

SENATE BILL NO. 348

May 29, 2025, Introduced by Senator BUMSTEAD and referred to Committee on Government Operations.

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 5 (MCL 486.255), as added by 2004 PA 197.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 5. (1) Subject to the electric transmission line
2 certification act, 1995 PA 30, MCL 460.561 to 460.575, and the
3 uniform condemnation procedures act, 1980 PA 87, MCL 213.51 to
4 213.75, an independent transmission company or an affiliated
5 transmission company ~~shall have~~ **has** the power to condemn property
6 that is necessary to transmit electric energy for public use except
7 for both of the following:

8 (a) An independent transmission company or affiliated
9 transmission company shall not circumvent a private agreement that
10 existed on ~~the effective date of the amendatory act that added this~~
11 ~~subsection~~ **July 12, 2004** under which the independent transmission
12 company or affiliated transmission company leases rights-of-way for
13 its electric transmission facilities from the utility.

14 (b) An independent transmission company or affiliated
15 transmission company shall not condemn property owned by an
16 electric or gas utility or municipally owned utility in a manner
17 ~~which~~ **that** unreasonably disrupts the ability of the electric or gas
18 utility or municipally owned utility to continue to provide service
19 to its customers. If a dispute exists under this subdivision, the
20 condemnation ~~shall~~ **must** not proceed until the ~~Michigan public~~
21 ~~service~~ commission determines that no unreasonable disruption is
22 involved. The commission shall make ~~its~~ **a** determination under this
23 subdivision ~~pursuant to~~ **in accordance with** a contested case under
24 the administrative procedures act of 1969, 1969 PA 306, MCL 24.201

1 to 24.328, ~~within~~ **not later than** 180 days ~~of~~ **after** the date an
 2 application or petition requesting a determination is filed with
 3 the commission. If the principal parties of record agree that the
 4 complexity of dispute involved requires additional time, the
 5 commission ~~may have~~ **has** up to 210 days from the date the
 6 application or petition was filed **to make a determination under**
 7 **this subdivision.**

8 (2) Except as otherwise provided under this section, in
 9 condemning property under subsection (1), an independent
 10 transmission company or affiliated transmission company is subject
 11 to the same procedures and requirements under this act as a
 12 corporation formed under this act.

13 (3) Section 3(1) and any procedure or requirement under this
 14 act that is inconsistent with the electric transmission line
 15 certification act, 1995 PA 30, MCL 460.561 to 460.575, or the
 16 uniform condemnation procedures act, 1980 PA 87, MCL 213.51 to
 17 213.75, do not apply to an independent transmission company or
 18 affiliated transmission company.

19 (4) As used in this act:

20 (a) "Affiliated transmission company" means ~~a~~ **either of the**
 21 **following:**

22 (i) **A** person, partnership, corporation, association, or other
 23 legal entity, or its successors or assigns, ~~which~~ **that** has fully
 24 satisfied the requirements to join a regional transmission
 25 organization, ~~as determined by the federal energy regulatory~~
 26 ~~commission,~~ **that** is engaged in this state in the transmission of
 27 electricity using facilities it owns, ~~that were transferred to the~~
 28 ~~entity by an electric utility that was engaged in the generation,~~
 29 ~~transmission, and distribution of electricity in this state on~~

~~December 31, 2000,~~ and **that** is not independent of an electric utility or an affiliate of the utility, generating or distributing electricity to retail customers in this state.

(ii) A person, partnership, corporation, association, or other legal entity, or its successors or assigns, that holds a certificate issued by the commission under the electric transmission line certification act, 1995 PA 30, MCL 460.561 to 460.575, if that entity is an affiliate of an electric utility generating or distributing electricity to retail customers in this state.

(b) "Commission" means the Michigan public service commission.

(c) ~~(b)~~ "Independent transmission company" means ~~a~~ either of the following:

(i) A person, partnership, corporation, association, or other legal entity, or its successors or assigns, that has fully satisfied the requirements to join a regional transmission organization and that is engaged in this state in the transmission of electricity using facilities it owns, ~~that have been divested to the entity by an electric utility that was engaged in the generation, transmission, and distribution of electricity in this state on December 31, 2000, and is independent of an electric utility or~~ if that entity is not an affiliate of ~~the~~ an electric utility ~~, generating or distributing electricity to retail customers in this state.~~

(ii) A person, partnership, corporation, association, or other legal entity, or its successors or assigns, that holds a certification issued by the commission under the electric transmission line certification act, 1995 PA 30, MCL 460.561 to 460.575, if that entity is not an affiliate of an electric utility

1 **generating or distributing electricity to retail customers in this**
2 **state.**

3 Enacting section 1. This amendatory act does not take effect
4 unless all of the following bills of the 103rd Legislature are
5 enacted into law.

6 (a) House Bill No. ____ (request no. H01720'25).

7 (b) Senate Bill No. 346.