

Requested by Representative MARSH

**PROPOSED AMENDMENTS TO
HOUSE BILL 2768**

1 On page 1 of the printed bill, line 2, after “320.300” insert “and 320.350”.

2 On page 2, line 9, after “improving” delete the rest of the line and insert
3 “tourist amenities, such as benches”.

4 Delete lines 43 through 45 and delete page 3 and insert:

5 **“SECTION 2.** ORS 320.350 is amended to read:

6 “320.350. (1) A unit of local government that did not impose a local
7 transient lodging tax on July 1, 2003, may not impose a local transient
8 lodging tax on or after July 2, 2003, unless the imposition of the local tran-
9 sient lodging tax was approved on or before July 1, 2003.

10 “(2) A unit of local government that imposed a local transient lodging tax
11 on July 1, 2003, may not increase the rate of the local transient lodging tax
12 on or after July 2, 2003, to a rate that is greater than the rate in effect on
13 July 1, 2003, unless the increase was approved on or before July 1, 2003.

14 “(3) A unit of local government that imposed a local transient lodging tax
15 on July 1, 2003, may not decrease the percentage of total local transient
16 lodging tax revenues that are actually expended to fund tourism promotion
17 or tourism-related facilities [*on or after*] **below the percentage that was**
18 **actually expended as of July 2, 2003.** [*A unit of local government that*
19 *agreed, on or before July 1, 2003, to increase the percentage of total local*
20 *transient lodging tax revenues that are to be expended to fund tourism pro-*
21 *motion or tourism-related facilities, must increase the percentage as agreed.*]

1 “(4) Notwithstanding subsections (1) and (2) of this section, a unit of local
2 government that is financing debt with local transient lodging tax revenues
3 on November 26, 2003, must continue to finance the debt until the retirement
4 of the debt, including any refinancing of that debt. If the tax is not otherwise
5 permitted under subsection (1) or (2) of this section, at the time of the debt
6 retirement:

7 “(a) The local transient lodging tax revenue that financed the debt shall
8 be used as provided in subsection (5) of this section; or

9 “(b) The unit of local government shall thereafter eliminate the new tax
10 or increase in tax otherwise described in subsection (1) or (2) of this section.

11 “(5) Subsections (1) and (2) of this section do not apply to a new or in-
12 creased local transient lodging tax if all of the net revenue from the new or
13 increased tax, following reductions attributed to collection reimbursement
14 charges, is used consistently with subsection (6) of this section to:

15 “(a) Fund tourism promotion or tourism-related facilities, **including the**
16 **costs of maintenance of the tourism-related facilities;**

17 “(b) Fund city or county services; or

18 “(c) Finance or refinance the debt of tourism-related facilities and pay
19 reasonable administrative costs incurred in financing or refinancing that
20 debt, provided that:

21 “(A) The net revenue may be used for administrative costs only if the unit
22 of local government provides a collection reimbursement charge; and

23 “(B) Upon retirement of the debt, the unit of local government reduces
24 the tax by the amount by which the tax was increased to finance or refinance
25 the debt.

26 “(6) At least 70 percent of net revenue from a new or increased local
27 transient lodging tax shall be used for the purposes described in subsection
28 (5)(a) or (c) of this section. No more than 30 percent of net revenue from a
29 new or increased local transient lodging tax may be used for the purpose
30 described in subsection (5)(b) of this section.

1 “[7)(a)(A) A local transient lodging tax must be computed on the total re-
2 tail price, including all charges other than taxes, paid by a person for occu-
3 pancy of the transient lodging.]

4 “[B) The total retail price paid by a person for occupancy of transient
5 lodging that is part of a travel package may be determined by reasonable and
6 verifiable standards from books and records kept in the ordinary course of the
7 transient lodging tax collector’s business.]

8 “[b) The tax shall be collected by the transient lodging tax collector that
9 receives the consideration rendered for occupancy of the transient lodging.]

10 **“SECTION 3. Section 4 of this 2017 Act is added to and made a part
11 of ORS 320.300 to 320.350.**

12 **“SECTION 4. (1)(a) A local transient lodging tax must be computed
13 on the total retail price, including all charges other than taxes, paid
14 by a person for occupancy of the transient lodging.**

15 **“(b) The total retail price paid by a person for occupancy of tran-
16 sient lodging that is part of a travel package may be determined by
17 reasonable and verifiable standards from books and records kept in the
18 ordinary course of the transient lodging tax collector’s business.**

19 **“(2) The tax shall be collected by the transient lodging tax collector
20 that receives the consideration rendered for occupancy of the transient
21 lodging.**

22 **“SECTION 5. The amendments to ORS 320.300 and 320.350 by
23 sections 1 and 2 of this 2017 Act apply to local transient lodging tax
24 revenue from occupancy of transient lodging that occurs on or after
25 the effective date of this 2017 Act.**

26 **“SECTION 6. This 2017 Act takes effect on the 91st day after the
27 date on which the 2017 regular session of the Seventy-ninth Legislative
28 Assembly adjourns sine die.”.**

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