

SENATE BILL No. 611

October 9, 2013, Introduced by Senators KOWALL, HILDENBRAND and WARREN and referred to the Committee on Economic Development.

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

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

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

1 receive and forward assessments due a regional marketing
2 organization.

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

13 (4) Interest shall be paid by an owner to the bureau on any
14 assessments not paid within the time required under this act. The
15 interest shall accrue at the rate of 1.5% per month. Owners
16 delinquent for more than 90 days in paying assessments, in addition
17 to the 1.5% interest, shall pay a delinquency charge of 1.5% per
18 month or fraction of a month on the amount of the delinquent
19 assessments **AND SHALL PAY THE COSTS OF REASONABLE ATTORNEY FEES AND**
20 **COURT COSTS INCURRED IN COLLECTING THE DELINQUENT ASSESSMENTS.** ~~The~~
21 **IN ADDITION TO ANY OTHER REMEDY PROVIDED BY LAW, THE** bureau may sue
22 in its own name to collect the assessments, interest, and
23 delinquency charges. **ALL ASSESSMENTS COLLECTED BUT NOT PAID TO A**
24 **BUREAU BY AN OWNER OF A TRANSIENT FACILITY WITHIN AN ASSESSMENT**
25 **DISTRICT SHALL BE CONSIDERED TRUST FUNDS AND SHALL BE REMITTED TO**
26 **THE BUREAU AS REQUIRED BY THIS SECTION.**

27 (5) The owner of a transient facility shall not be liable for

Senate Bill No. 611 as amended June 10, 2014

1 payment of an assessment until a marketing program notice has been
2 mailed to the transient facility of the owner pursuant to section
3 3.

[Enacting section 1. This amendatory act takes effect 90 days after
the date it is enacted into law.]