

# SENATE BILL No. 1134

May 22, 2012, Introduced by Senator NOFS and referred to the Committee on Energy and Technology.

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,"

(MCL 460.1 to 460.11) by adding section 9t.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1           SEC. 9T. (1) THE LOW-INCOME ENERGY ASSISTANCE FUND IS CREATED  
2           WITHIN THE STATE TREASURY.

3           (2) THE STATE TREASURER MAY RECEIVE MONEY OR OTHER ASSETS FROM  
4           ANY SOURCE FOR DEPOSIT INTO THE FUND. THE STATE TREASURER SHALL  
5           DIRECT THE INVESTMENT OF THE FUND. THE STATE TREASURER SHALL CREDIT  
6           TO THE FUND INTEREST AND EARNINGS FROM FUND INVESTMENTS.

7           (3) MONEY IN THE FUND AT THE CLOSE OF THE FISCAL YEAR SHALL  
8           REMAIN IN THE FUND AND SHALL NOT LAPSE TO THE GENERAL FUND.

9           (4) THE DEPARTMENT SHALL BE THE ADMINISTRATOR OF THE FUND FOR  
10          AUDITING PURPOSES.

11          (5) THE DEPARTMENT SHALL EXPEND MONEY FROM THE FUND, UPON  
12          APPROPRIATION, ONLY AS PROVIDED IN THE MICHIGAN ENERGY ASSISTANCE  
13          ACT.

14          (6) SUBJECT TO THE LIMITATIONS IMPOSED IN THIS SUBSECTION, THE  
15          COMMISSION SHALL, AFTER NOTICE AND HEARING, ANNUALLY APPROVE A HOME  
16          ENERGY ASSISTANCE FUNDING FACTOR NO LATER THAN JULY 31 OF EACH  
17          YEAR. THE AMOUNT COLLECTED FROM A HOME ENERGY ASSISTANCE FUNDING  
18          FACTOR DURING EACH FISCAL YEAR SHALL NOT EXCEED \$60,000,000.00  
19          MINUS THE AMOUNT APPROPRIATED FROM THE GENERAL FUND IN THAT FISCAL  
20          YEAR FOR HOME ENERGY ASSISTANCE. AN ELECTRIC UTILITY OR ALTERNATIVE  
21          ELECTRIC SUPPLIER THAT COLLECTS MONEY UNDER THIS SUBSECTION SHALL  
22          REMIT THAT MONEY TO THE STATE TREASURER FOR DEPOSIT IN THE FUND ON  
23          A MONTHLY BASIS NO LATER THAN 30 DAYS AFTER THE LAST DAY IN EACH  
24          CALENDAR MONTH. THE ELECTRIC UTILITY OR ALTERNATIVE ELECTRIC  
25          SUPPLIER SHALL LIST THE HOME ENERGY ASSISTANCE FUNDING FACTOR AS A  
26          SEPARATE LINE ITEM ON EACH CUSTOMER'S BILL.

1 (7) AS USED IN THIS SECTION:

2 (A) "DEPARTMENT" MEANS THE DEPARTMENT OF HUMAN SERVICES.

3 (B) "FUND" MEANS THE LOW-INCOME ENERGY ASSISTANCE FUND CREATED  
4 IN SUBSECTION (1).

5 (C) "HOME ENERGY ASSISTANCE FUNDING FACTOR" MEANS A  
6 NONBYPASSABLE SURCHARGE ON EACH METER PAYABLE BY EVERY CUSTOMER  
7 RECEIVING A DISTRIBUTION SERVICE FROM AN ELECTRIC UTILITY  
8 REGARDLESS OF THE IDENTITY OF THE CUSTOMER'S ELECTRIC GENERATION  
9 SUPPLIER. THE HOME ENERGY ASSISTANCE FUNDING FACTOR SHALL NOT BE  
10 CHARGED ON MORE THAN 1 METER PER RESIDENTIAL SITE.

11 Enacting section 1. This amendatory act does not take effect  
12 unless Senate Bill No. 1135

13 of the 96th Legislature is enacted into law.