

BILL NO. 30-0429

Thirtieth Legislature of the Virgin Islands

July 2, 2014

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

PROPOSED BY: Senator Janette Millin Young

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

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

12 **WHEREAS**, a “business incubator” is an organization or entity, including a government

1 agency, established to foster assist the start-up of agri-businesses in becoming self sustained,
2 successful enterprises, or to accelerate the growth of fledgling companies by providing farming
3 industry entrepreneurs with an array of business support resources and services to produce viable
4 businesses that can help create jobs and restore vitality to distressed areas; and

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

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

14 ***Be it enacted by the Legislature of the Virgin Islands:***

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

17 ***“Chapter 15 Virgin Islands Agriculture Business Incubator Center.***

18 **§301.** As used in the chapter, the term

19 (1) “ABIC” means the Agriculture Business Incubator Center established in section
20 302.

21 (2) “Agri-business” means a business engaged in any business listed in section 192 of
22 this title.

23 (3) “Business incubator” means a facility, including the ABIC, that offers:

24 (A) Space for start-up and expanding firms;

25 (B) The shared use of equipment and work areas;

1 (C) Daily management support services essential to high-quality commercial
2 operations; and

3 (D) Technical assistance.

4 (4) “Commissioner” means the Commissioner of the Department of Agriculture, or the
5 Commissioner’s designee.

6 (5) “Department” means the Virgin Islands Department of Agriculture.

7 (6) “Farmer” has the same meaning as provided in section 2 of this title.

8 (7) “Program” means the Agriculture Business Incubator established under this
9 chapter.

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

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

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

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

22 **§303.** The ABIC, in conjunction with the Cooperative Extension Service of the University
23 of the Virgin Islands, shall provide technical assistance and ongoing consulting services related to

1 business organization, business management, accounting services, assistance with legal
2 requirements related to farming operations, and general entrepreneurial skills. The ABIC shall:

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

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

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

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

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

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

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

23 **§304.** The ABIC shall provide Program services to Program participants for a period of
24 two years. After two years, the ABIC through the Department of Agriculture shall offer leases of

1 government land for farming based on the farmer's business needs, the farmer's ability to manage
2 as demonstrated during participation in the incubator program, and on such other criteria as may
3 be prescribed by regulations.

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

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

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

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

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

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

BILL SUMMARY

24 This Bill establishes the Agriculture Business Incubator Center and Program within the
25 Department of Agriculture to help farmers in successfully developing and managing their farming
26 businesses. The Program established is intended to be operated by the Agriculture Business

1 Incubator Center with the assistance of the Cooperative Extension Service of the University of the
2 Virgin Islands.

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4 The bill provides for the Center to offer participants comprehensive services to assist them
5 develop a sustainable farming business. The Center will operate a demonstration farm to instruct,
6 provide daily guidance and learning opportunities and aid farmers in the business management of
7 their operations and increase production. The Program is intended to assist participants for a two-
8 year term, and after completion, the farmers will be eligible for leases of agricultural or
9 commercial property owned by the Government.

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11 **BR13-0891a/ January 30, 2014/ AA/Revised -26, 2014/YLT**

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