

House Bill 3136

Sponsored by Representatives MARSH, GOMBERG; Representative FINDLEY, Senator KNOPP

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**.

Requires Oregon Tourism Commission to transfer moneys to Department of Revenue for department's use in collecting local transient lodging taxes on local, rather than regional, level on behalf of units of local government. Requires department to reimburse commission, without interest, from reimbursement charges that would be withheld from state transient lodging tax revenues by transient lodging intermediaries but for disallowance of such charges under Act. Provides that reimbursement of commission shall be made pursuant to repayment schedule agreed to by department and commission prior to transfer of moneys to department. Requires department to notify Legislative Counsel after department has fully reimbursed commission. 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.

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 by the Department of Revenue; and
3 prescribing an effective date.

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

5 **SECTION 1.** As soon as practicable after the effective date of this 2019 Act, the Oregon
6 Tourism Commission shall transfer or cause to be transferred to the Department of Re-
7 venue, from the account established by the commission pursuant to ORS 284.131, the amount
8 of \$900,000 for deposit in the department's miscellaneous receipts account 1500000401 estab-
9 lished under ORS 279A.290. The moneys transferred pursuant to this section are continuously
10 appropriated to the department for the purpose described in section 2 (1) of this 2019 Act.

11 **SECTION 2.** (1) The Department of Revenue shall use the moneys appropriated to the
12 department under section 1 of this 2019 Act for the purpose of collecting the local transient
13 lodging tax on a local, rather than regional, level on behalf of units of local government
14 pursuant to agreements entered into under ORS 305.620 (1).

15 (2)(a) Notwithstanding ORS 305.620 (5) and 320.335, the department shall reimburse the
16 Oregon Tourism Commission, without interest, for the amount of moneys transferred to the
17 department under section 1 of this 2019 Act, from the amount of state transient lodging tax
18 revenues received by the department that would otherwise have been withheld by transient
19 lodging intermediaries as a collection reimbursement charge under ORS 320.305 (2) but for
20 the disallowance of such charges under subsection (3) of this section.

21 (b) The reimbursement required under paragraph (a) of this subsection shall be made
22 pursuant to a repayment schedule agreed to by the department and the commission prior to
23 the transfer of the moneys to the department under section 1 of this 2019 Act.

24 (c) The state transient lodging tax revenues used to reimburse the commission under this
25 subsection shall not be considered as a budget item on which a limitation is otherwise fixed
26 by law, but shall be in addition to any specific biennial appropriations or amounts authorized

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 to be expended from continuously appropriated moneys for any biennial period.

2 (3) Notwithstanding ORS 320.305 (2), a transient lodging intermediary may not withhold
3 any amount of state transient lodging tax revenues as a collection reimbursement charge.

4 (4) As used in this section and section 3 of this 2019 Act, “collection reimbursement
5 charge,” “local transient lodging tax,” “state transient lodging tax,” “transient lodging in-
6 termediary” and “unit of local government” have the meanings given those terms in ORS
7 320.300.

8 **SECTION 3.** (1) Section 2 of this 2019 Act is repealed on the day immediately following
9 the date on which the Department of Revenue has fully reimbursed the Oregon Tourism
10 Commission for the \$900,000 transferred to the department under section 1 of this 2019 Act.

11 (2) The department shall notify the Legislative Counsel as soon as practicable after the
12 date described in subsection (1) of this section.

13 (3)(a) The department shall refund, without interest, any amounts of state transient
14 lodging tax received pursuant to section 2 (2)(a) and (3) of this 2019 Act that exceed the
15 \$900,000 for which the department is required to reimburse the commission under section 2
16 (2) of this 2019 Act.

17 (b) The refunds shall be made in fair and proportionate amounts to transient lodging in-
18 termediaries that would otherwise have withheld amounts of the state transient lodging tax
19 as a collection reimbursement charge but for the disallowance of such charges under section
20 2 (3) of this 2019 Act.

21 (c) The department may prescribe the method for making any determination required
22 under this subsection.

23 **SECTION 4.** This 2019 Act takes effect on the 91st day after the date on which the 2019
24 regular session of the Eightieth Legislative Assembly adjourns sine die.
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