



HOUSE BILL No. 4582

March 14, 1995, Introduced by Reps. LaForge, Perricone, Gilmer, Brater, Baird, Martinez, Alley, Middaugh, Schroer, Geiger, DeMars, DeHart, Byl, Jellema, Freeman, Bodem, Yokich, Pitoniak and Gnodtke and referred to the Committee on Local Government.

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:

5 TITLE

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~~ RATES AND CHARGES; and to provide for
3 additional approval 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~~
16 ~~households~~ RATES OR CHARGES within the county ~~of not more than~~
17 ~~\$2.00 per month or \$25.00 per year per household for~~ ON THE
18 USERS AND BENEFICIARIES OF waste reduction programs FOR PROPERTY
19 USED PRIMARILY FOR RESIDENTIAL PURPOSES and OF PROGRAMS for the
20 collection of consumer source separated materials for recycling
21 or composting FROM PROPERTY USED PRIMARILY FOR RESIDENTIAL
22 PURPOSES including, but not limited to, recyclable materials, as
23 defined in Act No. 641 of the Public Acts of 1978, household haz-
24 ardous wastes, tires, batteries, and yard clippings. THE RATE OR
25 CHARGE SHALL NOT EXCEED \$25.00 ANNUALLY FOR EACH DWELLING UNIT
26 INTENDED TO BE OCCUPIED BY A SINGLE HOUSEHOLD.

1 (2) THE MAXIMUM RATE OR CHARGE AUTHORIZED BY THIS SECTION
2 SHALL BE ADJUSTED EACH JANUARY 1, BEGINNING JANUARY 1, 1996,
3 PURSUANT TO THE ANNUAL AVERAGE PERCENTAGE INCREASE OR DECREASE IN
4 THE CONSUMER PRICE INDEX. THE ADJUSTMENT FOR EACH YEAR SHALL BE
5 MADE BY COMPARING THE CONSUMER PRICE INDEX FOR THE 12-MONTH
6 PERIOD ENDING THE PRECEDING OCTOBER 31 WITH THE CORRESPONDING
7 CONSUMER PRICE INDEX OF 1 YEAR EARLIER. THE PERCENTAGE INCREASE
8 OR DECREASE SHALL THEN BE MULTIPLIED BY THE CURRENT MAXIMUM RATE
9 OR CHARGE AUTHORIZED BY THIS SECTION. THE PRODUCT SHALL BE
10 ROUNDED UP TO THE NEAREST MULTIPLE OF 50 CENTS AND SHALL BE THE
11 NEW MAXIMUM RATE OR CHARGE AUTHORIZED BY THIS SECTION. THE
12 ADJUSTED MAXIMUM RATE OR CHARGE AUTHORIZED BY THIS SECTION SHALL
13 BE DETERMINED AND ANNOUNCED BY THE DIRECTOR OF THE DEPARTMENT OF
14 NATURAL RESOURCES ON OR BEFORE DECEMBER 15 OF EACH YEAR AND SHALL
15 BE PROVIDED UPON REQUEST.

16 (3) ~~-(2)-~~ A county or agency shall defer the imposition and
17 collection of a ~~surcharge~~ RATE OR CHARGE imposed under subsec-
18 tion (1) in a local GOVERNMENTAL unit ~~of government~~ within that
19 county until the county or agency has entered into an interlocal
20 agreement under this act relating to the collection and disposi-
21 tion of the ~~surcharge~~ RATE OR CHARGE with the local
22 GOVERNMENTAL unit. ~~of government.~~ However, a city in a county
23 in which the agency described in subsection (1) prepared the
24 update to the county's solid waste management plan as provided in
25 Act No. 641 of the Public Acts of 1978 shall not enter into an
26 interlocal agreement under this subsection if the city has levied

1 a tax of 3 mills on real property within the city for the
2 disposal or management of solid waste in that city.

3 (4) IF A LOCAL GOVERNMENTAL UNIT IS RESPONSIBLE FOR COLLECT-
4 ING A RATE OR CHARGE UNDER AN INTERLOCAL AGREEMENT UNDER
5 SUBSECTION (3), THE GOVERNING BODY OF THAT LOCAL GOVERNMENTAL
6 UNIT MAY DO 1 OF THE FOLLOWING:

7 (A) ANNUALLY CERTIFY AMOUNTS DELINQUENT FOR 3 MONTHS OR MORE
8 TO THE PROPER TAX COLLECTING OFFICER TO BE ENTERED IN A SEPARATE
9 COLUMN ON THE NEXT TAX ROLL AGAINST THE REAL PROPERTY INCLUDING
10 THE DWELLING UNIT FOR WHICH THE RATE OR CHARGE WAS IMPOSED AND
11 PROVIDE THAT AMOUNTS ENTERED ON THE TAX ROLL BECOME A LIEN
12 AGAINST THAT REAL PROPERTY.

13 (B) CERTIFY THE RATE OR CHARGE TO THE PROPER TAX COLLECTING
14 OFFICER TO BE ENTERED DIRECTLY IN A SEPARATE COLUMN ON THE NEXT
15 TAX ROLL AGAINST THE REAL PROPERTY INCLUDING THE DWELLING UNIT
16 FOR WHICH THE RATE OR CHARGE WAS IMPOSED FOR INITIAL COLLECTION
17 IN THE SAME MANNER AS AD VALOREM PROPERTY TAXES UNDER THE GENERAL
18 PROPERTY TAX ACT, ACT NO. 206 OF THE PUBLIC ACTS OF 1893, BEING
19 SECTIONS 211.1 TO 211.157 OF THE MICHIGAN COMPILED LAWS, AND PRO-
20 VIDE THAT AMOUNTS ENTERED ON THE TAX ROLL BECOME A LIEN AGAINST
21 THAT REAL PROPERTY.

22 (5) IF A RATE OR CHARGE ENTERED IN A SEPARATE COLUMN ON THE
23 TAX ROLL PURSUANT TO SUBSECTION (4) IS NOT PAID BEFORE
24 FEBRUARY 15, THE RATE OR CHARGE SHALL BE RETURNED AS DELINQUENT
25 TO THE COUNTY TREASURER AND COLLECTED IN THE SAME MANNER AS PRO-
26 VIDED FOR DELINQUENT TAXES UNDER ACT NO. 206 OF THE PUBLIC ACTS
27 OF 1893.

1 (6) THE PAYMENT OF A RATE OR CHARGE PURSUANT TO AN
2 INTERLOCAL AGREEMENT UNDER THIS SECTION MAY BE ENFORCED BY DIS-
3 CONTINUING WASTE REDUCTION SERVICE OR CONSUMER SOURCE SEPARATED
4 MATERIALS COLLECTION SERVICE TO THE PROPERTY INCLUDING THE DWELL-
5 ING UNIT FOR WHICH THE RATE OR CHARGE IS IMPOSED. SUBSECTIONS
6 (4) AND (5) AND THIS SUBSECTION DO NOT LIMIT THE AUTHORITY OF THE
7 COUNTY, AGENCY, OR LOCAL GOVERNMENTAL UNIT TO COLLECT A RATE OR
8 CHARGE BY ANY OTHER MEANS AUTHORIZED BY LAW FOR THE COLLECTION OF
9 A DEBT.

10 (7) Petitions for a referendum election on the question of
11 entering an interlocal agreement WITH A COUNTY OR AGENCY under
12 ~~this~~ subsection (3) may be filed with the ~~local units~~ clerk
13 ~~no~~ OF THE LOCAL GOVERNMENTAL UNIT NOT later than 6 months fol-
14 lowing adoption of a resolution of the county or agency to impose
15 the ~~surcharge~~ RATE OR CHARGE or 6 months following any increase
16 in the ~~surcharge~~ RATE OR CHARGE. Upon petition of 10% of the
17 qualified electors of ~~a~~ THE local GOVERNMENTAL unit ~~of~~
18 ~~government~~ voting in the last general election ~~prior to~~ BEFORE
19 the adoption of the interlocal agreement by the governing body,
20 the local GOVERNMENTAL unit ~~of government~~ shall hold a referen-
21 dum on whether to reject the entrance into or terminate ~~an~~ THE
22 interlocal agreement under ~~this~~ subsection (3). IF THE REFER-
23 ENDUM IS HELD AFTER THE LOCAL GOVERNMENTAL UNIT HAS ENTERED INTO
24 AN INTERLOCAL AGREEMENT AND THE ELECTORS OF THE LOCAL GOVERNMEN-
25 TAL UNIT VOTE TO TERMINATE THE INTERLOCAL AGREEMENT, THE LOCAL
26 GOVERNMENTAL UNIT SHALL CEASE TO BE A PARTY TO THE INTERLOCAL
27 AGREEMENT EFFECTIVE 1 MONTH AFTER THE DATE OF THE ELECTION.

1 (8) ~~(3)~~ As used in this section: ~~, agency~~

2 (A) "AGENCY" does not include the department of natural
3 resources.

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