

# HOUSE BILL No. 4820

May 19, 2005, Introduced by Rep. Farhat and referred to the Committee on Natural Resources, Great Lakes, Land Use, and Environment.

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       **SUBSECTIONS (2) AND (3)**, a county ~~—, by resolution of the county~~  
3       ~~board of commissioners of the county,~~ or the agency responsible  
4       for preparing the solid waste management plan ~~for counties with a~~  
5       ~~population of 690,000 or more as certified by the 1980 census that~~  
6       ~~do~~ **THAT DOES** not operate under ~~Act No. 139 of the Public Acts of~~  
7       ~~1973, being sections 45.551 to 45.573 of the Michigan Compiled~~  
8       ~~Laws, or Act No. 293 of the Public Acts of 1966, being sections~~  
9       ~~45.501 to 45.521 of the Michigan Compiled Laws~~ **1973 PA 139, MCL**

1 45.551 TO 45.573, OR 1966 PA 293, MCL 45.501 TO 45.521, as provided  
2 in part 115 ~~—(solid waste management)—~~ of the natural resources and  
3 environmental protection act, ~~Act No. 451 of the Public Acts of~~  
4 ~~1994, being sections 324.11501 to 324.11549 of the Michigan~~  
5 ~~Compiled Laws~~ 1994 PA 451, MCL 324.11501 TO 324.11550, may impose  
6 a surcharge **OR FEE** on households within the county of not more than  
7 \$2.00 per month or \$25.00 per year per household for waste  
8 reduction programs and for the collection of consumer source  
9 separated materials for recycling or composting including, but not  
10 limited to, recyclable materials, as defined in part 115 of ~~Act~~  
11 ~~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) **A COUNTY OR AGENCY SHALL NOT IMPOSE A SURCHARGE OR FEE**  
16 **ALLOWED UNDER SUBSECTION (1) WITHOUT THE APPROVAL OF THE VOTERS**  
17 **WITHIN THE COUNTY AT A REGULARLY SCHEDULED ELECTION.**

18 (3) ~~—(2)—~~ A county or agency shall defer the imposition and  
19 collection of a surcharge imposed under subsection (1) in a local  
20 unit of government within that county until the county or agency  
21 has entered into an interlocal agreement under this act relating to  
22 the collection and disposition of the surcharge with the local unit  
23 of government. ~~However, a~~ **A** city in a county in which the agency  
24 described in subsection (1) prepared the update to the county's  
25 solid waste management plan as provided in part 115 of ~~Act No. 451~~  
26 ~~of the Public Acts of 1994~~ **THE NATURAL RESOURCES AND ENVIRONMENTAL**  
27 **PROTECTION ACT, 1994 PA 451, MCL 324.11501 TO 324.11550**, shall not

1 enter into an interlocal agreement ~~under this subsection~~ if the  
2 city has levied a tax of 3 mills on real property within the city  
3 for the disposal or management of solid waste in that city.  
4 Petitions for a referendum election on the question of entering an  
5 interlocal agreement ~~under this subsection~~ may be filed with the  
6 ~~local units~~ clerk **OF THE LOCAL UNIT OF GOVERNMENT** no later than 6  
7 months following adoption of a resolution of the county or agency  
8 to impose the surcharge or 6 months following any increase in the  
9 surcharge. Upon petition of 10% of the qualified electors of a  
10 local unit of government voting in the last general election ~~prior~~  
11 ~~to~~ **BEFORE** the adoption of the interlocal agreement by the  
12 governing body, the local unit of government shall hold a  
13 referendum on whether to reject the entrance into or terminate an  
14 interlocal agreement. ~~under this subsection.~~

15 **(4) THE SURCHARGE APPROVED UNDER SUBSECTION (1) MAY BE**  
16 **COLLECTED BY ANY REASONABLE BILLING METHOD APPROVED BY THE COUNTY,**  
17 **INCLUDING, BUT NOT LIMITED TO, AS PART OF BILLINGS FOR PROPERTY**  
18 **TAXES, WATER AND SEWAGE USAGE, OR OTHER SERVICES PROVIDED BY THE**  
19 **COUNTY TO HOUSEHOLDS WITHIN THE COUNTY.**

20 (5) ~~(3)~~ As used in this section: ~~agency~~

21 (A) **"AGENCY"** does not include the department of natural  
22 resources.

23 (B) **"HOUSEHOLD"** MEANS ANY RESIDENCE WITHIN THE COUNTY.  
24 **HOUSEHOLD DOES NOT INCLUDE VACANT PROPERTY.**