

## MINUTES OF THE HOUSE AGRICULTURE AND NATURAL RESOURCES COMMITTEE

The meeting was called to order by Chairman John Faber at 3:30 P.M. on March 13, 2008, in Room 783 of the DSOB.

All members were present except:

Representative Vaughn Flora - excused  
Representative Carl Holmes - excused  
Representative Josh Svaty - excused

Committee staff present:

Raney Gilliland, Kansas Legislative Research Department  
Hank Avila, Kansas Legislative Research Department  
Gordon Self, Revisor of Statutes  
Kristen Kellems, Revisor of Statutes  
Florence Deeter, Committee Assistant

Conferees appearing before the committee:

Kenneth Nelson, Superintendent, Kansas Bostwick Irrigation District #2  
Brad Bryant, Deputy Assistant Secretary of State  
Senator Mark Taddington, District 21 {Written Only}

Others attending:

See attached list.

Special guests in attendance today are Representative Faber's grandsons, John, Aaron, and Mark Faber, who served as pages in the House of Representatives.

#### **Hearing on SB 558 - Irrigation districts; conducting elections by mail**

Kenneth Nelson, Superintendent of the Kansas Bostwick Irrigation District #2, spoke as a proponent of **SB 558**, saying the bill needed to be amended to address eligible voters outside the designated election-law boundaries (Attachment 1). Mr. Nelson said amending the law to include mail-in ballots would simplify the election process and possibly increase voter response. He indicated the aging of the population in the two-county area also exacerbates participation in traveling to election sites.

Brad Bryant, Deputy Assistant Secretary of State, testified as a proponent of **SB 558** raising questions and proposing an amendment to clarify and strengthen the bill's provisions (Attachment 2). He said the proposed amendment would take the election to be conducted by mail out of the original mail ballot act which does not apply to water districts. Mr. Bryant explained that the county election officer would be required to submit a plan to the Secretary of State's office and the procedures outlined in the statutes would need to be met. He said that, because of differences in election for irrigation districts, the recommendation to amend the bill as proposed would help to clarify the intent of the bill.

Staff Raney Gilliland, Kansas Legislative Research Department, requested clarification on the proposed wording of the amendment. The word *advance* would replace the word *absentee* wherever it is used within the language of the bill. Mr. Bryant said the absentee ballots were available originally for military personnel who were serving outside the country.

Written testimony was submitted by Senator Mark Taddington, District #21, who introduced the bill at the request of the Bostwick Irrigation District (Attachment 3).

The Chairman closed the hearing on **SB 558**.

The Chairman called attention to **SB 474 - Controlled shooting areas; field trials**. Representative Grange made a motion to recommend the bill as favorable for passage. Representative Powell seconded the motion. The motion carried.

The Chairman asked the committee to consider **SB 475 - Kansas hunters feeding the hungry, inc.**

CONTINUATION SHEET

MINUTES OF THE House Agriculture and Natural Resources Committee at 3:30 P.M. on March 13, 2008, in Room 783 of the DSOB.

Representative Powell requested an amendment to have a checkoff funding process on Kansas income tax returns. Moneys from the fund would be placed in the Hunters Feeding the Hungry, Inc. Representative Wolf seconded the motion. After discussion, the motion to amend SB 475 failed.

Representative Powell moved to recommend SB 475 as favorable for passage and place it on the Consent Calendar. Representative Moxley seconded the motion. The motion passed.

The Chairman called for consideration **SB 557 - Department of Agriculture, certification of free sale; food safety**. Staff Raney Gilliland reviewed the bill for the committee saying clarification was needed in the transfer of duties in 2004 from the Kansas Department of Environment to the Kansas Department of Agriculture. He said the new components of the bill include a \$5.00 reinstatement fee when license renewal is delinquent, and authorization of a combined license. Mr. Gilliland indicated the bill allows the Secretary of Agriculture to issue certificates of free sale; maximum fee is \$25.00 per certificate.

Representative Feuerborn made a motion to recommend SB 557 as favorable for passage. Representative Powell seconded. The motion passed.

The meeting was adjourned at 4:00 p.m. The next meeting is scheduled for March 17, 2008, at 3:30 p.m.

# HOUSE AGRICULTURE COMMITTEE GUEST LIST

DATE: March 13, 2008

| NAME             | REPRESENTING               |
|------------------|----------------------------|
| Brad Bryant      | Sec. of State              |
| Kenneth Alderson | Hansons Bostwick Iron Dist |
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Testimony before the House Agriculture Committee  
Senate Bill 558 dealing with elections for irrigation districts  
March 13, 2008  
By Kenneth Nelson

I am Kenneth Nelson, Superintendent of the Kansas Bostwick Irrigation District #2 located in Republic and Jewell Counties. We are a political subdivision of the State of Kansas, which is contracted with the United States through Bureau of Reclamation to deliver irrigation water to irrigators in the respective counties. We deliver water to approximately 43,000 acres and serve approximately 350 landholdings. A three person Board of Directors who are qualified owners of irrigated land governs us. The qualified voters under Kansas Statutes 42-706 elect them.

My comments today are centered on the need to amend these election procedures to allow an election to be conducted by mail in ballot. In the district's infancy in the 1950's and 60's few landowners lived outside the 2 county area and polling places were very accessible to all qualified voters. As times changed, these election laws were amended to allow owners who lived outside the area the right to vote and allowing persons who own their land in trust, life estates and so on, the right to vote. Therefore, many qualified voters now live outside the two county areas. In fact in the recent election, approximately 30% of the qualified voters live outside the 2 county areas often requiring substantial time and travel to reach polls. Also, with our aging population, many of our voters within the two county areas find it very difficult to travel to a polling place and cast a ballot.

We are ever striving to allow a voice to all persons to elect the best possible candidates to govern the district. We have looked at the way the United States Department of Agriculture; Farm Service Agency currently elects directors to serve on their board by mail in ballot. The Rolling Hills Electric Cooperative also conducts this type of election. The State of Kansas has mail in ballot procedures. We would ask that the bill be modified to allow the District to carry out the mailings rather than the County Election Officer to simplify the process that only effects irrigation districts.

Senator Mark Taddiken introduced Senate Bill 558, which gives us the option to use a mail in procedure. We believe this will simplify our elections and increase voter response. We believe it will give all qualified voters easy access to the democratic process and increase voting during elections.

The Board of Directors of the Kansas Bostwick Irrigation District #2 asked me to strongly urge you to pass Senate Bill 558 I am available to answer any questions.

**RON THORNBURGH**  
Secretary of State



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**STATE OF KANSAS**  
**House Committee on Agriculture and Natural Resources**

**Testimony on Senate Bill 558**

Brad Bryant, Deputy Assistant Secretary of State  
Elections and Legislative Matters

March 13, 2008

Mr. Chairman and Members of the Committee:

Thank you for the opportunity to testify on Senate Bill 558. The Secretary of State is neutral on the bill but wishes to raise questions and propose amendments to clarify and strengthen the bill's provisions.

Senate Bill 558 would provide an additional option for electing members of boards of directors of irrigation districts by all-mail ballot election.

Our analysis of the bill raises the following questions:

1. Who mails ballots to voters in the case of a mail ballot election?
2. Who tabulates the ballots and canvasses the results?
3. Is the county election officer required to submit a mail ballot election plan to the Secretary of State, as required by K.S.A. 25-432(b)?
4. Who pays the expenses for the election?

To answer these questions, we propose an amendment that would specify that:

1. The irrigation district may adopt a plan for mail ballot elections.
2. The irrigation district mails the ballots.
3. The irrigation district tabulates the ballots.
4. The irrigation district pays the direct expenses of the election.

We recommend the committee amend Senate Bill 558 as proposed. Thank you for your consideration.

## Proposed Amendments to Senate Bill 558

1. In Section 1, Subsection (d)(2) on page 3:

*(2) For any election except the election required in subsection (b), the board of directors may adopt a resolution authorizing the use of the election procedure specified in this paragraph. All voting for the election of directors may be conducted in accordance with the procedures set forth in the mail ballot election act, and acts amendatory thereof, and supplemental thereto. procedure providing for the election of members by mail ballot. Such procedure adopted by the board shall require the board to mail ballots to all persons entitled to vote, receive and tabulate the ballots, canvass the election and certify the results to the county election officer. The irrigation district shall be responsible for the direct expenses of conducting the election. The forms for the ballot envelope used for mailing ballots shall contain a declaration as provided in K.S.A. 25-433, and amendments thereto, shall be modified to establish establishing that such the person who signs the declaration is a qualified owner of irrigable land within the district.*

2. In Section 1, Subsection (d)(1), page 2, line 18:

Replace the word "absentee" with "advance."

STATE OF KANSAS



TOPEKA

SENATE CHAMBER

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MARSHALL, NEMAHA, REPUBLIC, RILEY,  
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LEGISLATIVE EDUCATIONAL  
PLANNING

HOUSE AGRICULTURE AND NATURAL RESOURCE

TESTIMONY ON SB 558

March 13, 2008

Senator Mark Taddiken

Chairman Faber and Agriculture and Natural Resources Committee Members,

Thank you for the opportunity to visit with you today regarding SB 558. I introduced this bill at the request of the Bostwick Irrigation District in an attempt to improve the method of voting for members of the board of directors.

This bill would provide an additional option for irrigation districts to use in making voting more accessible to their members. Currently members must vote in person and that is proving more difficult as members become older and live further away.

This bill would allow the option of using a mail voting procedure and I respectfully ask that your committee will give it favorable consideration.

HS Ag & Nat'l. Resources  
3-13-08  
Attachment 3