

HOUSE BILL NO. 5311

November 09, 2023, Introduced by Reps. St. Germaine, Roth, Rigas, Alexander, DeBoyer, Schmaltz, Steele, Borton, Thompson, Kunse, Martin, Markkanen, Jaime Greene and Cavitt and referred to the Committee on Government Operations.

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 powers and duties of certain state governmental officers and entities; 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 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 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~~ **The**
3 **Michigan public service commission is created in the department of**
4 **licensing and regulatory affairs.**

5 **(2)** **The commission** shall consist of ~~3-5~~ members, not more than
6 2 of whom ~~shall be~~ **are** members of the same political party,
7 appointed **as follows:**

8 **(a)** **Three members appointed** by the governor with the advice
9 and consent of the senate.

10 **(b)** **One member appointed by the governor from a list submitted**
11 **by the senate majority leader.**

12 **(c)** **One member appointed by the governor from a list submitted**
13 **by the speaker of the house of representatives.**

14 **(3)** Each member ~~shall of the commission must~~ be a citizen of
15 the United States ~~, and of the this state. of Michigan, and no~~
16 ~~member of said commission~~ **A member of the commission shall not** be
17 pecuniarily interested in any public utility or ~~public service~~
18 **person** subject to the jurisdiction and control of the commission.
19 During ~~his a member's~~ term, ~~no a member of the commission shall not~~
20 serve as an officer or committee member of any political party
21 organization, ~~or~~ hold any office, or be employed by any other

1 commission, board, department, or institution in this state. ~~No~~
 2 ~~commission~~

3 **(4) A member of the commission shall not** be retained or
 4 employed by any public utility or ~~public service~~ **person** subject to
 5 the jurisdiction and control of the commission ~~during the time he~~
 6 **while the member** is acting as ~~such commissioner, and a member of~~
 7 **the commission or** for 6 months ~~thereafter, and no~~ **after that time.**

8 **(5) A member of the commission** ~~,~~ who is a member of the ~~bar of~~
 9 ~~the state~~ **State Bar** of Michigan ~~,~~ shall **not** practice ~~his profession~~
 10 **law** or act as counselor or attorney in any court of this state
 11 ~~during the time he~~ **while the individual** is a member of ~~said the~~
 12 commission. ~~∴ Provided, however, This shall~~

13 **(6) This section does** not require any ~~commissioner~~ **member of**
 14 **the commission** to retire from ~~,~~ or dissolve any partnership ~~,~~ of
 15 which ~~he~~ **the individual** is a member, but ~~said the~~ partnership ~~,~~
 16 ~~while he is a member of the commission,~~ shall **must** not engage in
 17 public utility practice ~~. Immediately upon the taking effect of~~
 18 ~~this act, the offices of the present members of the Michigan public~~
 19 ~~service commission are hereby abolished, and the members of the~~
 20 ~~Michigan public service commission as herein created shall be~~
 21 ~~appointed by the governor with the advice and consent of the~~
 22 ~~senate, for terms of 6 years each: Provided, That of the members~~
 23 ~~first appointed, 1 shall be appointed for a term of 2 years, 1 for~~
 24 ~~a term of 4 years, and 1 for a term of 6 years. Upon the expiration~~
 25 ~~of said terms successors shall be appointed with like~~
 26 ~~qualifications and in like manner for terms of 6 years each, and~~
 27 ~~until their successors are appointed and qualified. Vacancies shall~~
 28 ~~be filled in the same manner as is provided for appointment in the~~
 29 ~~first instance.~~ **while the individual is a member of the commission.**

1 (7) Members of the commission shall serve for terms of 4 years
2 or until a successor is appointed, whichever is later. If a vacancy
3 occurs on the commission, the governor shall make an appointment
4 for the unexpired term in the same manner as the original
5 appointment.