUSTRY;
16 (G) TO ASSIST THE DEPARTMENT IN OBTAINING INFORMATION NECESSARY FOR
17 THE DEVELOPMENT AND IMPROVEMENT OF STATE POLICIES AND PROGRAMS AFFECTING
18 THE SMALL BUSINESS COMMERCIAL FISHING INDUSTRY IN THE STATE;
19 (H) TO ADMINISTER THE ECONOMIC DEVELOPMENT PROGRAM CREATED PURSUANT TO
20 SECTION FOUR HUNDRED FIFTY-FOUR OF THIS ARTICLE; AND,
21 3. THE DEPARTMENT SHALL PROVIDE NECESSARY TECHNICAL AND STAFF ASSIST-
22 ANCE TO THE STATE SMALL BUSINESS COMMERCIAL FISHING ADVOCATE.
23 S 454. SMALL BUSINESS COMMERCIAL FISHING ECONOMIC DEVELOPMENT PROGRAM
24 CREATED. THERE IS HEREBY CREATED A SMALL BUSINESS COMMERCIAL FISHING
25 ECONOMIC DEVELOPMENT PROGRAM UNDER THE JURISDICTION OF THE DEPARTMENT
26 AND ADMINISTERED BY THE ADVOCATE, THE PURPOSE OF WHICH SHALL BE TO
27 TARGET AND PROMOTE:
28 1. MARINE RESOURCES DEVELOPMENT IN WAYS WHICH ARE ECONOMICALLY
29 SUSTAINABLE, ENVIRONMENTALLY SOUND, AND PROMOTES THE LONG-TERM HEALTH OF
30 FISHERIES RESOURCES AND HABITAT;
31 2. PUBLIC AWARENESS AND UNDERSTANDING OF THE ECONOMIC, CULTURAL AND
32 ENVIRONMENTAL IMPORTANCE OF NEW YORK'S SMALL BUSINESS COMMERCIAL FISHING
33 INDUSTRY;
34 3. THE DEVELOPMENT, RETENTION, DIVERSIFICATION AND LONG-TERM VITALITY
35 OF THE SMALL BUSINESS COMMERCIAL FISHING RESOURCES INDUSTRY IN WAYS THAT
36 WILL ENHANCE RELATED EFFORTS OF FEDERAL, STATE AND LOCAL AGENCIES,
37 COMMISSIONS, COMMITTEES, ASSOCIATIONS, TRADE GROUPS AND MANUFACTURERS;
38 4. ELECTRONIC AND OTHER INFORMATION SHARED RELATED TO THE SMALL BUSI-
39 NESS COMMERCIAL FISHING INDUSTRY;
40 5. THE DEVELOPMENT OF FINANCING MECHANISMS FOR THE ESTABLISHMENT,
41 RETENTION, DIVERSIFICATION AND LONG-TERM VITALITY OF THE SMALL BUSINESS
42 COMMERCIAL FISHING INDUSTRY;
43 6. INCREASED CONSUMER AWARENESS OF THE SMALL BUSINESS COMMERCIAL FISH-
44 ING INDUSTRY, ITS PRODUCTS AND SERVICES. FURTHER, TO ACT AS A LIAISON
45 BETWEEN CONSUMERS, INDUSTRY, STATE AND FEDERAL AGENCIES, AND OTHER
46 STAKEHOLDERS;
47 7. DEMONSTRATION PROJECTS WHICH WOULD IMPROVE BUSINESS PROFITABILITY
48 AND LONG-TERM SUSTAINABILITY; AND,
49 8. THE REVIEW OF ANY REGULATORY BARRIERS WHICH MAY IMPEDE THE DEVELOP-
50 MENT, RETENTION, DIVERSIFICATION OR LONG-TERM VITALITY OF THE SMALL
51 BUSINESS COMMERCIAL FISHING INDUSTRY.
52 S 455. REPORTS. THE ADVOCATE SHALL MAKE AN ANNUAL REPORT ON OR BEFORE
53 JULY FIRST, TWO THOUSAND SIXTEEN AND EACH YEAR THEREAFTER TO THE GOVER-
54 NOR, THE DEPARTMENT, AND THE LEGISLATURE SETTING FORTH THE ACTIVITIES
55 UNDERTAKEN BY THE ADVOCATE. SUCH REPORT SHALL BE AVAILABLE TO THE
56 PUBLIC FREE OF CHARGE ON A PUBLICLY AVAILABLE WEBSITE.

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

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

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

21 S 3. This act shall take effect immediately.