

SENATE BILL No. 322

May 21, 1991, Introduced by Senators DI NELLO and CARL
and referred to the Committee on Local Government and
Reapportionment.

A bill to amend section 24a of Act No. 641 of the Public
Acts of 1978, entitled as amended
"Solid waste management act,"
as added by Act No. 66 of the Public Acts of 1990, being section
299.424a of the Michigan Compiled Laws.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Section 24a of Act No. 641 of the Public Acts of
2 1978, as added by Act No. 66 of the Public Acts of 1990, being
3 section 299.424a of the Michigan Compiled Laws, is amended to
4 read as follows:

5 Sec. 24a. (1) Except as provided in subsection ~~-(3)-~~ (4), a
6 municipality may impose an impact fee of not more than 10 cents
7 per cubic yard on solid waste that is disposed of in a landfill
8 located within the municipality that is utilized by the public
9 and utilized to dispose of solid waste collected from 2 or more

1 persons. However, if the landfill is located within a village,
2 the impact fee provided for in this subsection shall be imposed
3 by the township in agreement with the village. The impact fee
4 shall be assessed uniformly on all wastes accepted for disposal.

5 (2) Except as provided in subsection ~~-(3)-~~ (4), a municipal-
6 ity may impose an impact fee of not more than 10 cents per cubic
7 yard on municipal solid waste incinerator ash that is disposed of
8 in a landfill located within the municipality that is utilized to
9 dispose of municipal solid waste incinerator ash. However, if
10 the landfill is located within a village, the impact fee provided
11 for in this subsection shall be imposed by the township in agree-
12 ment with the village.

13 (3) EXCEPT AS PROVIDED IN SUBSECTION (4), A MUNICIPALITY MAY
14 IMPOSE AN IMPACT FEE OF NOT MORE THAN 40 CENTS PER TON ON SOLID
15 WASTE THAT IS RECEIVED BY A MUNICIPAL SOLID WASTE INCINERATOR
16 LOCATED WITHIN THE MUNICIPALITY THAT IS UTILIZED BY THE PUBLIC
17 AND UTILIZED TO RECEIVE AND PROCESS SOLID WASTE OR TRANSFER SOLID
18 WASTE TO A LANDFILL IF THAT SOLID WASTE IS COLLECTED FROM 2 OR
19 MORE PERSONS. HOWEVER, IF THE MUNICIPAL SOLID WASTE INCINERATOR
20 IS LOCATED WITHIN A VILLAGE, THE TOWNSHIP IN WHICH THE VILLAGE IS
21 LOCATED, IN AGREEMENT WITH THE VILLAGE, SHALL IMPOSE THE IMPACT
22 FEE PROVIDED FOR IN THIS SUBSECTION. THE IMPACT FEE SHALL BE
23 ASSESSED UNIFORMLY ON ALL WASTES RECEIVED FOR PROCESSING OR
24 TRANSFER TO A LANDFILL.

25 (4) ~~-(3)-~~ A municipality may enter into an agreement with
26 the owner or operator of a landfill OR MUNICIPAL SOLID WASTE

1 INCINERATOR to establish a higher impact fee than that provided
2 for in subsections (1), ~~and~~ (2), AND (3).

3 (5) BEGINNING JANUARY 1, 1992 AND ON JANUARY 1 OF EACH YEAR
4 THEREAFTER, THE DIRECTOR SHALL ADJUST THE IMPACT FEES IMPOSED
5 UNDER THIS SECTION PURSUANT TO THE ANNUAL AVERAGE PERCENTAGE
6 INCREASE OR DECREASE IN THE DETROIT CONSUMER PRICE INDEX--ALL
7 ITEMS.

8 (6) ~~-(4)-~~ The impact fees imposed under this section shall
9 be collected by the owner or operator of a landfill OR MUNICIPAL
10 SOLID WASTE INCINERATOR and shall be paid to the municipality
11 quarterly by the thirtieth day after the end of each calendar
12 quarter. However, the impact fees allowed to be assessed to each
13 landfill AND MUNICIPAL SOLID WASTE INCINERATOR under this section
14 shall be reduced by any amount of revenue paid to or available to
15 the municipality from the landfill OR MUNICIPAL SOLID WASTE
16 INCINERATOR under the terms of any preexisting agreements,
17 including, but not limited to, contracts, special use permit con-
18 ditions, court settlement agreement conditions, and trusts.

19 (7) ~~-(5)-~~ Unless a trust fund is established by a municipal-
20 ity pursuant to subsection ~~-(6)-~~ (8), the revenue collected by a
21 municipality under subsections (1), ~~and~~ (2), AND (3) shall be
22 deposited in its general fund to be used for any purpose that
23 promotes the public health, safety, or welfare of the citizens of
24 the municipality. However, revenue collected pursuant to this
25 section shall not be used to bring or support a lawsuit or other
26 legal action against the owner or operator of the landfill OR
27 MUNICIPAL SOLID WASTE INCINERATOR who is collecting an impact fee

1 pursuant to subsection ~~-(4)-~~ (6) unless the owner or operator of
2 the landfill OR MUNICIPAL SOLID WASTE INCINERATOR has instituted
3 a lawsuit or other legal action against the municipality.

4 (8) ~~-(6)-~~ The municipality may establish a trust fund to
5 receive revenue collected pursuant to this section. The trust
6 fund shall be administered by a board of trustees. The board of
7 trustees shall consist of the following members:

8 (a) The chief elected official of the municipality creating
9 the trust fund.

10 (b) ~~An individual~~ TWO INDIVIDUALS from the municipality
11 appointed by the governing board of the municipality.

12 (c) An individual approved by the owners or operators of the
13 landfills within the municipality and appointed by the governing
14 board of the municipality, IF APPLICABLE.

15 (D) AN INDIVIDUAL APPROVED BY THE OWNERS OR OPERATORS OF THE
16 MUNICIPAL SOLID WASTE INCINERATORS WITHIN THE MUNICIPALITY AND
17 APPOINTED BY THE GOVERNING BOARD OF THE MUNICIPALITY, IF
18 APPLICABLE.

19 (9) ~~-(7)-~~ Individuals appointed to serve on the board of
20 trustees under subsection ~~-(6)(b)-and-~~ (8)(B), (c), AND (D) shall
21 serve for terms of 2 years.

22 (10) ~~-(8)-~~ Money in the trust fund may be expended, pursuant
23 to a majority vote of the board of trustees, for any purpose that
24 promotes the public health, safety, or welfare of the citizens of
25 the municipality. However, revenue collected pursuant to this
26 section shall not be used to bring or support a lawsuit or other
27 legal action against the owner or operator of a landfill OR

1 MUNICIPAL SOLID WASTE INCINERATOR who is collecting an impact fee
2 pursuant to subsection ~~—(4)—~~ (6) unless the owner or operator of
3 the landfill OR MUNICIPAL SOLID WASTE INCINERATOR has instituted
4 a lawsuit or other legal action against the municipality.