

ACT NO. 7660

BILL NO. 30-0429

THIRTIETH LEGISLATURE OF THE VIRGIN ISLANDS

Regular Session

2014

An Act amending title 7 Virgin Islands Code adding chapter 15 establishing Agriculture Business Incubator Center for the promotion of the farming industry

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WHEREAS, there is a need to establish government-run markets that act as incubators for the farming industry to address unemployment rates, to encourage the development of business incubators, in the farming and ranching community of the Virgin Islands; and

WHEREAS, whether suffering from long-term distress or a sudden economic dislocation, economically distressed communities, such as the Virgin Islands, should be encouraged to support the formation of business incubators to promote innovative and sustainable entrepreneurship, to create higher-skilled, and higher-wage jobs, and most importantly, to promote agri-business ownership and to develop collaborative productive relationships between local farmers and the Government of the Virgin Islands or accelerate the development of agri-businesses throughout the Territory in order to increase sustainable food production for the general welfare of the people of the Virgin Islands; and

WHEREAS, a "business incubator" is an organization or entity, including a government agency, established to foster assist the start-up of agri-businesses in becoming self sustained, successful enterprises, or to accelerate the growth of fledgling companies by providing farming industry entrepreneurs with an array of business support resources and services to produce viable businesses that can help create jobs and restore vitality to distressed areas; and

WHEREAS, the Legislature intends by enacting this legislation that in addition to many other services that will be provided, the Agriculture Business Incubator Center and Program established under this act will provide technical assistance to farmers, including assisting them with developing of plans for creation or expansion of business; and

WHEREAS, it is the declared to be the policy of Virgin Islands to assist in the development, acceleration and expansion of agri-business enterprises that produce marketable goods and services through the employment of Virgin Islanders, the use of technology, and the application of best management practices. The Legislature finds and declares that this policy is best implemented through the use of agri-business business incubators; Now, Therefore,

Be it enacted by the Legislature of the Virgin Islands:

SECTION 1. Title 7 Virgin Islands Code is amended by adding chapter 15 to read as follows:

“Chapter 15 Virgin Islands Agriculture Business Incubator Center

§301. As used in the chapter, the term

- (1) “ABIC” means the Agriculture Business Incubator Center established in section 302.
- (2) “Agri-business” means a business engaged in any business listed in section 192 of this title.
- (3) “Business incubator” means a facility, including the ABIC, that offers:
 - (A) Space for start-up and expanding firms;
 - (B) The shared use of equipment and work areas;
 - (C) Daily management support services essential to high-quality commercial operations; and
 - (D) Technical assistance.
- (4) “Commissioner” means the Commissioner of the Department of Agriculture, or the Commissioner’s designee.
- (5) “Department” means the Virgin Islands Department of Agriculture.
- (6) “Farmer” has the same meaning as provided in section 2 of this title.
- (7) “Program” means the Agriculture Business Incubator established under this chapter.

§302. (a) There is established within the Department of Agriculture the ABIC. The purpose of the ABIC is to operate the Program established in subsection (b).

(b) The Program is established within the ABIC to provide start-up and operating assistance to qualified agri-business entrepreneurs, including providing assistance with in business planning, marketing agricultural products, obtaining access to capital resources and financial assistance, receiving training in food program safety, product labeling and developing business plans, marketing strategies and increased sales.

(c) The Commissioner may employ or appoint personnel to manage, operate and administer the Program at the ABIC. The Commissioner may use the Department's clerical staff to assist the ABIC with clerical and administrative matters.

(d) The Department shall use available lands owned by the Government to construct the Center, or may use any available existing government building for the Center.

§303. The ABIC, in conjunction with the Cooperative Extension Service of the University of the Virgin Islands, shall provide technical assistance and ongoing consulting services related to business organization, business management, accounting services, assistance with legal requirements related to farming operations, and general entrepreneurial skills. The ABIC shall:

(1) act as an incubator for agri-business development, agriculture-tourism and consumer education;

(2) assist eligible farmers and agri-businesses, as defined and determined by regulations promulgated by the Commissioner, in developing business plans, loan applications, grant proposals, and referrals to the appropriate financial institutions, government agencies, and private foundations for funding;

(3) develop and operate a demonstration farm to instruct, provide daily guidance and learning opportunities and aid farmers in the business management of their operations and marketing their products;

(4) develop a model for and instruct farmers in the expansion of agriculture infrastructure, sales and distribution;

(5) offer full-scale business management services, assistance from business management and farming consultants, including the University of the Virgin Islands Cooperative Extension Service, and provide secretarial and clerical services and business equipment, such as printers, fax machines, computers and internet access;

(6) develop such other programs and services as needed to assist agri-businesses and to support a sustainable farming; and

(7) establish an advisory committee to provide guidance to the ABIC in the development and promotion of agri-businesses in the Territory and the performance of the functions under this chapter.

§304. The ABIC shall provide Program services to Program participants for a period of two years. After two years, the ABIC through the Department of Agriculture shall offer leases of government land for farming based on the farmer's business needs, the farmer's ability to manage as demonstrated during participation in the incubator program, and on such other criteria as may be prescribed by regulations.

§305. The ABIC may accept grants of local or federal funds, gifts, devices or conveyances for assistance to agri-businesses and the furtherance of the stated goals and purposes of this chapter.

§306. The Commissioner shall include in the Department's fiscal year budget proposal non-lapsing funding for the ABIC sufficient to carry out purposes of this chapter.

§307. The Commissioner shall promulgate regulations for the operation of the ABIC program, including eligibility requirements for participation in the Program and procedures for applying for the Program.

§308. The Commissioner shall coordinate the Program and consult with the Small Business Incubator Program established under 11 V.I.C. ch. 23 for guidance in the development and implementation of the Program and to avoid duplication of services.

§309. (a) All departments, agencies, authorities and other instrumentalities of the Government shall cooperate with the Commissioner and the ABIC in carrying out their duties and responsibilities under this chapter; carrying out their programs and exercising their functions and promoting agri-businesses in such manner as will, to the maximum extent permitted by other applicable law, assist in carrying out the purposes of this chapter.

(b) The Governor shall direct that particular programs and functions, including the expenditure of funds and the reservation of agricultural and commercial sites on Government-owned-land be made available the Program."

Thus passed by the Legislature of the Virgin Islands on September 25, 2014.

Witness our Hands and Seal of the Legislature of the Virgin Islands this 30th Day of September, A.D., 2014.



Shawn-Michael Malone
President



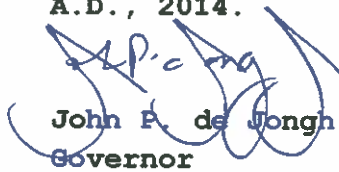
Janette Millin Young
Legislative Secretary





Bill No. 30-0429 is hereby approved.

Witness my hand and the Seal of the
Government of the United States
Virgin Islands at Charlotte Amalie,
St. Thomas, this 13th day of October
A.D., 2014.


John P. de Jongh, Jr.
Governor