

MEMORANDUM

To: The House Committee on Agriculture and Natural Resources

From: The Office of Revisor of Statutes

Date: 2/14/2025

Re: H.B. 2153, as Introduced: Specifying when boards of directors for irrigation districts of 35,000 or more acres may conduct board member elections by mail ballot and establishing the terms for such members; defining dam for both agriculture and nonagricultural use.

Section 1: Irrigation Districts

Under current law, a majority of qualified owners of irrigable lands, owning at least 60 acres collectively, may petition for the organization of an irrigation district.¹ Upon approval by the chief engineer, an irrigation district has perpetual existence and powers similar to other public corporations, including eminent domain and tax levies.² A district's board of directors consists of three members, elected for two or four-year terms.³ Elections are conducted according to state general election laws, with provisions for mail ballots. Voting rights are granted to qualified owners of irrigable land, with specific provisions for entities like trusts and corporations.

The bill would allow for 3-year terms in addition to 2 and 4-year terms. Additionally, when elections of board members are held by mail ballot, the board of directors would be required to establish the terms of such members to be a period of two, three or four years.

Section 2: Water Structures

The bill would amend the definition of "dam" to create different criteria for dams used for agriculture or nonagriculture uses. A water structure for agriculture use would not be considered a dam if it is under 30 feet high or has a height of less than 6 feet and a storage volume at the top

¹ K.S.A. 42-701

² K.S.A. 42-705

³ K.S.A. 42-706 (Section 1)

of the emergency spillway elevation of less than 125 acre feet.⁴ Additionally any structure that would otherwise be considered a dam would be considered a water obstruction if the primary purpose of the structure is to serve as a: (1) Dry detention road fill for state, county or municipal government; or (2) low head dam that has a maximum height below the lowest stream bank.

Section 3: Penalties

In addition to current water structure penalties, a new civil penalty would be added ranging from \$100 to \$500 per violation. The bill would remit civil penalty amounts to the water structures fund.⁵

H.B. 2153 would become effective upon publication in the statute book.

⁴ Pg. 6, line 23

⁵ Pg. 8, line 16