

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

Introduced by Reps. Gnodtke, Hart, Middaugh, Pridnia, DeMars, Hickner, DeBeaussiaert, Owen,  
Gubow, Kosteva, Miller, Stacey, Dolan, Sikkema, Bender, Trim and London

# ENROLLED HOUSE BILL No. 4633

AN ACT to amend the title of Act No. 641 of the Public Acts of 1978, entitled "An act to protect the public health and the environment; to provide for the regulation and management of solid wastes; to prescribe the powers and duties of certain state and local agencies and officials; to prescribe penalties; to make an appropriation; and to repeal certain acts and parts of acts," as amended, being sections 299.401 to 299.437 of the Michigan Compiled Laws; and to add section 24a.

*The People of the State of Michigan enact:*

Section 1. The title of Act No. 641 of the Public Acts of 1978, as amended, being sections 299.401 to 299.437 of the Michigan Compiled Laws, is amended and section 24a is added to read as follows:

## TITLE

An act to protect the public health and the environment; to provide for the regulation and management of solid wastes including ash resulting from the combustion of certain solid wastes; to prescribe the powers and duties of certain state and local agencies and officials; to prescribe penalties; to provide for certain impact fees; to make an appropriation; and to repeal certain acts and parts of acts.

Sec. 24a. (1) A municipality may impose an impact fee of not more than 7 cents per cubic yard on solid waste that is disposed of in a disposal area that is a landfill utilized by the public and utilized to dispose of solid waste collected from 2 or more persons that is located within the municipality. The impact fee shall be collected by the owner or operator of the landfill uniformly on all wastes accepted for disposal and shall be paid to the municipality quarterly by the 30th day after the end of each calendar quarter. However, the impact fee allowed to be assessed to each landfill under this section shall be reduced by any amount of revenue paid to or available to the municipality from the landfill under the terms of any preexisting agreements, including, but not limited to, contracts, special use permit conditions, court settlement agreement conditions, and trusts.

(2) Unless a trust fund is established by a municipality pursuant to subsection (3), the revenue collected by a municipality under subsection (1) shall be deposited in its general fund to be used for solid waste management or any cost incurred by the municipality related to the operation of a landfill whose owner or operator is collecting the impact fee pursuant to subsection (1). However, revenue collected pursuant to this section shall not be used to bring or support a lawsuit or other legal action against the owner or operator of the landfill who is collecting an impact fee unless the owner or operator of the landfill has instituted a lawsuit or other legal action against the municipality.

(3) The municipality may establish a trust fund to receive revenue collected pursuant to this section. The trust fund shall be administered by a board of trustees. The board of trustees shall consist of the following members:

- (a) The chief elected official of the municipality creating the trust fund.
- (b) An individual from the municipality appointed by the governing board of the municipality.
- (c) An individual approved by the owners or operators of the landfills within the municipality and appointed by the governing board of the municipality.
- (4) Individuals appointed to serve on the board of trustees under subsection (3)(b) and (c) shall serve for terms of 2 years.
- (5) Money in the trust fund may be expended for any cost incurred by the municipality related to the operation of a landfill or for solid waste management by a majority of the board of trustees. However, money collected pursuant to this section shall not be used to bring or support a lawsuit or other legal action against the owner or operator of a landfill who is collecting an impact fee pursuant to subsection (1) unless the owner or operator of the landfill has instituted a lawsuit or other legal action against the municipality.

Section 2. This amendatory act shall take effect October 1, 1989.

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.