

# Chapter 334

## 1961 REPLACEMENT PART

### Rural School District Law

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**334.010 Rural school district; rural school board; inapplicability of certain statutes to certain boards.** (1) There is created in each county not operating under ORS chapter 333 a district to be known as the rural school district and a governing body thereof to be known as the rural school board.

(2) There is created in any county which ceases to operate under ORS chapter 333 and which has more than one school district a district to be known as the rural school district and a governing body thereof to be known as the rural school board.

(3) The rural school board of rural school districts formed under subsection (2) of this section shall consist of the members of the school boards of all school districts within the county.

(4) The provisions of ORS 334.025, 334.035, 334.045, 334.070 and 334.090 shall not apply to rural school boards established by subsection (2) of this section.

[Amended by 1961 c.153 §1; subsections (3) and (4) enacted as 1961 c.153 §2]

**334.020 Composition of rural school district.** (1) The rural school district shall embrace all territory within the county and, without regard to county lines, all territory in a joint school district shall be included in the rural school district of the county in which the joint district's school is located.

(2) In the case of every rural school district from which, immediately prior to August 20, 1957, the territory of one or more first class school districts or of one or more union high school districts or of a county high school district within the same county was excepted from inclusion, there is hereby annexed to such rural school district the territory of each such excepted first class or union high school district or county high school district, including all territory of every such excepted district that is a joint district having its school within the county where such rural school district is located.  
[Amended by 1957 c.678 §2]

**334.025 Number of rural school board members; members to be elected at large and from zones.** (1) The school boards of rural school districts shall consist of seven directors. In all such districts having a population not in excess of 300,000, no more than five and no less than two of said seven directors shall be elected, one from each of the zones as hereinafter provided, and at least two shall be elected from the district at large. In any rural school district having a population

in excess of 300,000, all of the directors shall be elected from within the district at large.

(2) The district boundary board shall divide rural school districts, except any such district having a population in excess of 300,000, into not more than five zones as nearly equal in population as may be practicable and measured along common school boundary lines. In those rural school districts which have fewer than five common school districts, one director shall be elected from each of the common school districts and the additional directors shall be elected at large. The district boundary board may readjust the boundaries of such zones once each year and shall readjust the boundaries of the zones immediately upon any change of the territory comprising the rural school district.

[1957 c.678 §4; 1961 c.323 §1]

**334.030** [Repealed by 1957 c.678 §1]

**334.035 Nomination of candidates.** (1) In rural school districts, other than such districts having a population in excess of 300,000, the nomination of a candidate to serve as a member of the rural school board from a zone shall be made by a petition filed with the county school superintendent not less than 30 days prior to the date of the election, signed by not less than 25 voters residing in the zone in which such candidate is a resident and who are legally qualified to vote for school district officers in their respective elementary school districts; and the nomination of a candidate to serve as a member of the rural school board of any such district from the district at large shall be made by a petition similarly filed, signed by not less than 50 voters residing in the district and who are legally qualified to vote for school district officers in their respective elementary school districts. Each nominee shall file an acceptance of nomination with the county school superintendent not less than 30 days prior to the date of such election or such nomination shall be void. A candidate so nominated must be qualified to vote in the election in which he is a candidate.

(2) In rural school districts having a population in excess of 300,000, the name of any person qualified under ORS 332.450 shall be placed on the ballot as a candidate for the office of director of the rural school district upon the filing with the registrar of elections of the county, at least 70 days prior to the date of the primary election, of a certificate of nomination signed by not less than two percent of the qualified electors

within the territorial limits of said district voting for the office of school director at the last election at which directors were elected; or, in lieu of such petition, the name of any person qualified to be a school director shall be placed on the ballot as a candidate for such office upon the payment to the registrar of elections of a \$10 fee and the filing with such registrar of a certificate of nomination signed by at least 300 qualified electors residing within the territorial limits of the district. However unless such nominee files with the registrar of elections an acceptance of his nomination at least 70 days prior to such election, such nomination shall be void.

[1957 c.678 §5]

**334.040** [Amended by 1957 c.310 §15; repealed by 1957 c.678 §1]

### **334.045 Election of members of board.**

(1) In rural school districts having a population of less than 300,000, members of the rural school board shall be elected at the time of the annual school meeting. For this purpose a rural school district election shall be held in such districts each year in those zones from which a member or members of the board are to be elected, and in the district as a whole when a member or members at large are to be elected. The rural school board shall arrange for such election and designate one or more polling places for the purpose in each elementary school district within each zone. The boards of each such elementary school district shall appoint qualified electors from within their respective districts to serve as the judge and as clerks of said election at each polling place; and said election boards so appointed shall count the ballots cast and prepare a tally sheet. The chairman of each such election board shall immediately seal the ballots and tally sheet and within five days after the election shall mail or deliver them to the county school superintendent. The rural school board shall forthwith canvass the ballots and declare the results of the election.

(2) In any rural school district having a population of more than 300,000, members of the rural school board shall be elected at the general primary election. The registrar of elections of the county in which such district is located shall provide uniform printed ballots which shall contain the names of each candidate for the office of rural school director whose certificate of nomination has been duly made and filed as provided in sub-

section (2) of ORS 334.035. The canvass and return of votes shall be conducted in the same manner and under the same penalties as prescribed by law relative to elections. The rural school district shall pay to the county treasurer the actual cost of printing ballots and tally sheets for each such election, and the cost of checking signatures on certificates of nomination, together with such proportionate part of the general expenses of such primary election as may be agreed upon by the rural school board and the board of county commissioners or county court.

(3) Each rural school board shall, within 60 days after August 20, 1957, convene a convention of the members of the school boards of all school districts annexed to the rural school district by subsection (2) of ORS 334.020, and shall send by mail to each such school board member at least 30 days notice of the time and place of such convention. The chairman of the rural school board shall serve as chairman of the convention. In any rural school district in which no school districts were so annexed, the rural school board shall meet and act in lieu of any such convention. The convention so convened, or the rural school board acting in lieu thereof, shall elect two temporary members at large of the rural school board. In districts having a population of less than 300,000, one of such temporary members shall be elected for a term of one year and until his successor is elected and qualified, and the other for a term of two years and until his successor is elected and qualified. In districts having a population of more than 300,000, the terms of such temporary members shall be as provided in subsection (4) of this section.

(4) In any rural school district having a population of more than 300,000, the terms of office of the members of the rural school board holding office on August 20, 1957, and of the two temporary members elected pursuant to subsection (3) of this section, shall expire at the meeting of the rural school board next following the general primary election in May 1958. At said 1958 primary election, seven members at large of the school board of such district shall be elected, four for terms of two years and until their successors are elected and qualified, and three for terms of four years and until their successors are elected and qualified.

[1957 c.678 §8]

**334.050** [Repealed by 1957 c.678 §1]

**334.060** [Amended by 1957 c.622 §8; repealed by 1957 c.678 §1]

**334.070 Recall of rural school board.** Members of rural school boards are subject to recall by the legal school voters in the rural school district zones from which they were elected, or, in the case of directors elected at large, by the legal school voters in the rural school district, in the manner provided by law in respect to school directors generally.

[Amended by 1957 c.678 §6]

**334.080** [Repealed by 1957 c.678 §1]

**334.090 Term of office; election of successors; vacancies.** (1) The term of office of members of rural school boards shall be three years in rural school districts having a population of less than 300,000, and four years in such districts having a population of more than 300,000. At the expiration of the term of office of any member of the rural school board who was elected from a zone established pursuant to ORS 334.025, a successor from the same zone shall be elected by the legal voters thereof; and at the expiration of the term of office of any member of such board who was elected at large, including temporary members at large elected pursuant to subsection (3) of ORS 334.045, a successor shall be elected at large by the legal voters of the district.

(2) Any vacancy on the board from any zone shall be filled by the remaining members of the board from among the qualified residents of that zone, and any such vacancy from the district at large shall be filled by the remaining members of the board from among the qualified residents of the district; the appointee to serve until the next annual school meeting, or in districts having a population of more than 300,000, until the next general primary election, when a successor from the same zone, or at large, shall be elected to serve for the remainder of the unexpired term.

(3) Newly elected or appointed members of the rural school board shall take office at the meeting of the rural school board next following such election or appointment.

[Amended by 1957 c.678 §9]

**334.100 Organization of board; secretary; rule making power.** (1) Each rural school board shall meet within 10 days after each annual election and organize or reorganize by electing one of its members chairman and one vice-chairman, each of whom

shall serve for one year or until a successor is elected and qualified.

(2) The rural school board may appoint, fix the compensation, bond and duties of its secretary. When the county school superintendent is appointed to serve as secretary, any compensation paid by the board shall be in addition to the county school superintendent's salary prescribed by law and the county school superintendent may accept such compensation. The secretary of the board shall not have a vote in any matter coming before said board.

(3) The board may make such rules and regulations not inconsistent with this chapter as it may deem necessary to enforce the provisions thereof.

**334.110 Regular board meetings; compensation of board members.** Regular meetings of the rural school board of each rural school district shall be held on meeting dates to be determined for the year at the meeting of the board next following each annual election, and in rooms provided by the county court. Members of the rural school board shall receive no compensation for their services, but shall be reimbursed for all traveling and other expenses necessarily incurred in performing their duties as members of the board.

**334.120 Office of elected county school superintendent abolished; employing county school superintendent.** The elective office of county school superintendent is abolished, effective in each county on the expiration of the term, or on the prior death, resignation or removal, of the person who is the incumbent county school superintendent on August 20, 1957. The rural school board shall employ a county superintendent of schools, whose qualifications shall meet the requirements of the State Board of Education, who shall serve as the board's executive officer and secretary and who shall take oath, give an official bond, and have the duties prescribed by ORS chapter 329. The board shall fix the term and compensation of the county superintendent, provide office room for him in rooms provided for it by the county court and allow all his necessary traveling expenses.

[Amended by 1957 c.678 §10]

**334.130** [Repealed by 1957 c.678 §1]

**334.140** [Repealed by 1957 c.678 §1]

**334.150** [Repealed by 1957 c.678 §1]

**334.160 Employment of supervisors and office help.** The rural school board may employ and fix the compensation of such school supervisors, assistant supervisors and office personnel as it may deem necessary for the supervision of schools in the district and for carrying out the provisions of this chapter.

**334.170** [Repealed by 1957 c.678 §1]

**334.180** [Repealed by 1957 c.678 §1]

**334.190** [Repealed by 1957 c.678 §1]

**334.200** [Repealed by 1957 c.678 §1]

**334.205** [1953 c.390 §2; renumbered 334.510]

**334.210** [Amended by 1957 c.678 §18; renumbered 334.520]

**334.220** [Renumbered 334.530]

**334.230** [Amended by 1953 c.429 §2; 1957 c.678 §19; renumbered 334.540]

**334.240 Budget of rural school district for its own expenses.** Subject in all respects to the Local Budget Law (ORS 294.305 to 294.415), the board of every rural school district is authorized, not later than March 15 each year, to prepare and adopt a budget for its own expenses and the expenses of the county school superintendent, including expenses for travel, for providing the board and the superintendent with professional and clerical assistance, and for such services, equipment and supplies as the board and the superintendent may require. [1957 c.678 §12]

**334.250 Tax equalization procedure where taxes collected by rural school district are offset against levy by districts within rural school district; when applicable.** The provisions of ORS 334.250 to 334.290 shall apply (a) to every rural school district to which the territory of one or more school districts was annexed by subsection (2) of ORS 334.020; (b) to any rural school district created after August 20, 1957; and (c) to any other rural school district voting after August 20, 1957, as provided in ORS 334.450, to adopt the procedure provided for in ORS 334.250 to 334.290. [1957 c.678 §13(1); 1957(s.s.) c.4 §1(1)]

**334.260 Determination of "the estimated local school tax levies for operating purposes."** Prior to March 1 each year, the board of each rural school district to which ORS 334.250 to 334.290 apply shall determine a sum to be known as "the estimated

local school tax levies for operating purposes" for the school year commencing on the following July 1. The board shall make such determination as follows:

(1) From the total amount of taxes extended on the assessment and tax rolls pursuant to levies for the current school year by all school districts within the rural school district and by the rural school district, there shall be deducted the amounts included in such taxes for the payment of the principal of and the interest on school district bonds, for the acquisition of school sites, and for constructing and equipping new school facilities and major additions to existing school facilities.

(2) The remainder so obtained shall be divided by the average daily membership of all districts within the rural school district, as reported by such districts in their reports to the Superintendent of Public Instruction for the quarter ending on the preceding December 31, or if these reports are discontinued, in the reports most nearly equivalent thereto.

(3) The quotient so obtained shall be multiplied by the estimated average daily membership for all districts within the rural school district for the school year commencing on the following July 1; such estimate to be made by deducting from the current year's average daily membership the number of twelfth grade children included therein, and by adding thereto such portion of the five-year-old children within the rural school district, as shown by the current school census, as the rural school board anticipates will attend the schools of the school districts within the rural school district. [1957 c.678 §13(2); 1957(s.s.) c.4 §1(2)]

**334.270 Levy of tax by rural school district.** Subject to section 11, Article XI, of the Oregon Constitution, for the school year commencing on July 1 of each year, each rural school district to which ORS 334.250 to 334.290 apply shall levy a tax in an amount which, together with any other funds available to it for the purposes set forth in ORS 334.270 to 334.290, shall equal the amount of the rural school board's own budget, prepared and adopted pursuant to ORS 334.240, plus an amount which is 50 percent of the estimated local school tax levies for operating purposes, determined as provided in ORS 334.260. [1957 c.678 §13(3); 1957(s.s.) c.4 §1(3)]

**334.280 Determination of amount of levy and apportionment thereof; certification to assessor; extension of levy.** (1) Before March 15 each year, the board of each rural school district to which ORS 334.250 to 334.290 apply shall determine and record in its minutes the amount of its said levy for the school year commencing on July 1 in such year, and its apportionment thereof pursuant to subsection (1) of ORS 334.290; provided, that the board may make any necessary revisions of its said levy and apportionment prior to July 1, by action recorded in its minutes. Before July 15 of such year, the board shall certify such apportionment to the county assessor.

(2) Before July 15 of said year said board shall certify the amount of its tax levy to the county assessor. The county assessor shall extend said levy on the assessment and tax roll as the levy of the rural school board, applicable at a uniform rate or rates to all taxable property within the rural school district, including joint districts in adjacent counties that are included in said rural district.

(3) Notwithstanding subsection (2) of this section, where necessary in order to avoid double taxation, the procedure provided in this subsection shall be followed. The rural school board shall split its total levy referred to in subsection (1) of this section into a separate levy for elementary purposes equal to two-thirds of such total levy and a separate levy for high school purposes equal to one-third of its total levy. Before July 15 of such year, the board shall certify to the county assessor the amount of its levy for elementary purposes and the amount of its levy for high school purposes. The county assessor shall extend the levy for elementary purposes on the assessment and tax rolls as a levy of the rural school board, applicable at a uniform rate or rates to all taxable property within the rural school district (including joint districts in adjacent counties that are included in the rural school district) within which elementary education is provided by a school district within the rural school district. The county assessor shall extend the levy for high school purposes on the assessment and tax rolls as a levy of the rural school board, applicable at a uniform rate or rates to all taxable property within the rural school district (including joint districts in adjacent counties that are included within the rural school district) within which high school education is pro-

vided by a school district within the rural school district.

[1957 c.678 §13(4); 1957 (s.s.) c.4 §1(4)]

**334.290 Manner of apportionment of proceeds of tax levy.** (1) The apportionment required by ORS 334.280 shall be made as follows: After first setting aside for its own expenses and for the expenses of the county superintendent of schools the amounts budgeted therefor pursuant to ORS 334.240 for the school year commencing on July 1 of such year, and after also setting aside such sum as it finds necessary for a distressed school district fund as provided in subsection (2) of this section, the board of such rural school district shall apportion the remainder of its total tax levy to the school districts within the rural school district in the proportion that the estimated average daily membership of resident pupils of each such district for such school year bears to the estimated total average daily membership within the rural school district; provided, that such estimated average daily memberships shall be determined from the reports of each school district to the Superintendent of Public Instruction for the quarter ending on the preceding December 31 (or if these reports are discontinued, from the reports most nearly equivalent thereto), adjusted in the case of each school by deducting the number of children who completed or will complete the highest grade taught therein during the school year ending on June 30 of the current year, and by adding the number of children that the rural school board estimates will enroll in the lowest grade taught in such school during the school year beginning on July 1 of the current year. School districts paying tuition for the education of resident pupils attending school in another school district shall be credited with the average daily membership of such pupils in making the apportionment.

(2) For the purposes of subsection (1) of this section, a school district is a distressed district if the rural school board finds, by resolution recorded in its minutes, either (a) that such district maintains an elementary school with less than 6,000 total days membership or a high school with less than 13,500 total days membership, and that the continued operation of such school is necessary because of the isolation thereof and the difficulty and expense of transporting the pupils in such school to other school facilities; or (b) that the true cash value of

the taxable property in said district per pupil in average daily membership is less than 50 percent of the average of such true cash value per pupil in said rural school district. The sum to be set aside in the distressed district fund provided for in subsection (1) of this section shall be such sum as said rural school board deems reasonable as supplemental assistance for such distressed districts; provided that the supplemental assistance allowed to any distressed district shall not exceed the amount which such district will receive pursuant to subsection (1) of this section for such an isolated school, or for the entire distressed district if its true cash value per pupil is less than 50 percent of the average within the rural school district as aforesaid. All or any part of the amounts so allowed as supplemental assistance shall be distributed to each distressed district from the special distressed district fund at such times as the rural school board deems proper.

[1957 c.678 §13(5), (6); 1957(s.s.) c.4 §1(5), (6); 1961 c.356 §1]

**334.300 Levy by school boards within rural school district; offset against levy of sums apportioned under ORS 334.250 to 334.290; extension on assessment roll.** The school board of each school district within a rural school district to which ORS 334.250 to 334.290 apply shall prepare such district's budget, levy its taxes, and, if said board deems proper, submit to the voters of said district the proposal to establish a new tax base, as provided in the Local Budget Law (ORS 294.305 to 294.420) and in ORS chapter 328. The amount which each such school board certifies to the county assessor before July 15 of each year as the levy of such district shall be determined by such school board without including in the anticipated receipts of the district the sum or sums to be apportioned to the district by the rural school board pursuant to ORS 334.250 to 334.290. The county assessor shall subtract from the tax levy of each such school district the sum or sums apportioned to such district by the rural school board pursuant to ORS 334.250 to 334.290, as certified to such assessor by the rural school board; and the assessor shall extend on the assessment roll no more than the remainder as the levy of such district.

[1957 c.678 §14]

**334.310 to 334.340** [Reserved for expansion]

**334.350 Tax equalization procedure where amounts of approved budgets of districts within rural school district are included in levy of rural school district; when applicable.** The provisions of ORS 334.350 to 334.400 shall apply to every rural school district which immediately prior to August 20, 1957, included the territory of every first class school district and of every union high school district and any county high school district located within the boundaries of such rural school district, and also to any other rural school district voting after August 20, 1957, as provided in ORS 334.450, to adopt the procedure provided for in ORS 334.350 to 334.400.

[1957 c.678 §15(1)]

**334.360 Preparation of budget for school district or school unit within rural school district; when levy on such budget may be made by district within rural school district.** (1) Immediately following a public meeting as provided by law on the budget for each fiscal year of any school district or school unit within a rural school district to which ORS 334.350 to 334.400 apply, and in any event not later than March 15 of such year, the responsible officer of the district or unit shall deliver or transmit the budget to the rural school board.

(2) No tax levy based on such budget shall be made by the school district, school unit or school district governing body, other than the tax levy outside the constitutional limitation for the particular purposes specified in ORS 334.410.

(3) The rural school board may prepare a budget for any such school district which fails to submit a budget to the rural school board by March 15.

[1957 c.678 §15(2)]

**334.370 Rural school board budget may include an emergency aid fund.** The rural school board may include in its own budget, prepared and adopted pursuant to ORS 334.240, an emergency aid fund for use, at the discretion of said board, in aiding local school districts with emergency expenses unforeseen at the time of making the budget of such districts; the emergency aid fund not to exceed five percent of the combined budget of all districts included in such rural school district.

[1957 c.678 §15(2)]

**334.380 Rural school board powers and duties as to budgets of districts within rural school district; levy of tax by rural school district.** (1) The board of each rural school district to which ORS 334.350 to 334.400 apply shall examine and audit or cause to have examined and audited the budgets of the school districts or school units within such rural school district. The rural school board may approve or reject, increase or reduce any item or amount in any such budget, but shall not reduce the total budgeted expenditures of a district below the maximum program established in ORS 327.028. Where necessary, the rural school board shall determine from the budgets submitted the amounts to be levied for elementary and high school purposes and make separate levies for the same. On or before April 10 the governing body of every school district or school unit within such rural school district shall be notified in writing of any contemplated changes in its budget; and, on request, it shall be entitled to a hearing by the rural school board on the budget submitted by it. The rural school board shall set times and places for such hearings which shall be open to the public.

(2) After the budget hearing required by subsection (1) of this section and careful consideration of all the budgets, the board of each rural school district to which ORS 334.350 to 334.400 apply shall determine the final amount in which the budget of each school district or school unit shall be included in the tax levies to be made by it and shall notify each such school district or unit of its action on or before April 20 of the then current year.

(3) The board of each such rural school district shall levy for each fiscal year a tax in the amount equal to the total of the levies, so determined and approved, of the several school districts or school units within such rural school district; to which levy shall be added the budget for the expenditures of the rural school board and of the county school superintendent as prepared and adopted pursuant to ORS 334.240, including therein any amounts provided for emergency aid to districts as authorized in ORS 334.370. This tax levy shall apply at uniform rate or rates for elementary and high school purposes to all property within such rural school district taxable for such purposes.

[1957 c.678 §15(3), (4)]

**334.390 Certification and extension of rural school district tax levy.** The board of each rural school district to which ORS 334.350 to 334.400 apply, on or before July 15 of each year, shall certify to the county assessor and to the county treasurer the total amount of the tax levy so made by it and also shall certify to the county treasurer the amount in which the budget of each school district or school unit within such rural school district is included in such tax levy. The county assessor shall extend said tax levy or levies on the assessment and tax roll as the property tax levy or levies of such rural school board, applicable at uniform rate or rates to all taxable property within such rural school district, including joint districts in adjacent counties that are included in said rural school district.

[1957 c.678 §15(5)]

**334.400 Apportionment of levy proceeds.** After deducting the estimated expenses provided in the budget of the rural school board and of the county school superintendent pursuant to ORS 334.240, the board of each rural school district to which ORS 334.350 to 334.400 apply shall apportion the remainder of the levy extended in the proportion that the original levy as determined and included by such rural school board for each district is of the total of all such levies in said rural school district.

[1957 c.678 §15(6)]

**334.410 Rural school district tax powers; tax powers retained by districts within rural school district.** All powers and duties to levy taxes otherwise by law vested in and imposed on any school district or school unit within a rural school district to which ORS 334.350 to 334.400 apply, or otherwise vested in and imposed on the governing body of any such school district or school unit, are transferred to, vested in and imposed on the said rural school district. However, each such school district, school unit or governing body thereof, shall retain and exercise the power to levy a tax each year for payment of principal and interest of its bonded or negotiable interest-bearing warrant indebtedness, for payment of capital expenditures and current expenditures not provided for in the budget of the district by the rural school board, and for any supplementary budget items which have been specifically authorized by the legal voters of such district or unit as outside the limitation of section 11, Article XI, Oregon Constitution.

[1957 c.678 §16]

334.420 to 334.440 [Reserved for expansion]

**334.450 Method of discontinuing one tax equalization procedure and adopting alternative procedure.** (1) The board of a rural school district to which ORS 334.250 to 334.290 apply may, and shall upon the petition of such number of legal voters in the district as equals eight percent of the number of votes cast in the district for Justice of the Supreme Court at the last preceding regular election, submit to the legal voters of the district the question whether such district shall discontinue the tax equalization procedure provided for in ORS 334.250 to 334.300, and adopt in lieu thereof the alternative procedure provided for in ORS 334.350 to 334.410. Similarly the board of a rural school district to which ORS 334.350 to 334.400 apply may, and shall upon the petition of such number of legal voters in the district as equals eight percent of the number of votes cast in the district for Justice of the Supreme Court at the last preceding regular election, submit to the legal voters of the district the question whether such district shall discontinue the tax equalization procedure provided for in ORS 334.350 to 334.410, and adopt in lieu thereof the alternative procedure provided for in ORS 334.250 to 334.300; provided, however, that there may also be submitted, at the same time and place, the question whether said rural school district shall have such a tax base as will enable it to make a levy in the next succeeding year in the amount required by ORS 334.250 to 334.290.

(2) In rural school districts having a population of less than 300,000, any such question shall be submitted to the legal voters of the district at the annual school meeting. The rural school board shall arrange for such election and designate a polling place for the purpose in each elementary school district within each zone. The polling place shall be the school building if there is one within the zone. The chairman of the district school board of each elementary school district having a school so used as a polling place shall act as judge and the other members of the board as clerks of said election and shall count the ballots cast and prepare a tally sheet. The chairman shall immediately seal the ballots and tally sheet and within five days shall mail or deliver them to rural school district superintendent. The rural school board shall forthwith canvass

the ballots and declare the results of the election.

(3) In a rural school district having a population of more than 300,000, any such question shall be submitted to the legal voters of the district at a general primary election. The registrar of elections of the county in which such district is located shall provide uniform printed ballots which shall contain the ballot title and text of the proposal being submitted to the voters. The canvass and return of votes shall be conducted in the same manner and under the same penalties as prescribed by law relative to elections. The rural school district shall pay to the county treasurer the actual cost of printing ballots and tally sheets for each such election, together with such proportionate part of the general expenses of such primary election as may be agreed upon by the rural school board and the board of county commissioners.

(4) If a majority of the votes cast at any such election is in favor of the proposal, the discontinuation of the former tax equalization procedure and the adoption of the alternative procedure, and the establishment of an adequate tax base if this is included in the question voted upon, shall be effective as of July 1 of the next calendar year; except that the budgets of the rural school board and of the school districts within its boundaries for the year commencing on said July 1 shall be prepared pursuant to the newly adopted procedure.

[1957 c.678 §17]

334.460 to 334.500 [Reserved for expansion]

**334.510 Budget and tax levy where elementary pupils are educated by union high school.** In rural school districts containing an elementary school district of which the pupils of any grade below the ninth grade are being educated by and at the expense of a union high school district excepted from the rural school district, such elementary school district shall not include in its budget the cost of educating such pupils. The rural school board shall segregate the cost of educating all pupils in the rural school district who are in such grade or grades and shall make a separate levy for said cost, which levy shall not be extended upon the property of the elementary school districts included in such union high school district.

[Formerly 334.205]

**334.520 Rural school district special tax elections.** The rural school board shall call a special school election in the rural school district whenever the sum of the levies as determined in ORS 334.250 to 334.290 or 334.350 to 334.400 exceeds the limitations imposed by section 11, Article XI, Oregon Constitution, and may call a second election. The first election shall be called and held on or before the third Monday in May in each district in the manner prescribed by subsection (1) of ORS 334.045 for the election of rural school board members, except that in any rural school district having a population of more than 300,000, such first election shall be called and held only at the time of the general primary election, in the manner prescribed by subsection (2) of ORS 334.045. The election shall be in substantial compliance with the provisions of ORS 310.360 and 310.390, in so far as applicable. The second election may be called after proper notice on a date fixed by the board. In case a proposed levy in excess of constitutional limitation is not approved by the legal voters of the rural school district the rural school board shall levy the maximum permitted by law.

[Formerly 334.210]

**334.530 Certification, extension and apportionment of rural school district tax levy.** The rural school board, on or before July 15 of each year, shall certify to the county assessor and to the county treasurer the

total amount of the tax levy so made by it and also shall certify to the county treasurer the amount in which the budget of each school district or school unit within the rural school district is included in such tax levy. The county assessor shall extend said tax levy or levies on the assessment and tax roll as the property tax levy or levies of the rural school board, applicable at uniform rate or rates to all taxable property within the rural school district of the county, including joint districts in adjacent counties that are included in said rural district.

[Formerly 334.220]

**334.540 Apportionment of levy proceeds.** All moneys received by the county treasurer as proceeds of the property tax levy or levies of the rural school board, extended for any fiscal year as required by ORS 334.280 or 334.390, shall be apportioned, in accordance with the provisions of ORS 334.290 or 334.400, by the county school superintendent on the first Monday in December of each year and at such other times as he deems advisable. The county treasurer upon request shall report to the county school superintendent the moneys so received. The county school superintendent shall issue his warrants to the county treasurer in favor of the school board of each district for the amount of its apportionment and the treasurer shall thereupon pay such amount to the proper district school board.

[Formerly 334.230]

#### CERTIFICATE OF LEGISLATIVE COUNSEL

Pursuant to ORS 173.170, I, Sam R. Haley, Legislative Counsel, do hereby certify that I have compared each section printed in this chapter with the original section in the enrolled bill, and that the sections in this chapter are correct copies of the enrolled sections, with the exception of the changes in form permitted by ORS 173.160 and other changes specifically authorized by law.  
Done at Salem, Oregon,  
on December 1, 1961.

Sam R. Haley  
Legislative Counsel