

HOUSE BILL No. 4955

June 24, 1997, Introduced by Reps. LaForge, Birkholz, Jelinek, Schroer, Brater, Richner, Cassis and Perricone and referred to the Committee on Local Government.

A bill to amend 1967 (Ex Sess) PA 7, entitled "Urban cooperation act of 1967," by amending the title and section 508a (MCL 124.508a), the title as amended by 1989 PA 138 and section 508a as amended by 1996 PA 45.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

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TITLE

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~~ RATES AND CHARGES; and to provide for additional approval for those agreements.

1 Sec. 8a. (1) Subject to ~~the requirement of subsection (2)~~
2 SUBSECTIONS (3) AND (7), 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~~ A
5 COUNTY with a population of 690,000 or more as certified by the
6 1980 census that ~~do~~ DOES not operate under ~~Act No. 139 of the~~
7 ~~Public Acts of 1973, being sections 45.551 to 45.573 of the~~
8 ~~Michigan Compiled Laws, or Act No. 293 of the Public Acts of~~
9 ~~1966, being sections 45.501 to 45.521 of the Michigan Compiled~~
10 ~~Laws~~ 1973 PA 139, MCL 45.551 TO 45.573, OR 1966 PA 293,
11 MCL 45.501 TO 45.521, as provided in part 115 ~~(solid waste~~
12 ~~management)~~ of the natural resources and environmental protec-
13 tion act, ~~Act No. 451 of the Public Acts of 1994, being sections~~
14 ~~324.11501 to 324.11549 of the Michigan Compiled Laws~~ 1994
15 PA 451, MCL 324.11501 TO 324.11549, 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 OR BENEFICIARIES OF waste reduction programs ~~and~~ FOR
19 PROPERTY USED PRIMARILY FOR RESIDENTIAL PURPOSES AND OF PROGRAMS
20 for the collection of consumer source separated materials for
21 recycling or composting FROM PROPERTY USED PRIMARILY FOR RESIDEN-
22 TIAL PURPOSES including, but not limited to, recyclable materi-
23 als, as defined in part 115 of ~~Act No. 451 of the Public Acts of~~
24 ~~1994~~ THE NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION ACT,
25 1994 PA 451, MCL 324.11501 TO 324.11549, household hazardous
26 wastes, tires, batteries, and yard clippings. THE RATE OR CHARGE

1 SHALL NOT EXCEED \$25.00 ANNUALLY FOR EACH DWELLING UNIT INTENDED
2 TO BE OCCUPIED BY A SINGLE HOUSEHOLD.

3 (2) THE MAXIMUM RATE OR CHARGE AUTHORIZED BY THIS SECTION
4 SHALL BE ADJUSTED EACH JANUARY 1, BEGINNING JANUARY 1, 1997, PUR-
5 SUANT TO THE ANNUAL AVERAGE PERCENTAGE INCREASE OR DECREASE IN
6 THE CONSUMER PRICE INDEX. THE ADJUSTMENT FOR EACH YEAR SHALL BE
7 MADE BY COMPARING THE CONSUMER PRICE INDEX FOR THE 12-MONTH
8 PERIOD ENDING THE PRECEDING OCTOBER 31 WITH THE CORRESPONDING
9 CONSUMER PRICE INDEX OF 1 YEAR EARLIER. THE PERCENTAGE INCREASE
10 OR DECREASE SHALL THEN BE MULTIPLIED BY THE CURRENT MAXIMUM RATE
11 OR CHARGE AUTHORIZED BY THIS SECTION. THE PRODUCT SHALL BE
12 ROUNDED UP TO THE NEAREST MULTIPLE OF 50 CENTS AND SHALL BE THE
13 NEW MAXIMUM RATE OR CHARGE AUTHORIZED BY THIS SECTION. THE
14 ADJUSTED MAXIMUM RATE OR CHARGE AUTHORIZED BY THIS SECTION SHALL
15 BE DETERMINED AND ANNOUNCED BY THE DIRECTOR OF THE DEPARTMENT OF
16 ENVIRONMENTAL QUALITY ON OR BEFORE DECEMBER 15 OF EACH YEAR AND
17 SHALL BE PROVIDED UPON REQUEST.

18 (3) ~~(2)~~ A county or agency shall defer the imposition and
19 collection of a ~~surcharge~~ RATE OR CHARGE imposed under subsec-
20 tion (1) in a local GOVERNMENTAL unit ~~of government~~ within that
21 county until the county or agency has entered into an interlocal
22 agreement under this act relating to the collection and disposi-
23 tion of the ~~surcharge~~ RATE OR CHARGE with the local
24 GOVERNMENTAL unit. ~~of government.~~ However, a city in a county
25 in which the agency described in subsection (1) prepared the
26 update to the county's solid waste management plan as provided in
27 part 115 of ~~Act No. 451 of the Public Acts of 1994~~ THE NATURAL

1 RESOURCES AND ENVIRONMENTAL PROTECTION ACT, 1994 PA 451,
2 MCL 324.11501 TO 324.11549, shall not enter into an interlocal
3 agreement under this subsection if the city has levied a tax of 3
4 mills on real property within the city for the disposal or man-
5 agement of solid waste in that city.

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

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

16 (B) CERTIFY THE RATE OR CHARGE TO THE PROPER TAX COLLECTING
17 OFFICER TO BE ENTERED DIRECTLY IN A SEPARATE COLUMN ON THE NEXT
18 TAX ROLL AGAINST THE REAL PROPERTY INCLUDING THE DWELLING UNIT
19 FOR WHICH THE RATE OR CHARGE WAS IMPOSED FOR INITIAL COLLECTION
20 IN THE SAME MANNER AS AD VALOREM PROPERTY TAXES UNDER THE GENERAL
21 PROPERTY TAX ACT, 1893 PA 206, MCL 211.1 TO 211.157, AND PROVIDE
22 THAT AMOUNTS ENTERED ON THE TAX ROLL BECOME A LIEN AGAINST THAT
23 REAL PROPERTY.

24 (5) IF A RATE OR CHARGE ENTERED IN A SEPARATE COLUMN ON THE
25 TAX ROLL PURSUANT TO SUBSECTION (4) IS NOT PAID BEFORE
26 FEBRUARY 15, THE RATE OR CHARGE SHALL BE RETURNED TO THE COUNTY
27 TREASURER AS DELINQUENT AND COLLECTED IN THE SAME MANNER AS

1 PROVIDED FOR THE COLLECTION OF DELINQUENT TAXES UNDER THE GENERAL
2 PROPERTY TAX ACT, 1893 PA 206, MCL 211.1 TO 211.157.

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

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

1 GOVERNMENTAL UNIT SHALL CEASE TO BE A PARTY TO THE INTERLOCAL
2 AGREEMENT EFFECTIVE 1 MONTH AFTER THE DATE OF THE ELECTION.

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

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

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