

House Bill 2600

Sponsored by Representative HELM, Senator DEMBROW, Representative LIVELY; Representatives POWER, REARDON, WILDE, WITT, Senators FREDERICK, PROZANSKI (Pre-session 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**.

Provides that stated percentage of revenue from state transient lodging tax be transferred to Oregon Conservation and Recreation Fund. Repeals sunset of Oregon Conservation and Recreation Fund.

Takes effect on 91st day following adjournment sine die.

A BILL FOR AN ACT

1
2 Relating to funding activities outdoors; creating new provisions; amending ORS 320.335 and section
3 1, chapter 531, Oregon Laws 2019, and section 3, chapter 600, Oregon Laws 2019; repealing
4 sections 4, 5 and 6, chapter 531, Oregon Laws 2019; and prescribing an effective date.

5 Whereas Oregon's economy is deeply connected to the health of this state's natural resources
6 and outdoor opportunities; and

7 Whereas demands are increasing on Oregon's lands, waterways and outdoor recreation
8 infrastructure due to popularity, changing climate, wildfire and other impacts; and

9 Whereas additional resources are needed to ensure that Oregonians of all backgrounds, in all
10 areas of this state, have equitable access to and the ability to thrive in Oregon's outdoors; and

11 Whereas the Oregon Conservation and Recreation Fund promotes equitable access and outdoor
12 opportunities for all Oregonians and supports the health of wildlife and natural resources that we
13 depend on; now, therefore,

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

15 **SECTION 1.** ORS 320.335 is amended to read:

16 320.335. All moneys received by the Department of Revenue pursuant to ORS 320.305 to 320.340,
17 and interest thereon, shall be paid to the State Treasurer to be held in a suspense account estab-
18 lished under ORS 293.445. After the payment of refunds:

19 (1) Moneys necessary to reimburse the Department of Revenue for the actual costs incurred by
20 the department in administering the state transient lodging tax, not to exceed two percent of state
21 transient lodging tax collections, are continuously appropriated to the department; *[and]*

22 **(2) Moneys received from the state transient lodging tax imposed under ORS 320.305 at**
23 **a rate in excess of 1.475 percent shall be transferred to the Oregon Conservation and Re-**
24 **creation Fund established under section 1, chapter 531, Oregon Laws 2019; and**

25 *[(2)]* **(3)** The balance of the moneys received shall be transferred to the account of the Oregon
26 Tourism Commission established under ORS 284.131. The moneys transferred under this subsection
27 are continuously appropriated to the Oregon Tourism Commission for the purposes set forth in ORS
28 284.131.

29 **SECTION 2. The amendments to ORS 320.335 by section 1 of this 2021 Act apply to mon-**
30 **eys from the state transient lodging tax imposed under ORS 320.305 received by the Depart-**

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 **ment of Revenue on or after the effective date of this 2021 Act.**

2 **SECTION 3.** Section 1, chapter 531, Oregon Laws 2019, is amended to read:

3 **Sec. 1.** (1) The Oregon Conservation and Recreation Fund is established in the State Treasury,
4 separate and distinct from the General Fund. Interest earned by the Oregon Conservation and Re-
5 creation Fund shall be credited to the fund.

6 (2) Moneys in the fund are continuously appropriated to the State Department of Fish and
7 Wildlife to carry out activities that serve to protect, maintain or enhance fish and wildlife resources
8 in Oregon. The activities for which the department may expend fund moneys include, but are not
9 limited to:

10 (a) Promoting the health of Oregon's ecosystems and fish and wildlife species by implementing
11 conservation programs and strategies identified in the Oregon Conservation Strategy, as defined in
12 ORS 541.890, including conservation programs and strategies for the nearshore identified in the
13 marine component of the Oregon Conservation Strategy;

14 (b) Improving engagement of the public in hunting and fishing opportunities and in other outdoor
15 recreation opportunities related to and in support of healthy fish, wildlife and habitats;

16 (c) Improving educational outreach and engagement of the public, including diverse and under-
17 served communities, related to and in support of healthy fish, wildlife and habitats;

18 (d) Engaging in, and providing funding for, joint projects of the department and the State Parks
19 and Recreation Department or other state agencies as recommended by the Oregon Conservation
20 and Recreation Advisory Committee established under section 2, [of this 2019 Act] **chapter 531,**
21 **Oregon Laws 2019;** and

22 (e) Other conservation, management, research, habitat improvement, enforcement, outdoor re-
23 creation or education activities.

24 (3) The fund shall consist of:

25 (a) Moneys appropriated to the State Department of Fish and Wildlife for deposit in the fund
26 or otherwise transferred to the fund; [and]

27 **(b) Transient lodging tax moneys transferred to the fund under ORS 320.335; and**

28 [(b)] (c) Gifts, grants, contributions or other donations for use as described in subsection (2) of
29 this section, that are received by the department from any public or private source and caused to
30 be deposited and credited to the fund.

31 **SECTION 4. Sections 4, 5 and 6, chapter 531, Oregon Laws 2019, are repealed.**

32 **SECTION 5.** Section 3, chapter 600, Oregon Laws 2019, is amended to read:

33 **Sec. 3.** (1) Notwithstanding ORS 320.335, for the biennium beginning July 1, 2019, in order to
34 fund the actual start-up costs incurred by the Department of Revenue in collecting local transient
35 lodging taxes in the manner described in [section 2 of this 2019 Act] **ORS 320.365,** the department
36 shall withhold state transient lodging tax moneys that would otherwise be transferred to the Oregon
37 Tourism Commission under ORS 320.335 [(2)] **(3)** in an amount not to exceed \$900,000.

38 (2)(a) In order to reimburse the commission for the moneys withheld under subsection (1) of this
39 section, plus two percent interest per annum, the department shall transfer to the commission, in
40 addition to the transfers required under ORS 320.335 [(2)] **(3),** the amount of state and local transient
41 lodging tax moneys received by the department that would have been withheld by transient lodging
42 intermediaries as a collection reimbursement charge under ORS 320.305 (3)(b) and 320.345 but for
43 the disallowance of such charges under paragraph (b) of this subsection.

44 (b) Notwithstanding ORS 320.305 (3)(b) and 320.345, a transient lodging intermediary may not
45 withhold any amount of state or local transient lodging taxes reported to the department as a col-

1 lection reimbursement charge until the date specified in subsection (4) of this section.

2 (3) Beginning on the day immediately following the date on which the department has withheld
3 the lesser of the actual start-up costs described in subsection (1) of this section or \$900,000, the
4 department shall cease withholding moneys in the manner described in subsection (1) of this section.

5 (4) Beginning on the day immediately following the date on which the department has trans-
6 ferred to the commission the total amount of the reimbursement required under subsection (2)(a) of
7 this section, transient lodging intermediaries may resume withholding collection reimbursement
8 charges from state and local transient lodging taxes reported to the department as provided in ORS
9 320.305 (3)(b) and 320.345.

10 (5)(a) The department shall refund, without interest, any amounts of state and local transient
11 lodging taxes received from transient lodging intermediaries pursuant to subsection (2)(a) of this
12 section that exceed the total amount of the reimbursement required under subsection (2)(a) of this
13 section.

14 (b) The refunds required by paragraph (a) of this subsection shall be made in fair and propor-
15 tionate amounts to transient lodging intermediaries that would have withheld amounts of state and
16 local transient lodging taxes as a collection reimbursement charge but for the disallowance of such
17 charges under subsection (2)(b) of this section.

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

20 (6) As used in this section, “collection reimbursement charge,” “local transient lodging tax,”
21 “state transient lodging tax” and “transient lodging intermediary” have the meanings given those
22 terms in ORS 320.300.

23 **SECTION 6. This 2021 Act takes effect on the 91st day after the date on which the 2021**
24 **regular session of the Eighty-first Legislative Assembly adjourns sine die.**

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