

Act No. 92  
Public Acts of 1991  
Approved by the Governor  
July 30, 1991  
Filed with the Secretary of State  
July 31, 1991

**STATE OF MICHIGAN  
86TH LEGISLATURE  
REGULAR SESSION OF 1991**

Introduced by Rep. Hickner

# **ENROLLED HOUSE BILL No. 4962**

AN ACT to amend section 3 of Act No. 395 of the Public Acts of 1980, entitled as amended "An act relating to the promotion of convention business or tourism in municipalities in this state; to provide for tourism or convention marketing programs in municipalities through nonprofit convention and tourist bureaus; to provide for the imposition and collection of assessments on the owners of transient facilities to support tourism or convention marketing programs; to provide for the disbursement of the assessments; to establish the functions and duties of the department of commerce; and to prescribe remedies and penalties," as amended by Act No. 245 of the Public Acts of 1989, being section 141.873 of the Michigan Compiled Laws.

*The People of the State of Michigan enact:*

Section 1. Section 3 of Act No. 395 of the Public Acts of 1980, as amended by Act No. 245 of the Public Acts of 1989, being section 141.873 of the Michigan Compiled Laws, is amended to read as follows:

Sec. 3. (1) A bureau that wishes to establish a marketing program and assessment district shall file a marketing program notice with the director. The marketing program notice shall state that the bureau proposes to create a marketing program under this act and cause an assessment to be collected from owners of transient facilities within the assessment district to pay the costs of the marketing program.

(2) The marketing program notice shall describe the structure, membership, and activities of the bureau.

(3) The marketing program notice shall describe the marketing program to be implemented by the bureau with the assessment revenues, specify the amount of the assessment proposed to be levied, which shall not exceed 2% of the room charges in the applicable payment period, and describe the municipalities comprising the assessment district.

(4) Except as provided in this subsection, a municipality or a part of a municipality shall not be included in the marketing program notice and the assessment district specified in the notice if on the date the notice is mailed the county in which that part is located is collecting a tax pursuant to Act No. 263 of the Public Acts of 1974, being sections 141.861 to 141.867 of the Michigan Compiled Laws. A municipality or a part of a municipality may be included in a marketing program notice and the assessment district specified in the notice and after September 30, 1991 may be assessed under this act if the county in which the municipality or part is located collects an excise tax pursuant to Act No. 263 of the Public Acts of 1974, being sections 141.861 to 141.867 of the Michigan Compiled Laws, and the authority to collect that excise tax terminates not later than October 1, 1991. Except as provided in section 10, an area shall not be included in the marketing program notice filed under this act and the assessment district specified in the notice if the area is part of an existing assessment district under this act for which a marketing program is in effect.

(5) If on the date of the mailing of the marketing program notice under this act an excise tax or other tax based on a room charge is not being collected, a municipality included in the marketing program notice shall not be subject to the collection of an excise tax imposed under Act No. 263 of the Public Acts of 1974 or another tax based on a room charge.

(6) If a part of a municipality is subject to an assessment under the convention and tourism marketing act, Act No. 383 of the Public Acts of 1980, being sections 141.881 to 141.889 of the Michigan Compiled Laws, that part of the municipality shall not be included in a marketing program notice or assessment district under this act.

(7) Simultaneously with the filing of the marketing program notice with the director, the bureau shall mail a copy of the notice, by registered or certified mail, to each owner of a transient facility located in the assessment district specified in the notice, in care of the respective transient facility. In assembling the list of owners to whom the notices shall be mailed, the bureau shall use any data that is reasonably available to the bureau.

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.