

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:

1 Section 1. The agriculture and markets law is amended by adding a new
2 article 29-A to read as follows:

3 ARTICLE 29-A
4 COMMERCIAL FISHING INDUSTRY ECONOMIC
5 DEVELOPMENT PROGRAM

6 Section 520. Legislative findings and intent.

7 521. Definitions.

8 522. New York state commercial fishing advocate established.

9 523. Powers of the advocate.

10 524. Commercial fishing economic development program created.

11 525. Reports.

12 526. Assistance of other state agencies.

13 527. Functions, powers and duties of other departments and state
14 agencies.

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

17 1. that the state's commercial fishing industry plays a key role in
18 the continuing economic growth and vitality of the state;

19 2. that the commercial fishing industry presents economic development
20 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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1 ers and employees in fish processing, retail markets, restaurants, and
2 other commercial fishing related businesses, as well as promoting the
3 economic well-being of fishing families throughout the state through job
4 creation and job retention;

5 3. that the commercial fishing industry needs assistance to promote
6 the interests of this industry and to help navigate the federal and
7 state regulatory requirements that oversee the industry; and

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

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

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

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

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

23 § 522. New York state commercial fishing advocate established. There
24 is hereby established in the department, the state commercial fishing
25 advocate to represent the interests of the commercial fishing industry.
26 The commercial fishing advocate shall possess knowledge and experience
27 in matters affecting the commercial fishing industry, including the
28 importance of marine fisheries management and conservation roles in the
29 long-term vitality of the industry, and shall be responsible for exer-
30 cising all the powers granted by this article, including advising the
31 commissioner on matters relating to the commercial fishing industry,
32 including the direction, control, and operation of the commercial fish-
33 ing economic development program.

34 § 523. Powers of the advocate. 1. The advocate shall advise the
35 commissioner on matters concerning commercial fishing and to serve as
36 liaison between the state's commercial fishing industry and the commis-
37 sioner with respect to the design and implementation of the state's
38 policies and programs relating to commercial fishing in a manner that
39 supports the long-term health and abundance of fisheries resources and
40 management.

41 2. In addition, the advocate shall have the following powers:

42 (a) To identify and review commercial fishing related issues and
43 current state policies and programs which affect the commercial fishing
44 industry in the state;

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

48 (c) To advise the department in the development and implementation of
49 the state's marketing and business development program for the commer-
50 cial fishing industry, including long-range strategies for promoting the
51 industry in an economically sustainable and environmentally sound manner
52 that supports long-term vitality of the industry;

53 (d) To advise the department, the governor and the legislature
54 concerning recommended legislation necessary to foster and promote the
55 long-term vitality and development of the commercial fishing industry
56 within the state;

1 (e) To advise the department, the governor and the legislature
2 concerning existing laws, rules, and regulations related to the long-
3 term vitality and development of the commercial fishing industry within
4 the state;

5 (f) To promote the development of inter-governmental cooperation among
6 agencies of the federal, state and local governments and foster cooper-
7 ation between private industry and government so as to assure the long-
8 term vitality of the commercial fishing industry;

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

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

14 3. The department shall provide necessary technical and staff assist-
15 ance to the state commercial fishing advocate.

16 § 524. Commercial fishing economic development program created. There
17 is hereby created a commercial fishing economic development program
18 under the jurisdiction of the department and administered by the advo-
19 cate, the purpose of which shall be to target and promote:

20 1. marine resources development in ways which are economically
21 sustainable, environmentally sound, and promotes the long-term health of
22 fisheries resources and habitat;

23 2. public awareness and understanding of the economic, cultural and
24 environmental importance of New York's commercial fishing industry;

25 3. the development, retention, diversification and long-term vitality
26 of the commercial fishing resources industry in ways that will enhance
27 related efforts of federal, state and local agencies, commissions,
28 committees, associations, trade groups and manufacturers;

29 4. electronic and other information shared related to the commercial
30 fishing industry;

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

34 6. increased consumer awareness of the commercial fishing industry,
35 its products and services. Further, to act as a liaison between consum-
36 ers, industry, state and federal agencies, and other stakeholders;

37 7. demonstration projects which would improve business profitability
38 and long-term sustainability; and

39 8. the review of any regulatory barriers which may impede the develop-
40 ment, retention, diversification or long-term vitality of the commercial
41 fishing industry.

42 § 525. Reports. The advocate shall make an annual report on or before
43 July first, two thousand twenty-one and each year thereafter to the
44 governor, the department, and the legislature setting forth the activ-
45 ities undertaken by the advocate. Such report shall be available to the
46 public free of charge on a publicly available website.

47 § 526. Assistance of other state agencies. To effectuate the purposes
48 of this article, the advocate may request and shall be entitled to
49 receive from any state agency, and the same are authorized to provide
50 such assistance, service, facilities and data as will enable the advo-
51 cate to carry out the functions, powers and duties provided by this
52 article. The advocate may enter into cooperative agreements with other
53 government offices to efficiently carry out its work.

54 § 527. Functions, powers and duties of other departments and state
55 agencies. Nothing contained in this article shall be deemed to detract
56 in any way from the functions, powers or duties prescribed by law of any

1 department of the state or to interrupt or preclude the direct relation-
2 ship of any such department or agency with other agencies, individuals
3 or corporations for the carrying out of its functions, powers and
4 duties.

5 § 2. Severability. If any provision of this act or the application
6 thereof shall for any reason be adjudged by any court of competent
7 jurisdiction to be invalid, such judgment shall not affect, impair or
8 invalidate the remainder of this act, but shall be confined in its oper-
9 ation to the provision thereof directly involved in the controversy in
10 which the judgment shall have been rendered.

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