

Act No. 45
Public Acts of 1996
Approved by the Governor
February 25, 1996
Filed with the Secretary of State
February 26, 1996

**STATE OF MICHIGAN
88TH LEGISLATURE
REGULAR SESSION OF 1996**

Introduced by Rep. Gnodtke

ENROLLED HOUSE BILL No. 5295

AN ACT to amend section 8a of Act No. 7 of the Public Acts of the Extra Session of 1967, entitled as amended "An act to provide for interlocal public agency agreements; to provide standards for those agreements and for the filing and status of those agreements; to permit the allocation of certain taxes or money received from tax increment financing plans as revenues; to permit tax sharing; to provide for the imposition of certain surcharges; and to provide for additional approval for those agreements," 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:

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

Sec. 8a. (1) Subject to the requirement of subsection (2), a county, by resolution of the county board of commissioners of the county, or the agency responsible for preparing the solid waste management plan for counties with a population of 690,000 or more as certified by the 1980 census that do not operate under Act No. 139 of the Public Acts of 1973, being sections 45.551 to 45.573 of the Michigan Compiled Laws, or Act No. 293 of the Public Acts of 1966, being sections 45.501 to 45.521 of the Michigan Compiled Laws, as provided in part 115 (solid waste management) of the natural resources and environmental protection act, Act No. 451 of the Public Acts of 1994, being sections 324.11501 to 324.11549 of the Michigan Compiled Laws, may impose a surcharge on households within the county of not more than \$2.00 per month or \$25.00 per year per household for waste reduction programs and for the collection of consumer source separated materials for recycling or composting including, but not limited to, recyclable materials, as defined in part 115 of Act No. 451 of the Public Acts of 1994, household hazardous wastes, tires, batteries, and yard clippings.

(2) A county or agency shall defer the imposition and collection of a surcharge imposed under subsection (1) in a local unit of government within that county until the county or agency has entered into an interlocal agreement under this act relating to the collection and disposition of the surcharge with the local unit of government. However, a city in a county in which the agency described in subsection (1) prepared the update to the county's solid waste management plan as provided in part 115 of Act No. 451 of the Public Acts of 1994 shall not enter into an interlocal agreement under this subsection if the city has levied a tax of 3 mills on real property within the city for the disposal or management of solid waste in that city. Petitions for a referendum election on the question of entering an interlocal agreement under this subsection may be filed with the local units clerk no later than 6 months following adoption of a resolution of the county or agency to impose the surcharge or 6 months following any increase in the surcharge. Upon petition of 10% of the qualified electors of a local unit of government voting in the last general election prior to the adoption of the interlocal agreement by the governing body, the local unit of government shall hold a referendum on whether to reject the entrance into or terminate an interlocal agreement under this subsection.

(3) As used in this section, agency does not include the department of natural resources.

This act is ordered to take immediate effect.

Clerk of the House of Representatives.

Secretary of the Senate.

Approved -----

Governor.