

Approved 3-5-92  
Date

MINUTES OF THE House COMMITTEE ON Elections

The meeting was called to order by Representative Sherman Jones at  
Chairperson

9:10 a.m./p.m. on February 27, 1992 in room 521-S of the Capitol.

All members were present except: Representative Bishop (excused)  
Representative Parkinson (excused)  
Representative Stephens (excused)  
Representative Johnson (excused)

Committee staff present:  
Arden Ensley, Revisor  
Pat Mah, Research  
Shirley Lee, Committee Secretary

Conferees appearing before the committee:  
Denise Everhart  
William Ash, Treasurer of Tecumseh Township  
John McClure  
William Bryant  
Dale Konzem, President, Glen Elder Irrigation District #8  
Joleen Walker, Mitchell County Clerk

Others attending: see attached list.

Chairman Jones opened the hearing for **HB 2843** - Stagger terms of members of township board

Representative Denise Everhart appeared before the Committee in support of the bill. She encouraged the Committee to pass the bill favorably.

William Ash, Treasurer of Tecumseh Township, appeared before the Committee in support of the bill. He stated the bill would relieve the stress level of employees and in turn would provide continuity of the government from one period to another.

Chairman Jones opened the floor for questions and opponents. There were none and the hearing for **HB 2843** was closed.

Chairman Jones opened the hearing for **HB 2976** - Elections of members of boards of directors in irrigation districts.

Representative John McClure appeared before the Committee as a proponent. Representative McClure stated the bill would allow an increase by 5,000 acres, the size of the irrigation districts that are allowed to hold their elections after annual meeting rather than going through the formal process of a ballot election. That it is a cost saving measure for the irrigation district.

Chairman Jones opened the floor for questions. There was a question raised concerning the size of acreage as it related to the election process.

Representative William Bryant appeared before the Committee as a proponent. In his testimony he indicated he endorsed the change made in **HB 2976** as proposed by Representative McClure. He proposed that the bill be further amended or married into **HB 2978** which deals with a similar statute and is also assigned to the Committee (see attachment 1).

Chairman Jones opened the floor for questions. There were questions as it related to tax increase, qualified voters, and water shed districts.

Dale Konzem, President, Glen Elder Irrigation District #8, appeared before the Committee in support of **HB 2976**. In his testimony he stated with the passage of **HB 2976**, the members of the irrigation district would still be able to vote and make their choice as to its officers. That the bill would be very helpful in reducing the amount of cost to the District while still providing members an opportunity to be heard. That the success of the Irrigation District is important to the economy of the area, it provides a greater tax base and the increased yields of irrigated crops stimulates the economy. In conclusion, he encouraged the Committee to act favorably on the bill (see attachment 2).

Unless specifically noted, the individual remarks recorded herein have not been transcribed verbatim. Individual remarks as reported herein have not been submitted to the individuals appearing before the committee for editing or corrections.

CONTINUATION SHEET

MINUTES OF THE House COMMITTEE ON Elections,  
room 521-S, Statehouse, at 9:10 a.m./p.m. on February 27, 1992

Chairman Jones opened the floor for questions. Committee members addressed questions as it related to the number of members in District 8 and the functions of their board and expansion of land.

Arden Ensley, Revisor, informed Dale Konzem if they have an annual meeting in the near future, both bills would not be effective until July 1 and it would be beneficial to put it in the Register.

Joleen Walker, Mitchell County Clerk, appeared before the Committee as a proponent. In her testimony she stated the definition of "qualified owners" according to K.S.A. 42-701 presented problems in trying to find people who owned small interests in the land. That as an election officer, she has had problems conducting elections from the standpoint that not all qualified voters are aware of the election. That many landowners do not live in the district or even the state. That it would be fair in her opinion for elections to be conducted by mail ballots (see attachment 3).

Chairman Jones opened the floor for questions. Committee members addressed questions to Ms. Walker as related to merging **HB 2976** into **HB 2978**. A question was raised concerning the annual meeting of the Glen Elder Irrigation District 8. Chairman Jones stated the matter was resolved by amending the bill and putting it in the Register.

Chairman Jones asked for the position of the Secretary of State. Joe de la Torre stated the Secretary of State welcomed efforts to clear up confusion faced at elections to make the system work better.

With no further comments, Chairman Jones closed the hearing for **HB 2976**.

Chairman Jones opened the floor for final action on **HB 2867** - Exceptions to "contributions" under campaign finance law.

Representative Macy made a motion that the Committee pass favorably on **HB 2867**.  
Representative McKechnie seconded the motion and the motion carried. Representatives Love and Baker requested that the minutes reflect their vote of "no."

Chairman Jones opened the floor for final action on **HB 2879**. Representative Wells made a conceptual motion to place the bill on the consent calendar. Representative Cozine seconded the motion and the motion carried.

Chairman Jones opened the floor for final action on **HB 2880** - Elections; changes in names of voters.

Representative McKechnie made a motion that the Committee move favorably on **HB 2880**.  
Representative Macy seconded the motion. Representative Macy made a motion to amend **HB 2880** effectively upon publication in the Register. Representative Shallenburger seconded the motion and the motion carried. The vote was made on the original motion and the motion carried.

Chairman Jones opened the floor for final action on **HB 2917** - Governmental ethics; acceptance of honoraria.

Representative Praeger made a motion that the Committee move favorably on the bill.  
Representative McKechnie seconded the motion and the motion carried.

Chairman Jones presented the minutes for February 18, 19, 20, and 21. It was noted that the correction for the minutes dated February 18 was made and there were no other corrections indicated. Representative Scott made a motion to approve the minutes as corrected. Representative Macy seconded the motion and the motion carried.

With no further business, the meeting was adjourned at 9:50 a.m.





TOPEKA

HOUSE OF  
REPRESENTATIVES

WILLIAM M. BRYANT, D.V.M.  
 REPRESENTATIVE, 106TH DISTRICT  
 WASHINGTON, REPUBLIC AND  
 WESTERN MARSHALL COUNTIES  
 RURAL ROUTE 2  
 WASHINGTON, KANSAS 66968

REPUBLICAN AGENDA CHAIRMAN  
 COMMITTEE ASSIGNMENTS  
 RANKING MINORITY MEMBER: AGRICULTURE AND  
 SMALL BUSINESS  
 MEMBER: TRANSPORTATION

**Testimony on HB 2976 and HB 2978**  
**House Elections Committee**

**Feb. 27, 1992**

Mr. Chairman and members of the committee, thank you for the opportunity to testify on HB 2976. First, let me say that I endorse the change made in HB 2976 as proposed by Representative McClure.

I would propose that this bill be further amended or married into HB 2978 which deals with a similar statute and is also assigned to this committee. The proposed changes in HB 2978 change the definition of **"qualified electors"** for the purpose of irrigation district elections only.

When these provisions for elections were formed most legal qualified owners of land were individuals or farm couples. Today many family farms are held in trusts or (living trusts), family corporations or partnerships. This change in the definition of who is a "qualified elector" is needed in order to provide a vote to legal owners of land in an irrigation district.

It has been narrowly drawn to insure that if a person is a legal owner under more than one circumstance that they will be allowed only one vote.

This change in the definition of electors was proposed to me and supported by the Kansas Bostwick Irrigation District which is one of the few districts large enough to qualify for this type of election.

The amendments needed to make this change include:

- (1) All of page 1 of HB 2978 and on page two, lines 1 through 36.
- (2) Also on page 7 after the (.) on line 33 through line 42 which is shown in the balloon on the following page.

House Elections  
 2-27-92  
 A. Hachert 1

hereto, and who are otherwise qualified electors. For voting purposes, any person entitled to vote under this subsection who owns land in more than one voting area shall vote in the voting area which includes the greatest portion of his or her such person's land.

Sec. 2. K.S.A. 42-706 is hereby repealed.

Sec. 3. This act shall take effect and be in force from and after its publication in the statute book.

1-2

As used in this section, the term "qualified electors" shall include a person who is the legal qualified owner of irrigable land or a person, who is authorized, in writing, to vote for a trust, corporation, association or partnership which is the legal qualified owner of irrigable land. Such person is not required to be a resident of the district. Such trust, corporation, association or partnership shall be allowed only one vote. The person authorized by such entity to vote shall be someone who is not otherwise entitled to a vote under this section.

**GLEN ELDER IRRIGATION DISTRICT #8**  
DALE KONZEM, PRESIDENT  
DOUG THIESSEN, VICE-PRESIDENT  
JIM KADEL, SECRETARY\TREASURER

February 27, 1992

TO: House Election Committee  
FROM: Dale Konzem, President, Glen Elder Irrigation  
District #8  
RE: House Bill 2976

Dear Members:

I am Dale Konzem, the President of Glen Elder Irrigation District No. 8, located in North Central Kansas. I would like to thank you on behalf of the board of Directors and the members of Glen Elder Irrigation District #8 for allowing me to speak in support of House Bill No. 2976, introduced by our Representative John D. McClure.

Glen Elder Irrigation District was developed in the late 1960's and early 1970's and was finally incorporated in December, 1976. The initial concept was a delivery system of canals and laterals spreading eastward through the Solomon Valley reaching nearly thirty miles into Ottawa County. Before construction could begin, a moratorium was placed on federal projects of this nature. Irrigators in the District resorted to temporary water contracts with the Bureau of Reclamation for storage water held in Waconda Lake. This water was released into the Solomon River to be used by the irrigators. The irrigation district as a corporation went dormant during this time.

Approximately two years ago, we were encouraged by the Bureau and the Kansas Division of Water Resources to reinstate the district if we wished to continue to irrigate. Using very limited funds, and a lot of volunteer time, the irrigators in the Solomon Valley were able to have the district reinstated February 28, 1991. The Board of Directors have not sought a mill levy to finance the resurrection of the district and its operation. We have had one election in accordance with K.S.A. 42-706, which cost the District approximately six hundred dollars. I might add that this is a very conservative figure, as Mrs. Walker, our County Clerk, graciously compiled voting lists from Mitchell, Cloud and Ottawa counties and made three polling places available and provided workers to accomplish this.

*House Elections*  
*2-27-92*  
*Attachment 2*

The District consists of thirty-one thousand seventeen (31,017) acres of irrigable land. As you can see this is one thousand seventy-one (1,071) acres over the limitation in K.S.A. 42-706. The District has had to negotiate a General Contract with the Bureau and will negotiate and service contracts with individual irrigators throughout the District. This will entail hiring a Water Supervisor to read meters, order water, and make payments to the Bureau of Reclamation. Obviously, the cost of all of this is high. With the current status of the District every effort is made to conserve economic resources so that the Irrigation District may become a viable entity, which operates without the use of tax funds. By raising the acreage from thirty thousand (30,000) to thirty-five thousand (35,000) House Bill No. 2976 will greatly aid the Board of Directors in conserving economic resources. With passage of House Bill No. 2976 the members of the irrigation district would still be able to vote and make their choice as to its officers. The Board of Directors see no rational or logical reason for having the District be required to hold an election under the provisions of K.S.A. 42-706 when the District consists of thirty thousand (30,000) acres verse thirty-five thousand (35,000) acres. The cost of water has risen, the District has incurred additional administrative and legal expense and have looked at every avenue of cutting expenses to avoid requesting imposition of taxes upon real estate within the District. This bill would be very helpful in reducing the amount of cost to the District while still providing members an opportunity to be heard. The success of the Irrigation District is important to the economy of the area, it provides a greater tax base and the increased yields of irrigated crops stimulates the economy.

We would respectfully request that you act favorably on this Bill.

Dale Konzem  
President  
Glen Elder Irrigation District  
No. 8



February 27, 1992

To: The House Elections Committee  
Representative Sherman Jones, Chairman

From: Joleen Walker, Mitchell County Clerk

Re: House Bill No. 2976

Mitchell County respectfully requests that this committee support House Bill No. 2976 relating to election of members of boards of directors of irrigation districts.

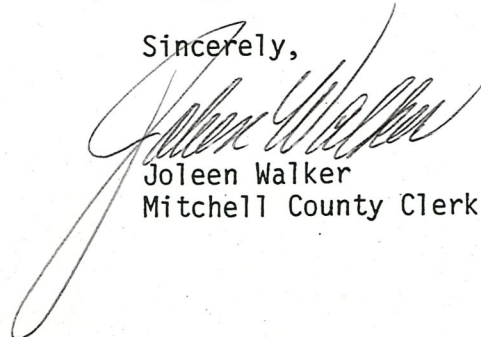
Since Glen Elder Irrigation District #8 comprises approximately 31,000 acres, I have, as County Election Officer, conducted its elections for members of the board of directors. In our most recent election, 452 persons were qualified voters; only 55 voted. This made the cost per vote \$10.91. Only one member is elected each year for a term of three years.

In conducting this election, persons entitled to vote shall be "qualified owners of land" within the district. "Qualified owners" according to K.S.A. 42-701 is defined as taxpayers of said proposed district owning irrigable land or some interest therein, in said district. This presents problems in trying to find people who own small interests in the land. We check probate records, appraiser's records, deeds, etc. We cannot always find the correct names and addresses of these people. Since this district extends into two other counties, we hope that these counties have researched the property records as thoroughly as we have.

As an election officer, I have problems conducting this election from the standpoint that not all qualified voters are aware of the election. Many landowners do not live in the district or even in the state. In my opinion, the most fair way for my office to conduct this election would be mail ballot. Of course even if there were provisions for a mail ballot election provided in these statutes, the cost to the irrigation district would be prohibitive.

I, again, respectfully submit your support for this bill.

Sincerely,

  
Joleen Walker  
Mitchell County Clerk

House Elections  
2-27-92  
Attachment 3