

HOUSE No. 2085

The Commonwealth of Massachusetts

HOUSE OF REPRESENTATIVES, June 7, 1946.

The committee on Ways and Means, to whom were referred the Bill establishing a state commission, to be known as the small business commission, and defining its powers and duties (House, No. 835), and the Bill establishing a department of commerce and defining its powers and duties (House, No. 1486), report the accompanying bill (House, No. 2085).

For the committee,

CHARLES GIBBONS.

[Representatives DOYLE of Worcester, PATRICK GILBERT SULLIVAN of Boston, POWERS of Boston, CONWAY of Millville and DOOLEY of Taunton dissenting.]

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Forty-Six.

AN ACT ESTABLISHING A DIVISION OF COMMERCE.

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. Chapter twenty-three of the General
2 Laws is hereby amended by striking out sections
3 eleven B to eleven D, inclusive, as amended, and
4 the caption preceding said section eleven B, and
5 inserting in place thereof the following new sections,
6 under the caption

7 DIVISION OF COMMERCE.

8 *Section 11B.* There shall be in the department,
9 but in no respect subject to the jurisdiction thereof,
10 a division of commerce, in sections eleven C to
11 eleven H, inclusive, called the division, which shall
12 be under the control and supervision of an unpaid
13 commission, hereinafter in said sections called the
14 commission, to consist of five members to be ap-
15 pointed by the governor, with the advice and con-
16 sent of the council. Not more than three of said mem-
17 bers shall be members of the same political party.
18 The commission shall annually choose one of its mem-
19 bers as chairman. Upon the expiration of the term
20 of office of a member, his successor shall be appointed
21 in the manner aforesaid for a period of five years.
22 The members shall receive for necessary traveling

23 expenses incurred in the performance of their official
24 duties.

25 *Section 11C.* There shall be within the department
26 an interdepartmental co-operation and advisory
27 committee which shall have the duty of advising,
28 assisting and co-operating with the division in the
29 development and execution of such policies and
30 activities in the division and within their own com-
31 missions or departments, respectively, as will best
32 promote and further the purposes of sections eleven B
33 to eleven H, inclusive. Said committee shall consist
34 of the chairman of the commission on interstate
35 co-operation, the chairman of the metropolitan dis-
36 trict commission, the commissioner of conservation,
37 the commissioner of corporations and taxation, the
38 commissioner of agriculture, the commissioner of
39 labor and industries, the chairman of the public
40 utilities commission, the chairman of the Massa-
41 chusetts aeronautics commission, the commissioner
42 of public works, and the chairman of the Boston Port
43 Authority. The chairman of the commission shall
44 be chairman of the advisory committee.

45 *Section 11D.* It shall be the duty of the division
46 to promote and develop the economic, industrial,
47 agricultural, recreational and natural resources of the
48 commonwealth in accordance with the provisions of
49 sections eleven B to eleven H, inclusive, and for
50 such purposes shall —

51 (a) Conduct research studies of economic, indus-
52 trial, agricultural, recreational and natural resources
53 in the commonwealth.

54 (b) Seek to co-ordinate the activities of unofficial
55 bodies organized for the promotion and development
56 of said resources.

57 (c) Advertise, prepare, print and distribute books,
58 maps, charts and pamphlets which in its judgment
59 will further the purposes of said sections.

60 (d) Accept contributions, and, subject to the ap-
61 proval of the governor and council, may expend the
62 same and may contribute to the New England Coun-
63 cil such sum or sums as the governor and council
64 may approve for the purpose of furthering the rec-
65 reational advantages of the New England states.

66 (e) Expend such sums as may be appropriated by
67 the general court to carry out the purposes of said
68 sections.

69 (f) Make recommendations to the governor and to
70 the general court as to necessary or desirable legisla-
71 tion or action pertaining thereto.

72 *Section 11E.* Subject to the approval of the
73 governor and council, the commission may appoint
74 and fix the compensation of a director, secretary and
75 such experts as it may require, and may remove them
76 with like approval. Said director may be appointed
77 from the membership of the commission and, if so ap-
78 pointed, shall receive compensation as such director.
79 The division shall have an office in the city of Boston
80 and may employ, within the limits of the amount
81 appropriated therefor, such clerks and other employ-
82 ees as it may deem necessary and, subject to appro-
83 priation, may incur such other expenses, including
84 the expense for the promotion, advertising and de-
85 velopment of the resources of the commonwealth.

86 *Section 11F.* There shall be within the division
87 an unpaid committee, to be known as the Small Busi-
88 ness Advisory Committee and to consist of three
89 members who shall be appointed by the governor,
90 with the advice and consent of the council, for terms
91 of three years. In the appointment of the original

92 members, one shall be appointed for a term of one
93 year, one for a term of two years and one for a term
94 of three years. Upon the expiration of the term of
95 office of a member, his successor shall be appointed
96 for a term of three years in like manner. Not more
97 than two members of the committee shall be mem-
98 bers of the same political party. The members shall
99 receive their necessary expenses incurred while in the
100 performance of their official duties.

101 *Section 11G.* The commission annually in Decem-
102 ber shall make to the governor and council and to the
103 general court a full report in writing, and may submit
104 with such report such recommendations pertaining to
105 its affairs as it may deem advisable, together with
106 drafts of such legislation as it may recommend.

107 *Section 11H.* All departments, divisions, commis-
108 sions and other subdivisions of the commonwealth
109 shall, upon request, furnish the commission with
110 copies of all appropriate statistics and other data
111 compiled by them, excepting any information re-
112 quired to be withheld.

1 SECTION 2. The initial membership of the commis-
2 sion established by section one of this act shall
3 consist of the members of the Massachusetts Develop-
4 ment and Industrial Commission in office immedi-
5 ately prior to the effective date of this act and they
6 shall continue to serve as members of said com-
7 mission until the expiration of their respective terms,
8 notwithstanding any provision of this act to the con-
9 trary.

1 SECTION 3. All employees serving under the
2 authority of section eleven C of chapter twenty-three
3 of the General Laws immediately prior to the effec-

4 tive date of this act are hereby transferred to the
5 employ of the division of commerce, established by
6 this act, without impairment of their civil service
7 status, if any, and they shall retain all present rights
8 now given them under chapter thirty-one of the
9 General Laws, if any, and such employees shall retain
10 any step increases in salary heretofore earned by them,
11 and for retirement purposes their previous service
12 shall be deemed to be continuous service.

1 SECTION 4. The division of commerce, established
2 by this act, is hereby authorized and directed to
3 make, during the fiscal year ending June thirtieth,
4 nineteen hundred and forty-seven, a comprehensive
5 investigation and study of the entire economy of the
6 commonwealth. Such investigation and study shall
7 contain an analysis of the existing laws, regulations,
8 programs and administrative practices of the common-
9 wealth relating to activities having a bearing upon
10 industrial and commercial growth within the common-
11 wealth to ascertain what policies, if any, hinder
12 such growth and place the commonwealth in an
13 unfavorable competitive position with other states,
14 and to determine what changes in policies are de-
15 sirable for fostering the development of industry
16 and commerce. Such investigation and study shall
17 include, but shall not be restricted to: (1) the causes
18 of industrial migration from the commonwealth;
19 (2) taxation; (3) marketing; (4) labor conditions,
20 labor conditions, problems and legislation including
21 a study of labor laws of competitive states; (5) recrea-
22 tion; (6) transportation; (7) the functions of existing
23 department, divisions, commissions, boards or agen-
24 cies of the commonwealth in so far as they relate to

25 the development and promotion of commerce, in-
26 dustry, agriculture and recreation; and (8) such
27 related matters and problems as, in the opinion of the
28 commission having control and supervision of said
29 division, may be pertinent to the purposes of this
30 section.

31 The report of said investigation and study shall
32 contain findings, comments and recommendations
33 relative to: (1) the conservation and development
34 of the natural resources of the commonwealth; (2)
35 the maintenance, in so far as possible, of present
36 industry within the commonwealth at a high level of
37 employment and prosperity; (3) the securing, estab-
38 lishment and retention of new industries and other
39 enterprises; (4) ways and means of encouraging,
40 promoting, and expanding the prosperous growth
41 and progress of Massachusetts business, industry,
42 commerce and agriculture, including proposals for
43 the elimination of any restrictions and burdens im-
44 posed by law or otherwise existing which adversely
45 affect and retard said prosperous growth and prog-
46 ress, with particular attention to the problems of
47 small business; (5) the most effective organizational
48 structure which can be established within the state
49 government to attack the problems uncovered, in-
50 cluding a statement as to objectives, functions, or-
51 ganizational structure, and personnel and financial
52 requirements of the proposed organization.

53 Said division, in making its investigation and
54 study hereunder, may hold hearings and may call
55 upon the departments, commissions, boards, divi-
56 sions, bureaus or agencies of the commonwealth for
57 such information as it may desire in the course of its
58 investigation and study.

59 For the purpose of the investigation and study
60 under this section, said division of commerce may
61 hire technical assistance, including experts in the
62 fields of industry, taxation, labor, marketing, recre-
63 ation and other fields related to the commerce and
64 industry in the commonwealth and may spend for
65 clerical and other services and expenses such sums,
66 not exceeding in the aggregate forty thousand dol-
67 lars, as may hereafter be appropriated therefor.

68 Said division of commerce shall make a report to
69 the general court on the results of its investigation
70 and study under this section, together with its recom-
71 mendations and drafts of legislation necessary to
72 carry into effect its recommendations, in so far as
73 they relate to changes in the laws of this common-
74 wealth, by filing the same with the clerk of the house
75 of representatives not later than the first day of
76 March in the year nineteen hundred and forty-seven.