

# STATE OF NEW YORK

S. 3726

A. 5519

2019-2020 Regular Sessions

## SENATE - ASSEMBLY

February 13, 2019

IN SENATE -- 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

IN ASSEMBLY -- Introduced by M. of A. THIELE -- read once and referred to the Committee on Environmental Conservation

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:

1 Section 1. Legislative findings and intent. The legislature finds and  
2 determines that the state's commercial fishing industry consists of  
3 hundreds of small family-owned businesses across the state that collec-  
4 tively play a key role in the continuing economic growth and vitality of  
5 the state. The legislature further finds that the commercial fishing  
6 industry presents economic development opportunities that could promote  
7 growth thereby enhancing the well-being of these small business employ-  
8 ers and employees in fish processing, retail markets, restaurants, and  
9 other commercial fishing related businesses, as well as promoting the  
10 economic well-being of fishing families throughout the state through job  
11 creation and job retention. The commercial fishing industry needs  
12 assistance to promote the interests of the small businesses in this  
13 industry and to help navigate the federal and state regulatory require-  
14 ments that oversee the industry. The state commercial fishing industry  
15 will be enhanced by the creation of a commercial fishing advocate and  
16 the establishment of a jobs development program for the commercial fish-  
17 ing industry that promotes long-term economic health and abundance of  
18 fisheries resources and habitats.

19 § 2. The economic development law is amended by adding a new article  
20 23 to read as follows:

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

LBD03255-01-9

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:

1 (a) To identify and review commercial fishing related issues and  
2 current state policies and programs which effect the commercial fishing  
3 industry in the state;

4 (b) To advise the state department of economic development of alterna-  
5 tive uses for commercial fishing vessels, such as tourism and other uses  
6 and services in the state;

7 (c) To advise the marine resources advisory council, department, and  
8 state department of economic development in the development and imple-  
9 mentation of the state's marketing and business development program for  
10 the commercial fishing industry, including long-range strategies for  
11 promoting the industry in an economically sustainable and environ-  
12 mentally sound manner that supports long-term vitality of the industry;

13 (d) To advise the marine resources advisory council, department, state  
14 department of economical development, the governor and the legislature  
15 concerning recommended legislation necessary to foster and promote the  
16 long-term vitality and development of the commercial fishing industry  
17 within the state;

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

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

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

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

33 4. The department shall provide necessary technical and staff assist-  
34 ance to the commercial fishing advocate.

35 § 4. Assistance of other state agencies. To effectuate the purposes of  
36 this act, the advocate may request and shall be entitled to receive from  
37 any state agency, and the same are authorized to provide such assist-  
38 ance, service, facilities and data as will enable the advocate to carry  
39 out the functions, powers and duties provided by this act. The advocate  
40 may enter into cooperative agreements with other government offices to  
41 efficiently carry out its work.

42 § 5. Nothing contained in this act shall be deemed to detract in any  
43 way from the functions, powers or duties prescribed by law of any  
44 department of the state or to interrupt or preclude the direct relation-  
45 ship of any such department or agency with other agencies, individuals  
46 or corporations for the carrying out of its functions, powers and  
47 duties.

48 § 6. Severability. If any provision of this act or the application  
49 thereof shall for any reason be adjudged by any court of competent  
50 jurisdiction to be invalid, such judgment shall not affect, impair or  
51 invalidate the remainder of this act, but shall be confined in its oper-  
52 ation to the provision thereof directly involved in the controversy in  
53 which the judgment shall have been rendered.

54 § 7. This act shall take effect immediately.