

KANSAS OFFICE of  
**REVISOR of STATUTES**

LEGISLATURE of THE STATE of KANSAS  
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**MEMORANDUM**

**To:** The House Committee on Agriculture and Natural Resources

**From:** The Office of Revisor of Statutes

**Date:** 2/5/2025

**Re:** H.B. 2111, as Introduced; Increasing the CREP acreage cap to 60,000 acres, clarifying eligibility and criteria, allowing exceptions for specific conditions and modifying reporting requirements to cover the last five years.

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CRP is a voluntary federal program that contracts with agricultural producers to take highly erodible and environmentally sensitive agricultural land out of production for 10 or more years.<sup>1</sup> CRP was originally authorized by the Food Security Act of 1985 and was most recently extended by the Further Continuing Appropriations and Other Extensions Act, 2024 (Pub. L. 118-22).<sup>2</sup> The aim is for CRP participants to establish long-term covers to control soil erosion, improve water quality and develop wildlife habitat.<sup>3</sup> In return, the Farm Service Agency provides participants with rental payments and cost-share assistance.<sup>4</sup> There are multiple subprograms that agricultural producers can sign up for.<sup>5</sup> One of those subprograms is CREP, which partners with states to address agricultural-related environmental concerns in specific geographic regions.<sup>6</sup> In 2007,<sup>7</sup> Kansas entered into an agreement with the USDA to form an Upper Arkansas River CREP. The CREP program was reauthorized through the state budget process each year until 2016, when Kansas' CREP program was enshrined into statute.<sup>8</sup>

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<sup>1</sup> *Conservation Reserve Program Fact Sheet*, <https://www.fsa.usda.gov/tools/informational/fact-sheets/conservation-reserve-program-crp>

<sup>2</sup> *Id.*

<sup>3</sup> *Id.*

<sup>4</sup> *Id.*

<sup>5</sup> <https://www.fsa.usda.gov/programs-and-services/conservation-programs/conservation-reserve-program/crp-continuous-enrollment>

<sup>6</sup> *Conservation Reserve Program (CRP): Status and Issues* (Updated August 29, 2014) <https://crsreports.congress.gov/product/pdf/R/R42783>

<sup>7</sup> Section 22(b) of chapter 201 of the 2007 Session Laws of Kansas

<sup>8</sup> [https://www.kslegislature.gov/li\\_2016/b2015\\_16/measures/sb330/](https://www.kslegislature.gov/li_2016/b2015_16/measures/sb330/)

H.B. 2111 would amend the current statutory CREP language in the following ways.

- The acreage cap for CREPs would be increased from 40,000 to 60,000 acres, with the possibility of approving the last eligible offer that exceeds this cap.<sup>9</sup>
- The limitation on acres eligible for CREP enrollment based on expired federal contracts would be removed, and a general ineligibility criterion based on federal ineligibility would be added.<sup>10</sup>
- Subject to USDA approval, CREP contracts would be allowed for dryland farming or limited irrigation to meet water quantity goals.<sup>11</sup>
- The prohibition on participation in CREP for government-owned water rights would be stricken.<sup>12</sup>
- Current CREP criteria related to water right usage, sanctions and reporting would be clarified.<sup>13</sup>
- Exceptions to eligibility criteria could be granted based on factors such as location in high-priority water conservation areas, high-flow capacity wells and circumstances like bankruptcy or probate.<sup>14</sup>
- Reporting requirements would be modified to cover the preceding five years.<sup>15</sup>

H.B. 2111 would become effective upon publication in the statute book.

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<sup>9</sup> Pg. 2, line 23

<sup>10</sup> Pg. 3, lines 3-6

<sup>11</sup> Pg. 3, lines 8-12

<sup>12</sup> Pg. 3, line 15

<sup>13</sup> Pgs. 3, line 35 – 4, line 5

<sup>14</sup> Pg. 3, lines 6-29

<sup>15</sup> Pgs. 4, line 30 – 5, line 18