

HOUSE No. 3679

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>1/20/2023</i>

HOUSE No. 3679

By Representative Connolly of Cambridge, a petition (accompanied by bill, House, No. 3679) of Mike Connolly for legislation to establish a task force (including members of the General Court) to study and make actionable recommendations regarding public ownership of public utilities. Telecommunications, Utilities and Energy.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE HOUSE, NO. 4025 OF 2021-2022.]

The Commonwealth of Massachusetts

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**In the One Hundred and Ninety-Third General Court
(2023-2024)**
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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 president of the
8 Massachusetts Public Interest Research Group, Inc.; the president of the Environmental League
9 of Massachusetts, Inc.; the executive director of the Better Future Project; the chair of the
10 Executive Committee for the Massachusetts chapter of the Sierra Club; 1 representative of the

11 International Brotherhood of Electrical Workers appointed from each of the following local
12 unions located in the commonwealth: Boston (LU 103), Brockton (LU 223), Springfield (LU 7)
13 and Worcester (LU 96) and a representative from IBEW Local Union 99, who is a resident of the
14 commonwealth; 1 representative of the United Steel Workers appointed from each local of USW
15 District 4 in the commonwealth, including 1 representative of United Steel Workers Local 12003
16 and 1 representative of United Steel Workers 12012-04, the chair of the board of the
17 Massachusetts Municipal Wholesale Electric Company, 4 representatives from Environmental
18 Justice focused organization with geographic diversity across the Commonwealth. The task force
19 shall consult with other 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 transition to renewables and (2) electricity generation
23 and distribution to commercial, industrial and residential customers in cities, suburban regions
24 and rural areas. The task force shall also study and investigate the state of Nebraska's
25 "Neighbor's First" model of public ownership by municipal utilities, electric cooperatives or
26 public power districts;

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

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

31 (a) cost of infrastructure, including development of construction projects that benefit the
32 state as a whole but are too big or too expensive for any 1 municipal or regional entity, such as,

33 geothermal power plants, offshore wind farms or “pumped storage” hydropower facilities that
34 can bank electricity from solar or wind farms; the handling of so called “stranded assets” for
35 example, the cost of gas distribution assets that will not be fully depreciated and financed before
36 they are retired under current ownership;

37 (b) cost savings, and fair and equitable rates for all consumers;

38 (c) access to low cost debt;

39 (d) ability to facilitate rapid transition to net-zero carbon emissions by 2030 and 100 per
40 cent renewable energy by 2040

41 (e) access to new technology;

42 (f) productivity;

43 (g) union participation;

44 (h) service to large cities suburban regions, densely populated rural areas and sparsely
45 populated rural areas;

46 (i) profits from publicly owned utilities that can be made available for cross subsidization
47 for other public services, such as public transportation; and

48 (iv) the commonwealth as a shareholder of privately owned electric companies and gas
49 companies.

50 (v) coordination of the use of current and future electric and gas infrastructure within the
51 commonwealth, including replacement of gas distribution infrastructure and end uses with
52 electric generation, transmission, and distribution infrastructure and end uses.

53 SECTION 2. (a) The task force shall meet not less than monthly. The task force shall
54 recommend to the general court acceptable policy terms for the public ownership of (i) natural
55 gas making, distribution, supply, purchase and sale and (ii) electricity generation and distribution
56 to commercial, industrial and residential customers throughout the commonwealth by the year
57 2026. That report, along with a joint petition shall be filed with the clerks of the senate and
58 house of representatives the title of which is as follows: "An act approving the recommendations
59 of the task force of public ownership of (i) natural gas making, distribution, supply, purchase and
60 sale and (ii) electricity generation and distribution to commercial, industrial and residential
61 customers throughout the commonwealth " shall be filed with the clerks of the senate and house
62 of representatives, the chairs of the house and senate committee on telecommunications, utilities
63 and energy and the house and senate chairs of the committee on municipalities and regional
64 government on or before January 1, 2024.

65 (b) The petition described in subsection (a) as introduced in the general court shall be
66 referred to the joint committee telecommunications, utilities and energy. If the committee to
67 which a petition described herein is referred has not reported such petition, or an identical
68 petition, before March 15, 2024, such committee shall be, as of April 15, 2024, discharged from
69 further consideration of such petition, and such petition shall be placed on the appropriate
70 calendar of the day.

71 (c) On or after the third day after the date on which the committee to which such a
72 petition is referred has reported, or has been discharged from further consideration of, such a
73 petition, it is in order (even though a previous motion to the same effect has been disagreed to)
74 for any member of the house or senate to call for the previous question on the main question of
75 the petition (but only on the day after the calendar day on which such member announces to the

76 house or senate respectively concerned the member's intention to do so). All points of order
77 against the petition (and against consideration of the petition) are waived. The motion is not
78 subject to amendment, or to a motion to postpone, or to a motion to proceed to the consideration
79 of other business. A motion to reconsider the vote by which the motion is agreed to or disagreed
80 to shall not be in order. If a motion to proceed to the consideration of the petition is agreed to, the
81 respective house of the general court shall immediately proceed to consideration of the joint
82 petition without intervening motion, order, or other business, and the petition shall remain the
83 unfinished business of the house or senate until disposed of.

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

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

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

95 If, before the passage by either the house or senate of a petition of the house or senate
96 described herein, that chamber receives from the other chamber a petition described herein then
97 the following procedure shall apply: the petition of the other chamber shall not be referred to a

98 committee and may not be considered in the chamber receiving it except in the case of final
99 passage as provided herein and the procedures described herein shall govern.

100 (e) This Act is enacted by the general court: (i) as an exercise of the rulemaking power of
101 the senate and house of representatives, respectively, and as such it is deemed a part of the rules
102 of each chamber, respectively, but applicable only with respect to the procedure to be followed
103 in that chamber in the case of a petition described herein, and it supersedes other rules only to the
104 extent that it is inconsistent with such rules; and (ii) with full recognition of the constitutional
105 right of either chamber to change the rules (so far as relating to the procedure of that chamber) at
106 any time, in the same manner, and to the same extent as in the case of any other rule of that
107 chamber.

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