

## HOUSE BILL No. 2095

By Committee on Water

Requested by Representative Vaughn on behalf of the Kansas Groundwater Association

1-27

1 AN ACT concerning water; relating to the department of health and  
2 environment; establishing a pump installation contractor license and  
3 qualifications for applicants therefor; allowing applicants for water well  
4 contractor and pump installation contractor licenses to take  
5 examinations online; adding additional qualifications for applicants of  
6 water well contractor licenses; modifying the license terms under the  
7 act to begin on July 1 of even-numbered years and end on June 30 of  
8 the following even-numbered year; requiring additional information to  
9 be included in the water well record as required by the secretary;  
10 requiring a water well contractor to provide a water quality analysis to  
11 the secretary upon request within 60 days of well completion or within  
12 an extended timeframe granted by the secretary; requiring the water  
13 quality analysis to be conducted by a Kansas certified laboratory;  
14 requiring pump installation contractors to keep a record of each pump  
15 installed and submit the record to the secretary within 30 days;  
16 requiring the pump installation record to include certain data as  
17 required by the secretary; requiring the entire amount of any penalty  
18 fine collected under the act to be deposited in the water program fund  
19 instead of the state general fund; amending K.S.A. 82a-1202, 82a-1203,  
20 82a-1205, 82a-1207, 82a-1209, 82a-1210, 82a-1212, 82a-1213, 82a-  
21 1214 and 82a-1216 and K.S.A. 2024 Supp. 82a-1206 and repealing the  
22 existing sections; also repealing K.S.A. 82a-1218.

23  
24 *Be it enacted by the Legislature of the State of Kansas:*

25 New Section 1. (a) Any pump installation contractor licensed under  
26 this act shall keep a careful and accurate record of each pump installed and  
27 shall furnish a record of the pump installation to the secretary within 30  
28 days after installation of each pump in such form as the secretary may  
29 require. The record shall include the following information:

30 (1) The name and address of the landowner and the location and legal  
31 description of the well, including the latitude and longitude of the well;

32 (2) the intended use of the well water;

33 (3) pump information, including the date that the pump was installed,  
34 the type of pump installed, horsepower, voltage, pump capacity in gallons

1 per minute and the drop pipe diameter and length; and

2 (4) any other data as the secretary reasonably requires.

3 (b) This section shall be a part of and supplemental to the Kansas  
4 groundwater exploration and protection act.

5 Sec. 2. K.S.A. 82a-1202 is hereby amended to read as follows: 82a-

6 1202. (a) It is the purpose of this act to provide for the exploration and  
7 protection of groundwater through the licensing and regulation of water  
8 well contractors *and pump installation contractors* in Kansas to protect the  
9 health and general welfare of the citizens of this state; to protect  
10 groundwater resources from waste and potential pollution by requiring  
11 proper description of the location, drilling and well construction, and  
12 proper plugging of abandoned water wells and test holes; and to provide  
13 data on potential water supplies through well logs, well pumping tests and  
14 water quality tests—~~which that~~ will permit the economic and efficient  
15 utilization and management of the water resources of this state.

16 (b) In order to achieve these objectives, this act:

17 (1) Requires licensing of water well contractors *and pump*  
18 *installation contractors*;

19 (2) provides for the establishment of standards for well construction,  
20 reconstruction, treatment and plugging;

21 (3) *provides for the establishment of standards for pump installation*  
22 *and repair*;

23 (4) requires each licensed water well contractor to:

24 (A) Keep and transmit to the ~~state~~ *secretary*, upon request, a copy of  
25 the log of the well, pump test data, if available, and water quality samples;  
26 ~~and maintains~~

27 (B) *maintain* within the state geological survey of Kansas a record  
28 system of well logs and water quality data—~~which that~~ will be *made*  
29 available to the public; *and*

30 (5) *requires each licensed pump installation contractor to keep and*  
31 *transmit to the secretary a pump information report.*

32 Sec. 3. K.S.A. 82a-1203 is hereby amended to read as follows: 82a-  
33 1203. As used in this act, unless the context otherwise requires:

34 (a) "Construction of water wells" means all acts necessary to  
35 obtaining groundwater by any method for any use including, without  
36 limitation, the location of and excavation for the well.

37 (b) "*Domestic uses*" means the use of water by any person, family  
38 unit or household for household purposes, the watering of livestock,  
39 poultry, farm and domestic animals used in operating a farm or the  
40 irrigation of lands not exceeding a total of two acres in area for the  
41 growing of gardens, orchards or lawns.

42 (c) (1) "*Licensed pump installation contractor*" and "*pump*  
43 *installation contractor*" mean any person who has obtained a license from

1 *the department to install, repair or maintain well pumps, pitless well*  
2 *adapters or units and pumping equipment at the water well location,*  
3 *including all wiring and all construction or repair involved in making*  
4 *entrance to the water well that involves breaking the sanitary well seal.*

5 (2) *"Licensed pump installation contractor" and "pump installation*  
6 *contractor" do not include:*

7 (A) *A person while in the act of installing a pump on land that is*  
8 *owned by such person and is used by such person for domestic uses at*  
9 *such person's place of abode, but only when the pump is installed in*  
10 *compliance with prescribed minimum installation standards as provided in*  
11 *this act; or*

12 (B) *a person who installs a pump for a licensed pump installation*  
13 *contractor at such contractor's direction and under such contractor's*  
14 *supervision.*

15 (d) (1) *"Licensed water well contractor" and "water well contractor"*  
16 *mean any person who has obtained a license from the department to*  
17 *construct, reconstruct, plug or treat a water well.*

18 (2) *"Licensed water well contractor" and "water well contractor" do*  
19 *not include:*

20 (A) *A person while in the act of constructing, reconstructing,*  
21 *plugging or treating a water well on land that is owned by such person*  
22 *and is used by such person for domestic uses at such person's place of*  
23 *abode, but only when the well is constructed, reconstructed, plugged or*  
24 *treated in compliance with prescribed minimum well standards as*  
25 *provided in this act; or*

26 (B) *a person who performs labor or services for a licensed water well*  
27 *contractor at such contractor's direction and under such contractor's*  
28 *supervision.*

29 (e) *"Person" means any individual, association, firm, partnership,*  
30 *corporation or governmental entity.*

31 (e)(f) *"Sand point" or "well point" means any driven well which that*  
32 *is 25 feet or less in depth and is constructed by manually driving into the*  
33 *ground a drive point fitted to the lower end of tightly connected sections of*  
34 *pipe that are 2 inches or less in diameter.*

35 (d) ~~*"Domestic uses" means the use of water by any person, family*~~  
36 ~~*unit or household for household purposes, the watering of livestock,*~~  
37 ~~*poultry, farm and domestic animals used in operating a farm or the*~~  
38 ~~*irrigation of lands not exceeding a total of two acres in area for the*~~  
39 ~~*growing of gardens, orchards or lawns.*~~

40 (e)(g) *"Secretary" means the secretary of health and environment.*

41 (f)(h) *"Water well" means any excavation that is drilled, cored, bored,*  
42 *washed, driven, dug, jetted or otherwise constructed, when the intended*  
43 *use of such excavation is for the location, diversion, artificial recharge or*

1 acquisition of groundwater.

2 (g) ~~"Water well contractor" or "contractor" means any person who~~  
3 ~~constructs, reconstructs or treats a water well. The term shall not include:~~

4 ~~(1) An individual while in the act of constructing a water well on land~~  
5 ~~which is owned by such individual and is used by such individual for~~  
6 ~~domestic purposes at such individual's place of abode, but only when the~~  
7 ~~well is constructed in compliance with prescribed minimum well standards~~  
8 ~~as provided in this act; or~~

9 ~~(2) an individual who performs labor or services for a licensed water~~  
10 ~~well contractor at such contractor's direction and under such contractor's~~  
11 ~~supervision.~~

12 Sec. 4. K.S.A. 82a-1205 is hereby amended to read as follows: 82a-  
13 1205. (a) The secretary shall be responsible for the administration and  
14 enforcement of the provisions of this act and any rules and regulations  
15 adopted pursuant thereto.

16 (b) ~~(1) (A) The secretary shall fix by rules and regulations adopt rules~~  
17 ~~and regulations on a biennial basis to establish reasonable license fees~~  
18 ~~annually for each water well contractor and for each drill rig operated by~~  
19 ~~or for such water well contractor. The secretary shall fix by adopt rules and~~  
20 ~~regulations to establish an additional fee for each water well drilled except~~  
21 ~~as provided in paragraphs (1) and (2) of subsection (e) of K.S.A. 82a-~~  
22 ~~1203(d)(2), and amendments thereto. Such fees shall be in an amount,~~  
23 ~~which, together with any other funds available therefor, will produce an~~  
24 ~~amount, which will properly administer the provisions of this act.~~

25 ~~(B) The secretary shall adopt rules and regulations on a biennial~~  
26 ~~basis to establish reasonable license fees for pump installation~~  
27 ~~contractors. The pump installation contractor license fee shall not apply~~  
28 ~~to a person as specified in K.S.A. 82a-1203(c)(2), and amendments~~  
29 ~~thereto.~~

30 (C) Any nonresident may secure a water well contractor's license in  
31 Kansas upon approval of an application therefor by the secretary and the  
32 payment of a fee equal to the fee charged for a similar nonresident license  
33 by the state in which the applicant is a resident, but in no case shall the fee  
34 be less than that charged to a Kansas resident.

35 (2) ~~The fees established pursuant to this subsection shall be in an~~  
36 ~~amount that, when taken together with any other available funds, will~~  
37 ~~allow for the proper administration of this act.~~

38 (c) The secretary shall have the power and authority ~~and may cause to~~  
39 ~~be inspected water wells to inspect any water well, pump installation and~~  
40 ~~associated maintenance activities~~ in all phases of construction,  
41 reconstruction, treatment or plugging; and shall have access to such wells  
42 at all reasonable times. The secretary shall have general supervision and  
43 authority over the construction, reconstruction ~~and~~, treatment and

1 *plugging* of all water wells and the plugging of holes drilled and  
2 abandoned in search of a groundwater supply or hydrogeological  
3 information.

4 (d) The secretary may employ within funds available such  
5 engineering, geological, legal, clerical and other personnel as may be  
6 necessary for the proper performance of responsibilities under this act.  
7 Such employees shall be within the classified service under the Kansas  
8 civil service act.

9 (e) The secretary is authorized and directed to ~~cause:~~

10 (1) ~~Administer the examination to be made of applicants for licensing~~  
11 ~~of water well contractor license applicants and pump installation~~  
12 ~~contractor license applicants pursuant to K.S.A. 82a-1207, and~~  
13 ~~amendments thereto;~~ ~~to~~

14 (2) ~~renew such licenses;~~ ~~to~~

15 (3) ~~adopt rules and regulations necessary to establish continuing~~  
16 ~~educational requirements for persons licensed under this act;~~ ~~to~~

17 (4) ~~issue licenses to qualified water well contractors and qualified~~  
18 ~~pump installation contractors in this state;~~ ~~to~~

19 (5) ~~deny, modify, revoke or suspend licenses after their issuance is~~  
20 ~~hereafter determined, after notice to the person affected and an opportunity~~  
21 ~~for hearing any license issued pursuant to this act after providing notice~~  
22 ~~and an opportunity for a hearing in accordance with the provisions of the~~  
23 ~~Kansas administrative procedure act; and~~ ~~to~~

24 (6) ~~issue or reinstate licenses previously denied, modified, revoked or~~  
25 ~~suspended when justification therefor for such action is shown.~~

26 (f) The secretary shall prepare, in the form and manner prescribed by  
27 law, a report on the administration of this act.

28 Sec. 5. K.S.A. 2024 Supp. 82a-1206 is hereby amended to read as  
29 follows: 82a-1206. (a) ~~Every well contractor person~~ desiring to engage in  
30 the business of ~~constructing, reconstructing or treating water wells a~~  
31 ~~licensed water well contractor~~ in this state shall make initial application  
32 for a *water well contractor* license to the secretary. ~~Every contractor~~ *Each*  
33 *person* making such application shall set out such information as may be  
34 required upon forms ~~to be adopted and furnished~~ *provided* by the secretary.  
35 The secretary shall charge an application fee as established by rules and  
36 regulations for the filing of such initial application ~~by a contractor, and~~.  
37 The secretary shall not act upon any application until such application fee  
38 has been paid.

39 (b) ~~All application fees and license fees collected hereunder shall be~~  
40 ~~remitted to the state treasurer in accordance with the provisions of K.S.A.~~  
41 ~~75-4215, and amendments thereto. Upon receipt of each such remittance,~~  
42 ~~the state treasurer shall deposit the entire amount in the state treasury to~~  
43 ~~the credit of the water program management fund established pursuant to~~

1 ~~K.S.A. 65-166b, and amendments thereto.~~ Each person desiring to engage  
2 in the business of a licensed pump installation contractor in this state shall  
3 make initial application for a pump installation contractor license to the  
4 secretary. Each person making such application shall set out such  
5 information as may be required upon forms provided by the secretary. The  
6 secretary shall charge an application fee as established by rules and  
7 regulations for the filing of such initial application. The secretary shall not  
8 act upon any application until such application fee has been paid.

9 (c) A water well contractor license or a pump installation contractor  
10 license ~~to construct water wells~~ shall be issued to any applicant if, under  
11 the standards set forth in K.S.A. 82a-1207, and amendments thereto, the  
12 secretary ~~shall determine~~ determines that such applicant is qualified to  
13 ~~conduct water well construction operations~~ be a licensed water well  
14 contractor or a licensed pump installation contractor. In the granting of  
15 such licenses, due regard shall be given to the interest of the state of  
16 Kansas in the protection of its underground water resources. Application  
17 fees paid hereunder shall be retained by the secretary whether such initial  
18 license is issued or denied, but if denied, the license fee shall be refunded.

19 (d) Applicants for licenses hereunder who are engaged in business as  
20 a water well ~~contractors~~ contractor or a pump installation contractor in  
21 this state, if ~~incorporated~~ required to be registered and in good standing  
22 with the secretary of state, shall submit evidence of current good standing  
23 with the registration requirements for corporations of the secretary of state.

24 (e) The fees collected by the secretary under this section shall be  
25 remitted by the secretary to the state treasurer in accordance with the  
26 provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of  
27 each such remittance, the state treasurer shall deposit the entire amount in  
28 the state treasury to the credit of the water program fund.

29 Sec. 6. K.S.A. 82a-1207 is hereby amended to read as follows: 82a-  
30 1207. (a) Under such reasonable rules and regulations as the secretary may  
31 adopt pertaining to the business of a water well ~~contracting and~~  
32 ~~construction of water wells~~ contractor or pump installation contractor, the  
33 secretary shall investigate, by examination or otherwise, the qualifications  
34 of all applicants for ~~an initial license as water well contractors to~~  
35 ~~construct, reconstruct or treat wells for production of underground waters~~  
36 license as a water well contractor or pump installation contractor in this  
37 state. Where an examination is required, such examination may be oral ~~or~~,  
38 written, online or ~~both~~ any combination thereof.

39 (1) The qualifications required of each candidate for ~~such an~~ a water  
40 well contractor examination are as follows:

41 ~~(a)~~(A) Familiarity with Kansas water laws, sanitary standards for  
42 water well drilling and construction of water wells and rules and  
43 regulations relating to water well construction, reconstruction, treatment

1 and plugging as adopted by the secretary;

2 ~~(b)~~(B) knowledge of groundwater and subsurface geology in its  
3 relation to well construction;

4 (C) *knowledge of current drilling methods, including, but not limited*  
5 *to, cable-tool, hollow-stem auger, mud-rotary, direct-push, sonic, air*  
6 *rotary and sand bailing;*

7 (D) *familiarity with:*

8 (i) *Pump installation, replacement and repair for water wells,*  
9 *including any necessary components of the water well system; and*

10 (ii) *installation of water treatment devices, water pressure tanks,*  
11 *pressure switches, pressure relief valves and pitless well adapters or units*  
12 *for water wells; and*

13 (E) *a minimum of two years of experience working under a licensed*  
14 *water well contractor.*

15 (2) *The qualifications required of each candidate for a pump*  
16 *installation contractor examination are as follows:*

17 (A) *Familiarity with Kansas water laws and rules and regulations*  
18 *that relate to water well construction, reconstruction and treatment as*  
19 *adopted by the secretary;*

20 (B) *familiarity with:*

21 (i) *Pump installation, replacement for and repair of water wells,*  
22 *including any necessary components of the water well system; and*

23 (ii) *installation of water treatment devices, water pressure tanks,*  
24 *pressure switches, pressure relief valves and pitless well adapters or units*  
25 *for water wells; and*

26 (C) *a minimum of one year of experience working under a licensed*  
27 *pump installation contractor.*

28 (b) The examinations conducted by the secretary shall be held at such  
29 times and places as ~~he~~ *the secretary* may determine. Failure of an applicant  
30 to pass such examination shall disqualify ~~him~~ *the applicant* from making  
31 further application for a period of one ~~(1)~~ month. The secretary shall act  
32 within a reasonable time upon all applications for licenses ~~hereunder~~ *in*  
33 *this section.*

34 Sec. 7. K.S.A. 82a-1209 is hereby amended to read as follows: 82a-  
35 1209. (a) The term of all licenses issued under the provisions of this act  
36 shall be *for two years beginning on July 1 of each even-numbered year*  
37 *through the following June 30 of the following even-numbered year.*

38 (b) Any water well contractor or pump installation contractor  
39 licensed under the provisions of this act may, on or before July 1; *of each*  
40 *even-numbered year, renew such license by paying the—annual fee as*  
41 *determined by the secretary and complying with continuing education*  
42 *requirements established by the secretary.*

43 (c) (1) If the licensee has not met the requirements for renewal of the

1 license on or before July 1 *of each even-numbered year*, the license shall  
2 be revoked by the secretary.

3 (2) Prior to such revocation, ~~however,~~ the secretary shall notify the  
4 applicant of the secretary's intention to revoke *the applicant's license* at  
5 least 10 days prior to the time set for action to be taken, by notice to the  
6 applicant at the address appearing on such license in the records and files  
7 of the secretary and compliance with the provisions of the Kansas  
8 administrative procedure act.

9 (d) A license, once revoked, may not be reinstated unless the  
10 revocation resulted because of an error of the secretary or other reason not  
11 the fault of the licensee.

12 (e) (1) A person whose *water well contractor or pump installation*  
13 *contractor* license has been revoked and who desires to ~~continue to engage~~  
14 ~~in the business of water well construction~~ *become relicensed* in this state;  
15 ~~must make~~ *shall submit an application as provided for in K.S.A. 82a-1207*  
16 *pursuant to K.S.A. 82a-1206, and amendments thereto.*

17 (2) Such applicant may be required to retake the examination  
18 *pursuant to K.S.A. 82a-1206, and amendments thereto.*

19 Sec. 8. K.S.A. 82a-1210 is hereby amended to read as follows: 82a-  
20 1210. (a) Any license issued under this act may be revoked by the  
21 secretary:

22 (1)- When the licensee has practiced fraud or deceit in obtaining a  
23 license or ~~otherwise~~ *while* engaging in activities regulated by this act;

24 (2)- for negligence or incompetence; or

25 (3)- for violating any requirement of this act; *or*

26 (4) *when a licensee voluntarily relinquishes a license.*

27 (b) (1) Any person, in addition to the secretary, may make complaint  
28 against any licensee.

29 (2) Notice shall be given to the licensee of the specific charges; *made*  
30 *in any such complaint* in accordance with the notice provisions of the  
31 Kansas administrative procedure act.

32 (c) Prior to revocation or suspension of a license, the water well  
33 contractor *or pump installation contractor* shall be afforded the  
34 opportunity promptly to bring the well up to standard or to correct the  
35 error resulting in the complaint. Compliance must be acceptable to the  
36 secretary.

37 (d) The secretary shall not revoke any license pursuant to this section  
38 without giving the licensee an opportunity for hearing in accordance with  
39 the provisions of the Kansas administrative procedure act.

40 Sec. 9. K.S.A. 82a-1212 is hereby amended to read as follows: 82a-  
41 1212. (a) Any water well contractor licensed under this act ~~who constructs,~~  
42 ~~reconstructs or plugs a water well~~ shall keep a careful and accurate ~~log~~  
43 ~~record of the construction, reconstruction or plugging of such well~~ *each*



1 *water well that such contractor constructs, reconstructs or plugs and shall*  
2 ~~furnish a submit each record of said well log~~ to the secretary within ~~thirty~~  
3 ~~(30) days after of the completion of such constructing, reconstructing or~~  
4 ~~plugging such water well in such form as the secretary might may require.~~  
5 ~~The log record shall show include the following information:~~

6 (a)(1) *The name and address of the landowner and the location and*  
7 ~~the legal description of the location~~ of the well, *including the latitude and*  
8 *longitude of the well;*

9 ~~(b) The character and depth of the formation passed through or~~  
10 ~~encountered~~(2) *the description and depth of any encountered geological*  
11 *materials;*

12 (e)(3) *the depth at which water is encountered, if possible;*

13 ~~(d)(4) the depth and diameter of the borehole;~~

14 (5) *if a gravel pack is used, the type of material, size of particles and*  
15 *depth of such gravel pack;*

16 (6) *the depth and thickness of grout or other sealing material, if*  
17 *applicable;*

18 (7) *blank casing information, including the length, outside diameter,*  
19 *wall thickness and type of material of such blank casing, if applicable;*

20 (8) *screen information, including the length, outside diameter, slot or*  
21 *perforation size and type, wall thickness and type of material of such*  
22 *screen, if applicable;*

23 (9) *the casing joint or connection type, if applicable;*

24 (10) *the static water level of the completed well, if applicable;*

25 (e) ~~A copy of the record of pumping tests, if any; and~~(11) *the water*  
26 *level reached when pumped at the designated rate, including the rate of*  
27 *pumping and amount of time pumped, if applicable;*

28 ~~(f) The construction or reconstruction details of the completed water~~  
29 ~~well including lengths and sizes of casing, length and size of perforations~~  
30 ~~or screens, and length and size of gravel packing;~~

31 ~~(g) The amount, type and placement of plug materials used in~~  
32 ~~plugging a water well.~~

33 *A water sample shall be furnished to the secretary, upon request, within*  
34 *thirty (30) days after completion of such well unless an extension of time*  
35 *is granted by the secretary, in which case, the sample shall be furnished to*  
36 *the secretary within such extended period of time. The well logs and a*  
37 *copy of the water quality analysis shall be transmitted by the secretary to*  
38 *the state geological survey and kept on file by the survey and be available*  
39 *to the public.*

40 (12) *the yield of the water well in gallons per minute or gallons per*  
41 *hour, if applicable;*

42 (13) *information on any pump installed if applicable, including the*  
43 *date that the pump was installed, the type of pump, horsepower, voltage,*

1 pump capacity in gallons per minute, and the drop or column pipe  
2 diameter and length;

3 (14) the intended use of the well water;

4 (15) certification that the well was disinfected, if applicable;

5 (16) identification of any permit required for the water well,  
6 including any state, county or municipal permit;

7 (17) the name and signature of the licensed water well contractor  
8 and license number or the name and phone number of the individual as  
9 specified in K.S.A. 82a-1203(h)(1), and amendments thereto;

10 (18) the date that the construction, reconstruction or plugging, as  
11 applicable, was completed; and

12 (19) any other data that the secretary reasonably requires.

13 (b) A water quality analysis of any well shall be provided to the  
14 secretary, upon request, within 60 days after completion of each well  
15 unless an extension of time is granted by the secretary. If an extension of  
16 time is so granted, the water quality analysis shall be provided to the  
17 secretary within such extended period of time. A Kansas-certified  
18 laboratory shall conduct the water quality analysis.

19 (c) The secretary shall transmit each well record and a copy of the  
20 water quality analysis to the state geological survey to be kept on file. The  
21 state geological survey shall make each such transmitted record and  
22 analysis publicly available.

23 Sec. 10. K.S.A. 82a-1213 is hereby amended to read as follows: 82a-  
24 1213. (a) All holes drilled in search of a water supply and abandoned; shall  
25 be properly plugged by the ~~drilling~~ water well contractor in accordance  
26 with rules and regulations established by the secretary in order to ~~assure~~  
27 ensure adequate and proper plugging of abandoned wells to prevent  
28 pollution of existing groundwater.

29 (b) Any water well contractor who fails to properly seal any  
30 exploratory wells drilled in search of a water supply and abandoned by  
31 ~~him or her~~ the water well contractor shall be subject to the penalties set  
32 out in this act.

33 (c) All unplugged abandoned water wells shall be plugged or caused  
34 to be plugged by the landowner in accordance with rules and regulations  
35 established by the secretary in order to ~~assure~~ ensure adequate and proper  
36 plugging of abandoned water wells to prevent pollution to existing  
37 groundwater supplies, ~~except that no~~.

38 (d) Notwithstanding any provision of this section to the contrary, an  
39 unplugged abandoned water well existing on ~~the effective date of this act~~  
40 ~~which is not polluting or threatening to pollute a groundwater supply or~~  
41 ~~before July 1, 1973, that does not pose a threat to public health, safety or~~  
42 ~~the environment shall not be required to be plugged.~~

43 Sec. 11. K.S.A. 82a-1214 is hereby amended to read as follows: 82a-

1 1214. ~~Any person who shall willfully violate any lawful rule or regulation~~  
2 ~~of the secretary relating to water well contracting, or who shall engage in~~  
3 ~~the business of constructing, reconstructing or treating water wells without~~  
4 ~~first having obtained a license as in this act required, or who shall~~  
5 ~~knowingly violate any provisions of this act, shall be guilty of a class B~~  
6 ~~misdemeanor and subject to the penalties therefor as provided by law. In~~  
7 ~~addition the secretary of health and environment is hereby authorized to~~  
8 ~~apply to the district court for enforcement of this act or rules and~~  
9 ~~regulations adopted under this act in accordance with the provisions of the~~  
10 ~~Kansas judicial review act. Any person who knowingly violates any~~  
11 ~~provisions of this act or any rules and regulations adopted under this act,~~  
12 ~~or who engages in the business of a water well contractor or a pump~~  
13 ~~installation contractor without first obtaining a license as required by this~~  
14 ~~act, shall be guilty of a class B nonperson misdemeanor and subject to the~~  
15 ~~penalties therefor as provided by law. The secretary is hereby authorized~~  
16 ~~to apply to the district court for enforcement of this act or rules and~~  
17 ~~regulations adopted under this act in accordance with the provisions of the~~  
18 ~~Kansas judicial review act.~~

19 Sec. 12. K.S.A. 82a-1216 is hereby amended to read as follows: 82a-  
20 1216. (a) Any person who violates any provision of the Kansas  
21 groundwater exploration and protection act, any rules and regulations  
22 adopted thereunder or any order issued by the secretary thereunder shall  
23 incur, in addition to other penalties provided by law, a civil penalty of not  
24 to exceed \$5,000 for each violation. In the case of a continuing violation,  
25 every day *that* such violation continues shall be deemed a separate  
26 violation.

27 (b) ~~(1) The secretary of the department of health and environment or~~  
28 ~~the director of the division of environment, if designated by the secretary,~~  
29 ~~upon a finding that a person has violated any provision of the Kansas~~  
30 ~~groundwater exploration and protection act, or any order issued or any rule~~  
31 ~~and regulation adopted thereunder, may:~~

32 ~~(1)-(A) Issue a written order requiring that necessary remedial or~~  
33 ~~preventive action be taken within a reasonable time period;~~

34 ~~(2)-(B) assess a civil penalty for each violation within the limits~~  
35 ~~provided in this section, which shall constitute an actual and substantial~~  
36 ~~economic deterrent to the violation for which assessed; or~~

37 ~~(3)-(C) both issue such order and assess such penalty.~~

38 (2) The order shall specify the provisions of the act or rules and  
39 regulations alleged to be violated and the facts constituting each violation.  
40 Such order shall include the right to a hearing. Any such order shall  
41 become final unless, within 15 days after service of the order, the person  
42 named therein shall request in writing a hearing by the secretary. If a  
43 hearing is requested, the secretary shall notify the alleged violator or

1 violators of the date, place and time of the hearing.

2 (c) No civil penalty shall be imposed under this section except after  
3 notification by issuance and service of the written order and hearing, if a  
4 hearing is requested, in accordance with the provisions of the Kansas  
5 administrative procedure act.

6 (d) Any person aggrieved by an order of the secretary made under  
7 this section may appeal such order to the district court in the manner  
8 provided by the Kansas judicial review act.

9 (e) Any penalty recovered pursuant to the provisions of this section  
10 shall be remitted to the state treasurer in accordance with the provisions of  
11 K.S.A. 75-4215, and amendments thereto. Upon receipt of each such  
12 remittance, the state treasurer shall deposit the entire amount in the state  
13 treasury to the credit of the ~~state general~~ *water program* fund.

14 (f) Nothing in this act shall be construed to abridge, limit or otherwise  
15 impair the right of any person to damages or other relief on account of  
16 injury to persons or property and to maintain any action or other  
17 appropriate proceeding therefor.

18 Sec. 13. K.S.A. 82a-1202, 82a-1203, 82a-1205, 82a-1207, 82a-1209,  
19 82a-1210, 82a-1212, 82a-1213, 82a-1214, 82a-1216 and 82a-1218 and  
20 K.S.A. 2024 Supp. 82a-1206 are hereby repealed.

21 Sec. 14. This act shall take effect and be in force from and after its  
22 publication in the statute book.