

5444

2015-2016 Regular Sessions

I N   S E N A T E

May 14, 2015

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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:

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

3     ARTICLE 23

4     SMALL BUSINESS COMMERCIAL FISHING INDUSTRY ECONOMIC DEVELOPMENT PROGRAM  
5 SECTION 450. LEGISLATIVE FINDINGS AND INTENT.

6             451. DEFINITIONS.

7             452. NEW YORK STATE SMALL BUSINESS COMMERCIAL FISHING ADVOCATE  
8                     ESTABLISHED.

9             453. POWERS OF THE ADVOCATE.

10            454. SMALL BUSINESS COMMERCIAL FISHING ECONOMIC DEVELOPMENT  
11                     PROGRAM CREATED.

12            455. REPORTS.

13            456. ASSISTANCE OF OTHER STATE AGENCIES.

14            457. FUNCTIONS, POWERS AND DUTIES OF OTHER DEPARTMENTS AND STATE  
15                     AGENCIES.

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

18     1. THAT THE STATE'S COMMERCIAL FISHING INDUSTRY CONSISTS OF HUNDREDS  
19 OF SMALL FAMILY-OWNED BUSINESSES ACROSS THE STATE THAT COLLECTIVELY PLAY  
20 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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1 2. THAT THE COMMERCIAL FISHING INDUSTRY PRESENTS ECONOMIC DEVELOPMENT  
2 OPPORTUNITIES THAT COULD PROMOTE GROWTH THEREBY ENHANCING THE WELL-BEING  
3 OF THESE SMALL BUSINESS EMPLOYERS AND EMPLOYEES IN FISH PROCESSING,  
4 RETAIL MARKETS, RESTAURANTS, AND OTHER COMMERCIAL FISHING RELATED BUSI-  
5 NESSES, AS WELL AS PROMOTING THE ECONOMIC WELL-BEING OF FISHING FAMILIES  
6 THROUGHOUT THE STATE THROUGH JOB CREATION AND JOB RETENTION;

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

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

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

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

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

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

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

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

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

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

54 (B) TO ADVISE THE DEPARTMENT IN ITS PROMOTION AND DEVELOPMENT OF  
55 ALTERNATIVE USES FOR SMALL BUSINESS COMMERCIAL FISHING VESSELS, SUCH AS  
56 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

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

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

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

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

23 S 3. This act shall take effect immediately.