

# SENATE BILL No. 820

September 15, 2009, Introduced by Senators PAPPAGEORGE and McMANUS and referred to the Committee on Appropriations.

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 (3), a county, by  
2       resolution of the county board of commissioners of the county, or  
3       the agency responsible for preparing the solid waste management  
4       plan for counties with a population of 690,000 or more as certified  
5       by the 1980 census that do not operate under 1973 PA 139, MCL  
6       45.551 to 45.573, or 1966 PA 293, MCL 45.501 to 45.521, as provided  
7       in part 115 of the natural resources and environmental protection

1 act, 1994 PA 451, MCL 324.11501 to 324.11550, may impose a  
2 surcharge on households within the county of not more than \$2.00  
3 per month or \$25.00 per year per household for waste reduction  
4 programs and for the collection of consumer source separated  
5 materials for recycling or composting including, but not limited  
6 to, recyclable materials, as defined in part 115 of the natural  
7 resources and environmental protection act, 1994 PA 451, MCL  
8 324.11501 to 324.11550, household hazardous wastes, tires,  
9 batteries, and yard clippings.

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

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

1 the disposal or management of solid waste in that city. Petitions  
2 for a referendum election on the question of entering an interlocal  
3 agreement may be filed with the clerk of the local unit of  
4 government no later than 6 months following adoption of a  
5 resolution of the county or agency to impose the surcharge or 6  
6 months following any increase in the surcharge. Upon petition of  
7 10% of the qualified electors of a local unit of government voting  
8 in the last general election before the adoption of the interlocal  
9 agreement by the governing body, the local unit of government shall  
10 hold a referendum on whether to reject the entrance into or  
11 terminate an interlocal agreement.

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

16 (a) The approval to hold the election.

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

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

23 (d) The date for the election.

24 (e) The amount of the proposed surcharge.

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

27 (5) The initial authorization under subsection (4) shall be

1 for 5 years. Any subsequent authorizations shall be for a period of  
2 not less than 10 years.

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

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

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

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

21 (10) As used in this section:

22 (a) "Agency" does not include the department of ~~environmental~~  
23 ~~quality~~ **NATURAL RESOURCES**.

24 (b) "Commercial businesses" means businesses engaged in the  
25 sale, lease, or exchange of goods, services, real property, or any  
26 other thing of value. Commercial businesses do not include  
27 wholesale businesses engaged in the manufacturing of goods or

1 materials or the processing of goods or materials.

2 Enacting section 1. This amendatory act does not take effect  
3 unless Senate Bill No. 807

4 of the 95th Legislature is enacted into law.