

SUBSTITUTE FOR
SENATE BILL NO. 79

A bill to amend 1967 (Ex Sess) PA 7, entitled
"Urban cooperation act of 1967,"
by amending section 8a (MCL 124.508a), as amended by 1996 PA 45.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 8a. (1) Subject to ~~the requirement of~~ subsection ~~(2)~~
2 (3), a county, by resolution of the county board of commissioners
3 of the county, or the agency responsible for preparing the solid
4 waste management plan for counties with a population of 690,000 or
5 more as certified by the 1980 census that do not operate under ~~Act~~
6 ~~No. 139 of the Public Acts of 1973, being sections 45.551 to 45.573~~
7 ~~of the Michigan Compiled Laws, or Act No. 293 of the Public Acts of~~
8 ~~1966, being sections 45.501 to 45.521 of the Michigan Compiled Laws~~

1 1973 PA 139, MCL 45.551 TO 45.573, OR 1966 PA 293, MCL 45.501 TO
2 45.521, as provided in part 115 ~~—(solid waste management)—~~ of the
3 natural resources and environmental protection act, ~~—Act No. 451 of~~
4 ~~the Public Acts of 1994, being sections 324.11501 to 324.11549 of~~
5 ~~the Michigan Compiled Laws~~ 1994 PA 451, MCL 324.11501 TO
6 324.11550, may impose a surcharge on households within the county
7 of not more than \$2.00 per month or \$25.00 per year per household
8 for waste reduction programs and for the collection of consumer
9 source separated materials for recycling or composting including,
10 but not limited to, recyclable materials, as defined in part 115 of
11 ~~Act No. 451 of the Public Acts of 1994~~ **THE NATURAL RESOURCES AND**
12 **ENVIRONMENTAL PROTECTION ACT, 1994 PA 451, MCL 324.11501 TO**
13 324.11550, household hazardous wastes, tires, batteries, and yard
14 clippings.

15 (2) **SUBJECT TO SUBSECTION (4) AND IF APPROVED BY THE VOTERS OF**
16 **A PARTICIPATING UNIT OF GOVERNMENT, A COUNTY MAY CHARGE AN AMOUNT**
17 **GREATER THAN ALLOWED UNDER SUBSECTION (1) BUT NOT MORE THAN \$4.00**
18 **PER MONTH OR \$50.00 PER YEAR PER HOUSEHOLD, FOR THE PURPOSES**
19 **DESCRIBED UNDER SUBSECTION (1). THE COUNTY MAY INCLUDE COMMERCIAL**
20 **BUSINESSES AS ENTITIES TO BE SUBJECT TO THE SURCHARGE APPROVED BY**
21 **THE VOTERS.**

22 (3) ~~—(2)—~~ A county or agency shall defer the imposition and
23 collection of a surcharge imposed under subsection (1) in a local
24 unit of government within that county until the county or agency
25 has entered into an interlocal agreement under this act relating to
26 the collection and disposition of the surcharge with the local unit
27 of government. ~~—However, a—~~ **A city in a county in which the agency**

1 described in subsection (1) prepared the update to the county's
 2 solid waste management plan as provided in part 115 of ~~Act No. 451~~
 3 ~~of the Public Acts of 1994~~ **THE NATURAL RESOURCES AND ENVIRONMENTAL**
 4 **PROTECTION ACT, 1994 PA 451, MCL 324.11501 TO 324.11550**, shall not
 5 enter into an interlocal agreement ~~under this subsection~~ if the
 6 city has levied a tax of 3 mills on real property within the city
 7 for the disposal or management of solid waste in that city.
 8 Petitions for a referendum election on the question of entering an
 9 interlocal agreement ~~under this subsection~~ may be filed with the
 10 ~~local units~~ clerk **OF THE LOCAL UNIT OF GOVERNMENT** no later than 6
 11 months following adoption of a resolution of the county or agency
 12 to impose the surcharge or 6 months following any increase in the
 13 surcharge. Upon petition of 10% of the qualified electors of a
 14 local unit of government voting in the last general election ~~prior~~
 15 ~~to~~ **BEFORE** the adoption of the interlocal agreement by the
 16 governing body, the local unit of government shall hold a
 17 referendum on whether to reject the entrance into or terminate an
 18 interlocal agreement. ~~under this subsection.~~

19 **(4) AN ELECTION ALLOWED UNDER SUBSECTION (2) SHALL NOT BE HELD**
 20 **UNLESS THE COUNTY BOARD OF COMMISSIONERS PASSES A RESOLUTION**
 21 **AUTHORIZING THE ELECTION. THE RESOLUTION SHALL INCLUDE ALL OF THE**
 22 **FOLLOWING:**

23 **(A) THE APPROVAL TO HOLD THE ELECTION.**

24 **(B) THE NAME OF THE INDIVIDUAL DESIGNATED TO NEGOTIATE THE**
 25 **INTERLOCAL AGREEMENT BETWEEN THE MUNICIPALITIES AND TOWNSHIPS**
 26 **WITHIN THE COUNTY.**

27 **(C) A DATE BY WHICH EACH MUNICIPALITY AND TOWNSHIP WITHIN THE**

Senate Bill No. 79 as amended March 22 and 23, 2005

1 COUNTY SHALL ELECT TO PARTICIPATE IN THE INTERLOCAL AGREEMENT AND
2 AUTHORIZE AN ELECTION UNDER THIS SECTION.

3 (D) THE DATE FOR THE ELECTION.

4 (E) THE AMOUNT OF THE PROPOSED SURCHARGE.

5 (F) WHETHER COMMERCIAL BUSINESSES WILL BE SUBJECT TO THE
6 PROPOSED SURCHARGE.

7 (5) THE INITIAL AUTHORIZATION UNDER SUBSECTION (4) SHALL BE
8 FOR 5 YEARS. ANY SUBSEQUENT AUTHORIZATIONS SHALL BE FOR A PERIOD OF
9 NOT LESS THAN 10 YEARS.

<<(6) WITH THE APPROVAL OF THE COUNTY, A MUNICIPALITY OR TOWNSHIP
THAT IS NOT PART OF AN INTERLOCAL AGREEMENT ESTABLISHED UNDER THIS
SECTION MAY BECOME SUBJECT TO THE AGREEMENT BY OTHERWISE COMPLYING WITH
THE REQUIREMENTS OF THIS SECTION.>>

<<(7) WITH THE APPROVAL OF THE COUNTY AND AFTER PROVIDING NOTICE TO
THE MUNICIPALITY OR TOWNSHIP IN WHICH THE BUSINESS IS LOCATED, A BUSINESS
NOT SUBJECT TO THIS SECTION MAY AGREE TO BE PART OF AN INTERLOCAL
AGREEMENT ESTABLISHED UNDER THIS SECTION AND SHALL BE SUBJECT TO THE
TERMS AND CONDITIONS OF THE AGREEMENT.>>

10 <<(8)>> THE SURCHARGE APPROVED UNDER SUBSECTION (2) SHALL NOT
11 APPLY TO VACANT LAND, PUBLIC-UTILITY-OWNED LAND, RIGHTS-OF-WAY, AND
12 EASEMENTS THAT DO NOT GENERATE SOLID WASTE.

13 <<(9)>> A SURCHARGE APPROVED UNDER SUBSECTION (2) IS A MANDATORY
14 CHARGE AND MAY BE COLLECTED BY ANY REASONABLE BILLING METHOD
15 APPROVED BY THE COUNTY, INCLUDING, BUT NOT LIMITED TO, AS PART OF
16 BILLINGS FOR PROPERTY TAXES, WATER AND SEWAGE USAGE, OR OTHER
17 SERVICES PROVIDED BY THE COUNTY TO HOUSEHOLDS AND COMMERCIAL
18 BUSINESSES WITHIN THE COUNTY.

19 <<(10)>> ~~(3)~~ As used in this section: ~~—agency~~

20 (A) "AGENCY" does not include the department of ~~natural~~
21 ~~resources~~ ENVIRONMENTAL QUALITY.

22 (B) "COMMERCIAL BUSINESSES" MEANS BUSINESSES ENGAGED IN THE
23 SALE, LEASE, OR EXCHANGE OF GOODS, SERVICES, REAL PROPERTY, OR ANY
24 OTHER THING OF VALUE. COMMERCIAL BUSINESSES DO NOT INCLUDE
25 WHOLESALE BUSINESSES ENGAGED IN THE MANUFACTURING OF GOODS OR
26 MATERIALS OR THE PROCESSING OF GOODS OR MATERIALS.