

HOUSE BILL No. 6134

September, 24, 1992, Introduced by Rep. Nye and referred to the Committee on Public Utilities.

A bill to provide for citizen participation in certain activities of public utilities that impact human health or the environment, or both; to impose certain fees; to prescribe the powers and duties of certain state agencies and officials; and to provide remedies.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 1. As used in this act:

2 (a) "Commission" means the commission of natural resources.

3 (b) "Person" means an individual, partnership, corporation,
4 association, governmental entity, or other legal entity.

5 (c) "Public utility" means a public utility regulated by the
6 Michigan public service commission.

7 (d) "Qualified citizen organization" means an organization
8 that has been in existence for more than a year and that has
9 registered with the commission.

1 Sec. 2. (1) Prior to construction or operation of any
2 facility, equipment, or activity that will affect human health or
3 the environment, or both, a public utility proposing the con-
4 struction or operation shall do all of the following:

5 (a) Submit to the commission a detailed description of the
6 proposed project.

7 (b) Submit to the commission an estimated cost of the
8 project.

9 (c) Submit to the commission a fee of 5% of the cost esti-
10 mate under subdivision (b).

11 (2) Upon receipt of money pursuant to subsection (1), the
12 commission shall deposit the money it receives into an escrow
13 account for the project to be used as provided in section 3.

14 (3) A public utility shall not begin construction or opera-
15 tion of any facility, equipment, or activity that will affect
16 human health or the environment for a period of 200 days after
17 the public utility has complied with subsection (1).

18 (4) A public utility subject to subsection (1) shall submit
19 progress reports to the commission as required by the
20 commission. If the public utility obtains information that the
21 actual cost of the project is higher than the estimate, the
22 public utility shall immediately after obtaining this information
23 notify the commission and submit additional fees as are
24 appropriate.

25 Sec. 3. (1) The commission shall approve all disbursements
26 from an escrow account established under section 2.

1 (2) Upon petition by a qualified citizen organization, the
2 commission may authorize expenditure of money in the escrow
3 account for either of the following purposes:

4 (a) Investigations into the project's affect on human
5 health.

6 (b) Investigations into the project's affect on the
7 environment.

8 Sec. 4. The commission shall maintain a registry of quali-
9 fied citizen organizations. A citizen organization that has been
10 established for more than 1 year may register with the
11 commission.

12 Sec. 5. If the Michigan public service commission deter-
13 mines that a public utility has violated this act, or upon inves-
14 tigation following notice from the commission that a public util-
15 ity is in violation of this act, the Michigan public service com-
16 mission shall issue an order to the public utility requiring the
17 public utility to suspend work on the project until the public
18 utility complies with this act.

19 Sec. 6. (1) A public utility that violates this act is
20 subject to a civil fine equal to the amount of money expended by
21 the public utility on the project involved in the violation.

22 (2) In addition to other relief authorized by law, the
23 attorney general may, on behalf of the state, commence a civil
24 action seeking 1 or more of the following:

25 (a) A civil fine provided for in subsection (1).

26 (b) A temporary or permanent injunction.

1 (c) Enforcement of an order of the Michigan public service
2 commission issued under section 5.