

HOUSE No. 2893

The Commonwealth of Massachusetts

PRESENTED BY:

Stephen Kulik

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 relative to the authority of the Attorney General.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
<i>Stephen Kulik</i>	<i>1st Franklin</i>
<i>John W. Scibak</i>	<i>2nd Hampshire</i>
<i>Peter V. Kocot</i>	<i>1st Hampshire</i>
<i>Ellen Story</i>	<i>3rd Hampshire</i>
<i>Jennifer E. Benson</i>	<i>37th Middlesex</i>
<i>Michael O. Moore</i>	<i>Second Worcester</i>
<i>William Smitty Pignatelli</i>	<i>4th Berkshire</i>
<i>Benjamin B. Downing</i>	<i>Berkshire, Hampshire, Franklin and Hampden</i>
<i>Barbara L'Italien</i>	<i>Second Essex and Middlesex</i>
<i>Chris Walsh</i>	<i>6th Middlesex</i>

HOUSE No. 2893

By Mr. Kulik of Worthington, a petition (accompanied by bill, House, No. 2893) of Stephen Kulik and others relative to the authority of the Attorney General in reviewing certain applications that seeks to increase the supply gas and other non-renewable energy resources available in the Commonwealth. Telecommunications, Utilities and Energy.

The Commonwealth of Massachusetts

**In the One Hundred and Eighty-Ninth General Court
(2015-2016)**

An Act relative to the authority of the Attorney General.

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: G.L. c. 30, § 61 shall be amended by inserting the following paragraph after
2 the final paragraph of the existing section:

3 Where the works, projects or activities under review relate to a project that seeks to
4 increase the supply of non-renewable energy resources, specifically including, but not limited to,
5 a project that relates to an application that has been submitted pursuant to the Natural Gas Act,
6 the respective agency, department, board, commission or authority shall determine the extent to
7 which the Commonwealth requires such additional energy resources and whether any such need
8 for additional energy resources could be reasonably satisfied in another manner that better
9 preserves and protects the interest stated in this section.

10 Section 2: G.L. c. 30, § 62 shall be amended by inserting the following sentence at the
11 end of the final paragraph of existing section:

12 A person's application pursuant to the Natural Gas Act (or other activity that seeks to
13 increase the supply of non-renewable energy resources available in the Commonwealth) shall
14 constitute a "Project" under this section.

15 Section 3: G.L. c. 30, § 62A shall be amended by inserting the following paragraph after
16 the final paragraph of existing section:

17 In the case of projects relating to a person's application pursuant to the Natural Gas Act
18 (or other activity that seeks to increase the supply of non-renewable energy resources available in
19 the Commonwealth), the secretary of environmental affairs and/or the Attorney General shall
20 timely either undertake or direct that a review be taken to determine the environmental impacts
21 of said project and whether said project is reasonably deemed to potentially pose any adverse
22 consequences to the interests specified in Section 61 of this chapter. This paragraph in no way
23 restricts or diminishes the authority of the Attorney General and/or the secretary of
24 environmental affairs.

25 Section 4: G.L. c. 30, § 62B shall be amended by inserting the following paragraph after
26 the first paragraph of the existing section:

27 In the case of a project relating to a person's application pursuant to the Natural Gas Act
28 (or other activity that seeks to increase the supply of non-renewable energy resources available in
29 the Commonwealth), the Attorney General shall, either at its own discretion or upon the petition
30 of five or more members of the Commonwealth's House of Representatives and/or Senate,
31 coordinate with relevant agencies, departments, boards, commissions and authorities, including
32 but not limited to the secretary of environmental affairs and the Energy Facilities Siting Board, to
33 review such project pursuant to Section 61 of this chapter and to ensure that such review is

34 thorough, complete, and exacting, and performed in a manner that protects the interests stated
35 therein to the fullest extent possible under the law. The Attorney General, with the cooperation
36 of the Energy Facilities Siting Board and any other departments, commissions, or agencies that
37 the Attorney General identifies, shall oversee the drafting of an environmental impact report.
38 The Energy Facilities Siting Board shall act in a manner consistent with the conclusions of the
39 environmental impact report and the direction provided by the Attorney General to effectuate the
40 findings and recommendations of the environmental review. The Attorney General may
41 intervene in proceedings held pursuant to the Natural Gas Act on behalf of the Commonwealth.
42 Notwithstanding Chapter 164, §§ 69G, et al., the Attorney General shall resolve any conflicts
43 that arise in interpreting and/or effectuating the provisions of this chapter. The Attorney General
44 may promulgate regulations to assist in the effectuation of this chapter.

45 Section 5: G.L. c. 30, § 62G shall be amended by including the following introductory
46 phrase at the beginning of existing section:

47 Excepting projects relating to a person’s application pursuant to the Natural Gas Act (or
48 other activity that seeks to increase the supply of non-renewable energy resources available in
49 the Commonwealth),