

HOUSE No. 3893

The Commonwealth of Massachusetts

PRESENTED BY:

Mike Connolly

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act facilitating public ownership of public utilities.

PETITION OF:

| NAME: | DISTRICT/ADDRESS: | DATE ADDED: |
|------------------------------------|--------------------------------|------------------|
| <i>Mike Connolly</i> | <i>26th Middlesex</i> | <i>1/16/2019</i> |
| <i>Denise Provost</i> | <i>27th Middlesex</i> | <i>6/10/2019</i> |
| <i>Tami L. Gouveia</i> | <i>14th Middlesex</i> | <i>6/10/2019</i> |
| <i>Christopher Hendricks</i> | <i>11th Bristol</i> | <i>6/10/2019</i> |
| <i>James B. Eldridge</i> | <i>Middlesex and Worcester</i> | <i>6/10/2019</i> |
| <i>James K. Hawkins</i> | <i>2nd Bristol</i> | <i>6/10/2019</i> |
| <i>Lindsay N. Sabadosa</i> | <i>1st Hampshire</i> | <i>6/10/2019</i> |
| <i>Elizabeth A. Malia</i> | <i>11th Suffolk</i> | <i>6/10/2019</i> |
| <i>Nika C. Elugardo</i> | <i>15th Suffolk</i> | <i>6/10/2019</i> |
| <i>David Henry Argosky LeBoeuf</i> | <i>17th Worcester</i> | <i>6/10/2019</i> |
| <i>Jack Patrick Lewis</i> | <i>7th Middlesex</i> | <i>6/10/2019</i> |

HOUSE No. 3893

By Mr. Connolly of Cambridge, a petition (accompanied by bill, House, No. 3893) of Mike Connolly and others for an investigation and study by a task force (including members of the General Court) relative to public ownership of public utilities. Telecommunications, Utilities and Energy.

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-First General Court
(2019-2020)**

An Act facilitating public ownership of public utilities.

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. (a) There shall be a task force to study and make actionable
2 recommendations to the general court for public ownership of (i) natural gas making,
3 distribution, supply, purchase and sale and (ii) electricity generation and distribution to
4 commercial, industrial and residential customers throughout the commonwealth. The task force
5 shall be comprised of the following members or their designees: the house and senate chairs of
6 the committee on telecommunications, utilities and energy; the house and senate chairs of the
7 committee on municipalities and regional government; the attorney general; the chairperson of
8 the department of public utilities; the president of the Massachusetts Public Interest Research
9 Group, Inc.; the president of the Environmental League of Massachusetts, Inc.; the executive
10 director of the Better Future Project; the chair of the Executive Committee for the Massachusetts
11 chapter of the Sierra Club; 1 representative of the International Brotherhood of Electrical
12 Workers appointed from each of the following local unions located in the commonwealth:

13 Boston (LU 103), Brockton (LU 223), Springfield (LU 7) and Worcester (LU 96) and a
14 representative from IBEW Local Union 99, who is a resident of the commonwealth; 1
15 representative of the United Steel Workers appointed from each local of USW District 4 in the
16 commonwealth, including 1 representative of United Steel Workers Local 12003 and 1
17 representative of United Steel Workers 12012-04, and the chair of the board of the
18 Massachusetts Municipal Wholesale Electric Company. The task force shall consult with other
19 individuals who have relevant expertise as needed.

20 (b) The task force shall study and make recommendations on the following:

21 (i) state-wide state, municipal or cooperative ownership of (1) natural gas making,
22 distribution, supply, purchase and sale and (2) electricity generation and distribution to
23 commercial, industrial and residential customers in cities, suburban regions and rural areas. The
24 task force shall also study and investigate the state of Nebraska's "Neighbor's First" model of
25 public ownership by municipal utilities, electric cooperatives or public power districts;

26 (ii) the performance of private utilities versus publicly owned utilities;

27 (iii) the governance structure of public ownership of (1) natural gas making,
28 distribution, supply, purchase and sale and (2) electricity generation and distribution to
29 commercial, industrial and residential customers throughout the commonwealth, including but
30 not limited to:

31 (a) cost of infrastructure, including development of construction projects that benefit
32 the state as a whole but are too big or too expensive for any 1 municipal or regional entity, such,
33 geothermal power plants, offshore wind farms or "pumped storage" hydropower facilities that
34 can bank electricity from solar or wind farms;

- 35 (b) cost savings to consumers;
- 36 (c) access to low cost debt;
- 37 (d) ability to facilitate rapid transition to 100 per cent renewable energy;
- 38 (e) access to new technology;
- 39 (f) productivity;
- 40 (g) union participation;
- 41 (h) service to large cities suburban regions, densely populated rural areas and sparsely
42 populated rural areas;
- 43 (i) profits from publicly owned utilities that can be made available for cross
44 subsidization for other public services, such as public transportation; and
- 45 (iv) the commonwealth as a shareholder of privately owned electric companies and
46 gas companies.

47 SECTION 2. (a) The task force shall meet not less than monthly. The task force shall
48 recommend to the general court acceptable policy terms for the public ownership of (i) natural
49 gas making, distribution, supply, purchase and sale and (ii) electricity generation and distribution
50 to commercial, industrial and residential customers throughout the commonwealth by the year
51 2026. That report, along with a joint petition shall be filed with the clerks of the senate and
52 house of representatives the title of which is as follows: "An act approving the recommendations
53 of the task force of public ownership of (i) natural gas making, distribution, supply, purchase and
54 sale and (ii) electricity generation and distribution to commercial, industrial and residential

55 customers throughout the commonwealth " shall be filed with the clerks of the senate and house
56 of representatives, the chairs of the house and senate committee on telecommunications, utilities
57 and energy and the house and senate chairs of the committee on municipalities and regional
58 government on or before January 1, 2021.

59 (b) The petition described in subsection (a) as introduced in the general court shall be
60 referred to the joint committee telecommunications, utilities and energy. If the committee to
61 which a petition described herein is referred has not reported such petition, or an identical
62 petition, before March 15, 2021, such committee shall be, as of April 15, 2021, discharged from
63 further consideration of such petition, and such petition shall be placed on the appropriate
64 calendar of the day.

65 (c) On or after the third day after the date on which the committee to which such a
66 petition is referred has reported, or has been discharged from further consideration of, such a
67 petition, it is in order (even though a previous motion to the same effect has been disagreed to)
68 for any member of the house or senate to call for the previous question on the main question of
69 the petition (but only on the day after the calendar day on which such member announces to the
70 house or senate respectively concerned the member's intention to do so). All points of order
71 against the petition (and against consideration of the petition) are waived. The motion is not
72 subject to amendment, or to a motion to postpone, or to a motion to proceed to the consideration
73 of other business. A motion to reconsider the vote by which the motion is agreed to or disagreed
74 to shall not be in order. If a motion to proceed to the consideration of the petition is agreed to, the
75 respective house of the general court shall immediately proceed to consideration of the joint
76 petition without intervening motion, order, or other business, and the petition shall remain the
77 unfinished business of the house or senate until disposed of.

78 (d) Debate on the petition, and on all debatable motions and appeals in connection
79 therewith, shall be limited to not more than 5 hours, which shall be divided equally between
80 those favoring and those opposing the petition. A motion to postpone, or a motion to proceed to
81 the consideration of other business, or a motion to recommit the petition is not in order. A
82 motion to reconsider the vote by which the petition is agreed to or disagreed to is not in order.

83 Immediately following the conclusion of the debate on a petition described herein and a
84 single quorum call at the conclusion of the debate if requested in accordance with the rules of the
85 house or senate, the vote on final passage of the petition shall occur.

86 Appeals from the decisions of the chair relating to the application of the rules of the
87 senate or the house of representatives, as the case may be, to the procedure relating to a petition
88 described herein shall be decided without debate.

89 If, before the passage by either the house or senate of a petition of the house or senate
90 described herein, that chamber receives from the other chamber a petition described herein then
91 the following procedure shall apply: the petition of the other chamber shall not be referred to a
92 committee and may not be considered in the chamber receiving it except in the case of final
93 passage as provided herein and the procedures described herein shall govern.

94 (e) This Act is enacted by the general court: (i) as an exercise of the rulemaking power of
95 the senate and house of representatives, respectively, and as such it is deemed a part of the rules
96 of each chamber, respectively, but applicable only with respect to the procedure to be followed
97 in that chamber in the case of a petition described herein, and it supersedes other rules only to the
98 extent that it is inconsistent with such rules; and (ii) with full recognition of the constitutional
99 right of either chamber to change the rules (so far as relating to the procedure of that chamber) at

100 any time, in the same manner, and to the same extent as in the case of any other rule of that
101 chamber.

102 SECTION 3. This act shall take effect upon its passage.