

HOUSE AMENDMENTS TO HOUSE BILL 4056

By COMMITTEE ON EDUCATION

February 12

1 On page 1 of the printed bill, line 2, after the semicolon insert “creating new provisions;
2 amending ORS 341.573;”.

3 After line 25, insert:

4 “**SECTION 2.** ORS 341.573 is amended to read:

5 “341.573. (1) When changes in district boundaries are made by the detachment of territory or
6 an annexation of territory and another community college district is affected, the boards of the
7 districts shall make an equitable division of the then existing assets and liabilities between the dis-
8 tricts affected by such change and provide the manner of consummating the division.

9 “(2) In case of failure to agree within 20 days from the time of such change, the matter shall
10 be decided by a board of arbitrators. The board of arbitrators shall consist of one member appointed
11 by each of the boards of the affected districts and an additional member appointed by the other
12 appointees.

13 “(3) In the event any such board fails to appoint an arbitrator within 30 days, the Higher Edu-
14 cation Coordinating Commission shall appoint such arbitrator. In the event the arbitrators selected
15 fail to appoint the additional arbitrator within 30 days after the appointment of the arbitrator last
16 appointed, the commission shall notify the judge senior in service of the circuit court of the princi-
17 pal county. Within 10 days after receiving such notice, the judge shall appoint one additional
18 arbitrator.

19 “(4) Each member of the board of arbitrators shall be entitled to the sum of \$100 per day for
20 each day’s service, and necessary expenses, while serving in the official capacity of the member.
21 Expenses thus incurred shall be equally apportioned among the districts concerned.

22 “(5) A party to an arbitration under this section may seek confirmation, vacation, modification
23 or correction of the arbitrator’s decision as provided in ORS 36.700, 36.705 and 36.710. A court may
24 vacate an award only if there is a basis to vacate the award described in ORS 36.705 (1)(a) to (d).
25 The court may modify or correct an award only for the grounds given in ORS 36.710.

26 “(6) Assets include all property and moneys belonging to the district at the time of division.
27 Liabilities include all debts for which the respective districts in their corporate capacities are liable
28 at the time of division. In determining the assets, property shall be estimated at its fair value. The
29 assets and liabilities shall be divided between the districts in proportion to the last assessed value
30 of the real and personal property. The district retaining the real property shall pay the other dis-
31 tricts concerned such sums as are determined in accordance with the provisions of this section.
32 [*All funds to be apportioned during the current fiscal year, after such division, shall be made in pro-
33 portion to the number of persons in each district according to the latest federal census.*]

34 “(7) **State aid distributed under ORS 341.626 and commission rules is not subject to sub-
sections (1) to (6) of this section.**”.

1 In line 26, delete "2" and insert "3".

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