

HOUSE BILL No. 5807

April 22, 2004, Introduced by Reps. McConico and Bradstreet and referred to the Committee on Energy and Technology.

A bill to amend 1923 PA 238, entitled

"An act authorizing the formation of corporations for the purpose of generating, manufacturing, producing, gathering, storing, transmitting, distributing, transforming, selling and supplying electric energy or gas, either artificial or natural, or both electric energy and gas, to the public generally, or to public utilities or natural gas companies, and providing for and giving to such corporations and also to corporations heretofore lawfully organized, among other things, for such purposes; to corporations heretofore lawfully organized, or that may hereafter be lawfully organized and duly authorized to carry on the electric or gas business as a public utility in the state of Michigan; and to foreign corporations heretofore lawfully organized or that may hereafter be lawfully organized, among other things, for such purposes, and duly authorized to carry on business in the state of Michigan, the right to condemn private property for the uses provided for herein,"

by amending section 3 (MCL 486.253) and by adding section 5.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 3. (1) ~~Such~~ A corporation **formed under this act**
2 shall ~~furnish and~~ sell to the public ~~generally such~~ **the**
3 electric energy ~~as it shall generate or transmit and such gas as~~
4 ~~it shall manufacture, produce, store or transmit, in the carrying~~

~~1 on of its business it generates or transmits and the gas it~~
~~2 manufactures, produces, stores, or transmits, upon such~~
~~3 reasonable terms, rates, and conditions as shall be determined~~
~~4 from time to time by the Michigan public service commission. —~~
~~5 and said commission may for that purpose, —~~ **The Michigan public**
~~6 service commission may~~ examine all books and records of ~~such~~
~~7 the~~ corporation and audit the ~~same, and any~~ corporation. **Any**
~~8 order of said the~~ commission may be reviewed, set aside,
~~9 modified, or affirmed in the manner provided by law. —for the~~
~~10 review of orders of said commission pertaining to steam railroad~~
~~11 companies. In any case where either Act No. 9 or Act No. 69 of~~
~~12 the Public Acts of 1929, as amended,~~

~~13~~ **(2) If 1929 PA 9, MCL 483.101 to 483.120, 1929 PA 69, MCL**
~~14 460.501 to 460.506, or the electric transmission line~~
~~15 certification act, 1995 PA 30, MCL 460.561 to 460.575, requires a~~
~~16 certificate of necessity to be obtained from the Michigan public~~
~~17 service commission, then in such instance any such the~~
~~18 corporation shall, before commencing any condemnation~~
~~19 proceedings, first make application to, and obtain from said~~
~~20 the~~ commission ~~such certificate as is now or may hereafter, by~~
~~21 amendment, be required by the provisions of said acts, and shall,~~
~~22 in all other respects, comply with the requirements of said acts~~
~~23 a certificate as required under those acts.~~

~~24~~ **Sec. 5. (1) Subject to the electric transmission line**
~~25 certification act, 1995 PA 30, MCL 460.561 to 460.575, and the~~
~~26 uniform condemnation procedures act, 1980 PA 87, MCL 213.51 to~~
~~27 213.75, an independent transmission company shall have the power~~

1 to condemn property that is necessary to transmit electric energy
2 for public use.

3 (2) Except as otherwise provided under this section, in
4 condemning property under subsection (1), an independent
5 transmission company is subject to the same procedures and
6 requirements under this act as a corporation formed under this
7 act.

8 (3) Section 3(1) and any procedure or requirement under this
9 act that is inconsistent with the electric transmission line
10 certification act, 1995 PA 39, MCL 460.561 to 460.575, or the
11 uniform condemnation procedures act, 1980 PA 87, MCL 213.51 to
12 213.75, do not apply to an independent transmission company.

13 (4) As used in this act, "independent transmission company"
14 means a person, partnership, corporation, association, or other
15 legal entity, or its successors or assigns, engaged in this state
16 in the transmission of electricity using facilities it owns that
17 have been divested under section 10w of 1939 PA 3, MCL 460.10w,
18 and is independent of an electric utility, or an affiliate of the
19 utility, generating or distributing electricity to retail
20 customers in this state.

21 Enacting section 1. This amendatory act does not take
22 effect unless Senate Bill No. _____ or House Bill No. 5808
23 (request no. 04439'03) of the 92nd Legislature is enacted into
24 law.