



2021 Legislative Concept Proposal LC 592 - Community College Boundary Change Process

Problem

The statutes that govern the process of altering community college boundaries are unclear, and they rely on processes for funding institutions that are not practiced. The original statutes were written in the early 1970s and require updating to be relevant in the current context.

Background

The Commission, pursuant to ORS 341.575 to 341.579, serves as the Community College District Boundary Board, authorized to make recommendations to the Legislative Assembly regarding the inclusion or exclusion of territory in a particular district, and conduct elections to resolve questions of annexation or succession on its own motion or through the receipt of a remonstrance petition.

HECC is engaged in its first two such requests to change boundaries. In the process, HECC has had to engage in extensive legal consultation to interpret outdated and unclear statutes and develop workarounds in instances where statutes run contrary to current practices, funding formula changes, and other legal requirements created after the time the statutes were adopted.

Proposed Solution

HECC proposes to provide for technical changes to statutes for administrative feasibility and clarity. There are no changes to the underlying policy of when, how, or why the Commission should handle boundary change matters. HECC proposes to:

- Limit the petition circulation period to 90 days. Currently the circulation period is unbounded, and it is hard to gauge public sentiment if a petitioner may circulate for an unlimited period of time
- Ensure the Commission can provide an ADA compliant public hearing when an ADA compliant public facility does not exist in the petitioned territory
- Alter the remonstrance petition period from before the commission issues an order until after, so that residents understand if a remonstrance is required
- Allowing HECC to resubmit orders if those orders are not acted upon
- Requiring HECC to hold an election on a boundary change question only if funds are appropriated to pay for such election
- Clarifying how assets and liabilities are to be divided in the case of secession
- Clarifying responsibility for debt payments via property taxes
- Clarifying how current services funding is to be allocated after a territory switches districts