

# THOMPSON LAW

A PROFESSIONAL CORPORATION  
402 4TH STREET, P.O. BOX 166  
SCANDIA, KANSAS 66966-0166

JEFFREY L. THOMPSON  
ATTORNEY AT LAW

E-mail [ttlaw@nckcn.com](mailto:ttlaw@nckcn.com)

TELEPHONE (785) 335-2248  
FACSIMILE (785) 335-2502

## **Testimony in Support of SB 524 to the Senate Ways and Means Committee March 14, 2024**

Chairman Billinger, Vice Chair Claeys, Ranking Member Pettey, and members of the Committee:

On behalf of Kansas Bostwick Irrigation District No. 2 (“KBID”) in North Central Kansas, we appreciate the opportunity to request this bill with the assistance of Senator Bowers. We are grateful for the hearing today.

This bill came at the request of KBID’s management after realizing that the current statute, K.S.A. 42-706, governing elections to KBID’s board of directors does not provide a workable election process.

KBID was organized in 1948 and constructed under contract with the United States Bureau of Reclamation to provide irrigation water to approximately 42,500 acres in Republic and Jewell Counties. The statutes governing KBID and other such irrigation districts are K.S.A. 42-701 et seq., and the particular statute governing the elections to the board of directors is K.S.A. 42-706.

K.S.A. 42-706 was amended during the 2015 regular session of the Kansas legislature as part of a legislative package to move all local elections from the spring to the fall. However, those amendments left the statute with inconsistencies. For example, K.S.A. 42-706(e) calls for elections in November in odd-numbered years for three directors, but states that “only one director shall be elected each year for a term of four years.” If the elections are only held in odd-numbered years, there’s no way to keep three directors with four-year terms, unless two are elected in one year.

KBID has operated for many years with a three member board of directors who are each elected to serve a three-year term with one position elected each year. Since 2009, KBID elections have been conducted using a mail ballot election process in March each year, with mail ballots sent to qualified electors (owners of irrigable land within the district) according to a detailed written election plan adopted by the KBID board. KBID’s mail ballot election plan was authorized and consistent with K.S.A. 42-706 before the statute was amended in 2015. However, in its current form, K.S.A. 42-706 is unclear as to whether KBID’s mail ballot election process (or any other election process) can continue to be used by KBID.

**THOMPSON LAW, P.A.**  
Testimony in Support of SB 524  
March 14, 2024  
Page 2

All other irrigation districts in Kansas provide irrigation water to less than 35,000 acres and are able to elect their directors at an annual meeting pursuant to K.S.A. 42-706(f). However, since KBID provides water to more than 35,000 acres, it is unable to use the annual meeting option for electing directors. The amendment to K.S.A. 42-706 in the proposed bill will allow KBID to continue using its mail ballot election process, but will not likely affect any other irrigation districts in Kansas.

The current statute needs to be amended to provide KBID with clear guidance and authority in conducting its elections. The proposed bill will fix the inconsistencies in the statute and allow KBID to continue conducting its elections in the most efficient and cost-effective way.

We would appreciate the committee recommending the bill for passage.

Respectfully submitted,



Jeffrey L. Thompson  
Counsel for Kansas Bostwick Irrigation District  
[ttlaw@ncken.com](mailto:ttlaw@ncken.com)  
785.335.2248