

HB 4056-2
(LC 111)
2/3/20 (DRG/DJ/ps)

Requested by HOUSE COMMITTEE ON EDUCATION (at the request of Higher Education Coordinating Commission)

**PROPOSED AMENDMENTS TO
HOUSE BILL 4056**

1 On page 1 of the printed bill, line 2, after the semicolon insert “creating
2 new provisions; 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
6 detachment of territory or an annexation of territory and another community
7 college district is affected, the boards of the districts shall make an equitable
8 division of the then existing assets and liabilities between the districts af-
9 fected by such change and provide the manner of consummating the division.

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

15 “(3) In the event any such board fails to appoint an arbitrator within 30
16 days, the Higher Education Coordinating Commission shall appoint such
17 arbitrator. In the event the arbitrators selected fail to appoint the additional
18 arbitrator within 30 days after the appointment of the arbitrator last ap-
19 pointed, the commission shall notify the judge senior in service of the circuit
20 court of the principal county. Within 10 days after receiving such notice, the
21 judge shall appoint one additional arbitrator.

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

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

10 “(6) Assets include all property and moneys belonging to the district at
11 the time of division. Liabilities include all debts for which the respective
12 districts in their corporate capacities are liable at the time of division. In
13 determining the assets, property shall be estimated at its fair value. The as-
14 sets and liabilities shall be divided between the districts in proportion to the
15 last assessed value of the real and personal property. The district retaining
16 the real property shall pay the other districts concerned such sums as are
17 determined in accordance with the provisions of this section. [*All funds to*
18 *be apportioned during the current fiscal year, after such division, shall be*
19 *made in proportion to the number of persons in each district according to the*
20 *latest federal census.*]

21 “(7) **State aid distributed under ORS 341.626 and commission rules**
22 **is not subject to subsections (1) to (6) of this section.”.**

23 In line 26, delete “2” and insert “3”.

24
