



# HOUSE BILL No. 5898

May 22, 1996, Introduced by Reps. Profit and Dobronski and referred to the Committee on Local Government.

A bill to amend section 3 of Act No. 280 of the Public Acts of 1995, entitled

"An act to authorize local units of government to accept financial transaction device payments,"

being section 129.223 of the Michigan Compiled Laws.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1 Section 1. Section 3 of Act No. 280 of the Public Acts of  
2 1995, being section 129.223 of the Michigan Compiled Laws, is  
3 amended to read as follows:

4 Sec. 3. (1) Before a local unit accepts a payment by finan-  
5 cial transaction device for a tax, assessment, or fee, the gov-  
6 erning body of the local unit shall adopt a resolution authoriz-  
7 ing the acceptance of payments by financial transaction devices.  
8 THE RESOLUTION SHALL SPECIFY ANY TAXES, ASSESSMENTS, OR FEES FOR  
9 WHICH PAYMENTS BY FINANCIAL TRANSACTION DEVICES WILL NOT BE

1 ACCEPTED. THE RESOLUTION MAY AUTHORIZE THE LOCAL UNIT TO CHARGE  
2 THE USER OF A FINANCIAL TRANSACTION DEVICE ANY FEE TO WHICH THE  
3 LOCAL UNIT WILL BE SUBJECT BECAUSE OF ACCEPTANCE OF THE PAYMENT  
4 BY A FINANCIAL TRANSACTION DEVICE.

5 (2) The resolution ADOPTED UNDER SUBSECTION (1) shall desig-  
6 nate the treasurer of the local unit as responsible for determin-  
7 ing the types of financial transaction devices that may be  
8 accepted. The resolution may designate an additional officer or  
9 employee as jointly responsible with the treasurer for determin-  
10 ing the financial transaction devices that may be accepted.  
11 However, if the treasurer is not an elected treasurer, the reso-  
12 lution may provide that the determination of the types of finan-  
13 cial transaction devices shall be subsequently approved by reso-  
14 lution of the governing body. The determination of the financial  
15 transaction devices that may be accepted shall comply with any  
16 resolution for the deposit of public money under section 2 of Act  
17 No. 40 of the Public Acts of the First Extra Session of 1932,  
18 being section 129.12 of the Michigan Compiled Laws, applicable to  
19 that local unit. ~~The resolution under this subsection shall~~  
20 ~~specify any taxes, assessments, or fees for which payments by~~  
21 ~~financial transaction devices will not be accepted.~~

22 (3) ~~(2)~~ Notwithstanding the resolution adopted under sub-  
23 section (1), if an elected official's office has direct responsi-  
24 bility to collect a tax, assessment, or fee and the elected offi-  
25 cial is not a voting member of the governing body of the local  
26 unit, the elected official may determine not to accept payments  
27 by financial transaction devices for that particular tax,

1 assessment, or fee. Before implementing such a determination,  
2 the elected official shall notify the governing body of the local  
3 unit in writing of the particular tax, assessment, or fee for  
4 which payments by financial transaction devices will not be  
5 accepted.