

Requested by Representative BARNHART

**PROPOSED AMENDMENTS TO
HOUSE BILL 2064**

1 In line 2 of the printed bill, delete “amending” and insert “and amending
2 ORS 320.300, 320.305, 320.325 and 320.350 and”.

3 In line 3, delete “; and prescribing an effective date”.

4 Delete lines 11 and 12 and insert:

5 **“SECTION 3.** ORS 320.300 is amended to read:

6 “320.300. As used in ORS 320.300 to 320.350:

7 “(1) ‘Collection reimbursement charge’ means the amount a transient
8 lodging tax collector may retain as reimbursement for the costs incurred by
9 the transient lodging tax collector in collecting and reporting a transient
10 lodging tax and in maintaining transient lodging tax records.

11 “(2) ‘Conference center’ means a facility that:

12 “(a) Is owned or partially owned by a unit of local government, a gov-
13 ernmental agency or a nonprofit organization; and

14 “(b) Meets the current membership criteria of the International Associ-
15 ation of Conference Centers.

16 “(3) ‘Convention center’ means a new or improved facility that:

17 “(a) Is capable of attracting and accommodating conventions and trade
18 shows from international, national and regional markets requiring exhibition
19 space, ballroom space, meeting rooms and any other associated space, in-
20 cluding without limitation banquet facilities, loading areas and lobby and
21 registration areas;

1 “(b) Has a total meeting room and ballroom space between one-third and
2 one-half of the total size of the center’s exhibition space;

3 “(c) Generates a majority of its business income from tourists;

4 “(d) Has a room-block relationship with the local lodging industry; and

5 “(e) Is owned by a unit of local government, a governmental agency or a
6 nonprofit organization.

7 “(4) ‘Local transient lodging tax’ means a tax imposed by a unit of local
8 government on the sale, service or furnishing of transient lodging.

9 “(5) ‘State transient lodging tax’ means the tax imposed under ORS
10 320.305.

11 “(6) ‘Tourism’ means economic activity resulting from tourists.

12 “(7) ‘Tourism promotion’ means any of the following activities:

13 “(a) Advertising, **marketing**, publicizing or distributing information for
14 the purpose of attracting and welcoming tourists;

15 “(b) Conducting strategic planning and research necessary to stimulate
16 future tourism development;

17 “(c) Operating tourism promotion agencies; [*and*]

18 “(d) [*Marketing special events and festivals designed to attract tourists.*]

19 **Providing for a tourism program, including tourism activities,**
20 **tourism-generating special events, sporting events and festivals de-**
21 **signed to encourage tourism or accommodate tourists; and**

22 “(e) **Developing or enhancing tourist attractions, tourism-related**
23 **facilities or tourism-generating special events, including, but not lim-**
24 **ited to, tourist amenities that promote tourism or accommodate**
25 **tourist activities.**

26 “(8) ‘Tourism promotion agency’ includes:

27 “(a) An incorporated nonprofit organization or governmental unit that is
28 responsible for the tourism promotion of a destination on a year-round basis.

29 “(b) A nonprofit entity that manages tourism-related economic develop-
30 ment plans, programs and projects.

1 “(c) A regional or statewide association that represents entities that rely
2 on tourism-related business for more than 50 percent of their total income.

3 “(9) ‘Tourism-related facility’ means:

4 “(a) A conference center, convention center or visitor information center;
5 and

6 “(b) Other improved real property that has a useful life of 10 or more
7 years and has a substantial purpose of supporting tourism or accommodating
8 tourist activities.

9 “(10) ‘Tourist’ means a person who, for business, pleasure, recreation or
10 participation in events related to the arts, heritage or culture, travels from
11 the community in which that person is a resident to a different community
12 that is separate, distinct from and unrelated to the person’s community of
13 residence, and that trip:

14 “(a) Requires the person to travel more than 50 miles from the community
15 of residence; or

16 “(b) Includes an overnight stay.

17 “(11) ‘Transient lodging’ means:

18 “(a) Hotel, motel and inn dwelling units that are used for temporary
19 overnight human occupancy;

20 “(b) Spaces used for parking recreational vehicles or erecting tents during
21 periods of human occupancy; or

22 “(c) Houses, cabins, condominiums, apartment units or other dwelling
23 units, or portions of any of these dwelling units, that are used for temporary
24 human occupancy.

25 “(12) ‘Transient lodging intermediary’ means a person other than a tran-
26 sient lodging provider that facilitates the retail sale of transient lodging
27 and:

28 “(a) Charges for occupancy of the transient lodging[.];

29 “(b) **Collects the consideration charged for occupancy of the tran-**
30 **sient lodging; or**

1 **“(c) Receives a fee or commission and requires the transient lodging**
2 **provider to use a specified third-party entity to collect the consider-**
3 **ation charged for occupancy of the transient lodging.**

4 “(13) ‘Transient lodging provider’ means a person that furnishes transient
5 lodging.

6 “(14) ‘Transient lodging tax collector’ means a transient lodging provider
7 or a transient lodging intermediary.

8 “(15) ‘Unit of local government’ has the meaning given that term in ORS
9 190.003.

10 “(16) ‘Visitor information center’ means a building, or a portion of a
11 building, the main purpose of which is to distribute or disseminate informa-
12 tion to tourists.

13 **“SECTION 4.** ORS 320.325 is amended to read:

14 “320.325. (1) Every transient lodging tax collector is deemed to hold the
15 amount of state transient lodging taxes collected in trust for the State of
16 Oregon and for payment to the Department of Revenue in the manner and
17 at the time provided under ORS 320.315.

18 “(2) At any time **that** the transient lodging tax collector fails to remit
19 any amount of state transient lodging taxes deemed to be held in trust for
20 the State of Oregon, the department may enforce collection by the issuance
21 of a distraint warrant for the collection of the delinquent amount and all
22 penalties, interest and collection charges accrued on the delinquent amount.
23 The warrant shall be issued, docketed and proceeded upon in the same man-
24 ner and shall have the same force and effect as warrants for the collection
25 of delinquent income taxes.

26 **“(3) Notwithstanding ORS 320.305, if the transient lodging is owned**
27 **by more than one person, each and every owner may be held jointly**
28 **and severally liable for any tax imposed under ORS 320.305 with respect**
29 **to a transient lodging transaction.**

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

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

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

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

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

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

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

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

1 “(a) Fund tourism promotion or tourism-related facilities, **including the**
2 **costs of maintaining the tourism-related facilities;**

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

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

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

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

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

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

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

24 “[(b) *The tax shall be collected by the transient lodging tax collector that*
25 *receives the consideration rendered for occupancy of the transient lodging.*]

26 “**SECTION 6. Sections 7 and 8 of this 2017 Act are added to and**
27 **made a part of ORS 320.300 to 320.350.**

28 “**SECTION 7. (1) A local transient lodging tax must be computed**
29 **on the total retail price, including all charges other than taxes, paid**
30 **by a person for occupancy of the transient lodging.**

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

5 “SECTION 8. (1) The transient lodging provider or transient lodging
6 intermediary that collects the consideration charged for occupancy of
7 transient lodging, or a transient lodging intermediary described in
8 320.300 (12)(c), as applicable, is responsible for collecting any local
9 transient lodging tax and shall file a return of the tax with the unit
10 of local government that imposes the tax, or with any tax adminis-
11 trator identified by the unit of local government, reporting the amount
12 of tax due during the reporting period to which the return relates.

13 “(2) Returns shall be filed on or before the deadline fixed by the unit
14 of local government for filing of returns and shall be made under
15 penalties for false swearing.

16 “(3) When a return is required under this section, the transient
17 lodging tax collector required to file the return shall remit the taxes
18 due to the unit of local government at the time fixed for filing of re-
19 turns.

20 “(4) This section applies to a transient lodging tax collector unless
21 a charter provision or ordinance or resolution of the unit of local
22 government, or an agreement entered into between the transient
23 lodging tax collector and the unit of local government, provides oth-
24 erwise.

25 “SECTION 9. ORS 320.305, as amended by section 1, chapter 102, Oregon
26 Laws 2016, is amended to read:

27 “320.305. (1)(a) A tax of 1.8 percent is imposed on any consideration [*ren-*
28 *dered*] **charged** for the sale, service or furnishing of transient lodging.

29 “(b)(A) The tax must be computed on the total retail price, including all
30 charges other than taxes, paid by a person for occupancy of the transient

1 lodging.

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

6 “(c) The tax shall be collected by the transient lodging [*tax collector that*
7 *receives*] **provider or transient lodging intermediary that collects** the
8 consideration [*rendered*] **charged** for occupancy of the transient lodging, **or**
9 **a transient lodging intermediary described in 320.300 (12)(c), as appli-**
10 **cable.**

11 “(d) The tax imposed by this subsection is in addition to and not in lieu
12 of any local transient lodging tax.

13 “(2) The transient lodging tax collector may withhold a collection re-
14 imbursement charge of five percent of the amount collected under subsection
15 (1) of this section.

16 **“SECTION 10.** ORS 320.305, as amended by sections 1 and 3, chapter 102,
17 Oregon Laws 2016, is amended to read:

18 “320.305. (1)(a) A tax of 1.5 percent is imposed on any consideration [*ren-*
19 *dered*] **charged** for the sale, service or furnishing of transient lodging.

20 “(b)(A) The tax must be computed on the total retail price, including all
21 charges other than taxes, paid by a person for occupancy of the transient
22 lodging.

23 “(B) The total retail price paid by a person for occupancy of transient
24 lodging that is part of a travel package may be determined by reasonable and
25 verifiable standards from books and records kept in the ordinary course of
26 the transient lodging tax collector’s business.

27 “(c) The tax shall be collected by the transient lodging [*tax collector that*
28 *receives*] **provider or transient lodging intermediary that collects** the
29 consideration [*rendered*] **charged** for occupancy of the transient lodging, **or**
30 **a transient lodging intermediary described in 320.300 (12)(c), as appli-**

1 **able.**

2 “(d) The tax imposed by this subsection is in addition to and not in lieu
3 of any local transient lodging tax.

4 “(2) The transient lodging tax collector may withhold a collection re-
5 imbursement charge of five percent of the amount collected under subsection
6 (1) of this section.”.

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