

1 STATE OF OKLAHOMA

2 1st Session of the 60th Legislature (2025)

3 COMMITTEE SUBSTITUTE
FOR
4 HOUSE BILL NO. 1104

By: Kelley

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7 COMMITTEE SUBSTITUTE

8 An Act relating to counties and county officers;
9 amending 68 O.S. 2021, Section 1370.9, which relates
10 to lodging taxes levied by counties; permitting a
11 three percent lodging tax; clarifying that proceed
12 shall be used on county-owned facilities that promote
tourism; requiring vote before tax may be levied;
directing when a tax shall be effective; directing
for proceeds to be deposited into designated fund;
and providing an effective date.

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16 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

17 SECTION 1. AMENDATORY 68 O.S. 2021, Section 1370.9, is
18 amended to read as follows:

19 Section 1370.9. Lodging tax - Approval by voters - Designation
20 of purpose - Revolving funds.

21 A. In addition to any other sales tax levied by a county
22 pursuant to the provisions of Section 1350 et seq. of this title,
23 any county of this state having a population of less than Two
24 Hundred Thousand (200,000), according to the latest Federal

1 Decennial Census, may levy a lodging tax, not to exceed five percent
2 (5%), upon the gross proceeds or gross receipts derived from the
3 service of furnishing of rooms by hotel, apartment hotel, or motel
4 and for the furnishing of any other facility for public lodging,
5 except campsites. Before such a tax may be levied by the county,
6 the imposition of the tax shall first be approved by ~~a majority~~
7 sixty percent (60%) of the registered voters of the county voting
8 thereon at a special election called by the board of county
9 commissioners or by initiative petition signed by not less than five
10 percent (5%) of the registered voters of the county who were
11 registered at the time of the last general election. However, if ~~a~~
12 ~~majority~~ sixty percent (60%) of the registered voters of a county
13 voting fail to approve such a tax, the board of county commissioners
14 shall not call another special election for such purpose for six (6)
15 months. Any tax levied or any change in the rate of a tax levied
16 pursuant to the provisions of this section shall become effective on
17 the first day of the calendar quarter following approval by the
18 voters of the county unless another effective date, which shall also
19 be on the first day of a calendar quarter, is specified in the
20 ordinance or resolution levying the tax or changing the rate of tax.

21 B. Any county may levy a lodging tax, not to exceed three
22 percent (3%), upon the gross proceeds or gross receipts derived from
23 the service of furnishing of rooms by hotel, apartment hotel, or
24 motel and for the furnishing of any other facility for public

1 lodging, except campsites, for the purpose of building and
2 maintaining county-owned facilities that promote tourism. Before
3 such a tax may be levied by the county, the imposition of the tax
4 shall first be approved by sixty percent (60%) of the registered
5 voters of the county voting thereon at a special election called by
6 the board of county commissioners or by initiative petition signed
7 by not less than five percent (5%) of the registered voters of the
8 county who were registered at the time of the last general election.
9 However, if sixty percent (60%) of the registered voters of a county
10 voting fail to approve such a tax, the board of county commissioners
11 shall not call another special election for such purpose for six (6)
12 months. Any tax levied or any change in the rate of a tax levied
13 pursuant to the provisions of this section shall become effective on
14 the first day of the calendar quarter following approval by the
15 voters of the county unless another effective date, which shall also
16 be on the first day of a calendar quarter, is specified in the
17 ordinance or resolution levying the tax or changing the rate of tax.

18 C. Any tax which may be levied by a county pursuant to the
19 provisions of this section shall be inapplicable to the furnishing
20 of public lodging in the corporate limits of any municipality in the
21 county which has levied a lodging tax.

22 E. D. Any tax which may be levied by a county pursuant to the
23 provisions of subsection A of this section shall be designated for a
24 particular purpose. The proceeds of any tax levied by a county

1 pursuant to the provisions of subsection A of this section shall be
2 deposited in the general revenue or a lodging tax revolving fund of
3 the county pursuant to subsection ~~E F~~ of this section. The proceeds
4 of any tax levied by a county pursuant to subsection B of this
5 section shall be deposited in a designated tourism fund of the
6 county and shall not be used for any other purpose.

7 D. E. The tax may be limited or unlimited in duration. The
8 county shall identify the duration of the tax when it is presented
9 to the voters pursuant to the provisions of subsection A or
10 subsection B of this section.

11 E. F. There are hereby created one or more county lodging tax
12 revolving funds in each county which levies a tax pursuant to the
13 provisions of this section if any or all of the proceeds of such tax
14 are not to be deposited in the general revenue fund of the county.
15 Each such revolving fund shall be designated for a particular
16 purpose and shall consist of all monies generated by such tax which
17 are designated for such purpose. Monies in such funds shall only be
18 expended for the purposes specifically designated as required by
19 this section. A county lodging tax revolving fund shall be a
20 continuing fund, not subject to fiscal year limitations.

21 F. G. 1. The particular purpose required by subsection ~~E D~~ of
22 this section shall be presumed to include the following:

23 a. advertising the particular purpose within or without
24 this state, and

1 b. investing the funds and later expending the funds or
2 any earnings or both for the particular purpose.

3 2. The provisions of this subsection shall apply to any levy in
4 effect on or after July 1, 2009.

5 SECTION 2. This act shall become effective November 1, 2025.

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