

# SENATE BILL No. 940

November 29, 2007, Introduced by Senator BROWN and referred to the Committee on Finance.

A bill to amend 1939 PA 3, entitled

"An act to provide for the regulation and control of public and certain private utilities and other services affected with a public interest within this state; to provide for alternative energy suppliers; to provide for licensing; to include municipally owned utilities and other providers of energy under certain provisions of this act; to create a public service commission and to prescribe and define its powers and duties; to abolish the Michigan public utilities commission and to confer the powers and duties vested by law on the public service commission; to provide for the continuance, transfer, and completion of certain matters and proceedings; to abolish automatic adjustment clauses; to prohibit certain rate increases without notice and hearing; to qualify residential energy conservation programs permitted under state law for certain federal exemption; to create a fund; to provide for a restructuring of the manner in which energy is provided in this state; to encourage the utilization of resource recovery facilities; to prohibit certain acts and practices of providers of energy; to allow for the securitization of stranded costs; to reduce rates; to provide for appeals; to provide appropriations; to declare the effect and purpose of this act; to prescribe remedies and penalties; and to repeal acts and parts of acts,"

by amending section 100 (MCL 460.100), as added by 2000 PA 142.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1       Sec. 10o. (1) The acquisition, ownership, and disposition of  
2 any direct interest in any securitization bond shall not be taken  
3 into account in determining whether a person is subject to any  
4 income tax, ~~single business tax~~, franchise tax, business activities  
5 tax, intangible property tax, excise tax, stamp tax, or any other  
6 tax imposed by this state or any agency or political subdivision of  
7 this state.

8       (2) Any successor to an electric utility, whether pursuant to  
9 any bankruptcy, reorganization, or other insolvency proceeding or  
10 pursuant to any merger or acquisition, sale or transfer, by  
11 operation of law, as a result of electric utility restructuring or  
12 otherwise, shall perform and satisfy all obligations of the  
13 electric utility under the amendatory act that added this section  
14 in the same manner and to the same extent as the electric utility,  
15 including, but not limited to, collecting and paying to the person  
16 entitled to revenues with respect to the securitization property.

17       (3) An assignee or financing party shall not be considered to  
18 be a public utility or person providing electric service solely by  
19 virtue of the transactions described in this act.