

Requested by Representative WALTERS

**PROPOSED AMENDMENTS TO  
HOUSE BILL 3962**

1 In line 2 of the printed bill, after “taxation” insert “; amending ORS  
2 320.300, 320.305, 320.350 and 320.360; and prescribing an effective date”.

3 Delete lines 4 through 8 and insert:

4 **“SECTION 1.** ORS 320.350 is amended to read:

5 “320.350. (1) A unit of local government that did not impose a local  
6 transient lodging tax on July 1, 2003, may not impose a local transient  
7 lodging tax on or after July 2, 2003, unless the imposition of the local tran-  
8 sient lodging tax was approved on or before July 1, 2003.

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

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

21 “(4) Notwithstanding subsections (1) and (2) of this section, a unit of local

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

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

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

10 “(5) Subsections (1) [*and (2)*] **to (3)** of this section do not apply to a new  
11 or increased local transient lodging tax **approved on or after July 1, 2003**,  
12 if all of the net revenue from the new or increased tax, following reductions  
13 attributed to collection reimbursement charges, is used consistently with  
14 subsection (6) of this section to:

15 “(a) Fund tourism promotion, [*or*] tourism-related facilities **or tourism-**  
16 **impacted services**;

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       **“SECTION 2.** ORS 320.300 is amended to read:

2       “320.300. As used in ORS 320.300 to 320.365:

3       “(1) ‘Collection reimbursement charge’ means the amount a transient  
4 lodging tax collector may retain as reimbursement for the costs incurred by  
5 the transient lodging tax collector in collecting and reporting a transient  
6 lodging tax and in maintaining transient lodging tax records.

7       **“(2) ‘Community infrastructure’ means facilities for water,  
8 wastewater, transportation, recreation, including but not limited to  
9 parks, trails and tourism access points, and public amenities, includ-  
10 ing but not limited to public parking and public restrooms.**

11       “[(2)] (3) ‘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)] (4) ‘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;

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

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

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

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

28       “[(4)] (5) ‘Local transient lodging tax’ means a tax imposed by a unit of  
29 local government on the sale, service or furnishing of transient lodging.

30       **“(6) ‘Public safety’ means services provided by the police depart-**

1 **ment, sheriff’s office, district attorney’s office, fire department, search**  
2 **and rescue or emergency medical services provider of a city, county**  
3 **or special district.**

4 “[5] (7) ‘State transient lodging tax’ means the tax imposed under ORS  
5 320.305.

6 “[6] (8) ‘Tourism’ means economic activity resulting from tourists.

7 **“(9) ‘Tourism-impacted services’ means the provision of:**

8 **“(a) Public safety; and**

9 **“(b) Community infrastructure, including the financing, con-**  
10 **struction, operation and maintenance of the infrastructure.**

11 “[7] (10) ‘Tourism promotion’ means any of the following activities:

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

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

16 “(c) Operating tourism promotion agencies; and

17 “(d) Marketing special events and festivals designed to attract tourists.

18 “[8] (11) ‘Tourism promotion agency’ includes:

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

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

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

25 “[9] (12) ‘Tourism-related facility’ means:

26 “(a) A conference center, convention center or visitor information center;  
27 and

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

1        “[10] (13) ‘Tourist’ means a person who, for business, pleasure, recre-  
2 ation or participation in events related to the arts, heritage or culture,  
3 travels from the community in which that person is a resident to a different  
4 community that is separate, distinct from and unrelated to the person’s  
5 community of residence, and that trip:

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

8        “(b) Includes an overnight stay.

9        “[11] (14) ‘Transient lodging’ means:

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

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

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

17       “[12] (15) ‘Transient lodging intermediary’ means a person other than a  
18 transient lodging provider that facilitates the retail sale of transient lodging  
19 and:

20       “(a) Charges for occupancy of the transient lodging;

21       “(b) Collects the consideration charged for occupancy of the transient  
22 lodging; or

23       “(c) Receives a fee or commission and requires the transient lodging pro-  
24 vider to use a specified third-party entity to collect the consideration  
25 charged for occupancy of the transient lodging.

26       “[13] (16) ‘Transient lodging provider’ means a person that furnishes  
27 transient lodging.

28       “[14] (17) ‘Transient lodging tax collector’ means a transient lodging  
29 provider or a transient lodging intermediary.

30       “[15] (18) ‘Unit of local government’ has the meaning given that term

1 in ORS 190.003.

2 “[16] (19) ‘Visitor information center’ means a building, or a portion of  
3 a building, the main purpose of which is to distribute or disseminate infor-  
4 mation to tourists.

5 **“SECTION 3.** ORS 320.305 is amended to read:

6 “320.305. (1)(a) A tax of 1.5 percent is imposed on any consideration  
7 charged for the sale, service or furnishing of transient lodging.

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

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

15 “(2) The tax imposed under this section becomes due when the occupancy  
16 of the transient lodging with respect to which the tax is imposed ends.

17 “(3)(a) The tax shall be collected by the transient lodging provider or  
18 transient lodging intermediary that collects the consideration charged for  
19 occupancy of the transient lodging, or a transient lodging intermediary de-  
20 scribed in ORS 320.300 [(12)(c)] (15)(c), as applicable.

21 “(b) The transient lodging tax collector may withhold a collection re-  
22 imbursement charge of five percent of the amount collected under this sub-  
23 section.

24 “(4) The tax imposed under this section is in addition to and not in lieu  
25 of any local transient lodging tax.

26 **“SECTION 4.** ORS 320.360 is amended to read:

27 “320.360. (1) The transient lodging provider or transient lodging interme-  
28 diary that collects the consideration charged for occupancy of transient  
29 lodging, or a transient lodging intermediary described in ORS 320.300  
30 [(12)(c)] (15)(c), as applicable, is responsible for collecting any local transient

1 lodging tax and shall file a return of the tax with the unit of local govern-  
2 ment that imposes the tax, or with any tax administrator identified by the  
3 unit of local government, reporting the amount of tax due with respect to  
4 all occupancy of transient lodging that ended during the reporting period to  
5 which the return relates.

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

9 “(3) When a return is required under this section, the transient lodging  
10 tax collector required to file the return shall remit the tax due to the unit  
11 of local government at the time fixed for filing returns.

12 “(4) This section applies to a transient lodging tax collector unless a  
13 charter provision or ordinance or resolution of the unit of local government,  
14 or an agreement entered into between the transient lodging tax collector and  
15 the unit of local government, provides otherwise.

16 **“SECTION 5. This 2025 Act takes effect on the 91st day after the**  
17 **date on which the 2025 regular session of the Eighty-third Legislative**  
18 **Assembly adjourns sine die.”**

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