



HOUSE OF REPRESENTATIVES

COMMITTEE ON ENERGY, COMMUNICATIONS, AND TECHNOLOGY

REP. HELENA SCOTT

CHAIR

COMMITTEE MEETING MINUTES

Wednesday, October 18, 2023

9:00 AM

Room 519, House Office Building

The House Committee on Energy, Communications, and Technology was called to order by Chair Scott.

The Chair requested attendance be called:

Present: Reps. Scott, Andrews, Coleman, Whitsett, Neeley, Byrnes, Churches, Hill, MacDonell, McFall, Wendzel, Outman, Aragona, BeGole, Greene, Prestin, Schmaltz.

Absent: None.

Excused: None.

Representative Andrews moved to adopt the meeting minutes from October 11, 2023. There being no objection, the motion prevailed by unanimous consent.

The Chair laid HB 5120, HB 5121, HB 5122 and HB 5123 before the committee:

HB 5120 (Rep. Aiyash)

A bill to amend 2008 PA 295, entitled "Clean and renewable energy and energy waste reduction act," (MCL 460.1001 to 460.1211) by amending the title and by adding part 8.

HB 5121 (Rep. Puri)

A bill to amend 2006 PA 110, entitled "Michigan zoning enabling act," by amending section 205 (MCL 125.3205), as amended by 2018 PA 366.

HB 5122 (Rep. Skaggs)

A bill to amend 2008 PA 295, entitled "Clean and renewable energy and energy waste reduction act," (MCL 460.1001 to 460.1211) by amending the title and by adding part 8.

HB 5123 (Rep. Puri)

A bill to amend 2006 PA 110, entitled "Michigan zoning enabling act," by amending section 205 (MCL 125.3205), as amended by 2018 PA 366.

Mark Fosdick representing the Cohoctah Township Supervisor testified in opposition to HB 5120, HB 5121, HB 5122 and HB 5123.

Deborah Hopkinson representing the White River Township testified in opposition to HB 5120, HB 5121, HB 5122 and HB 5123.

Herasanna Richards representing the Michigan Municipal League testified in opposition to HB 5120, HB 5121, HB 5122 and HB 5123.

Robert Scott representing the Montcalm County testified in opposition to HB 5120, HB 5121, HB 5122 and HB 5123.

Donna Graham representing the Clinton County, Greenbush Township, Clinton County CIT United testified in opposition to HB 5120, HB 5121, HB 5122 and HB 5123.

Sandra Tannehill representing the Michigan resident testified in opposition to HB 5120, HB 5121, HB 5122 and HB 5123.

Mike Brown representing the Michigan resident testified in opposition to HB 5120, HB 5121, HB 5122 and HB 5123.

Sarah Porter representing the Michigan resident testified in opposition to HB 5120, HB 5121, HB 5122 and HB 5123.

Clint Beach representing the Michigan resident testified in opposition to HB 5120, HB 5121, HB 5122 and HB 5123.

Dr. Wanda Iza representing the Ingham County citizens testified in opposition to HB 5120, HB 5121, HB 5122 and HB 5123.

Jeremy Kwekel representing the Moncalm resident testified in opposition to HB 5120, HB 5121, HB 5122 and HB 5123.

Madelyn Fata and Deena Bosworth representing the Michigan Association of Counties testified in opposition to HB 5120, HB 5121, HB 5122 and HB 5123.

Liosa Cook-Gordon representing the Michigan resident testified in opposition to HB 5120, HB 5121, HB 5122 and HB 5123.

Kevon Martis representing the Our Home, Our Voice testified in opposition to HB 5120, HB 5121, HB 5122 and HB 5123.

The following people submitted a card with no position on HB 5120, but did not wish to speak:

Norman Stephens, representing the Michigan resident.

The following people submitted a card in opposition to HB 5120 and HB 5122, but did not wish to speak:

Shane Hernandez, representing the ABC of Michigan.

The following people submitted a card in opposition to HB 5121, but did not wish to speak:

James Mantey, representing the Almer Charter Township.

The following people submitted a card in opposition to HB 5120, HB 5121, HB 5122 and HB 5123, but did not wish to speak:

Sharon Wurster, representing the Milan.
Kelly Treiber, representing the Williamston.
Theresa Owen, representing the Clinton County Citizens United ADMIN.
Peter Klein, representing the St. Johns.
Mike Pattullo, representing the Caro.
Harold Defever, representing the Ashley.
Kathleen Defever, representing the Ashley.
Melissa Gallop, representing the Wales Township.
Rich Witgen, representing the Perry.
Julie Murphy, representing the Carleton.
Mike Hafner, representing the Chesaning.
Erin Harman, representing the Howell.
Kelly Ralko, representing the Perry.
Richard Mee, representing the Yale.
Patrick Porter, representing the Milan.
Ruth Miller, representing the Blissfield.
Kevin Murphy, representing the Howard City.
Pamela Hemmes, representing the Greenville.
Olga Mancik, representing the Milan Township.
Jeffery Benore, representing the Erie Township.
Cheryl Majors, representing the Milan Township.
Jack Gregory, representing the Milan Township.
Rosemary Murphy, representing the Howard City.
Mark Bogi, representing the Milan Township.
LouAnn Mogg, representing the Rosebush.
Carmell Pattullo, representing the Caro.
Tammy Hafner, representing the Chesaning.
Lisa Brown, representing the Fowlerville.
Nanci Jennings, representing the Perry.
Jessica Kwekel, representing the Lakeview.
Susan Spitzley, representing the Portland.
Charlene Purchase, representing the Six Lakes.
Kenneth Purchase, representing the Six Lakes.
Larry Kindel, representing the St. Johns.
Catherine Bohacz, representing the Bronson.
Carol Nowek, representing the Sherwood.
Randy Nowak, representing the Sherwood.
Joann Haas, representing the Fowlerville.
Sue Deer Dembowski, representing the Grand Ledge.
Representative Joseph Fox, representing the 101st House District.
Representative Timmy Beson, representing the 96th House District.
Judy Allen, representing the Michigan Townships Association.
Bruce Jennings, representing the Perry.

The following people submitted a card in support of HB 5120, HB 5121, HB 5122 and HB 5123, but did not wish to speak:

Carlee Knott, representing the Michigan Environmental Council.

Jessica Collingsworth, representing the NexAmp.

Mike Johnston, representing the Michigan Manufacturers Association.

Eli Isaguille, representing the Michigan Regional Council of Carpenters and Millwrights.

Representative Andrews offered the following amendment to HB 5120:

1. Amend page 18, following line 14, by inserting:

"(4) Commission approval of a certificate does not confer the power of eminent domain and is not a determination of public convenience and necessity for the purposes of the power of eminent domain."

Representative Andrews moved to adopt the amendment to HB 5120. The motion prevailed 17-0-0:

FAVORABLE ROLL CALL

Yeas: Reps. Scott, Andrews, Coleman, Whitsett, Neeley, Byrnes, Churches, Hill, MacDonell, McFall, Wendzel, Outman, Aragona, BeGole, Greene, Prestin, Schmaltz.

Nays: None.

Pass: None.

Representative Hill offered the following amendment to HB 5120:

1. Amend page 12, line 10, after "**construction.**" by inserting "**For the purposes of this subdivision, public benefits include, but are not limited to, expected tax revenue paid by the energy facility to local taxing districts, payments to owners of participating property, community benefits agreements, local job creation, and any contributions to meeting identified energy, capacity, reliability, or resource adequacy needs of this state. In determining any contributions to meeting identified energy, capacity, reliability, or resource adequacy needs of this state, the commission may consider approved integrated resource plans under section 6t of 1939 PA 3, MCL 460.6t, renewable energy plans, annual electric provider capacity demonstrations under section 6w of 1939 PA 3, MCL 460.6w, or other proceedings before the commission, at the applicable regional transmission organization, or before the Federal Energy Regulatory Commission as determined relevant by the commission.**"

Representative Hill moved to adopt the amendment to HB 5120. The motion prevailed 10-7-0:

FAVORABLE ROLL CALL

Yeas: Reps. Scott, Andrews, Coleman, Whitsett, Neeley, Byrnes, Churches, Hill, MacDonell, McFall.

Nays: Reps. Wendzel, Outman, Aragona, BeGole, Greene, Prestin, Schmaltz.

Pass: None.

Representative Hill offered the following amendment to HB 5120:

1. Amend page 2, line 27, after "**section**" by striking out "**226(4)**" and inserting "**226(5)**".

2. Amend page 10, line 14, after "(1)" by inserting "**When the commission determines under section 225 that an application is complete, the applicant shall make a one-time grant to each affected local unit for an amount determined by the commission but not more than \$75,000 per affected local unit and not more than \$150,000.00 in total. Each affected local unit shall deposit the grant in a local intervenor compensation fund to be used to cover costs associated with participation in the contested case proceeding on the application for a certificate.**

(2)" and renumbering the remaining subsections.

3. Amend page 12, line 28, by striking out "(6)(g)" and inserting "(7)(f)".

Representative Hill moved to adopt the amendment to HB 5120. The motion prevailed 10-4-3:

FAVORABLE ROLL CALL

Yeas: Reps. Scott, Andrews, Coleman, Whitsett, Neeley, Byrnes, Churches, Hill, MacDonell, McFall.

Nays: Reps. Wendzel, Outman, Aragona, Prestin.

Pass: Reps. BeGole, Greene, Schmaltz.

Representative Aragona offered the following amendment to HB 5120:

1. Amend page 15, line 27, after "Sec. 227." by inserting "(1)".

2. Amend page 16, following line 24, by inserting:

"(2) The applicant for a certificate must enter into a host community agreement with each city, village, or township where the energy facility is located. The host community agreement shall require that upon commencement of any operations, the energy facility owner shall annually pay to the city, village, or township the sum of \$3,000.00 per megawatt of nameplate capacity within the local unit. The payments shall be used as determined by said local unit for any police or fire public safety, parks and recreation, or infrastructure. The host community agreement is legally binding. The host community agreement and the annual payments required thereby shall continue until the decommissioning of the energy facility. The commission shall enforce this requirement."

Representative Aragona moved to adopt the amendment to HB 5120. The motion did not prevail 7-2-8:

UNFAVORABLE ROLL CALL

Yeas: Reps. Wendzel, Outman, Aragona, BeGole, Greene, Prestin, Schmaltz.

Nays: Reps. Scott, Churches.

Pass: Reps. Andrews, Coleman, Whitsett, Neeley, Byrnes, Hill, MacDonell, McFall.

Representative Wendzel offered the following amendment to HB 5120:

1. Amend page 19, line 1, after "facility." by inserting "**This subsection does not apply to a limitation or requirement if, after the issuance of the certificate, the legislative body of**

the local unit of government adopts a resolution approving the application of the limitation or requirement to the energy facility that is the subject of the certificate."

Representative Wendzel moved to adopt the amendment to HB 5120. The motion did not prevail 7-4-6:

UNFAVORABLE ROLL CALL

Yeas: Reps. Wendzel, Outman, Aragona, BeGole, Greene, Prestin, Schmaltz.

Nays: Reps. Scott, Andrews, Churches, MacDonell.

Pass: Reps. Coleman, Whitsett, Neeley, Byrnes, Hill, McFall.

Representative Outman offered the following amendment to HB 5120:

1. Amend page 12, line 22, by striking out all of subdivision **(e)** and relettering the remaining subdivision.
2. Amend page 12, line 28, by striking out "**(6)(g)**" and inserting "**(6)(e)**".

Representative Outman moved to adopt the amendment to HB 5120. The motion did not prevail 7-10-0:

UNFAVORABLE ROLL CALL

Yeas: Reps. Wendzel, Outman, Aragona, BeGole, Greene, Prestin, Schmaltz.

Nays: Reps. Scott, Andrews, Coleman, Whitsett, Neeley, Byrnes, Churches, Hill, MacDonell, McFall.

Pass: None.

Representative Outman offered the following amendment to HB 5120:

1. Amend page 12, line 18, by striking out all of subdivision **(d)** and relettering the remaining subdivisions.
2. Amend page 12, line 28, by striking out "**(6)(g)**" and inserting "**(6)(e)**".

Representative Outman moved to adopt the amendment to HB 5120. The motion did not prevail 7-10-0:

UNFAVORABLE ROLL CALL

Yeas: Reps. Wendzel, Outman, Aragona, BeGole, Greene, Prestin, Schmaltz.

Nays: Reps. Scott, Andrews, Coleman, Whitsett, Neeley, Byrnes, Churches, Hill, MacDonell, McFall.

Pass: None.

Representative Prestin offered the following amendment to HB 5120:

1. Amend page 15, line 27, after "**Sec. 227.**" by inserting "**(1)**".
2. Amend page 16, following line 24, by inserting:
"(2) The applicant for a certificate must enter an agreement with the commission and each affected local unit on the size and location of the energy project within that affected local unit."

Representative Prestin moved to adopt the amendment to HB 5120. The motion did not

prevail 7-10-0:

UNFAVORABLE ROLL CALL

Yeas: Reps. Wendzel, Outman, Aragona, BeGole, Greene, Prestin, Schmaltz.

Nays: Reps. Scott, Andrews, Coleman, Whitsett, Neeley, Byrnes, Churches, Hill, MacDonell, McFall.

Pass: None.

At 9:57 AM, the Chair laid the committee at ease.

At 9:57 AM, the Chair called the committee back to order.

Representative Neeley moved to report House Bill No. 5120 as amended, as substitute (H-1).
The motion prevailed 9-7-1:

FAVORABLE ROLL CALL

Yeas: Reps. Scott, Andrews, Coleman, Neeley, Byrnes, Churches, Hill, MacDonell, McFall.

Nays: Reps. Wendzel, Outman, Aragona, BeGole, Greene, Prestin, Schmaltz.

Pass: Rep. Whitsett.

Representative Churches moved to report out HB 5121 with recommendation. The motion prevailed 9-7-1:

FAVORABLE ROLL CALL

Yeas: Reps. Scott, Andrews, Coleman, Neeley, Byrnes, Churches, Hill, MacDonell, McFall.

Nays: Reps. Wendzel, Outman, Aragona, BeGole, Greene, Prestin, Schmaltz.

Pass: Rep. Whitsett.

Representative Wendzel offered the following amendment to HB 5122:

1. Amend page 16, line 26, after "**facility.**" by inserting "**This subsection does not apply to a limitation or requirement if, after the issuance of the certificate, the legislative body of the local unit of government adopts a resolution approving the application of the limitation or requirement to the energy facility that is the subject of the certificate.**".

Representative Wendzel moved to adopt the amendment to HB 5122. The motion did not prevail 7-10-0:

UNFAVORABLE ROLL CALL

Yeas: Reps. Wendzel, Outman, Aragona, BeGole, Greene, Prestin, Schmaltz.

Nays: Reps. Scott, Andrews, Coleman, Whitsett, Neeley, Byrnes, Churches, Hill, MacDonell, McFall.

Pass: None.

At 10:01 AM, the Chair laid the committee at ease.

At 10:02 AM, the Chair called the committee back to order.

Representative Outman offered the following amendment to HB 5122:

1. Amend page 11, line 27, by striking out all of subdivision **(e)** and relettering the remaining subdivision.
2. Amend page 12, line 4, by striking out "**(6)(g)**" and inserting "**(6)(e)**".

Representative Outman moved to adopt the amendment to HB 5122. The motion did not prevail 7-10-0:

UNFAVORABLE ROLL CALL

Yeas: Reps. Wendzel, Outman, Aragona, BeGole, Greene, Prestin, Schmaltz.
Nays: Reps. Scott, Andrews, Coleman, Whitsett, Neeley, Byrnes, Churches, Hill, MacDonell, McFall.
Pass: None.

Representative Outman offered the following amendment to HB 5122:

1. Amend page 11, line 23, by striking out all of subdivision **(d)** and relettering the remaining subdivisions.
2. Amend page 12, line 4, by striking out "**(6)(g)**" and inserting "**(6)(e)**".

Representative Outman moved to adopt the amendment to HB 5122. The motion did not prevail 7-10-0:

UNFAVORABLE ROLL CALL

Yeas: Reps. Wendzel, Outman, Aragona, BeGole, Greene, Prestin, Schmaltz.
Nays: Reps. Scott, Andrews, Coleman, Whitsett, Neeley, Byrnes, Churches, Hill, MacDonell, McFall.
Pass: None.

Representative Prestin offered the following amendment to HB 5122:

1. Amend page 13, line 23, after "Sec. 227." by inserting "**(1)**".
2. Amend page 14 following line 20, by inserting:
"(2) The applicant for a certificate must enter an agreement with the commission and each affected local unit on the size and location of the energy project within that affected local unit."

Representative Prestin moved to adopt the amendment to HB 5122. The motion did not prevail 7-10-0:

UNFAVORABLE ROLL CALL

Yeas: Reps. Wendzel, Outman, Aragona, BeGole, Greene, Prestin, Schmaltz.
Nays: Reps. Scott, Andrews, Coleman, Whitsett, Neeley, Byrnes, Churches, Hill, MacDonell, McFall.
Pass: None.

At 10:04 AM, the Chair laid the committee at ease.

At 10:05 AM, the Chair called the committee back to order.

Representative McFall moved to report out HB 5122 with recommendation. The motion prevailed 9-7-1:

FAVORABLE ROLL CALL

Yeas: Reps. Scott, Andrews, Coleman, Neeley, Byrnes, Churches, Hill, MacDonell, McFall.

Nays: Reps. Wendzel, Outman, Aragona, BeGole, Greene, Prestin, Schmaltz.

Pass: Rep. Whitsett.

At 10:06 AM, the Chair laid the committee at ease.

At 10:06 AM, the Chair called the committee back to order.

Representative MacDonell moved to report out HB 5123 with recommendation. The motion prevailed 9-7-1:

FAVORABLE ROLL CALL

Yeas: Reps. Scott, Andrews, Coleman, Neeley, Byrnes, Churches, Hill, MacDonell, McFall.

Nays: Reps. Wendzel, Outman, Aragona, BeGole, Greene, Prestin, Schmaltz.

Pass: Rep. Whitsett.

There being no further business before the committee, Chair Scott adjourned the meeting at 10:07 AM.

Representative Helena Scott, Chair

Molly Wingrove
Committee Clerk
mwingrove@house.mi.gov

Date Adopted: October 25,
2023