

HOUSE No. 2615

The Commonwealth of Massachusetts

HOUSE OF REPRESENTATIVES, April 29, 1953.

The committee on Ways and Means, to whom was referred the Bill establishing a department of commerce (House, No. 2445), report that the same ought to pass in the form of a new draft herewith submitted (House, No. 2615).

For the committee,

J. ROBERT AYERS.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Fifty-Three.

AN ACT ESTABLISHING A DEPARTMENT OF COMMERCE.

1 *Whereas*, It is a necessary and desirable objective
2 of government to stimulate productive employment
3 opportunities for Massachusetts workers; and

4 *Whereas*, Increased productive employment oppor-
5 tunities require the full development of our industrial,
6 commercial and recreational resources; and

7 *Whereas*, The immediate establishment of a state
8 agency is necessary for the full development of such
9 resources; therefore this act is hereby declared to be
10 an emergency law, necessary for the immediate pres-
11 ervation of the public convenience.

*Be it enacted by the Senate and House of Representatives
in General Court assembled, and by the authority of the
same, as follows:*

1 SECTION 1. The General Laws are hereby
2 amended by inserting after chapter twenty-three
3 the following chapter:—

4 CHAPTER 23A.

5 DEPARTMENT OF COMMERCE.

6 *Section 1.* There shall be a department of com-
7 merce, in this chapter called the department. The
8 department shall be under the supervision and con-

9 trol of a commissioner of commerce, in this chapter
10 called the commissioner.

11 *Section 2.* Upon the expiration of the term of
12 office of a commissioner, his successor shall be ap-
13 pointed by the governor, with the advice and consent
14 of the council, for a term of five years. The com-
15 missioner shall receive a salary not exceeding fifteen
16 thousand dollars.

17 *Section 3.* The commissioner, with the approval
18 of the governor and council, may appoint and re-
19 move two deputy commissioners. The deputy com-
20 missioners shall perform such duties as the commis-
21 sioner shall prescribe.

22 *Section 4.* The commissioner shall organize in the
23 department a division of research, a division of
24 planning and a division of development. The work
25 of each division, under the supervision and control of
26 the commissioner, shall be in charge of a director
27 who shall be appointed and may be removed by the
28 commissioner, with the approval of the governor and
29 council, and who shall have special and outstanding
30 qualifications for the work of his division. The com-
31 missioner and the commissioner of labor shall from
32 time to time confer on matters affecting the economic
33 and social welfare of the commonwealth, including
34 hours of labor, wages, industrial safety and regula-
35 tory decisions and orders.

36

DIVISION OF RESEARCH.

37 *Section 5.* It shall be the function and duty of the
38 division of research —

39 (a) To compile and maintain information useful
40 to the development of industry and commerce con-

41 cerning sites, space, equipment, adequate housing,
42 contracts, materials, transportation, markets and
43 other economic considerations.

44 (b) To assist in the preparation of reports upon
45 request from the governor or any state department.

46 (c) To compile such other data and make such
47 other studies on manufacturing, agriculture, mining,
48 fishing, trade, recreation and other economic activi-
49 ties in the commonwealth as are necessary to aid the
50 division of development and the division of planning
51 in carrying out their duties.

52 (d) To employ or engage such outside technical
53 or professional consultants as may be necessary or
54 appropriate to assist the division in carrying out its
55 functions.

56 (e) To initiate basic studies of population trends,
57 economic conditions, and resulting problems as a
58 service not only to the divisions of planning and
59 development, but also to the general court, the ad-
60 ministrative departments of the commonwealth, or
61 any political subdivision thereof.

62 (f) To study specific problems peculiar to Massa-
63 chusetts, including transportation rates, which studies
64 shall be advanced by co-ordination of reseach with
65 existing private and governmental agencies and
66 educational institutions, and may be advanced by
67 contractual relations with persons or organizations
68 familiar with the problems and equipped to conduct
69 the needed research.

70 (g) To prepare evidence and supporting data
71 whenever the viewpoint of the commonwealth is to
72 be presented before any state or federal agency with
73 respect to matters affecting the economic interests
74 of the commonwealth.

75

DIVISION OF PLANNING.

76 *Section 6.* It shall be the function and duty of
77 the division of planning —

78 (a) To prepare and from time to time to revise
79 and perfect a master plan for the physical develop-
80 ment of the commonwealth. Such master plan, with
81 any accompanying maps, plats, charts and descrip-
82 tive matter, shall be designed with the general pur-
83 pose of guiding and carrying forward such co-
84 ordinated, effective and economic development of
85 the commonwealth, with due respect to its topog-
86 raphy, resources, and its present needs and future
87 possibilities, as will best promote the health, safety,
88 morals, order, convenience, welfare and prosperity
89 of the people. Among other things such master
90 plan shall tend to bring into suitable relation the use
91 of land, soil, water and natural resources; the loca-
92 tion and distribution of population and habitation;
93 agriculture, forestry and mining; trade and indus-
94 try; recreation; ports, highways, railways, airways
95 and every form of transportation, travel and com-
96 munication; public institutions of every descrip-
97 tion, whether publicly or privately supported; water
98 supply and disposal of sewage; and all such other
99 developments and uses as will tend to avoid waste
100 of the human, financial and physical resources of the
101 commonwealth and to promote the aforementioned
102 purposes.

103 (b) To assist in planning any public or private
104 project as to which federal appropriations, grants
105 or loans may pay any part of the cost.

106 (c) To make such maps, plans and estimates of
107 cost as may be needed for its investigations and

108 reports, and to employ such assistants therefor as it
109 deems necessary.

110 (d) To act as the co-ordinating agency between
111 the several officers, boards, commissions, depart-
112 ments and divisions of the commonwealth in matters
113 relative to the physical development of the common-
114 wealth, and to review the proposals of said agencies
115 in the light of their relationship to the master plan
116 and to incorporate the results of such reviews in the
117 reports of the department; provided, that nothing
118 in this section shall be construed as limiting the
119 powers or duties of any officer, board, commission,
120 department or division of the commonwealth.

121 (e) To initiate, encourage and carry on regional
122 and metropolitan planning and to advise and assist
123 local planning boards and other municipal agencies
124 in co-operative efforts intended for the mutual bene-
125 fits of the municipalities constituting such regional
126 or metropolitan areas.

127 (f) To advise, confer and co-operate with munici-
128 pal planning boards, boards of appeals and other
129 local officials, civic and other groups and citizens in
130 matters relating to planning and zoning and to fur-
131 nish any pertinent information in its possession.

132 (g) To study problems of recreation, schools,
133 housing, health, land use controls, assessment and
134 taxation.

135 (h) To assist in preparing and executing long-
136 range capital budgeting and programing of public
137 works projects.

138

DIVISION OF DEVELOPMENT.

139 *Section 7.* It shall be the function and duty of the
140 division of development —

141 (a) To further the development and the expansion
142 of existing industry, with particular attention to
143 small business, and to attract new enterprise to
144 Massachusetts by (1) promoting the welfare and
145 expansion of existing industry and the location of
146 new industry in Massachusetts and co-ordinating
147 these activities with the efforts of public, private
148 and other agencies; by (2) direct negotiation with
149 industry seeking suitable location in Massachusetts
150 in co-operation with public, private and other agen-
151 cies; by (3) widespread dissemination of information
152 seeking to expand the commercial, recreational,
153 transport, industrial and other activities of Massa-
154 chusetts; and by (4) furthering industrial develop-
155 ment efforts of local communities by assisting in the
156 formation of industrial foundations and co-operating
157 with local agencies.

158 *Section 8.* The several officers, boards, commis-
159 sions, departments and divisions of the common-
160 wealth, and city and town officials, may consult with
161 the department and shall furnish or make available
162 to it on request all data and information within their
163 knowledge or control.

1 SECTION 2. Sections forty-nine to fifty-two, in-
2 clusive, of chapter six of the General Laws are
3 hereby repealed.

1 SECTION 3. Sections eleven B, eleven C and
2 eleven D of chapter twenty-three of the General
3 Laws are hereby repealed.

1 SECTION 4. Section 17 of chapter 6 of the Gen-
2 eral Laws, as amended, is hereby further amended

3 by striking out, in line 8, as appearing in section 1
4 of chapter 511 of the acts of 1951, the words, “the
5 state planning board,”.

1 SECTION 5. Section 21 of chapter 9 of the Gen-
2 eral Laws, as amended by section 1 of chapter 394
3 of the acts of 1941, is hereby further amended by
4 striking out, in lines 9 and 10, the words “chairman
5 or a member of the state planning board designated
6 by the governor,” and inserting in place thereof the
7 words: — director of the division of planning of the
8 department of commerce.

1 SECTION 6. Section 71 of chapter 41 of the Gen-
2 eral Laws, as amended by chapter 266 of the acts of
3 1943, is hereby further amended by striking out, in
4 line 6, the words “state planning board” and in-
5 serting in place thereof the words: — division of
6 planning of the department of commerce.

1 SECTION 7. Section 81C of said chapter 41, as
2 appearing in section 4 of chapter 340 of the acts of
3 1947, is hereby amended by striking out, in lines 11
4 and 12, the words “state planning board” and in-
5 serting in place thereof the words: — division of
6 planning of the department of commerce.

1 SECTION 8. The second paragraph of section
2 26KK of chapter 121 of the General Laws, as amended
3 by chapter 486 of the acts of 1947, is hereby further
4 amended by striking out, in lines 7 and 8, the words
5 “state planning board” and inserting in place thereof
6 the words: — division of planning in the department
7 of commerce.

1 SECTION 9. The existing state planning board is
2 hereby abolished, and the powers and duties of said
3 board are hereby transferred to, and shall hereafter
4 be exercised and performed by, the division of plan-
5 ning of the department of commerce created by this
6 act. All maps, charts, plans and property in the
7 possession of said board shall be delivered to said
8 division of planning. The employees of said board
9 who hold positions classified under chapter thirty-
10 one of the General Laws, or are subject to the pro-
11 visions of section nine A of chapter thirty of the
12 General Laws, are hereby transferred to the service
13 of said department without impairment of their
14 civil service, retirement, seniority or other rights.

1 SECTION 10. The existing Massachusetts develop-
2 ment and industrial commission is hereby abolished
3 and the powers and duties of said commission are
4 hereby transferred to, and shall hereafter be exer-
5 cised and performed by, the department of commerce
6 created by this act. Said commission shall transfer
7 to said department all property, records and other
8 data now in its custody. The employees of said
9 commission who hold positions classified under
10 chapter thirty-one of the General Laws, or are subject
11 to the provisions of section nine A of chapter thirty
12 of the General Laws, are hereby transferred to the
13 service of the department of commerce without im-
14 pairment of their civil service, retirement, seniority
15 or other rights.

1 SECTION 11. Wherever used in any existing
2 statute, lease, contract, agreement or publication, the
3 words "state planning board", or "Massachusetts de-

4 velopment and industrial commission" shall con-
5 note the department or the relevant division thereof
6 established by this act.

1 SECTION 12. The governor, with the advice and
2 consent of the council, shall, as soon as may be, ap-
3 point a commissioner of commerce for a term of
4 five years.

1 SECTION 13. Funds available for expenditure by
2 the "Massachusetts development and industrial
3 commission" and by the "state planning board"
4 shall be available for expenditure by the department
5 of commerce created by this act.

