

By Mr. Gallagher of Boston, petition of Thomas M. Gallagher for legislation to establish the division of industrial facilities viability, Commerce and Labor.

The Commonwealth of Massachusetts

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

AN ACT ESTABLISHING THE DIVISION OF INDUSTRIAL FACILITIES VIABILITY.

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. Section 3 of chapter 23A, as most recently
2 amended by section 1 of chapter 521 of the acts of 1978, is hereby
3 further amended by striking out the first sentence and inserting in
4 place thereof the following sentence: — There shall be in the
5 department the following six divisions: economic development,
6 small business assistance, state office of minority business assist-
7 ance, tourism, planning and industrial facilities viability.

1 SECTION 2. Said chapter 23A is hereby further amended by
2 inserting at the end thereof the following six sections: —

3 *Section 42.* It is the policy of the commonwealth to protect
4 employees and communities from unnecessary closing of industrial
5 facilities. Some closings are the result of gradual divestment by
6 parent corporations which are willing to phase out profitable
7 operations. Other closings are the result of problems affecting
8 locally owned firms which are not intrinsic to the actual business
9 operations. Early knowledge of these and other developments
10 which often lead to closings and reductions in operations makes it
11 easier for the commonwealth and other concerned parties to inter-
12 vene and prevent such events from taking place. In order to attain
13 this knowledge of developments which often lead to closings, the
14 commonwealth has a special responsibility to seek, through all

15 possible means of investigation, specific information, both finan-
16 cial and non-financial, about particular firms which local govern-
17 ments have reason to believe are likely to close or reduce opera-
18 tions and about which such local governments have requested the
19 commonwealth to investigate. The commonwealth also has need to
20 seek information about the industry of which a particular firm is a
21 part as well as the regional economy in which it operates. Such
22 information shall be the basis for a determination of the common-
23 wealth if the facilities could be operated viably if some state or
24 private actions were undertaken. Such information is sought with
25 the purpose of the commonwealth actively soliciting a suitable
26 buyer for the facility if deemed appropriate.

27 *Section 43.* As used in sections forty-four to forty-seven, inclu-
28 sive, the following words shall have the following meaning, unless
29 contrary intent is clearly indicated:

30 — “DIFV”, the division of industrial facilities viability as desig-
31 nated by section forty-four.

32 — “Department”, the department of commerce and develop-
33 ment.

34 — “Commissioner”, the commissioner of the department.

35 — “Deputy Commissioner”, the director of the DIFV.

36 — “Governor”, the governor of the commonwealth.

37 *Section 44.* There shall be a division of industrial facilities via-
38 bility in the department of commerce and development.

39 *Section 45.* The commissioner shall have all necessary author-
40 ity to utilize existing staff in the department, and to add new staff,
41 to effect the purposes of sections forty-two to forty-seven inclusive,
42 and shall have the authority to seek such funds, public or private,
43 as may be available and needed to carry out the intent of said
44 sections.

45 *Section 46.* DIFV shall have a director who shall be a deputy
46 commissioner, an assistant director who shall be an assistant dep-
47 uty commissioner, and such other specialists in determining the
48 economic viability of industrial facilities as may, from time to time,
49 be authorized.

50 *Section 47.* (1) DIFV shall investigate, upon request of a local
51 government, the economic viability of an industrial facility with
52 particular focus on such viability if state or private actions were

53 undertaken to keep such facility from closing or reducing oper-
54 ations.

55 (2) DIFV is hereby authorized, subject to approval by the
56 Commissioner, to establish programs and policies which will ena-
57 ble it to obtain all possible information necessary to make a deter-
58 mination as to the viability of an industrial facility.

59 (3) DIFV, through the commissioner, shall coordinate its activi-
60 ties with those of other offices and activities of the department.

61 (4) DIFV shall make the results of its investigation available to
62 local governments which requested the investigation, the commis-
63 sioner, and the governor.

64 (5) DIFV shall undertake, when necessary in conjunction with
65 the above activity, assessment of the broader regional economic
66 context within which particular firms operate.

