

# HOUSE BILL NO. 5378

October 07, 2021, Introduced by Reps. Anthony, Steckloff and Roth and referred to the Committee on Commerce and Tourism.

A bill to amend 1980 PA 395, entitled "Community convention or tourism marketing act," by amending sections 3 and 3a (MCL 141.873 and 141.873a), section 3 as amended by 2010 PA 283 and section 3a as amended by 1993 PA 224.

**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 state  
4 that the bureau proposes to create a marketing program under this

1 act and cause an assessment to be collected from owners of  
2 transient facilities within the assessment district to pay the  
3 costs of the marketing program.

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

6 (3) The marketing program notice shall describe the marketing  
7 program to be implemented by the bureau with the assessment  
8 revenues, specify the amount of the assessment proposed to be  
9 levied, which, except as provided in this subsection, shall not  
10 exceed 5% of the room charges in the applicable payment period, and  
11 describe the municipalities comprising the assessment district.

12 (4) Except as provided in **subsection (8) or** section 10, an  
13 area shall not be included in the marketing program notice filed  
14 under this act and the assessment district specified in the notice  
15 if the area is part of an existing assessment district under this  
16 act for which 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 of  
21 an excise tax imposed under 1974 PA 263, MCL 141.861 to 141.867, or  
22 another tax based on a room charge.

23 (6) If a part of a municipality is subject to an assessment  
24 under the convention and tourism marketing act, 1980 PA 383, MCL  
25 141.881 to 141.889, that part of the municipality shall not be  
26 included in a marketing program notice or assessment district under  
27 this act.

28 (7) Simultaneously with the filing of the marketing program  
29 notice with the director, the bureau shall ~~mail a copy of the~~

1 ~~notice, by registered or certified mail, to each owner of a~~  
2 ~~transient facility located in the assessment district specified in~~  
3 ~~the notice, in care of the respective transient facility. In~~  
4 ~~assembling the list of owners to whom the notices shall be mailed,~~  
5 ~~the bureau shall use any data that is reasonably available to the~~  
6 ~~bureau.~~ **post the marketing program notice on its website.**

7 **(8) An area may be included in a new marketing program notice**  
8 **filed under this act if it is part of an existing assessment**  
9 **district if the new marketing program notice provides 1 or more of**  
10 **the following:**

11 **(a) That the new marketing program notice is modifying an**  
12 **existing marketing program.**

13 **(b) That the new marketing program notice is adding additional**  
14 **transient facilities due to the change in the definition of a**  
15 **transient facility in the amendatory act that repealed section 9.**

16 **Sec. 3a. (1) Within 30 days after a marketing program notice**  
17 **is filed, the director shall approve or disapprove the marketing**  
18 **program. The director shall not disapprove a marketing program**  
19 **unless the program violates this act.**

20 **(2) Within 40 days after approval of a marketing program, the**  
21 **director shall require a written referendum to be held ~~by mail or~~**  
22 **~~in person,~~ as determined by the director ~~among all known~~ owners**  
23 **of transient facilities in each ~~municipality in the~~ proposed**  
24 **assessment district. ~~If an owner is not known to the bureau at the~~**  
25 **~~time of the referendum, that owner's vote shall not be tallied in~~**  
26 **~~favor of or against the referendum.~~ For the purpose of the**  
27 **referendum, each owner shall have 1 vote for each room ~~in an~~**  
28 **~~owner's transient facility.~~ **that they own in that assessment****  
29 **district.**

1           (3) The marketing program and assessment set forth in the  
2 notice shall become effective on the first day of the month that is  
3 more than 30 days after certification by the director that the  
4 program was approved by a majority of the votes actually cast in  
5 each municipality in the assessment district. If a majority of the  
6 votes actually cast in any municipality counted separately is not  
7 in favor of the program and assessment, the program and assessment  
8 shall not go into effect in the assessment district. However, for  
9 purposes of tabulating the votes in the referendum for a marketing  
10 program proposed on or after April 12, 1984, each municipality in  
11 the proposed assessment district requiring a majority of votes cast  
12 in favor of the proposed assessment district shall be defined in  
13 the marketing program notice required under section 3. A bureau may  
14 file and serve another marketing program notice not less than 60  
15 days after certification of the results of a referendum.

16           Enacting section 1. This amendatory act does not take effect  
17 unless all of the following bills of the 101st Legislature are  
18 enacted into law:

19           (a) Senate Bill No. \_\_\_\_ or House Bill No. 5377 (request no.  
20 02342'21).

21           (b) Senate Bill No. \_\_\_\_ or House Bill No. 5379 (request no.  
22 04487'21).