

HOUSE BILL No. 5770

April 23, 1998, Introduced by Reps. Stallworth, Kilpatrick, Hale and Thomas and referred to the Committee on Public Utilities.

A bill to amend 1939 PA 3, entitled

"An act to provide for the regulation and control of public utilities and other services affected with a public interest within this state; 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 therein 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 rate increases without notice and hearing; to qualify residential energy conservation programs permitted under state law for certain federal exemption; to provide for a restructuring of rates for certain utilities; to encourage the utilization of resource recovery facilities; to provide for appeals; to provide appropriations; to declare the effect of this act; to prescribe penalties; and to repeal all acts contrary to this act,"

by amending section 1 (MCL 460.1).

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 1. (1) ~~A commission to be known and designated as the~~
2 ~~"Michigan public service commission" is hereby created, which~~
3 ~~shall consist of 3 members, not more than 2 of whom shall be~~
4 ~~members of the same political party, appointed by the governor~~

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~~1 with the advice and consent of the senate. Each member shall be
2 a citizen of the United States, and of the state of Michigan, and
3 no member of said commission shall be pecuniarily interested in
4 any public utility or public service subject to the jurisdiction
5 and control of the commission. During his term no member shall
6 serve as an officer or committee member of any political party
7 organization or hold any office or be employed by any other com=
8 mission, board, department or institution in this state. No com=
9 mission member shall be retained or employed by any public util=
10 ity or public service subject to the jurisdiction and control of
11 the commission during the time he is acting as such commissioner,
12 and for 6 months thereafter, and no member of the commission, who
13 is a member of the bar of the state of Michigan, shall practice
14 his profession or act as counselor or attorney in any court of
15 this state during the time he is a member of said commission:
16 Provided, however, This shall not require any commissioner to
17 retire from, or dissolve any partnership, of which he is a
18 member, but said partnership, while he is a member of the commis=
19 sion, shall not engage in public utility practice. Immediately
20 upon the taking effect of this act, the offices of the present
21 members of the Michigan public service commission are hereby
22 abolished, and the members of the Michigan public service commis=
23 sion as herein created shall be appointed by the governor with
24 the advice and consent of the senate, for terms of 6 years each:
25 Provided, That of the members first appointed, 1 shall be
26 appointed for a term of 2 years, 1 for a term of 4 years, and 1
27 for a term of 6 years. Upon the expiration of said terms~~

1 ~~successors shall be appointed with like qualifications and in~~
2 ~~like manner for terms of 6 years each, and until their successors~~
3 ~~are appointed and qualified. Vacancies shall be filled in the~~
4 ~~same manner as is provided for appointment in the first~~
5 ~~instance.~~ THE MICHIGAN PUBLIC SERVICE COMMISSION IS CREATED IN
6 THE DEPARTMENT OF CONSUMER AND INDUSTRY SERVICES.

7 (2) THE COMMISSION SHALL CONSIST OF 5 MEMBERS APPOINTED BY
8 THE GOVERNOR FOR 6-YEAR STAGGERED TERMS WITH THE ADVICE AND CON-
9 SENT OF THE SENATE. NOT MORE THAN 3 COMMISSION MEMBERS MAY BE OF
10 THE SAME POLITICAL PARTY. EACH COMMISSION MEMBER SHALL BE A CIT-
11 IZEN OF THE UNITED STATES AND THIS STATE.

12 (3) THE GOVERNOR SHALL DESIGNATE 1 COMMISSION MEMBER TO
13 SERVE AS CHAIRPERSON OF THE COMMISSION.

14 (4) A COMMISSION MEMBER SHALL NOT BE PECUNIARILY INTERESTED
15 IN A PUBLIC UTILITY SUBJECT TO THE COMMISSION'S JURISDICTION.
16 DURING HIS OR HER TERM, A COMMISSION MEMBER SHALL NOT SERVE AS AN
17 OFFICER OR COMMITTEE MEMBER OF A POLITICAL PARTY ORGANIZATION,
18 HOLD ANY OFFICE, OR BE EMPLOYED BY ANY OTHER COMMISSION, BOARD,
19 DEPARTMENT, OR INSTITUTION OF THIS STATE.

20 (5) A COMMISSION MEMBER SHALL NOT BE RETAINED OR EMPLOYED BY
21 A PUBLIC UTILITY OR PERSON SUBJECT TO THE COMMISSION'S JURISDIC-
22 TION WHILE HE OR SHE IS ACTING AS A COMMISSION MEMBER OR FOR 6
23 MONTHS AFTER THAT TIME.

24 (6) A COMMISSION MEMBER WHO IS ALSO A MEMBER OF THE STATE
25 BAR OF MICHIGAN SHALL NOT PRACTICE LAW OR ACT AS COUNSELOR OR
26 ATTORNEY IN A COURT OF THIS STATE WHILE HE OR SHE IS A COMMISSION
27 MEMBER.

1 (7) THIS SECTION DOES NOT REQUIRE A COMMISSION MEMBER TO
2 RETIRE FROM OR DISSOLVE A PARTNERSHIP OF WHICH HE OR SHE IS A
3 MEMBER, BUT THE PARTNERSHIP SHALL NOT ENGAGE IN PUBLIC UTILITY
4 PRACTICE WHILE HE OR SHE IS A COMMISSION MEMBER.

5 (8) WHEN A COMMISSION MEMBER'S TERM EXPIRES, THE GOVERNOR
6 SHALL APPOINT A SUCCESSOR SUBJECT TO THE REQUIREMENTS OF THIS
7 SECTION, FOR A TERM OF 6 YEARS OR UNTIL HIS OR HER SUCCESSOR IS
8 APPOINTED AND QUALIFIED.

9 (9) A VACANCY ON THE COMMISSION SHALL BE FILLED IN THE SAME
10 MANNER AS IS PROVIDED FOR AN APPOINTMENT OF A COMMISSION MEMBER
11 UNDER THIS SECTION. IF A VACANCY IS CREATED OTHER THAN BY EXPI-
12 RATION OF A TERM, THE NEW COMMISSION MEMBER SHALL BE APPOINTED
13 FOR THE BALANCE OF THE UNEXPIRED TERM OF THE COMMISSION MEMBER TO
14 BE SUCCEDED.