

# HOUSE BILL No. 4782

May 28, 2003, Introduced by Rep. Rivet and referred to the Committee on Tax Policy.

A bill to amend 1980 PA 395, entitled  
"Community convention or tourism marketing act,"  
by amending section 3 (MCL 141.873), as amended by 1996 PA 589.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

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

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

10       (3) The marketing program notice shall describe the marketing  
11 program to be implemented by the bureau with the assessment

1 revenues, specify the amount of the assessment proposed to be  
2 levied, which, except as provided in this subsection, shall not  
3 exceed ~~2%~~ 5% of the room charges in the applicable payment  
4 period, and describe the municipalities comprising the assessment  
5 district. ~~A bureau described in subsection (8) may impose an~~  
6 ~~assessment of 4% if the assessment and marketing program are~~  
7 ~~approved by a majority of the transient facilities located within~~  
8 ~~a township described in subsection (8) at a written referendum~~  
9 ~~held by the director pursuant to section 3a by mail or in person~~  
10 ~~for the purpose of which each owner shall have 1 vote for each~~  
11 ~~room in an owner's transient facility.~~

12 (4) Except as provided in section 10, an area shall not be  
13 included in the marketing program notice filed under this act and  
14 the assessment district specified in the notice if the area is  
15 part of an existing assessment district under this act for which  
16 a marketing program is in effect.

17 (5) If on the date of the mailing of the marketing program  
18 notice under this act an excise tax or other tax based on a room  
19 charge is not being collected, a municipality included in the  
20 marketing program notice shall not be subject to the collection  
21 of an excise tax imposed under ~~Act No. 263 of the Public Acts of~~  
22 ~~1974, being sections 141.861 to 141.867 of the Michigan Compiled~~  
23 ~~Laws~~ **1974 PA 263, MCL 141.861 to 141.867**, or another tax based  
24 on a room charge.

25 (6) If a part of a municipality is subject to an assessment  
26 under the convention and tourism marketing act, ~~Act No. 383 of~~  
27 ~~the Public Acts of 1980, being sections 141.881 to 141.889 of the~~

1 ~~Michigan Compiled Laws— 1980 PA 383, MCL 141.881 to 141.889~~, that  
2 part of the municipality shall not be included in a marketing  
3 program notice or assessment district under this act.

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

12 ~~(8) A bureau that is located within a township that is a~~  
13 ~~municipality and, except for the assessment made under this~~  
14 ~~subsection, that does not assess a room charge on the owners of a~~  
15 ~~transient facility may impose an assessment of 4% if it meets all~~  
16 ~~of the following:~~

17 ~~—— (a) The assessment district is a township that is contiguous~~  
18 ~~to a county that levies an excise tax of 5% under Act No. 263 of~~  
19 ~~the Public Acts of 1974.~~

20 ~~—— (b) The owners representing not less than 80% of the rooms in~~  
21 ~~the assessment district are members of a nonprofit organization~~  
22 ~~formed to promote convention business or tourism that receives~~  
23 ~~funding from a tax levied under Act No. 263 of the Public Acts of~~  
24 ~~1974, in the contiguous county.~~

25 ~~—— (c) The bureau contracts with the nonprofit organization~~  
26 ~~formed to promote convention business or tourism that receives~~  
27 ~~funding from a tax levied under Act No. 263 of the Public Acts of~~

1 ~~1974, in the contiguous county to promote convention business or~~  
2 ~~tourism and pays that nonprofit organization all of the~~  
3 ~~assessment revenues collected under this act for the promotion of~~  
4 ~~convention business or tourism.~~

5 ~~—— (d) The owners representing not less than 80% of the rooms in~~  
6 ~~the assessment district voluntarily contributed during the~~  
7 ~~nonprofit organization's preceding fiscal year to the nonprofit~~  
8 ~~organization formed to promote convention business or tourism~~  
9 ~~that receives funding from a tax levied under Act No. 263 of the~~  
10 ~~Public Acts of 1974, in the contiguous county, an amount~~  
11 ~~equivalent to the 2% assessment permitted under this act for the~~  
12 ~~promotion of convention business or tourism.~~