

Legislative Analysis



SOLID WASTE MANAGEMENT SURCHARGE

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Senate Bill 79 as passed by the Senate

Sponsor: Sen. Michelle A. McManus

House Committee: Natural Resources, Great Lakes, Land Use, and Environment

Senate Committee: Natural Resources and Environmental Affairs

Complete to 6-1-05

A SUMMARY OF SENATE BILL 79 AS PASSED BY THE SENATE 3-23-05

Generally speaking, the Urban Cooperation Act permits counties, by resolution of the board of commissioners, to impose a surcharge not exceeding \$2 per month or \$25 per year on each household within the county to finance waste reduction, recycling, and composting programs, subject to certain limitations. Before a surcharge may be imposed in a city, village, or township, the county and local unit must enter into an interlocal agreement regarding the collection and disposition of the surcharge.

(The act also permits the designated planning agency preparing the solid waste management plan for a county with a 1980 population of at least 690,000 and not operating as a charter county or under a unified form of county government – essentially meaning Macomb County – to impose the surcharge.)

Senate Bill 79 would amend the act to permit counties to impose a surcharge greater than the current \$2 per month or \$25 per year limit, subject to the approval of local voters. However, the total surcharge could not exceed \$4 per month or \$50 per year. The bill also provides that commercial businesses, which are currently not subject to the surcharge, could be subject to the surcharge, with voter approval.

To hold an election on the increased surcharge, the county board of commissioners would have to pass a resolution that includes the following: (1) the approval to hold the election; (2) the name of the individual responsible for negotiating the interlocal agreement; (3) the date by which each local city, village, or township within the county must elect to participate in the interlocal agreement and authorize an election; (4) the date of the election; (5) the amount of the proposed surcharge; and (6) whether commercial businesses will be subject to the proposed surcharge. The initial authorization for the additional surcharge would be for a period of five years. Subsequent authorizations would be for at least 10 years. The surcharge approved by voters would not apply to vacant land, land owned by a public-utility, rights-of-way, and easements that do not generate solid waste.

Cities, village, or townships that are not part of the interlocal agreement may become part of the agreement with the approval of the county and by complying with the relevant provisions of the act. Additionally, a business that is not subject to the act currently

could, with approval of the county and upon notifying the local unit in which it is located, be subject to the surcharge and other provisions of the agreement.

Finally, the bill specifies that the surcharge approved by voters is a mandatory charge that could be collected by any reasonable billing method, including as part of the billing for property taxes, water and sewer usage, or other services provided by the county to households and commercial businesses within the county.

FISCAL IMPACT:

The bill would have no apparent fiscal impact on the state and an indeterminate fiscal impact on local units of government.

BACKGROUND INFORMATION:

Part 115 (Solid Waste Management) of the Natural Resources and Environmental Protection Act – formerly the Solid Waste Management Act, Public Act 641 of 1978 – requires that every county develop a solid waste management plan to assure that nonhazardous waste materials generated in the county are collected and recovered, processed, and disposed of properly.

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