

# House Bill 3283

Sponsored by Representative BUCKLEY

## 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**.

Directs district boundary board to accept petition to divide Lincoln County School District into two districts. Specifies conditions of division.

Declares emergency, effective on passage.

## A BILL FOR AN ACT

1  
2 Relating to Lincoln County School District; and declaring an emergency.

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

4 **SECTION 1. Section 2 of this 2007 Act is added to and made a part of ORS 330.092 to**  
5 **330.101.**

6 **SECTION 2. (1) Notwithstanding any other provision of law, a district boundary board**  
7 **shall approve a petition to divide the Lincoln County School District into two districts if:**

8 (a) **The petition is filed prior to April 15, 2007, and meets the requirements of this section**  
9 **and ORS 330.095; and**

10 (b) **The petition contains the signatures of at least five percent of the electors or 500**  
11 **electors of the district, whichever is less.**

12 (2) **The two districts shall be Lincoln County School District and a district designated as**  
13 **the East Lincoln School District. Each district shall offer educational programs in**  
14 **kindergarten through grade 12.**

15 (3) **The petition submitted to the district boundary board shall contain a proposal for**  
16 **distribution of all real and personal school property of the former district that is located in**  
17 **the proposed East Lincoln School District to the East Lincoln School District, together with**  
18 **a proportionate share of the assets of the former district.**

19 (4) **After the district boundary board receives the petition, the board shall appoint three**  
20 **chief sponsors of the petition or their designees from the residents of the attendance area**  
21 **of the proposed East Lincoln School District, and the board of the Lincoln County School**  
22 **District shall appoint three members of the school district board, to negotiate and decide the**  
23 **distribution of assets and liabilities of the Lincoln County School District. The assets and**  
24 **liabilities of the Lincoln County School District that exist on June 30, 2007, shall be divided**  
25 **so that a percentage of the assets and liabilities, based on the resident weighted average**  
26 **daily membership on June 30, 2007, of the remaining Lincoln County School District and the**  
27 **East Lincoln School District goes to the East Lincoln School District. If the persons ap-**  
28 **pointed under this subsection are unable to agree unanimously upon the distribution of as-**  
29 **sets and liabilities within 30 days of the appointment of the last person, the decision on the**  
30 **distribution of assets and liabilities shall be made by the Superintendent of Public Instruction**  
31 **or a designee of the superintendent.**

**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 (5) After the decision on the division of assets and liabilities has been issued, the district  
2 boundary board shall issue an order that divides the Lincoln County School District and  
3 specifies the new boundaries of the Lincoln County School District and the East Lincoln  
4 School District.

5 (6) The district boundary board shall appoint by order five electors of the East Lincoln  
6 School District as the initial board of directors of the district. Three of the members shall  
7 be appointed to serve until June 30 following the election of their successors at the next  
8 district election. Two of the members shall be appointed to serve until June 30 following the  
9 election of their successors at the next succeeding district election.

10 (7) A remonstrance petition or election may not be allowed on any petition for a bound-  
11 ary change submitted to the district boundary board under this section.

12 (8) The employees of the former school district who have been employed at a school that  
13 is within the new East Lincoln School District may elect to transfer to the East Lincoln  
14 School District upon the creation of the district. A school district employee of the former  
15 district may not be deprived of seniority or accumulated sick leave solely because the duties  
16 of the employee have been assumed or acquired by the new school district.

17 (9) The Eddyville Charter School, Siletz Valley School and Siletz Valley Early College  
18 Academy Charter School shall remain within the boundaries of the Lincoln County School  
19 District.

20 (10)(a) Notwithstanding ORS 330.103 (1), if, prior to July 1, 2007, the district boundary  
21 board files with the county assessor and the Department of Revenue the legal description  
22 of the division of the Lincoln County School District pursuant to ORS 308.225, the division  
23 of the school district shall become effective on July 1, 2008.

24 (b) Notwithstanding paragraph (a) of this subsection, for purposes of levying taxes, the  
25 division of the Lincoln County School District shall become effective on May 31, 2007, and the  
26 Lincoln County School District shall continue to levy taxes for both school districts for the  
27 2007-2008 fiscal year.

28 **SECTION 3.** This 2007 Act being necessary for the immediate preservation of the public  
29 peace, health and safety, an emergency is declared to exist, and this 2007 Act takes effect  
30 on its passage.