

HB 3136 A STAFF MEASURE SUMMARY

House Committee On Revenue

Action Date: 05/21/19

Action: Do pass with amendments and be referred to Ways and Means. (Printed A-Eng.)

Vote: 6-1-0-0

Yeas: 6 - Findley, Hernandez, Marsh, Nathanson, Smith G, Smith Warner

Nays: 1 - Reschke

Fiscal: Fiscal impact issued

Revenue: Has minimal revenue impact

Prepared By: Mazen Malik, Senior Economist

Meeting Dates: 3/27, 5/21

WHAT THE MEASURE DOES:

Allows the Department to withhold no more than \$900,000 from revenue that is transferred to the Oregon Tourism Commission, for the purpose of establishing a system for collecting local transient lodging taxes based on local rather than to regional information. Requires department to reimburse commission, with 2% interest, from reimbursement charges that would be withheld from state transient lodging tax revenues by transient lodging intermediaries but for disallowance of such charges. Provides for refunds by department to transient lodging intermediaries of amounts received in excess of \$900,000 that would otherwise have been withheld by intermediaries as collection reimbursement charge. Requires department to notify Legislative Counsel after department has fully reimbursed commission. Allows the Department of Revenue to engage in a pilot program for data-scraping by purchasing access to metadata, with at least two but not more than four units of local governments. Sunsets the pilot program on January 2, 2023.

ISSUES DISCUSSED:

- The local tax collections.
- DOR collections of the state tax.
- Agreements between DOR and locals to collect taxes and information.
- Locals need for more accurate information.
- The software vs metadata.

EFFECT OF AMENDMENT:

Replaces measure, and allows the Department to withhold no more than \$900,000 from revenue that is transferred to the Oregon Tourism Commission, for the purpose of establishing a system for collecting local transient lodging taxes based on local rather than to regional information. Requires department to reimburse commission, with 2% interest, from reimbursement charges that would be withheld from state transient lodging tax revenues by transient lodging intermediaries but for disallowance of such charges. Provides for refunds by department to transient lodging intermediaries of amounts received in excess of \$900,000 that would otherwise have been withheld by intermediaries as collection reimbursement charge. Requires department to notify Legislative Counsel after department has fully reimbursed commission. Allows the Department of Revenue to engage in a pilot program for data-scraping by purchasing access to metadata, with at least two but not more than four units of local governments. Sunsets the pilot program on January 2, 2023.

BACKGROUND:

In 2003, the Legislative Assembly (HB 2267) decided to designate the Oregon Tourism Commission a stand-alone agency. The same legislative action established a statewide one percent transient lodging tax to help fund the tourism commission. Under the 2003 law the Legislature defined transient lodging in ORS 320 as “hotel, motel

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and inn dwelling units that are designed for temporary overnight human occupancy, and [which] includes spaces designed for parking recreational vehicles during periods of human occupancy of those vehicles.” The law requires the Oregon Tourism Commission to spend at least 80 percent of lodging tax net receipts on state tourism marketing programs and up to 15 percent of net receipts on regional tourism marketing programs. The same bill restricted any local TLT taxes (after 2003) to be spent 70% on tourism and 30% to general uses.

The 2005 Legislative Assembly (HB 2197) expanded the definition of transient lodging to include dwelling units used for temporary human occupancy. Temporary is defined as fewer than 30 days at a time. Most recently, the 2013 Legislative Assembly (HB 2656) clarified circumstances under which a transient lodging intermediary rather than a lodging provider would be the entity responsible for collecting and remitting transient lodging taxes. A transient lodging intermediary is defined as “a person other than a transient lodging provider that facilitates the retail sale of transient lodging and charges for occupancy of the transient lodging.” Transient lodging intermediaries include online travel companies, travel agents, and tour outfitter companies, among others. Eighty four cities and fifteen counties in Oregon levy a locally administered transient lodging tax and are also included in that definition. Online Travel Companies (OTC) will have to collect the tax based on the final price that the consumer pays. HB 4146 of the 2016 session Increased state transient lodging tax rate from the current 1 percent to 1.8% till end of June 2020, then it goes down to 1.5% from that date on. The bill also changed the distribution of revenue from a discretionary amount with a ceiling of 15% to two categories for regional development. Allocates 20% of revenue to the first category for regional development, and 10 % to the second category consisting of grants to regional tourism efforts.