

**CONFERENCE COMMITTEE REPORT BRIEF
HOUSE BILL NO. 2255**

As Agreed to March 25, 2025

Brief*

HB 2255 would make changes to two programs in the Kansas Department of Agriculture (KDA): the Conservation Reserve Enhancement Program (CREP) and the Weights and Measures Program.

Conservation Reserve Enhancement Program

[*Note:* CREP is a federal and state partnership created to enhance water conservation efforts in the Upper Arkansas River corridor, from Hamilton County to Rice County. Enrollment in CREP is voluntary, and a producer must enroll in the program to participate. The producer receives rental payments and other incentive payments to permanently retire state water rights on their enrolled acres.]

Enrolled CREP Acres

The bill would increase the aggregate total number of acres in the state enrolled in CREP from 40,000 to 60,000, with the exception of the last eligible enrollment that would exceed 60,000.

The bill would clarify that:

- The aggregate total number of acres enrolled in all CREPs in any one Kansas county could not exceed 20 percent of the statewide acreage cap, with the exception of the last eligible enrollment that would exceed the cap for any one county;
- An acreage would not be eligible for CREP enrollment if it is otherwise ineligible for enrollment under federal law; and
- No more than 1,600 acres could be enrolled in CREP in one county in the same calendar year unless the Secretary of Agriculture, in consultation with the Chief Engineer of the Division of Water Resources (DWR), certifies the Chief Engineer has determined:

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- The acreage is in an area where an impairment is occurring and enrolling the acreage in CREP will be responsive to the impairment; or
- The acreage is less than five miles from a portion of the aquifer with less than ten years of usable life.

CREP Land Practices

The bill would allow DWR, if approved by the U.S. Department of Agriculture, to approve a CREP contract that allows for the establishment of native grasses, routine grazing, dryland farming, or limited irrigation practices for the purpose of meeting water quantity goals.

Administration Criteria

The bill would require DWR to administer each CREP established for the purpose of meeting water quantity goals, in accordance with the following criteria:

- All acreage that is an authorized place of use of an irrigation water right and is proposed to be enrolled in CREP shall have been irrigated at a rate of not less than ½ acre-foot per acre per year for three out of the five years immediately preceding the year that the acreage is offered for enrollment, as determined by DWR;
- The water right or water rights used for the acreage proposed to be enrolled in CREP shall not have been the subject of any sanctions or penalties by DWR that are in effect or pending determination at the time that the acreage is offered for enrollment; and
- The owner of the water right or water rights for which the acreage that is proposed to be enrolled in CREP is an authorized place of use, or the water use correspondent for such water right shall have submitted the annual water use report required by KSA 82a-732 for each of the most recent ten years.

Exceptions to Eligibility Criteria

The Secretary of Agriculture, in consultation with the Conservation Program Policy Board and State Conservation Commission and the Kansas Farm Service Agency office, could grant exceptions to the eligibility criteria if the acreage proposed to be enrolled in CREP satisfies one or more of the following conditions:

- Located in an area designated as a high-priority area for water conservation pursuant to KSA 2024 Supp. 82a-1044;
- An authorized place of use of a high flow capacity water well;
- An authorized place of use of a water right that was not utilized in accordance within the time frame in law due to circumstances involving bankruptcy, probate, or other legal matters, excluding those related to any enforcement sanctions or penalties by DWR that are in effect or pending determination at the time that the acreage is offered for enrollment in CREP; or

- An authorized place of use of a water right that is or has been enrolled in a water conservation program, including, but not limited to, the USDA Environmental Quality Incentives Program (EQIP) or a water conservation area pursuant to KSA 81a-745, or has been assigned a water quantity allocation pursuant to an Intensive Groundwater Use Control Area (IGUCA) or a Local Enhanced Management Area (LEMA).

Reporting Requirements

The bill would update the KDA's reporting requirements to the Legislature. The KDA would be required to report the following information to the Senate and House Committees on Agriculture and Natural Resources:

- The acreage enrolled in CREP during the preceding five years;
- The dollar amounts received and expended for CREP during the preceding five years; and
- An assessment of whether each of the program objectives identified in the agreement with the Farm Services Agency has been met.

The bill would also update the additional information that KDA would be required to report for each CREP that would be established with the purpose of meeting water quantity goals:

- The total amount of water, measured in acre-feet, that was permanently retired in CREP during the preceding five years;
- The change in groundwater water levels in the CREP area during the preceding five years;
- The total annual water usage in the CREP area during the preceding five years; and
- The average annual water use, measured in acre-feet, under each water right for which an authorized place of use is enrolled in CREP during the preceding five years.

Weights and Measures

The bill would change the fees for weights and measures inspections and reorganize portions of Chapter 83 of the *Kansas Statutes Annotated* regarding weights and measures.

Changes to Weights and Measures Fees

The bill would update the weights and measures fee schedule chart in statute and increase the fees to the amounts listed in the following chart.

Calibration Types	Calibration Ranges (Weight Set unless otherwise noted)	Proposed Calibration Fee	Proposed Adjustment Fee
Mass Echelon III (ASTM Class: 5, 6, 7)	Up to 10 lb, up to 5 kg	\$120/set	\$20/pc in the set
Mass Echelon III (NIST Class: F)	Up to 10 lb, up to 5 kg	\$10/pc	\$20/pc
Mass Echelon III (OIML Class: MI, MI-2, M2, M2-3, M3)	Over 10 lb up to 50 lb, over 5 kg up to 30 kg	\$25/pc	\$50/pc
	Over 50 lb up to 1,250 lb, over 30 kg up to 500 kg	\$35/pc	\$70/pc
	Over 1,250 lb up to 3,000 lb	\$70/pc	\$45/pc
	Weight Cart, 2,500 lb up to 6,000 lb	\$250/pc	\$170/pc
	Weight Cart, over 6,000 lb up to 8,000 lb	\$350/pc	\$225/pc
Mass Echelon II (ASTM Class: 2, 3, 4) (OIML Class: F1, F2)	Up to 1,000 lb, up to 500 kg	\$40/pc	\$80/pc
Mass Echelon I (ASTM Class: 0, 1) (OIML Class: E1, E2)	500 lb, up to 30 kg	\$75/pc	\$75/pc
Volume Echelon II	5 gal	\$70/pc	Due to the calibration procedure, adjustment is included in the cost of calibration.
	Over 5 gal up to 100 gal	\$240/pc	
	Over 100 gal up to 200 gal	\$300/pc	
	Over 200 gal up to 500 gal	\$500/pc	
	Over 500 gal up to 1,000 gal	\$900/pc	
	Over 1,000 gal up to to 1,500 gal	\$1,200/pc	
	LPG, 20 gal up to 100 gal	\$460/pc	
Volume Echelon I	Up to 5 gal	\$310/pc	\$310/pc
Thermometry Echelon IV	-35 degrees Celsius up to 150 degrees Celsius	\$90/point	\$90/point

[Note: According to the KDA, there are different categories for each of the echelons based on the size of weights and the degree of accuracy needed for the weights. For the category of up to 10 pounds, that would apply to scales in grocery stores. The 10 pounds to 50 pounds category would be small feed manufacturing scales that would be used, for example, in pet food manufacturing. Larger weights would include grain cart scales or larger feed manufacturing scales.

Smaller metrology weights come in sets that are in a small box with multiple weights. Larger versions of these weights may be in sets or single weights (pieces or pc). Companies request calibrations to be done by the set or individual pieces. Adjustment fees are a separate charge, as adjustments take time for a metrology lab to complete. Adjustments are made by adding or subtracting lead shot to the weight's cavity.]

In addition, the bill would state that service that is not part of a routine calibration, including, but not limited to, cleaning or repairing a standard or performing non-routine calibration procedures, would be charged at a rate of \$120 per hour.

Point-of-Sale System

The bill would amend the definition of "point-of-sale system" to include electronic applications, software, and online purchasing systems.

The bill would also make it unlawful to limit, exclude, or otherwise fail to provide access to generic, store brand, or less costly versions of products on electronic and online ordering applications or similar systems unless such items are out of stock or unavailable for in-store purchase.

Electric Vehicle Supply Equipment

The bill would define "electric vehicle supply equipment" to mean a device with one or more charging ports and connectors for charging electric vehicles. The definition would also include all charging ports and supporting equipment necessary for the operation thereof and the area in the immediate vicinity of the same, including adjacent parking areas and lanes for vehicle ingress and egress.

The bill would add "electric vehicle supply equipment" to the list of devices that could be regulated by the KDA.

Reorganization of Statutes

Currently, Chapter 83 of the *Kansas Statutes Annotated* regarding weights and measures is divided into five articles that contain many similar sections regarding definitions, licensing and regulations, penalties for violations, administrative procedures, and severability. The bill would consolidate and reorganize these sections into Articles 2 and 5 of Chapter 83 and repeal those sections.

Technical and Conforming Amendments

The bill would make technical and conforming amendments due to the reorganization of statutes.

Conference Committee Action

The Conference Committee agreed to HB 2255, as amended by the Senate Committee on Agriculture and Natural Resources, with the following amendments:

- Add the contents of HB 2111, as amended by the House Committee on Agriculture and Natural Resources; and
- Reduce the percentage that could not be exceeded for the aggregate total number of acres enrolled in all CREPs in any one Kansas county from 25 percent to 20 percent of the statewide acreage cap.

Background

HB 2255, as agreed to by the Conference Committee, contains the provisions of HB 2255, as amended by the Senate Committee on Agriculture and Natural Resources, and HB 2111, as amended by the House Committee on Agriculture and Natural Resources. The background for both bills is provided below.

HB 2111 (CREP)

The bill was introduced by the House Committee on Water at the request of the Chief Engineer, DWR, KDA.

House Committee on Agriculture and Natural Resources

In the House Committee hearing, **proponent** testimony was provided by the Assistant Secretary of Agriculture and a representative of The Nature Conservancy.

The proponents stated the bill would provide new flexibility for CREP participants, which producers have been requesting. As of September 30, 2024, a total of 142 state CREP contracts on 24,140 acres have been approved by the State. These contracts have resulted in the permanent retirement of 49,146 acre-feet of annual water appropriation on 174 water rights from 217 wells. The contracts represent a total of \$1.9 million in one-time state sign-up incentive payments to producers since the program was passed by the Legislature in 2007.

Written-only proponent testimony was provided by representatives of the Kansas Association of Conservation Districts and Kansas Farm Bureau.

Neutral testimony was provided by a representative of the Kansas Agribusiness Retailers Association and Kansas Grain and Feed Association.

The neutral conferee explained that water conservation is a laudable goal, especially in heavily water-appropriated areas in the Upper Arkansans and Rattlesnake Creek basins; however, when the CREP legislation was passed in 2007, a cap was agreed to, so that no more than 25 percent of a county's acres could be enrolled, which meant no more than 10,000 acres. The bill would expand this cap to 15,000 acres. The conferee further explained it was historically

understood and appreciated that the enrollment of too many acres in one county could harm the agricultural sector, local tax base, and local economy of that county.

Written-only neutral testimony was provided by a representative of the Kansas Cooperative Council.

No other testimony was provided.

The House Committee amended the bill to not allow more than 1,600 acres to be enrolled in CREP in one county in the same calendar year unless the Secretary of Agriculture, in consultation with the Chief Engineer of the DWR, certifies the Chief Engineer has determined the acreage is in an area where an impairment is occurring and enrolling the acreage in CREP will be responsive to the impairment; or the acreage is less than five miles from a portion of the aquifer with less than ten years of usable life. [*Note:* The Conference Committee retained the amendment.]

HB 2255 (Weights and Measures)

The bill was introduced by the House Committee on Agriculture and Natural Resources at the request of the Deputy Secretary of Agriculture on behalf of the KDA.

House Committee on Agriculture and Natural Resources

In the House Committee hearing, **proponent** testimony was provided by the Deputy Secretary of Agriculture, who stated the regulation of weights and measures was first established in the Articles of Confederation and the *U.S. Constitution*. For several years, the Weights and Measures Program of KDA has run at a deficit from the fees charged by the Program. The KDA has previously requested State General Fund funding to operate the Program, but did not receive those funds. Therefore, the agency is requesting an increase in fees to fund the Program.

Written-only proponent testimony was provided by a representative of the Kansas Cooperative Council.

Neutral testimony was provided by a representative of the Kansas Agribusiness Retailers Association and Kansas Grain and Feed Association.

No other testimony was provided.

The House Committee adopted a technical amendment. [*Note:* The Conference Committee retained the amendment.]

Senate Committee on Agriculture and Natural Resources

In the Senate Committee hearing, **proponent** testimony was provided by the Deputy Secretary of Agriculture that was substantially similar to the testimony provided to the House Committee.

Written-only proponent testimony was provided by a representative of the Kansas Cooperative Council.

No other testimony was provided.

The Senate Committee amended the bill to:

- Delete New Sections 23–24 that would require electric vehicle supply equipment to be tested and inspected on an annual basis;
- Modify the definition of “point-of-sale system” to include electric applications, software, and online purchasing systems; and
- Make it unlawful to limit, exclude, or otherwise fail to provide access to generic, store brand, or less costly versions of products on electronic and online ordering applications or similar systems unless such items are out of stock or unavailable for in-store purchase.

[*Note:* The Conference Committee retained these amendments.]

Fiscal Information

HB 2111 (CREP)

According to the fiscal note prepared by the Division of the Budget on HB 2111, as introduced, the KDA and Kansas Water Office indicate enactment of the bill would have no fiscal effect.

HB 2255 (Weights and Measures)

According to the fiscal note prepared by the Division of the Budget on HB 2255, as introduced, the KDA indicates that enactment of the bill would have an effect on expenditures and revenues for agency operations.

With the increase in testing fees, estimated revenues would increase by \$135,422 from FY 2024; however, KDA estimates about 8.0 percent fewer small-weight test kits may be received for testing than were received in FY 2024 because out-of-state users are anticipated to be more likely to utilize labs closer to home if the price is similar.

The KDA would not expect a significant decrease regardless of the price for precision and heavy-weight mass echelons, as other state labs are limited in their ability to perform certain echelon testing and certifications.

The KDA estimates enactment of the bill would increase expenditures by \$349,461 for FY 2026, including \$148,286 for lab personnel, \$111,310 for lab overhead, \$15,993 for lab equipment, \$22,118 for lab maintenance, \$17,254 for weights and measures equipment, and \$34,500 for weights and measures supplies.

The KDA estimates enactment of the bill would increase expenditures by \$393,461 for FY 2027, including \$148,286 for lab personnel, \$111,310 for lab overhead, \$15,993 for lab equipment, \$22,118 for lab maintenance, \$61,254 for weights and measures equipment, and \$34,500 for weights and measures supplies.

The KDA anticipates the bill would have a stable long-term effect for the duration of the life of the legislation by providing some additional income to meet the needs of the Weights and Measures Program, provide a more secure and adequate source of funding for rent and other overhead costs for the State Metrology Lab, and ensure lab equipment is adequately serviced and replaced as needed without the need to utilize other fee funds not designated for this purpose.

The Kansas Department of Transportation and Kansas Corporation Commission indicate enactment of the bill would have no fiscal effect.

Any fiscal effect associated with the bill is not reflected in *The FY 2026 Governor's Budget Report*.

The League of Kansas Municipalities indicates enactment of the bill would have no fiscal effect. The Kansas Association of Counties indicates the bill would change weights and measures and could have some effect on counties, particularly those with several grain elevators. The effect, if any, would vary by county.

Kansas Department of Agriculture; Conservation Research Enhancement Program; CREP; water; conservation; weights and measures; fees; reports; equipment testing; licensure

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