

# House Bill 2400

Sponsored by Representatives NATHANSON, MCKEOWN; Representatives BARNHART, NOSSE, POWER (Presession filed.)

## SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Authorizes any state agency or department to enter into agreements with any political subdivision for collection, enforcement, administration and distribution of local transient lodging taxes of such political subdivision.

Takes effect on 91st day following adjournment sine die.

## A BILL FOR AN ACT

1  
2 Relating to the administration of local transient lodging taxes; amending ORS 305.620; and pre-  
3 scribing an effective date.

4 **Be It Enacted by the People of the State of Oregon:**

5 **SECTION 1.** ORS 305.620, as amended by section 32, chapter 24, Oregon Laws 2016, is amended  
6 to read:

7 305.620. (1) Any state agency or department may enter into agreements with any political sub-  
8 division of this state for the collection, enforcement, administration and distribution of local taxes  
9 of the political subdivision imposed upon or measured by gross or net income, wages or net earnings  
10 from self-employment, local general sales and use taxes, **local transient lodging taxes** or taxes  
11 imposed under ORS 475B.345.

12 (2) The department or agency shall prescribe the rules by which the agreements entered into  
13 under subsection (1) of this section are administered.

14 (3) The department or agency shall prescribe the rules by which the taxes described by sub-  
15 section (1) of this section are administered, collected, enforced and distributed.

16 (4) A political subdivision may appear as an intervenor at any conference held by the Depart-  
17 ment of Revenue or conference, hearing or proceeding held by another department or agency in  
18 connection with a local tax administered by the department or agency. The political subdivision may  
19 be represented by its own counsel. The department or agency shall adopt rules governing the pro-  
20 cedures to be followed by the political subdivision in making an appearance.

21 (5) Costs incurred by the department or agency in the administration, enforcement, collection  
22 and distribution of taxes under the agreements entered into under subsection (1) of this section shall  
23 be first deducted from the taxes collected before distribution is made to the political subdivision  
24 which is a party to the agreement.

25 (6) The Oregon Tax Court shall have exclusive jurisdiction to review determinations of the De-  
26 partment of Revenue or orders of another department or agency relating to the collection, enforce-  
27 ment, administration and distribution of local taxes under agreements entered into under subsection  
28 (1) of this section.

29 (7) A proceeding for refund or to set aside additional taxes or taxes assessed when no return  
30 was filed may be initiated before the state agency or department.

**NOTE:** Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted. New sections are in **boldfaced** type.

1           (8) An appeal from a determination or an order may be taken by the taxpayer or by the political  
 2 subdivision whose taxes are in issue, by filing a complaint with the clerk of the Oregon Tax Court  
 3 at its principal office in Salem, Oregon, within 60 days after the notice of the determination of the  
 4 Department of Revenue or the order of the department or agency is sent to the taxpayer or the  
 5 political subdivision. The filing of the complaint in the Oregon Tax Court shall constitute perfection  
 6 of the appeal. Service of the taxpayer's complaint shall be accomplished by the clerk of the tax  
 7 court by filing a copy of the complaint with the administrative head of the department or agency  
 8 and a copy with the political subdivision. Service of the political subdivision's complaint shall be  
 9 accomplished by the clerk of the tax court by filing a copy of the complaint with the administrative  
 10 head of the department or agency and mailing a copy of the complaint to the taxpayer. The com-  
 11 plaint of a taxpayer shall be entitled in the name of the person filing as plaintiff and the department  
 12 or agency as defendant. The complaint of a political subdivision shall be entitled in the name of the  
 13 political subdivision as plaintiff and the taxpayer and the department or agency as defendants. A  
 14 copy of the order of the department or agency shall be attached to the complaint. All procedures  
 15 shall be in accordance with ORS 305.405 to 305.494.

16           **SECTION 2. This 2017 Act takes effect on the 91st day after the date on which the 2017**  
 17 **regular session of the Seventy-ninth Legislative Assembly adjourns sine die.**

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