

# THOMPSON LAW

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## **Testimony in Support of SB 65 to the Senate Committee on Federal and State Affairs February 10, 2025**

Chairman Thompson, Vice Chair Blew, Ranking Member Faust-Goudeau, 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 has problems and does not provide a workable election process.

The election statute at issue applies only to irrigation districts constructed under contracts with the United States Bureau of Reclamation. There are only a handful of such irrigation districts in Kansas, and KBID is the largest.

KBID was organized in 1948 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 is 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

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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.

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 has always been required to use a more formal process to elect its Board. The amendment to K.S.A. 42-706 in the proposed bill will allow KBID to continue using its long-standing 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,

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