STATE OF NEW YORK

S. 4248--A A. 5193--A

2017-2018 Regular Sessions

SENATE - ASSEMBLY

February 6, 2017

IN SENATE -- Introduced by Sen. LAVALLE -- read twice and ordered printed, and when printed to be committed to the Committee on Environmental Conservation -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

IN ASSEMBLY -- Introduced by M. of A. THIELE -- read once and referred to the Committee on Environmental Conservation -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the economic development law, in relation to the creation of a commercial fishing jobs development program; and to amend the environmental conservation law, in relation to the establishment of a commercial fishing industry advocate to assist the marine resources advisory council in performing its duties with regard to 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. Legislative findings and intent. The legislature finds and determines 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. The legislature further finds 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. 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. The state commercial fishing industry

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

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will be enhanced by the creation of a commercial fishing advocate and the establishment of a jobs development program for the commercial fishing industry that promotes long-term economic health and abundance of fisheries resources and habitats.

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

ARTICLE 23

COMMERCIAL FISHING JOBS DEVELOPMENT PROGRAM

Section 450. Commercial fishing jobs development program.

§ 450. Commercial fishing jobs development program. There is hereby created a commercial fishing jobs development program under the jurisdiction of the department of economic development, with the advice of the commercial fishing advocate established by section 13-0351 of the environmental conservation law. The purpose of the program 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 commercial fishing industry;

3. the development, retention, diversification and long-term vitality of the 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 commercial fishing industry;

5. the development of financing mechanisms for the establishment, retention, diversification and long-term vitality of the commercial fishing industry;

6. increased consumer awareness of the 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 commercial fishing industry.

§ 3. The environmental conservation law is amended by adding a new section 13-0351 to read as follows:

§ 13-0351. Commercial fishing advocate.

1. There is hereby established in the department, under marine resources advisory council established by section 13-0350 of this article, the state commercial fishing advocate to provide expertise to the council with regard to the commercial fishing industry. The commercial fishing advocate shall possess knowledge and experience in matters affecting the 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 section, including advising the marine resources advisory council and the commissioner on matters relating to the commercial fishing industry. In addition the commercial fishing advocate shall consult with the state department of economic development with regard to the commercial fishing jobs development program authorized by section 450 of the economic development law.

2. The advocate shall advise the marine resources advisory council and commissioner on matters concerning commercial fishing and shall serve as

liaison between the state's commercial fishing industry and the marine resources advisory council 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.

3. 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 effect the commercial fishing industry in the state;

(b) To advise the state department of economic development of alternative uses for commercial fishing vessels, such as tourism and other uses and services in the state;

(c) To advise the marine resources advisory council, department, and state department of economic development in the development and implementation of the state's marketing and business development program for the 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 marine resources advisory council, department, state department of economical development, the governor and the legislature concerning recommended legislation necessary to foster and promote the long-term vitality and development of the commercial fishing industry within the state;

(e) To advise the marine resources advisory council, the department, the governor and the legislature concerning existing laws, rules, and regulations related to the long term vitality and development of the commercial fishing industry within the state;

(f) To promote the development of inter-governmental cooperation among agencies of the federal, state and local governments including the state department of economic development and foster cooperation between private industry and government so as to assure the long term vitality of the commercial fishing industry;

(g) To assist the department in obtaining information necessary for the development and improvement of state policies and programs affecting the commercial fishing industry in the state;

(h) To advise in the administration of the commercial fishing jobs program created pursuant to section 450 of the economic development law, under the jurisdiction of the state department of economic development.

4. The department shall provide necessary technical and staff assistance to the commercial fishing advocate.

§ 4. Assistance of other state agencies. To effectuate the purposes of this act, 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 act. The advocate may enter into cooperative agreements with other government offices to efficiently carry out its work.

§ 5. Nothing contained in this act 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.

§ 6. 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.

§ 7. This act shall take effect immediately.