

HOUSE BILL NO. 4218

February 21, 2019, Introduced by Rep. Miller and referred to the Committee on Local Government and Municipal Finance.

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 2005 PA 69.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

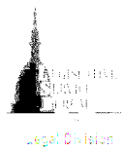
1 Sec. 8a. (1) Subject to ~~subsection~~ **subsections** (3) **and (10)**, a
2 county, by resolution of the county board of commissioners of the
3 county, or the agency responsible for preparing the solid waste
4 management plan for counties with a population of 690,000 or more



1 as certified by the 1980 census that do not operate under 1973 PA
2 139, MCL 45.551 to 45.573, or 1966 PA 293, MCL 45.501 to 45.521, as
3 provided in part 115 of the natural resources and environmental
4 protection act, 1994 PA 451, MCL 324.11501 to ~~324.11550~~, **324.11554**,
5 may impose a surcharge on households within the county of not more
6 than \$2.00 per month or \$25.00 per year per household for waste
7 reduction programs and for the collection of consumer source
8 separated materials for recycling or composting including, but not
9 limited to, recyclable materials, as defined in ~~part 115~~ **section**
10 **11505** of the natural resources and environmental protection act,
11 1994 PA 451, MCL ~~324.11501 to 324.11550~~, **324.11505**, household
12 hazardous wastes, tires, batteries, and yard clippings.

13 (2) Subject to ~~subsection~~ **subsections** (4), (8), and (10) and
14 if approved by the voters of a participating unit of government, a
15 county may charge an amount greater than allowed under subsection
16 (1) but not more than \$4.00 per month or \$50.00 per year per
17 household, for the purposes described under subsection (1). The
18 county may include commercial businesses as entities to be subject
19 to the surcharge approved by the voters.

20 (3) A county or agency shall defer the imposition and
21 collection of a surcharge imposed under subsection (1) in a local
22 unit of government within that county until the county or agency
23 has entered into an interlocal agreement under this act relating to
24 the collection and disposition of the surcharge with the local unit
25 of government. A city in a county in which the agency described in
26 subsection (1) prepared the update to the county's solid waste
27 management plan as provided in part 115 of the natural resources
28 and environmental protection act, 1994 PA 451, MCL 324.11501 to
29 ~~324.11550~~, **324.11554**, shall not enter into an interlocal agreement



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

3 Petitions for a referendum election on the question of entering an
4 interlocal agreement may be filed with the clerk of the local unit
5 of government no later than 6 months following adoption of a
6 resolution of the county or agency to impose **or increase** the
7 surcharge. ~~or 6 months following any increase in the surcharge.~~

8 Upon petition of 10% of the qualified electors of a local unit of
9 government voting in the last general election before the adoption
10 of the interlocal agreement by the governing body, the local unit
11 of government shall hold a referendum on whether to reject the
12 entrance into or terminate an interlocal agreement.

13 (4) An election allowed under subsection (2) shall not be held
14 unless the county board of commissioners passes a resolution
15 authorizing the election. The resolution shall include all of the
16 following:

17 (a) The approval to hold the election.

18 (b) The name of the individual designated to negotiate the
19 interlocal agreement between the municipalities and townships
20 within the county.

21 (c) A date by which each municipality and township within the
22 county shall elect to participate in the interlocal agreement and
23 authorize an election under this section.

24 (d) The date for the election.

25 (e) The amount of the proposed surcharge.

26 (f) Whether commercial businesses will be subject to the
27 proposed surcharge.

28 (5) The initial authorization under subsection (4) shall be
29 for 5 years. Any subsequent authorizations shall be for a period of



1 not less than 10 years.

2 (6) With the approval of the county, a municipality or
3 township that is not part of an interlocal agreement established
4 under this section may become subject to the agreement by otherwise
5 complying with the requirements of this section.

6 (7) With the approval of the county and after providing notice
7 to the municipality or township in which the business is located, a
8 business not subject to this section may agree to be part of an
9 interlocal agreement established under this section and shall be
10 subject to the terms and conditions of the agreement.

11 (8) The surcharge approved under subsection (2) shall not
12 apply to vacant land, public-utility-owned land, rights-of-way, and
13 easements that do not generate solid waste.

14 (9) A surcharge approved under subsection (2) is a mandatory
15 charge and may be collected by any reasonable billing method
16 approved by the county, including, but not limited to, as part of
17 billings for property taxes, water and sewage usage, or other
18 services provided by the county to households and commercial
19 businesses within the county.

20 **(10) The maximum monthly and yearly amounts specified in**
21 **subsections (1) and (2) shall be adjusted effective each January 1,**
22 **beginning in 2020, by an amount determined by the state treasurer**
23 **to reflect the cumulative percentage change in the Detroit Consumer**
24 **Price Index from January 1, 2019 to the most recent date for which**
25 **the Detroit Consumer Price Index is available.**

26 (11) ~~(10)~~As used in this section:

27 (a) "Agency" does not include the department of environmental
28 quality.

29 (b) "Commercial businesses" means businesses engaged in the



1 sale, lease, or exchange of goods, services, real property, or any
2 other thing of value. Commercial businesses do not include
3 wholesale businesses engaged in the manufacturing of goods or
4 materials or the processing of goods or materials.

5 (c) "Detroit Consumer Price Index" means the most
6 comprehensive index of consumer prices available for the Detroit
7 area from the United States Department of Labor, Bureau of Labor
8 Statistics.

9 Enacting section 1. This amendatory act takes effect 90 days
10 after the date it is enacted into law.

