

Kansas Department of Agriculture Programs; Conservation Reserve Enhancement Program; Weights and Measures; HB 2255

HB 2255 makes 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 the producer's enrolled acres.]

Enrolled CREP Acres

The bill increases 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 acres.

The bill clarifies that:

- The aggregate total number of acres enrolled in all CREPs in any one Kansas county cannot 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 is not be eligible for CREP enrollment if it is otherwise ineligible for enrollment under federal law; and
- No more than 1,600 acres may 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:
 - 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 5 miles from a portion of the aquifer with less than 10 years of usable life.

CREP Land Practices

The bill allows 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 requires 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 will have been irrigated at a rate of no less than $\frac{1}{2}$ 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 will 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 will 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, may 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 U.S. Department of Agriculture Environmental Quality Incentives Program 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 or a local enhanced management area.

Reporting Requirements

The bill updates the KDA's reporting requirements to the Legislature. The KDA is 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 also updates the additional information that KDA is required to report for each CREP that is 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 changes the fees for weights and measures inspections and reorganizes portions of Chapter 83 of the *Kansas Statutes Annotated* regarding weights and measures.

Changes to Weights and Measures Fees

The bill updates the weights and measures fee schedule in statute and increases the fees to the amounts listed in the following table.

Calibration Types	Calibration Ranges (Weight Set unless otherwise noted)	Calibration Fee	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 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. The category of up to 10 pounds applies to scales in grocery stores. The 10 pounds to 50 pounds category is small feed manufacturing scales used, for example, in pet food manufacturing. Larger weights 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 states 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, will be charged at a rate of \$120 per hour.

Point-of-Sale System

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

The bill also makes 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.

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 consolidates and reorganizes these sections into Articles 2 and 5 of Chapter 83 and repeals current sections. Article 2 specifically authorizes the Secretary of Agriculture to adopt rules and regulations regarding service companies that test weights and measures.