

HOUSE BILL No. 4993

July 13, 1989, Introduced by Reps. Gnodtke, Hart, Stacey, Hickner, DeBeaussaert, Owen, DeMars, Kosteva and Randall and referred to the Committee on Conservation, Recreation and Environment.

A bill to amend the title of Act No. 641 of the Public Acts of 1978, entitled as amended "Solid waste management act," 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:

1 Section 1. The title of Act No. 641 of the Public Acts of
2 1978, as amended, being sections 299.401 to 299.437 of the
3 Michigan Compiled Laws, is amended and section 24a is added to
4 read as follows:

5	TITLE
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6 An act to protect the public health and the environment; to
7 provide for the regulation and management of solid wastes
8 including ash resulting from the combustion of certain solid
9 wastes; to prescribe the powers and duties of certain state and

1 local agencies and officials; to prescribe penalties; TO PROVIDE
2 FOR CERTAIN IMPACT FEES; to make an appropriation; and to repeal
3 certain acts and parts of acts.

4 SEC. 24A. (1) EXCEPT AS PROVIDED IN SUBSECTION (3), A
5 MUNICIPALITY MAY IMPOSE AN IMPACT FEE OF NOT MORE THAN 10 CENTS
6 PER CUBIC YARD ON SOLID WASTE THAT IS DISPOSED OF IN A LANDFILL
7 LOCATED WITHIN THE MUNICIPALITY THAT IS UTILIZED BY THE PUBLIC
8 AND UTILIZED TO DISPOSE OF SOLID WASTE COLLECTED FROM 2 OR MORE
9 PERSONS. THE IMPACT FEE SHALL BE ASSESSED UNIFORMLY ON ALL
10 WASTES ACCEPTED FOR DISPOSAL.

11 (2) EXCEPT AS PROVIDED IN SUBSECTION (3), A MUNICIPALITY MAY
12 IMPOSE AN IMPACT FEE OF NOT MORE THAN 10% OF THE DISPOSAL FEE
13 CHARGED ON MUNICIPAL SOLID WASTE INCINERATOR ASH THAT IS DISPOSED
14 OF IN A LANDFILL LOCATED WITHIN THE MUNICIPALITY THAT IS UTILIZED
15 TO DISPOSE OF MUNICIPAL SOLID WASTE INCINERATOR ASH COLLECTED
16 FROM 2 OR MORE PERSONS.

17 (3) A MUNICIPALITY MAY ENTER INTO AN AGREEMENT WITH THE
18 OWNER OR OPERATOR OF A LANDFILL TO ESTABLISH A HIGHER IMPACT FEE
19 THAN THAT PROVIDED FOR IN SUBSECTIONS (1) AND (2).

20 (4) THE IMPACT FEES IMPOSED UNDER THIS SECTION SHALL BE COL-
21 LECTED BY THE OWNER OR OPERATOR OF A LANDFILL AND SHALL BE PAID
22 TO THE MUNICIPALITY QUARTERLY BY THE THIRTIETH DAY AFTER THE END
23 OF EACH CALENDAR QUARTER. HOWEVER, THE IMPACT FEES ALLOWED TO BE
24 ASSESSED TO EACH LANDFILL UNDER THIS SECTION SHALL BE REDUCED BY
25 ANY AMOUNT OF REVENUE PAID TO OR AVAILABLE TO THE MUNICIPALITY
26 FROM THE LANDFILL UNDER THE TERMS OF ANY PREEXISTING AGREEMENTS,

1 INCLUDING, BUT NOT LIMITED TO, CONTRACTS, SPECIAL USE PERMIT
2 CONDITIONS, COURT SETTLEMENT AGREEMENT CONDITIONS, AND TRUSTS.

3 (5) UNLESS A TRUST FUND IS ESTABLISHED BY A MUNICIPALITY
4 PURSUANT TO SUBSECTION (6), THE REVENUE COLLECTED BY A MUNICIPAL-
5 ITY UNDER SUBSECTION (1) SHALL BE DEPOSITED IN ITS GENERAL FUND
6 TO BE USED FOR ANY PURPOSE THAT PROMOTES THE PUBLIC HEALTH,
7 SAFETY, OR WELFARE OF THE CITIZENS OF THE MUNICIPALITY. HOWEVER,
8 REVENUE COLLECTED PURSUANT TO THIS SECTION SHALL NOT BE USED TO
9 BRING OR SUPPORT A LAWSUIT OR OTHER LEGAL ACTION AGAINST THE
10 OWNER OR OPERATOR OF THE LANDFILL WHO IS COLLECTING AN IMPACT FEE
11 PURSUANT TO SUBSECTION (4) UNLESS THE OWNER OR OPERATOR OF THE
12 LANDFILL HAS INSTITUTED A LAWSUIT OR OTHER LEGAL ACTION AGAINST
13 THE MUNICIPALITY.

14 (6) THE MUNICIPALITY MAY ESTABLISH A TRUST FUND TO RECEIVE
15 REVENUE COLLECTED PURSUANT TO THIS SECTION. THE TRUST FUND SHALL
16 BE ADMINISTERED BY A BOARD OF TRUSTEES. THE BOARD OF TRUSTEES
17 SHALL CONSIST OF THE FOLLOWING MEMBERS:

18 (A) THE CHIEF ELECTED OFFICIAL OF THE MUNICIPALITY CREATING
19 THE TRUST FUND.

20 (B) AN INDIVIDUAL FROM THE MUNICIPALITY APPOINTED BY THE
21 GOVERNING BOARD OF THE MUNICIPALITY.

22 (C) AN INDIVIDUAL APPROVED BY THE OWNERS OR OPERATORS OF THE
23 LANDFILLS WITHIN THE MUNICIPALITY AND APPOINTED BY THE GOVERNING
24 BOARD OF THE MUNICIPALITY.

25 (7) INDIVIDUALS APPOINTED TO SERVE ON THE BOARD OF TRUSTEES
26 UNDER SUBSECTION (6)(B) AND (C) SHALL SERVE FOR TERMS OF
27 2 YEARS.

1 (8) MONEY IN THE TRUST FUND MAY BE EXPENDED, PURSUANT TO A
2 MAJORITY VOTE OF THE BOARD OF TRUSTEES, FOR ANY PURPOSE THAT PRO-
3 MOTES THE PUBLIC HEALTH, SAFETY, OR WELFARE OF THE CITIZENS OF
4 THE MUNICIPALITY. HOWEVER, MONEY COLLECTED PURSUANT TO THIS SEC-
5 TION SHALL NOT BE USED TO BRING OR SUPPORT A LAWSUIT OR OTHER
6 LEGAL ACTION AGAINST THE OWNER OR OPERATOR OF A LANDFILL WHO IS
7 COLLECTING AN IMPACT FEE PURSUANT TO SUBSECTION (4) UNLESS THE
8 OWNER OR OPERATOR OF THE LANDFILL HAS INSTITUTED A LAWSUIT OR
9 OTHER LEGAL ACTION AGAINST THE MUNICIPALITY.