

HOUSE COMMITTEE ON STATE AND FEDERAL AFFAIRS

April 17, 1991 Hearing Room E 8:00 a.m. Tapes 104 -105
MEMBERS PRESENT: Rep. Bill Markham, Chair Rep. Larry Sowa, Vice-Chair
Rep. Marie Bell Rep. Mary Alice Ford Rep. Tom Novick Rep. Carolyn Oakley
Rep. Lonnie Roberts MEMBER EXCUSED: None VISITING MEMBER: Sen. Ron
Grensky, District 25 STAFF PRESENT: Randall Jones, Committee
Administrator Carolyn Cobb, Committee Assistant MEASURES
CONSIDERED: HB 2510 - Prohibits Candidates and Political Committees
From Using Political Contributions to Pay Election Law Civil Penalties,
PH, WS HB 2967 - Moves Regular District Election From March to May in
Odd-numbered Years, PH SB 344 - Deletes Certain Restrictions on
Political Activity of Police Officers, PH, WS SB 353 - Expands Law
Prohibiting Statewide Officials and Legislative Officials from Receiving
Contributions, PH, WS

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statements made during this session. Only text enclosed in quotation
marks report a speaker's exact words. For complete contents of the
proceedings, please refer to the tapes.

TAPE 104, SIDE A

003 CHAIR MARKHAM: Calls the meeting to order at 8:09 a.m.

HB 2510 PROHIBITS CANDIDATES AND POLITICAL COMMITTEES FROM USING
POLITICAL CONTRIBUTIONS TO PAY ELECTION LAW CIVIL PENALTIES - WORK
SESSION House Committee on State and Federal Affairs April 17, 1991-
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010 RANDALL JONES, COMMITTEE ADMINISTRATOR: Reviews hand-engrossed HB
2510 which incorporates the dash one LC amendments dated 4/8/91 (EXHIBIT
A). Reports the Secretary of State's office would have the authority
under the amended bill to impose a maximum \$250 fine for a violation of
it's prohibition against using campaign funds to pay a civil penalty.

030 REP. ROBERTS: The suggested amendment was you cannot use your
campaign finances to pay any fine over \$200. If you do not have a
threshold, some people who make honest mistakes are going to be in
trouble. Our reporting system is not the most simple in the world.

051 CHAIR MARKHAM: This speaks to prohibiting your using political
contributions to pay the fine to the Secretary of State. 057 REP.
ROBERTS: Suggests an amendment to create a threshold for someone making
a mistake the first time. It could be \$100 or \$200. 063 MOTION: REP.
ROBERTS moved to amend HB 2510 by inserting a provision to apply a
threshold of \$200, above which civil penalties may not be paid from
campaign funds. 083 CHAIR MARKHAM: Hearing no objection, it is so
ordered.

SB 344 - DELETES CERTAIN RESTRICTIONS ON POLITICAL ACTIVITY OF POLICE
OFFICERS - PUBLIC HEARING Witnesses: None

106 JONES: Reviews the provisions of the bill. Reports unable to locate
any laws applying to city and county police which are similar to the
current restriction on members of the State Police.

SB 344 - DELETES CERTAIN RESTRICTIONS ON POLITICAL ACTIVITY OF POLICE
OFFICERS WORK SESSION

122 MOTION: REP. ROBERTS moved SB 344-A engrossed to the floor with a

"do pass" recommendation.

127 REP. NOVICK: Do we know who the sponsors of the bill, Law Improvement Committee, are?

128 JONES: No, we do not.

143 VOTE: In a roll call vote, the motion carried, with Rep. Novick, Rep. Oakley, Rep. Roberts, Rep. Sowa, and Chair Markham voting AYE. Rep. Bell and Rep. Ford were excused.

SB 353 - EXPANDS LAW PROHIBITING STATEWIDE OFFICIALS AND LEGISLATIVE OFFICIALS FROM RECEIVING CONTRIBUTIONS - PUBUC HEARING Witnesses: None

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SB 353 - EXPANDS LAW PROHIBITING STATEWIDE OFFICIALS AND LEGISLATIVE OFFICIALS FROM RECEIVING CONTRIBUTIONS - WORK SESSION

154 MOTION: REP. REP. ROBERTS: moved SB 353 to the floor with a "do pass" recommendation. VOTE: In a roll call vote, the motion carried, with Rep. Novick, Rep. Oakley, Rep. Roberts, Rep. Sowa, and Chair Markham voting AYE. Rep. Bell and Rep. Ford were excused. . Public Nearing on SB 353 re-opens on page 6. 184 CHAIR MARKHAM: Recesses the meeting at 8:25 a.m.

-Resumes the meeting at 8:42 a.m.

188 REP. FORD: Requests unanimous consent that the rules be suspended to allow her to be recorded as voting AYE on the motion to move SB 344 A-engrossed to the floor with a "do pass" recommendation.

190 CHAIR MARKHAM: Hearing no objection, it is so ordered.

191 REP. BELL: Requests unanimous consent that the rules be suspended to allow her to be recorded as voting AYE on the motion to move SB 344 A-engrossed to the floor with a "do pass" recommendation.

193 CHAIR MARKHAM: Hearing no objection, it is so ordered.

194 REP. FORD: Requests unanimous consent that the rules be suspended to allow her to be recorded as voting AYE on the motion to move SB 353 to the floor with a "do pass" recommendation.

196 CHAIR MARKHAM: Hearing no objection, it is so ordered.

197 REP. BELL: Requests unanimous consent that the rules be suspended to allow her to be recorded as voting AYE on the motion to move SB 353 to the floor with a "do pass" recommendation.

199 CHAIR MARKHAM: Hearing no objection, it is so ordered.

HB 2967 - MOVES REGULAR DISTRICT ELECTION FROM MARCH TO MAY IN ODDNUMBERED YEARS - PUBLIC HEARING Witnesses: Carolyn Oakley, State Representative, District 36 Georgette Brown, County Clerk, Josephine County Al Davidson, Oregon Association of County Clerks Vicki Ervin,

Director of Elections, Multnomah County

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John Marshall, Oregon School Boards Association Norma Paulus,
Superintendent of Public Instruction, State of Oregon Sue Proffitt,
Elections Division, Secretary of State's Office

205 CAROLYN OAKLEY, STATE REPRESENTATIVE, DISTRICT 36: Reports widespread support for the measure and many favorable letters have been received. -We need to save taxpayers dollars, and yearly election of school board members is a luxury we can no longer afford.

231 VICE CHAIR SOWA: The savings you are projecting depend on what factor? Is it that school board elections will now be on primary election day, so you save an election, or is it on the election being vote-by-mail?

246 AL DAVIDSON, PRESIDENT, OREGON ASSOCIATION OF COUNTY CLERKS: The figures given were the actual costs of the 1990 elections of school directors, school costs only. Those savings would occur every even numbered year because we would not be holding the elections for school directors in those years. The elections would not be held on the primary election day, they will be held in May in the odd-numbered years. -Submits and summarizes written testimony (EXHIBIT B) in support of the measure.

270 REP. ROBERTS: Where does it say the school board elections will be in the odd years?

275 DAVIDSON: In Section 1, line 10 moves the elections to the odd-numbered years on the third Tuesday in May.

278 CHAIR MARKHAM: Asks to have the dates put on the board.

296 DAVIDSON: Resumes written testimony.

228 REP. NOVICK: If we do it every two years, will there be more people in these contests?

231 DAVIDSON: If we do it every two years, there will be more positions up at a time. On a five member board, there will be three positions up one election cycle and two positions up the next.

335 REP. NOVICK: Are most of these done by mail ballot?

338 DAVIDSON: Yes, they are. In the recent March election in Polk County, the turnout was less than 6%. -Resumes written testimony.

365 CHAIR MARKHAM: When was the Multnomah County law changed to allow biennial elections in those three districts? 371VICKI ERVIN,
DIRECTOR OF ELECTIONS, MULTNOMAH COUNTY: There was not a law change. It used to be that those three school districts held their elections at the primaries. They have been moved from the primary election to a March date, but they have always been on a biennial cycle election for directors.

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388 REP. BELL: Currently election law makes it optional and a district may decide the frequency of their director elections? 392 DAVIDSON: No, I believe the election law refers to districts over a certain population.

397 REP. BELL: What is the advantage of mandating to a school district when they have their elections versus allowing them to make choices?

403 DAVIDSON: The issue of uniformity throughout the state would be the matter of concern.

414 REP. BELL: I am concerned about taking more local control away from school districts when they are already threatened the state is going to be assuming more than they want to give.

423 DAVIDSON: Certainly it is something that is within the power of the legislature to do. Would you consider doing it for cities and all other counties and special districts at the same time?

TAPE 105, SIDE A

009 REP. FORD: Since the Portland districts already hold director elections biennially in March, is that cost part of this \$600,000 saving?

014 DAVIDSON: It is not because there is no cost to the taxpayers in Multnomah County for those elections, there is in all other counties. The \$69,000 reflected for Multnomah County costs is for all other districts in that county other than Portland School District No. 1, Multnomah Education Service District, and Portland Community College.

018 REP. FORD: You are sure that those three are not reflected in this fiscal analysis?

021 DAVIDSON: What I have is the actual election costs for school district elections from 1990 elections, and that is included with my written testimony. I have noted Multnomah County's figures do not include the three large districts. 030 VICE CHAIR SOWA: Are the projected savings based doing away completely with that March election?

036 DAVIDSON: We are not proposing to eliminate the March election, what we are proposing is to eliminate the March election of district directors. Very few school districts are prepared to place a measure before the voters at a March election. By May, many of those districts are ready to propose a levy and/or a tax base to the voters. If they could do their measure elections and their directors elections at the same time there is an additional cost saving. 051 REP. OAKLEY: With Measure 5 we may be having even fewer elections.

060 DAVIDSON: Resumes written testimony at page 3, paragraph 4.

068 REP. NOVICK: Did Polk County have the option of running a mail ballot instead of a polling station vote? _

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071 DAVIDSON: Yes, they did. -Resumes written testimony at page 4, paragraph 3. 088 REP. BELL: The \$600,000 savings is all tied into having the elections biennially rather than annually, and it does not include the savings from changing the date? 092 DAVIDSON: That is correct. The \$600,000 is the actual cost of the March 1990 election. We did not project what it may be. 094 REP. BELL: So if it stayed on the same date every other year, that would be the savings? 095 DAVIDSON: Yes. Public Hearing on HB 2967 re-opens on page 6.

SB 353 - EXPANDS LAW PROHIBITING STATEWIDE OFFICIALS AND LEGISLATIVE OFFICIALS FROM RECEIVING CONTRIBUTIONS - PUBLIC HEARING Witnesses: Ron Grensky, State Senator, District 25

109 RON GRENSKY, STATE SENATOR, DISTRICT 25: SB 353 is an attempt to clarify a bit of election law that has a loophole in it. That is, if there is a special session theoretically a legislator could receive campaign contributions during that time, even though no one would really want to have that happen. This closes that loophole by saying during any session, regular or special, you cannot receive campaign contributions.

HB 2967 - MOVES REGULAR DISTRICT ELECTION FROM MARCH TO MAY IN ODDNUMBERED YEARS - PUBLIC HEARING

133 NORMA PAULUS, SUPERINTENDENT OF PUBLIC INSTRUCTION, STATE OF OREGON: This is the end of a fifteen or eighteen year effort to pass election reform. -Explains school election situation in the state which gave rise to the bill. -Expresses support for the efforts of the County Clerks Association to pass the measure. -Expresses belief the measure would save money for school districts.

172 REP. BELL: What would be your reasons for not giving districts the option of annual or biennial elections? 176 PAULUS: It would not change the system. I think they would continue doing it as they are doing it now. As we can consolidate election days, the more confidence it will give the voters, and it will increase the participation rate. The voters do question the present system. 193 GEORGETTE BROWN, COUNTY CLERK, JOSEPHINE COUNTY: -Every March election we have very dissatisfied voters and the turnout is low. We now have a vote-by-mail election and the turnout is somewhat better. - -/

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-Reads messages received with vote-by-mail ballots expressing objection to the cost of the election.

273 VICE CHAIR SOWA: Did you waste taxpayers' money putting out a voters' pamphlet for these two people?

276 BROWN: No, I did not. I really believe in voters' pamphlets, but

because there were only two people, I thought it would be a waste of time.

281 REP. NOVICK: If they had been contested races, do you think people would have responded in the same way?

289 BROWN: When they are contested they feel a little better about it, but I still have people who say why don't you combine these races.

295 REP. NOVICK: There might be an argument that those people who are interested in the school boards are the individuals who are voting in those elections. 313 BROWN: Some of the ballots came back without a

vote on them because people sometimes think if they do not send them back, we are going to cancel their registration. 319 REP. ROBERTS: If they do not send back a ballot, you just send out a letter asking if they are still there? 324 BROWN: No, if we get a undeliverable ballot back we send them a letter, we do not cancel them if they do not vote.

332 REP. OAKLEY: Would there be potential for increased participation if we had the elections less frequently, and with a greater number of folks involved as candidates? 337 BROWN: I think so, and if we did

have it in May in the odd-numbered years, most likely there would be measures at the same time. People feel if they vote on the measures and the candidates at the same time, that it is not a waste of money. You end up with a very negative voter when they feel we have elections too frequently. They do not realize we are just abiding by state law.

365 CHAIR MARKHAM: Would you care to speak for the Jackson County Clerk? 371 BROWN: The Jackson County Clerk is also in favor of this measure. 373 REP. OAKLEY: The Lincoln County Clerk, as well as the

Jackson County Clerk and others have written to me in support of the measure. 383 JOHN MARSHALL, OREGON SCHOOL BOARDS ASSOCIATION: Explains schematic of a two year cycle of school election dates.

415 VICE CHAIR SOWA: All of those large districts' elections are now every other year, but at the March election, rather than the May election?

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419 MARSHALL: School district elections are every year now. Special districts and the "big three" are every other year in odd-numbered years in March. -Points out the effect of the bill on district elections.

TAPE 104, SIDE B

017 REP. BELL: Do you know what the elections in the odd-numbered years in May would be join with?

019 MARSHALL: In odd-numbered years in May there is there is the opportunity for levy elections, bond elections by any jurisdiction, and tax base elections only by school districts.

022 REP. FORD: Where would the special district bond elections be?

024 MARSHALL: They could be held at any of the current six election dates.

027 REP. FORD: So you could still have that March election for all the other special district budget and bond elections.

031 MARSHALL: That is correct. I am not sure if Oregonians have been traditionally dissatisfied with any opportunity they have to vote.

036 REP. FORD: In this last March election, a lot of the people were interested in it because there was a lot to vote on. I am wondering how the special districts feel about this because they are going to be left alone in March.

046 VICKI ERVIN, DIRECTOR OF ELECTIONS, MULTNOMAH COUNTY: This bill directs its attention only to the mandated elections, which are the elections of directors. It recognizes some flexibility needs to be in place for the presentation of measures to the electorate. Especially when you talk about bonds, timing can sometimes be critical.

054 REP. FORD: My concern is in the March elections people take much more interest in the local special district measures, because the school district elections are on at the same time.

059 ERVIN: You are saying there is more interest brought to the special district measures because they are held on the same date as the school district director elections?

063 REP. FORD: Because there are a lot of things on the ballot, people show a greater interest than if there was just one park district bond measure, for instance.

066 ERVIN: When you put more things on the ballot, you create greater interest. It is the idea not only of saving money, but recognizing there will be more interest if they have more things on their ballot.

075 REP. FORD: I would still like to know how the special districts feel. Maybe they would want their measures moved to the May off-year elections as well.

078 ERVIN: They do have the option of putting their measures on the May or March ballot. This

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does not change at all what their options are.

083 REP. FORD: If the special districts wanted greater visibility, they could decide to join the rest of the groups.

087 ERVIN: Absolutely, because the only times that you are mandated as to what goes on the ballot and when, would be the election of directors and the tax base.

089 REP. FORD: If the special districts decided to hold a March election and nobody else did, the voting public might get fairly angry with that special district.

091 ERVIN: I believe it depends upon the issue, whether it is something the public recognizes the need for. Generally speaking, whenever you have an election for one single thing, either one contest or one

measure, the voting public does not understand why that could not have waited and be combined.

091 REP. FORD: If the board of directors of the local water district was the only thing left on the March ballot, that would really anger the voters.

096 ERVIN: Yes, it would. This bill would not leave them in March. This bill moves them and everybody to May for director elections.

099 MARSHALL: We feel the focus on the dollar savings is misdirected. That is not to say that \$600,000 is not important. We agree with the savings figure supplied by the County Clerks.

113 REP. OAKLEY: Are there other \$600,000 savings available that we need to be looking for that are somewhat frivolous spending?

116 MARSHALL: I am not saying the schools do not need the \$600,000. What I am saying is we have reasons to feel these annual elections are important. If school election costs were the only consideration, then this body would not have enacted vote-by-mail nor county voters' pamphlets. Even in counties with vote-by-mail there is still low participation, and some counties, for whatever reason, have chosen not to use vote-by-mail at all. County voters' pamphlets were touted as providing more information to voters, in order for them to make more informed decisions, but some counties have chosen not to publish them. Perhaps the debate should focus on whether or not school districts should pay for their elections at all. We think there is a value in the continuity of those school board members' experience. We are concerned about the potential in some communities of a single issue political or religious fringe group taking over a local board. There is a fundamental flaw in HB 2967 as it is currently printed, which is the requirement the legislature will by statute, either extend or shorten incumbent board members' terms of office.

152 REP. OAKLEY: We have taken care of that by amendments.

153 MARSHALL: School board members elected to four year terms in 1990 under current law have terms that will expire in 1994. Under HB 2967 there will not be an election in 1994. You would have a term expiring and no election to fill that vacancy. We do not think you should by statute, extend the terms of school board members, so they would have the longest terms of any

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elected official in Oregon, with the exception of judges and members of the U. S. Senate. We assume the amendments deal with that statutory extension or direct the remaining members of the board to appoint individuals to serve an additional one or two years until the next regular district election opportunity.

167 REP. FORD: When it comes to comments about a fringe group taking over, could they not do that in each of two consecutive elections and do it in two years? 174 MARSHALL: I think it is the creation of that opportunity to do it all at once versus over a period of time, that

concerns us.

178 REP. FORD: Would not the general public that did not belong to that group, be apprised of it and take a little more interest in seeing that it did not happen?

182 MARSHALL: That could be a potential result.

186 REP. OAKLEY: City councils and boards of commissioners have the potential of changing their majority each time they go up for an election. It appears to me if local governments survive, why couldn't the school districts survive?

193 MARSHALL: The answer to your question lies in looking at the school board recall elections in the past several years. More school board members have faced recall or been recalled than county commissioners or city councilmen. It is the kinds of issues that school boards deal wi

217 REP. OAKLEY: The public has the right to vote as they choose.

222 MARSHALL: Under current law, the citizens can review their decisions the next year, rather than waiting two years. -Legislative action has reduced the number of school board elections, and therefore election costs. -As the tax rate limits of Measure 5 phases in over the next few years, the future role of school board members in local school district policy decision making will change from what it is today. -There is a bill coming from the Senate that will mandate unification of districts. -There are going to be some major dislocations of school funding in the state. -Asks legislature to wait and see how all this filters out. -Yes, there are uncontested school board races. Is that a reason to dump the election, we do not think so.

285 REP. OAKLEY: Do you know what percentage of your association supports this bill?

289 MARSHALL: Our policy of opposition to change in school board director elections was reaffirmed at our convention. Our legislative committee reviewed the issue at it's meeting a week and half ago, and our position has not changed.

298 REP. OAKLEY: Is this somewhat a turf battle, in that with annual elections you can pretty much get whomever you want elected. If you had the elections every other year, you would probably have more candidates and more opportunity to elect some that are not handpicked.

304 MARSHALL: Handpicked by whom?

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307 REP. OAKLEY: If you have just one candidate you wish to see elected, the efforts will be put into that one candidate. If there are multiple candidates, you may not be able to elect the ones the board would like.

322 MARSHALL: As a matter of policy we at the Association do not get involved in local board races. We advise incumbents not to become

involved in a local race. What occurs in election campaigns in 300 school districts around the state, I cannot answer. 332 VICE CHAIR SOWA: By what statute or policy do some district boards have members' terms expiring in odd-numbered years and others in even numbered years?

337 MARSHALL: There are guiding statutes. Much of it has to do with the way the school district was created. Explains how election frequency is determined.

363 REP. NOVICK: In recent years there has been some controversy in the Parkrose School District about school based clinics. That has heightened interest in the elections. During the last election some of the current board members did get involved in taking the sides of people who were running. I think it was a useful debate for the public to decide the differences between the candidates.

393 SUE PROFFITT, ELECTIONS DIVISION, OFFICE OF SECRETARY OF STATE: Submits and summarizes written testimony (EXHIBIT C) supporting the measure because of the cost savings and potential for greater voter participation. . TAPE 105, SIDE B

005 VICKI ERVIN, DIRECTOR OF ELECTIONS, MULTNOMAH COUNTY: The bill has the unanimous endorsement of the Oregon Association of County Clerks, based on what our members are hearing from voters about these elections. -What you have heard today is a debate on whether the projected \$600,000 cost savings is significant in terms of what you are buying. Mr. Marshall feels it is worth it because it buys continuity on the board. I am very confident the voters have the wisdom to make good decisions whether you give them one office or three offices in the same election.

027 REP. NOVICK: On one side I hear people are not happy about uncontested races on the ballot, and they are going to be unhappy with uncontested races every two years or every four years. The issue is not when the election is held.

037 ERVIN: The number one issue here is not how many candidates run for an office, it is how things you are asking the voter to participate in. They are angry about the number of elections and how many times we ask them to vote on things, instead of combining them into one election.

054 REP. NOVICK: Do you get complaints from people who say there are too many things on the ballot?

056 ERVIN: I do not think we hear that so much in terms of phone calls as much as we see it in terms of under-vote on the ballot. I think you would see in terms of the less visible issues on the ballot in terms of voter "drop off". This generates phone calls because of anger.

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-Submits and reviews proposed dash one LC amendments dated 4/8/91 (EXHIBIT D).

090 VICE CHAIR SOWA: It looks as if the language here about minority and majority members lumps all board members into one group and does not take into consideration when their terms expire.

095 ERVIN: It takes four years now for the entire board to get through an entire election cycle. This says there are only two cycles. In the first year you have a majority of the members up, and in the second the remaining minority of the members, or it could be vice versa.

106 REP. FORD: Why on page 8 of the amendments does it state even-numbered members of the board?

110 ERVIN: I do not know if there are administrative school districts that currently are evennumbered, but there are statutory provisions that would allow the formation of an administrative school district with an even number of board members.

Submitted by:	Reviewed by: Carolyn Cobb	Randall Jones
Assistant	Administrator	

EXHIBIT LOG:

A - Amendments to HB 2510 - Randall Jones - 1 page B - Testimony on HB 2967 - Al Davidson - 13 pages C - Testimony on HB 2967 - Sue Proffitt - 1 page D - Amendments to HB 2967 - Vicki Ervin - 10 pages

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