

# HOUSE BILL No. 5245

January 17, 2012, Introduced by Rep. Wayne Schmidt and referred to the Committee on Commerce.

A bill to amend 1980 PA 395, entitled  
"Community convention or tourism marketing act,"  
by amending section 5 (MCL 141.875), as amended by 1989 PA 245.

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

1       Sec. 5. (1) Upon the effective date of an assessment under  
2 section 3a, each owner of a transient facility in the assessment  
3 district shall be liable for payment of the assessment, computed by  
4 multiplying the percentage set forth in the marketing program  
5 notice by the aggregate room charges imposed by the transient  
6 facility during a calendar month. The assessment shall be paid by  
7 the owner of each ~~such~~ transient facility to the bureau or the  
8 person designated by the bureau within 30 days after the end of  
9 each calendar month, and shall be accompanied by a statement of

1 room charges imposed by the transient facility for that calendar  
2 month. This act does not prohibit an owner from reimbursing the  
3 transient facility by adding the assessment imposed under this act  
4 to room charges payable by transient guests. However, the owner  
5 shall disclose that the transient facility has been reimbursed for  
6 the assessment imposed under this act on the bill presented to the  
7 transient guest.

8 (2) A bureau or person designated by the bureau may enter into  
9 an agreement with a regional tourism marketing organization  
10 established under the regional tourism marketing act, **1989 PA 244,**  
11 **MCL 141.891 TO 141.900,** to accept from owners subject to an  
12 assessment under this act the payment of assessments that are  
13 levied by a regional marketing organization under section 6 of the  
14 regional tourism marketing act, **1989 PA 244, MCL 141.896.** A bureau  
15 or the person designated by the bureau shall forward the money  
16 received in payment of an assessment levied by a regional marketing  
17 organization under the regional tourism marketing act, **1989 PA 244,**  
18 **MCL 141.891 TO 141.900,** to the person designated by the regional  
19 marketing organization to receive the payment of assessments under  
20 section 6 of the regional tourism marketing act, **1989 PA 244, MCL**  
21 **141.896.** The bureau may withhold the portion of an assessment  
22 received on behalf of a regional marketing organization under this  
23 subsection and section 6 of the regional tourism marketing act,  
24 **1989 PA 244, MCL 141.896,** as agreed upon between the bureau and the  
25 regional marketing organization to reimburse the bureau or person  
26 designated by the bureau for reasonable administrative costs to  
27 receive and forward assessments due a regional marketing

1 organization.

2 (3) Within 30 days after the close of each calendar quarter,  
3 each owner within an assessment district shall forward to the  
4 independent certified public accountants who audit the financial  
5 statements of the bureau, copies of the state use tax returns of  
6 the transient facility for the preceding quarter. The copies of the  
7 state use tax returns shall be used solely by the certified public  
8 accountants to verify and audit the payment by the owner of the  
9 assessments under this act, and shall not be disclosed to the  
10 bureau except as the director determines necessary to enforce this  
11 act.

12 (4) Interest shall be paid by an owner to the bureau on any  
13 assessments not paid within the time required under this act. The  
14 interest shall accrue at the rate of 1.5% per month. Owners  
15 delinquent for more than 90 days in paying assessments, in addition  
16 to the 1.5% interest, shall pay a delinquency charge of ~~1.5%~~10%  
17 per month or fraction of a month on the amount of the delinquent  
18 assessments **AND SHALL PAY THE COSTS OF REASONABLE ATTORNEY FEES AND**  
19 **COURT COSTS INCURRED IN COLLECTING THE DELINQUENT ASSESSMENTS.** The  
20 bureau may sue in its own name to collect the assessments,  
21 interest, and delinquency charges.

22 (5) The owner of a transient facility shall not be liable for  
23 payment of an assessment until a marketing program notice has been  
24 mailed to the transient facility of the owner pursuant to section  
25 3.