STATE OF NEW YORK

S. 5558 A. 7480

2019-2020 Regular Sessions

SENATE - ASSEMBLY

May 7, 2019

IN SENATE -- Introduced by Sen. LAVALLE -- read twice and ordered printed, and when printed to be committed to the Committee on Agriculture

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

AN ACT to amend the agriculture and markets law, in relation to the establishment of a state commercial fishing industry advocate and the creation of a commercial fishing economic development program to promote 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 agriculture and markets law is amended by adding a new article 29-A to read as follows:

ARTICLE 29-A

COMMERCIAL FISHING INDUSTRY ECONOMIC DEVELOPMENT PROGRAM

Section 520. Legislative findings and intent.
521. Definitions.
522. New York state commercial fishing advocate established.
523. Powers of the advocate.
524. Commercial fishing economic development program created.
525. Reports.
526. Assistance of other state agencies.
527. Functions, powers and duties of other departments and state agencies.

§ 520. Legislative findings and intent. The legislature finds and determines:

1. that the state's commercial fishing industry plays 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 these employ-

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

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ers 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 this industry and to help navigate the federal and state regulatory requirements that oversee the industry; and

4. that the state commercial fishing industry will be enhanced by the establishment of an economic development program for the commercial fishing industry that promotes long-term health and abundance of fisheries resources and habitats.

§ 521. Definitions. For the purposes of this article, the following terms shall have the following meanings:

1. "State commercial fishing advocate" shall mean the state commercial fishing advocate established pursuant to this article.

2. "Program" shall mean the commercial fishing economic development program established pursuant to this article.

3. "Commercial fishing industry" shall mean those businesses involved in the harvesting, marketing, research, processing of fish or shellfish or providing essential inputs for or services to such businesses and shall include job training and public information programs associated with such products.

§ 522. New York state commercial fishing advocate established. There is hereby established in the department, the state commercial fishing advocate to represent the interests of 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 article, including advising the commissioner on matters relating to the commercial fishing industry, including the direction, control, and operation of the commercial fishing economic development program.

§ 523. Powers of the advocate. 1. The advocate shall advise the commissioner on matters concerning commercial fishing and to serve as liaison between the state's 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 commercial fishing industry in the state;

(b) To advise the department in its promotion and development of alternative uses for 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 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 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 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 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; and

(h) To administer the economic development program created pursuant to section five hundred twenty-four of this article.

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

§ 524. Commercial fishing economic development program created. There is hereby created a 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 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.

§ 525. Reports. The advocate shall make an annual report on or before July first, two thousand twenty-one 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.

§ 526. 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.

§ 527. 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.

§ 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.

§ 3. This act shall take effect on the first of April next succeeding the date on which it shall have become a law.