

Enrolled
House Bill 2934

Sponsored by COMMITTEE ON BUSINESS, LABOR, AND CONSUMER AFFAIRS

CHAPTER

AN ACT

Relating to transient lodging taxation.

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

SECTION 1. (1) As used in this section:

(a) "Collection reimbursement charge" means the amount a transient lodging provider may retain as reimbursement for the costs incurred by the provider in collecting and reporting a local transient lodging tax and in maintaining local transient lodging tax records.

(b) "Conference center" mean a facility that:

(A) Is owned or partially owned by a unit of local government, a governmental agency or a nonprofit organization; and

(B) Meets the current membership criteria of the International Association of Conference Centers.

(c) "Convention center" means a new or improved facility that:

(A) Is capable of attracting and accommodating conventions and trade shows from international, national and regional markets requiring exhibition space, ballroom space, meeting rooms and any other associated space, including but not limited to banquet facilities, loading areas and lobby and registration areas;

(B) Has a total meeting room and ballroom space between one-third and one-half of the total size of the center's exhibition space;

(C) Generates a majority of its business income from tourists;

(D) Has a room-block relationship with the local lodging industry; and

(E) Is owned by a unit of local government, a governmental agency or a nonprofit organization.

(d) "Local transient lodging tax" means a tax imposed by a unit of local government on the sale, service or furnishing of transient lodging.

(e) "Tourism" means economic activity resulting from tourists.

(f) "Tourism promotion" means any of the following activities:

(A) Advertising, publicizing or distributing information for the purpose of attracting and welcoming tourists;

(B) Conducting strategic planning and research necessary to stimulate future tourism development;

(C) Operating tourism promotion agencies; and

(D) Marketing special events and festivals designed to attract tourists.

(g) "Tourism promotion agency" includes:

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

(B) A nonprofit entity that manages tourism-related economic development plans, programs and projects.

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

(h) "Tourism-related facility" means real property that has a useful life of 10 or more years and that is used to support tourism and to accommodate tourist activities. "Tourism-related facility" includes a conference center, convention center and visitor information center.

(i) "Tourist" means a person who, for business, pleasure, recreation or participation in events related to the arts, heritage or culture, travels from the community in which that person is a resident to a different community that is separate, distinct from and unrelated to the person's community of residence, and that trip:

(A) Requires the person to travel more than 50 miles from the community of residence;
or

(B) Includes an overnight stay.

(j) "Transient lodging" means hotel, motel and inn dwelling units that are designed for temporary overnight human occupancy, and includes spaces designed for parking recreational vehicles during periods of human occupancy of those vehicles.

(k) "Unit of local government" has the meaning given that term in ORS 190.003.

(L) "Visitor information center" means a building, or a portion of a building, the main purpose of which is to distribute or disseminate information to tourists.

(2) On and after January 1, 2001, a unit of local government that imposed a local transient lodging tax on December 31, 2000, and allowed a transient lodging provider to retain a collection reimbursement charge on that tax, may not decrease the percentage of local transient lodging taxes that is used to fund collection reimbursement charges.

(3) A unit of local government that imposes a new local transient lodging tax on or after January 1, 2001, shall allow a transient lodging provider to retain a collection reimbursement charge of at least five percent of all collected local transient lodging tax revenues. The percentage of the collection reimbursement charge may be increased by the unit of local government.

(4) A unit of local government that increases a local transient lodging tax on or after January 1, 2001, shall allow a transient lodging provider to retain a collection reimbursement charge of at least five percent of all collected local transient lodging tax revenues. The collection reimbursement charge shall apply to all collected local transient lodging tax revenues, including revenues that would have been collected without the increase. The percentage of the collection reimbursement charge may be increased by the unit of local government.

(5) A unit of local government may not offset the loss of local transient lodging tax revenues caused by collection reimbursement charges required by this section by:

(a) Increasing the rate of the local transient lodging tax;

(b) Decreasing the percentage of total local transient lodging tax revenues used to fund tourism promotion or tourism-related facilities; or

(c) Increasing or imposing a new fee solely on transient lodging providers or tourism promotion agencies that are funded by the local transient lodging tax.

Passed by House July 2, 2001

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Chief Clerk of House

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Speaker of House

Passed by Senate July 4, 2001

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President of Senate

Received by Governor:

.....M,....., 2001

Approved:

.....M,....., 2001

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Governor

Filed in Office of Secretary of State:

.....M,....., 2001

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Secretary of State