

Accompanying the thirty-fourth recommendation of the Executive Office of Consumer Affairs and Business Regulation (House, No. 34).
Energy.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Ninety-One.

AN ACT TO AUTHORIZE THE GOVERNOR TO RESPOND TO ENERGY SUPPLY DISRUPTIONS.

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 25A of the General Laws,
2 as appearing in the 1988 Official Edition, is hereby amended by
3 adding after the paragraph beginning "Energy conservation
4 projects" the following paragraph: —

5 "Energy or fuel supply interruption", an interruption of energy
6 or fuel supply that (i) is or is likely to be of significant scope and
7 duration, and of an emergency nature; and (ii) may cause adverse
8 impact on the public health, safety or welfare.

1 SECTION 2. Section 6 of said chapter 25A of the General
2 Laws, as so appearing, is hereby amended by striking out sub-
3 section (1) and inserting in place thereof the following section: —

4 (1) develop, implement and administer programs relating to
5 energy conservation, alternative energy development, non-
6 renewable energy supply and resource development, energy bond
7 authority, energy information, and energy emergencies;.

1 SECTION 3. Said chapter 25A of the General Laws, as so
2 appearing, is hereby amended by striking out section 8 and
3 inserting in place thereof the following sections: —

4 Section 8. The commissioner shall prepare an energy
5 emergency response plan specifying actions to be taken due to an
6 actual or imminent energy or fuel supply interruption in the

7 Commonwealth or elsewhere. The energy emergency response
8 plan may include but shall not be limited to the following:

9 1) conservation contingency plans which would preserve
10 energy resources by more efficient utilization of these resources
11 and reduction of waste;

12 2) demand restraint contingency plans which would reduce
13 energy and fuel supply consumption;

14 3) supply management plans which would manage available
15 fuel supplies and their distribution to the public;

16 4) set-aside plans for allocating all or part of a percentage of
17 available supplies of energy or fuel among geographic areas of
18 the Commonwealth, users, persons, or categories of persons or
19 users; and

20 5) rationing contingency plans which would apportion
21 available energy or fuel supplies in an equitable manner according
22 to need.

23 The commissioner may take testimony and proofs under oath
24 with reference to any matter relating to an actual or imminent
25 energy or fuel supply interruption within the official purview of
26 the commissioner, and in connection therewith may issue
27 summonses and require the attendance and testimony of witnesses
28 and the production of books, papers, records, and other data.
29 Such summonses shall be served in the same manner as
30 summonses for witnesses in criminal cases issued on behalf of the
31 Commonwealth, and all provisions of law relative to summonses
32 in such cases shall, so far as applicable, apply to summonses issued
33 hereunder. Any justice of the supreme judicial court or of the
34 superior court may, upon the application of the commissioner,
35 compel the attendance of witnesses, the production of books,
36 papers, records, and other data, and the giving of testimony before
37 the commissioner in the same manner and to the same extent as
38 before the said courts.

39 Section 8A. The Governor shall have the authority to declare
40 an energy emergency in the Commonwealth, or any part of the
41 Commonwealth, due to actual or imminent energy or fuel supply
42 interruption in the Commonwealth or elsewhere. The declaration
43 of an energy emergency shall comply with the requirements of
44 section two of chapter thirty-A with regard to emergency
45 regulations. Upon issuance of such declaration, the Governor

46 shall designate by executive order, implement and enforce at his
47 discretion, with or without any federal delegation, action or
48 approval, the provisions of the energy emergency response plan,
49 all or in part, as have been developed by the division of energy
50 resources pursuant to section eight of this chapter. Such
51 declaration and the designation of the emergency measures to be
52 implemented shall become effective upon filing in the office of the
53 secretary of state and shall remain in effect for no more than ninety
54 days. Such declaration and any such designation shall be
55 published in full at least once in a newspaper having general
56 circulation in each city in the Commonwealth with a population
57 greater than ninety thousand; provided that failure to publish shall
58 not impair the validity of such declaration or designation.

59 The provisions of this section shall be deemed to be
60 supplemental and additional to, and not in derogation of, other
61 powers conferred upon the Governor and the commissioner;
62 provided, however, that upon declaring a state of emergency, the
63 Governor may supersede any other such emergency powers in
64 accordance with the provisions of this section.

