

HOUSE BILL No. 4964

June 17, 1991, Introduced by Reps. Nye, Oxender, Keith, Emerson, Hoekman, Fitzgerald, Bartnik, Griffin, London, Martin, Jondahl, Bender, Jaye, Dalman, Munsell, DeLange, Walberg, Scott, Middleton, Van Singel, Hoffman, Profit, Gilmer, Dolan, Harder, Perry Bullard and Strand and referred to the Committee on Taxation.

A bill to amend Act No. 3 of the Public Acts of 1939, entitled as amended

"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,"

as amended, being sections 460.1 to 460.8 of the Michigan

Compiled Laws, by adding section 6p.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Act No. 3 of the Public Acts of 1939, as
2 amended, being sections 460.1 to 460.8 of the Michigan Compiled
3 Laws, is amended by adding section 6p to read as follows:

4 SEC. 6P. (1) WITHIN 60 DAYS AFTER THE EFFECTIVE DATE OF THE
5 AMENDATORY ACT ADDING THIS SECTION, THE COMMISSION SHALL COMMENCE
6 A CONTESTED CASE PURSUANT TO CHAPTER 4 OF THE ADMINISTRATIVE PRO-
7 CEDURES ACT OF 1969, ACT NO. 306 OF THE PUBLIC ACTS OF 1969,
8 BEING SECTIONS 24.271 TO 24.287 OF THE MICHIGAN COMPILED LAWS, TO
9 REDUCE THE RATES OF EACH UTILITY UNDER ITS JURISDICTION TO
10 REFLECT THE NET TAX SAVINGS TO THE UTILITY, IF ANY, AS A RESULT
11 OF THE REPEAL OF THE FOLLOWING ACTS:

12 (A) THE GENERAL PROPERTY TAX ACT, ACT NO. 206 OF THE PUBLIC
13 ACTS OF 1893, BEING SECTIONS 211.1 TO 211.157 OF THE MICHIGAN
14 COMPILED LAWS.

15 (B) ACT NO. 188 OF THE PUBLIC ACTS OF 1899, BEING SECTIONS
16 205.201 TO 205.221 OF THE MICHIGAN COMPILED LAWS.

17 (C) ACT NO. 86 OF THE PUBLIC ACTS OF 1917, BEING SECTIONS
18 320.271 TO 320.281 OF THE MICHIGAN COMPILED LAWS.

19 (D) ACT NO. 94 OF THE PUBLIC ACTS OF 1925, BEING SECTIONS
20 320.301 TO 320.314 OF THE MICHIGAN COMPILED LAWS.

21 (E) ACT NO. 301 OF THE PUBLIC ACTS OF 1939, BEING SECTIONS
22 205.131 TO 205.147 OF THE MICHIGAN COMPILED LAWS.

23 (F) ACT NO. 77 OF THE PUBLIC ACTS OF 1951, BEING SECTIONS
24 211.621 TO 211.626 OF THE MICHIGAN COMPILED LAWS.

25 (G) ACT NO. 243 OF THE PUBLIC ACTS OF 1959, BEING SECTIONS
26 125.1035 TO 125.1043 OF THE MICHIGAN COMPILED LAWS.

1 (H) ACT NO. 198 OF THE PUBLIC ACTS OF 1974, BEING SECTIONS
2 207.551 TO 207.571 OF THE MICHIGAN COMPILED LAWS.

3 (I) ACT NO. 438 OF THE PUBLIC ACTS OF 1976, BEING SECTIONS
4 207.601 TO 207.615 OF THE MICHIGAN COMPILED LAWS.

5 (J) THE COMMERCIAL REDEVELOPMENT ACT, ACT NO. 255 OF THE
6 PUBLIC ACTS OF 1978, BEING SECTIONS 207.651 TO 207.668 OF THE
7 MICHIGAN COMPILED LAWS.

8 (K) THE TECHNOLOGY PARK DEVELOPMENT ACT, ACT NO. 385 OF THE
9 PUBLIC ACTS OF 1984, BEING SECTIONS 207.701 TO 207.718 OF THE
10 MICHIGAN COMPILED LAWS.

11 (L) THE ENTERPRISE ZONE ACT, ACT NO. 224 OF THE PUBLIC ACTS
12 OF 1985, BEING SECTIONS 125.2101 TO 125.2122 OF THE MICHIGAN
13 COMPILED LAWS.

14 (2) THE COMMISSION MAY IMPLEMENT SUBSECTION (1) THROUGH AN
15 INDIVIDUAL CONTESTED CASE FOR EACH UTILITY OR THROUGH ANY COMBI-
16 NATION OF CONSOLIDATED CONTESTED CASES AS THE COMMISSION DETER-
17 MINES IS APPROPRIATE. THE RATE REDUCTION REQUIRED BY SUBSECTION
18 (1) MAY BE DONE WITHIN A UTILITY'S ONGOING RATE CASE.

19 (3) IN CALCULATING THE NET TAX SAVINGS TO A UTILITY FOR PUR-
20 POSES OF SUBSECTION (1), THE COMMISSION SHALL OFFSET ANY
21 INCREASED TAX TO THE UTILITY THAT RESULTS FROM AN INCREASED TAX
22 RATE WHOSE EFFECTIVENESS DEPENDS ON THE REPEAL OF THE TAXES
23 DESCRIBED IN SUBSECTION (1).

24 Section 2. This amendatory act shall not take effect unless
25 all of the following bills of the 86th Legislature are enacted
26 into law:

1 (a) Senate Bill No. ____ or House Bill No. 4966 (request
2 no. 01148'91 *).

3 (b) Senate Bill No. ____ or House Bill No. 4970 (request
4 no. 01149'91 *).

5 (c) Senate Bill No. ____ or House Bill No. 4967 (request
6 no. 01152'91 *).

7 Section 3. This amendatory act shall not take effect unless
8 House Joint Resolution N of the 86th Legislature becomes a part
9 of the state constitution of 1963 as provided in section 1 of
10 article XII of the state constitution of 1963.