

HOUSE BILL No. 5410

December 12, 1991, Introduced by Reps. Brown and Hillegonds and referred to the Committee on Towns and Counties.

A bill to amend the title and section 8a of Act No. 7 of the Public Acts of the Extra Session of 1967, entitled as amended "Urban cooperation act of 1967," section 8a as added by Act No. 138 of the Public Acts of 1989, being section 124.508a of the Michigan Compiled Laws.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. The title and section 8a of Act No. 7 of the
2 Public Acts of the Extra Session of 1967, section 8a as added by
3 Act No. 138 of the Public Acts of 1989, being section 124.508a of
4 the Michigan Compiled Laws, are amended to read as follows:

TITLE

5
6 An act to provide for interlocal public agency agreements;
7 to provide standards for those agreements and for the filing and
8 status of those agreements; to permit the allocation of certain
9 taxes or money received from tax increment financing plans as

1 revenues; to permit tax sharing; to provide for ~~the imposition~~
2 ~~of~~ certain surcharges; and to provide for additional approval
3 for those agreements.

4 Sec. 8a. (1) Subject to ~~the requirement of subsection (2)~~
5 SUBSECTIONS (3) AND (7), a county, by resolution of the county
6 board of commissioners of the county, or the agency responsible
7 for preparing the solid waste management plan for ~~counties~~ A
8 COUNTY with a population of 690,000 or more as certified by the
9 1980 census that ~~do~~ DOES not operate under Act No. 139 of the
10 Public Acts of 1973, being sections 45.551 to 45.573 of the
11 Michigan Compiled Laws, or Act No. 293 of the Public Acts of
12 1966, being sections 45.501 to 45.521 of the Michigan Compiled
13 Laws, as provided in the solid waste management act, Act No. 641
14 of the Public Acts of 1978, being sections 299.401 to 299.437 of
15 the Michigan Compiled Laws, may impose a surcharge on households
16 within the county ~~of not more than \$2.00 per month or \$25.00 per~~
17 ~~year per household~~ for waste reduction programs FOR HOUSEHOLDS
18 and for the collection of consumer source separated materials for
19 recycling or composting including, but not limited to, recyclable
20 materials, as defined in Act No. 641 of the Public Acts of 1978,
21 household hazardous wastes, tires, batteries, and yard
22 clippings.

23 (2) THE MAXIMUM SURCHARGE AUTHORIZED BY THIS SECTION SHALL
24 BE ADJUSTED EACH JANUARY 1, BEGINNING JANUARY 1, 1992, PURSUANT
25 TO THE ANNUAL AVERAGE PERCENTAGE INCREASE OR DECREASE IN THE CON-
26 SUMER PRICE INDEX. THE ADJUSTMENT FOR EACH YEAR SHALL BE MADE BY
27 COMPARING THE CONSUMER PRICE INDEX FOR THE 12-MONTH PERIOD ENDING

1 THE PRECEDING OCTOBER 31 WITH THE CORRESPONDING CONSUMER PRICE
2 INDEX OF 1 YEAR EARLIER. THE PERCENTAGE INCREASE OR DECREASE
3 SHALL THEN BE MULTIPLIED BY THE CURRENT MAXIMUM SURCHARGE AUTHO-
4 RIZED BY THIS SECTION. THE PRODUCT SHALL BE ROUNDED UP TO THE
5 NEAREST HALF DOLLAR AND SHALL BE THE NEW MAXIMUM SURCHARGE AUTHO-
6 RIZED BY THIS SECTION. THE ADJUSTED MAXIMUM SURCHARGE AUTHORIZED
7 BY THIS SECTION SHALL BE DETERMINED AND ANNOUNCED BY THE DIRECTOR
8 OF THE DEPARTMENT OF NATURAL RESOURCES ON OR BEFORE DECEMBER 15
9 OF EACH YEAR AND SHALL BE PROVIDED UPON REQUEST.

10 (3) ~~(2)~~ A county or agency shall defer the imposition and
11 collection of a surcharge imposed under subsection (1) in a local
12 GOVERNMENTAL unit ~~of government~~ within that county until the
13 county or agency has entered into an interlocal agreement under
14 this act relating to the collection and disposition of the sur-
15 charge with the local GOVERNMENTAL unit. ~~of government.~~
16 However, a city in a county in which the agency described in sub-
17 section (1) prepared the update to the county's solid waste man-
18 agement plan as provided in Act No. 641 of the Public Acts of
19 1978 shall not enter into an interlocal agreement under this sub-
20 section if the city has levied a tax of 3 mills on real property
21 within the city for the disposal or management of solid waste in
22 that city.

23 (4) IF A LOCAL GOVERNMENTAL UNIT IS RESPONSIBLE FOR COLLECT-
24 ING A SURCHARGE UNDER AN INTERLOCAL AGREEMENT UNDER
25 SUBSECTION (3), THE GOVERNING BODY OF THAT LOCAL GOVERNMENTAL
26 UNIT MAY DO 1 OF THE FOLLOWING:

1 (A) ANNUALLY CERTIFY AMOUNTS DELINQUENT FOR 3 MONTHS OR MORE
2 TO THE PROPER TAX COLLECTING OFFICER TO BE ENTERED IN A SEPARATE
3 COLUMN ON THE NEXT TAX ROLL AGAINST THE REAL PROPERTY INCLUDING
4 THE HOUSEHOLD ON WHICH THE SURCHARGE WAS IMPOSED AND PROVIDE THAT
5 AMOUNTS ENTERED ON THE TAX ROLL BECOME A LIEN AGAINST THAT REAL
6 PROPERTY.

7 (B) CERTIFY THE SURCHARGE TO THE PROPER TAX COLLECTING OFFI-
8 CER TO BE ENTERED DIRECTLY IN A SEPARATE COLUMN ON THE NEXT TAX
9 ROLL AGAINST THE REAL PROPERTY INCLUDING THE HOUSEHOLD ON WHICH
10 THE SURCHARGE WAS IMPOSED FOR INITIAL COLLECTION IN THE SAME
11 MANNER AS AD VALOREM PROPERTY TAXES UNDER THE GENERAL PROPERTY
12 TAX ACT, ACT NO. 206 OF THE PUBLIC ACTS OF 1893, BEING SECTIONS
13 211.1 TO 211.157 OF THE MICHIGAN COMPILED LAWS, AND PROVIDE THAT
14 AMOUNTS ENTERED ON THE TAX ROLL BECOME A LIEN AGAINST THAT REAL
15 PROPERTY.

16 (5) IF A SURCHARGE ENTERED IN A SEPARATE COLUMN ON THE TAX
17 ROLL PURSUANT TO SUBSECTION (4) IS NOT PAID BEFORE FEBRUARY 15,
18 THE SURCHARGE SHALL BE RETURNED AS DELINQUENT TO THE COUNTY TREA-
19 SURER AND COLLECTED IN THE SAME MANNER AS PROVIDED FOR DELINQUENT
20 TAXES UNDER ACT NO. 206 OF THE PUBLIC ACTS OF 1893. HOWEVER, IF
21 THE LOCAL GOVERNMENTAL UNIT RESPONSIBLE FOR COLLECTING A SUR-
22 CHARGE UNDER AN INTERLOCAL AGREEMENT UNDER SUBSECTION (3) IS
23 GIVEN WRITTEN NOTICE THAT A TENANT IS RESPONSIBLE FOR THE PAYMENT
24 OF THE SURCHARGE AND THE NOTICE INCLUDES A TRUE COPY OF THE
25 LEASE, IF ANY, OF THE AFFECTED HOUSEHOLD, THEN, AFTER THE DATE OF
26 THE NOTICE, THE SURCHARGE SHALL NOT BECOME A LIEN AGAINST THE
27 REAL PROPERTY INCLUDING THE HOUSEHOLD ON WHICH THE SURCHARGE WAS

1 IMPOSED. IF SUCH NOTICE IS GIVEN, THE COUNTY OR AGENCY SHALL
2 RENDER NO FURTHER WASTE REDUCTION SERVICE OR CONSUMER SOURCE SEP-
3 ARATED MATERIALS COLLECTION SERVICE TO THE HOUSEHOLD ON WHICH THE
4 SURCHARGE WAS IMPOSED UNTIL A CASH DEPOSIT IN A SUM FIXED IN THE
5 INTERLOCAL AGREEMENT IS MADE AS SECURITY FOR THE PAYMENT OF THE
6 SURCHARGE.

7 (6) THE PAYMENT OF A SURCHARGE PURSUANT TO AN INTERLOCAL
8 AGREEMENT UNDER THIS SECTION MAY BE ENFORCED BY DISCONTINUING
9 WASTE REDUCTION SERVICE OR CONSUMER SOURCE SEPARATED MATERIALS
10 COLLECTION SERVICE TO THE HOUSEHOLD AGAINST WHICH THE SURCHARGE
11 IS IMPOSED. SUBSECTIONS (4) AND (5) AND THIS SUBSECTION DO NOT
12 LIMIT THE AUTHORITY OF THE COUNTY, AGENCY, OR LOCAL GOVERNMENTAL
13 UNIT TO COLLECT A SURCHARGE BY ANY OTHER MEANS AUTHORIZED BY LAW
14 FOR THE COLLECTION OF A DEBT.

15 (7) Petitions for a referendum election on the question of
16 entering an interlocal agreement WITH A COUNTY OR AGENCY under
17 ~~this~~ subsection (3) may be filed with the ~~local units~~ clerk
18 ~~no~~ OF THE LOCAL GOVERNMENTAL UNIT NOT later than 6 months fol-
19 lowing adoption of a resolution of the county or agency to impose
20 the surcharge or 6 months following any increase in the
21 surcharge. Upon petition of 10% of the qualified electors of ~~a~~
22 THE local GOVERNMENTAL unit ~~of government~~ voting in the last
23 general election ~~prior to~~ BEFORE the adoption of the interlocal
24 agreement by the governing body, the local GOVERNMENTAL unit ~~of~~
25 ~~government~~ shall hold a referendum on whether to reject the
26 entrance into or terminate ~~an~~ THE interlocal agreement under
27 ~~this~~ subsection (3). IF THE REFERENDUM IS HELD AFTER THE LOCAL

1 GOVERNMENTAL UNIT HAS ENTERED INTO AN INTERLOCAL AGREEMENT AND
2 THE ELECTORS OF THE LOCAL GOVERNMENTAL UNIT VOTE TO TERMINATE THE
3 INTERLOCAL AGREEMENT, THE LOCAL GOVERNMENTAL UNIT SHALL CEASE TO
4 BE A PARTY TO THE INTERLOCAL AGREEMENT EFFECTIVE 1 MONTH AFTER
5 THE DATE OF THE ELECTION.

6 (8) ~~(3)~~ As used in this section: ~~agency~~

7 (A) "AGENCY" does not include the department of natural
8 resources.

9 (B) "CONSUMER PRICE INDEX" MEANS THE ANNUAL AVERAGE PERCENTAGE
10 INCREASE IN THE DETROIT CONSUMER PRICE INDEX FOR ALL ITEMS
11 AS REPORTED BY THE UNITED STATES DEPARTMENT OF LABOR.