

Act No. 138
Public Acts of 1989
Approved by the Governor
June 29, 1989
Filed with the Secretary of State
June 29, 1989

**STATE OF MICHIGAN
85TH LEGISLATURE
REGULAR SESSION OF 1989**

Introduced by Reps. Brown, Gilmer, Wartner, DeMars, Gubow and Jondahl

ENROLLED HOUSE BILL No. 4178

AN ACT to amend the title 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 such agreements and for the filing and status thereof; to permit the allocation of certain taxes or moneys received from tax increment financing plans as revenues; and to provide for additional approval for such agreements," as amended, being sections 124.501 to 124.512 of the Michigan Compiled Laws; and to add section 8a.

The People of the State of Michigan enact:

Section 1. The title of Act No. 7 of the Public Acts of the Extra Session of 1967, as amended, being sections 124.501 to 124.512 of the Michigan Compiled Laws, is amended and section 8a is added to read as follows:

§ 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; and to provide for additional approval for those agreements.

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 the solid waste management act, Act No. 641 of the Public Acts of 1978, being sections 299.401 to 299.437 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 Act No. 641 of the Public Acts of 1978, 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 Act No. 641 of the Public Acts of 1978 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.

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Clerk of the House of Representatives.

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Secretary of the Senate.

Approved.....

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Governor.